

Willow Glen Town Square Case Study

Ambiguous Responsible Parties



City of San Jose – Environmental Services Department

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Site Description

- ▶ Downtown Willow Glen - Lincoln Ave
- ▶ Combined Commercial / Residential zone
- ▶ Multi-tenant buildings
Restaurants, coffee/juice shops, retail stores, supermarkets, law offices, etc.
- ▶ Sidewalks, access roads, parking spaces



Site Description

- ▶ Area of concern:
 - ▶ Parking lots - back of the buildings
 - ▶ Open tallow enclosure spot (chain link fenced zone)
Used by 5 food places produce oil/ grease
Managed by Property Manager
Six parties involved
 - ▶ Indoor/ locked dumpster areas for trash only



Site Description

- ▶ Enclosure Area/ Nearby Drains:
 - ▶ Parking lot – a few feet away from the enclosure
 - ▶ Enclosure area (plugged drain)
 - ▶ Behind enclosure on the planting area



History

- ▶ IDDE & FOG Violations
- ▶ Last IDDE case: 08/2016 – 10/2016
 - ▶ Storm drains: Debris, cigarette butts, other pollutants
 - ▶ Enclosure area: Greasy tallow bins/ open buckets of cooking oil/ cardboards/ trash
 - ▶ Outside of tallow zone/ Parking lot: Greasy/ traces of fresh oil
 - ▶ Health issues: Rodent and insects (cockroach) infestation
- ▶ IND: Industrial/ commercial (inspections)
- ▶ IDDE: Illicit Discharge Detection and Elimination (inspections)
- ▶ FOG: Fat Oil and Grease (inspections)

History (IDDE Inspections)



History (IDDE Inspections)

- ▶ IDDE inspector conducted inspections
- ▶ Unresponsive Property Manager
- ▶ No Remedial actions (about two months)
- ▶ Issued multiple violations/ citations
- ▶ Results:
 - ▶ Cleaned parking lot/ storm drains/ enclosure area
 - ▶ Fixed the curb (cut out curb leading to a storm drain)
- ▶ IDDE: Illicit Discharge Detection and Elimination



IND Initial Inspection

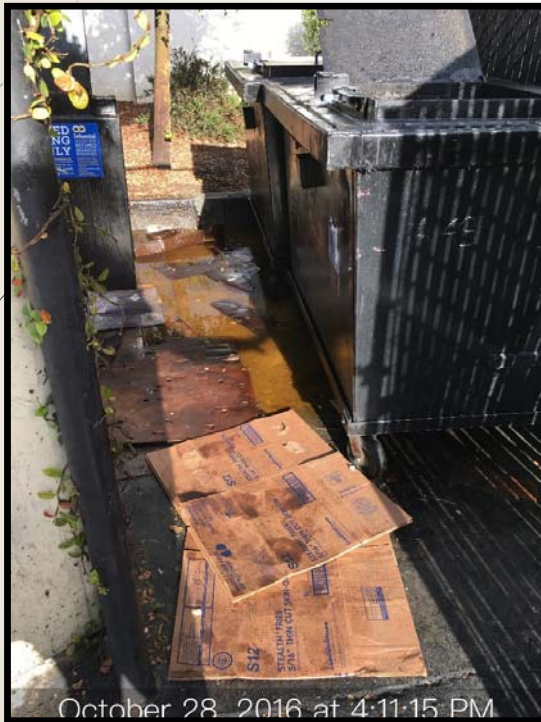
Inspection of late Oct 2016:

- ▶ Inspected Restaurants (*just a month after the IDDE case*)
Parking lots/storm drains/dumpster and tallow bin zones/ outdoor mop sinks

Violations Found:

- ▶ Enclosure area
 - ▶ Enclosure walls
 - ▶ Two tallow bins
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- ▶ IND: Industrial / Commercial (Inspections)
 - ▶ IDDE: Illicit Discharge Detection and Elimination (inspections)

IND Inspections - Findings



IND Inspections - Findings





Involved Parties

- ▶ Five restaurants used the enclosure area
 - ▶ Produced oil and grease
 - ▶ One/ two might have more contributions
- ▶ Assumed /claimed Property Manager was the responsible party
 - ▶ Per contracts
- ▶ Property Manager not available (Have an office)
- ▶ Six Responsible Parties in this case



Questions

How would you go about enforcing?

- ▶ Multiple tenants pointing fingers (restaurants used tallow zone)
- ▶ Businesses relying on property manager (PM) for cleaning
- ▶ Responsible Party is not responsive (does not clean the enclosure area)

IND Enforcements

- Issued Referral to Administrative Citation (ACR)
 - RP: Property Owner
 - No direct discharge to the storm drain system
- Responsibilities:
 - Restaurants: Tallow bins
 - Property Manager: Enclosure area/parking lot/ storm drains
- Dry methods only
- Effective methods to prevent violations in the future
 - Move tallow bins to the trash area (indoors/ locked)
- No remedial actions for three weeks
 - Conducted Follow up inspections
 - Issued multiple citations
- ACR: Escalate enforcement action to evaluate the citation
- IND: Industrial/ Commercial (inspections)
- RP: Responsible Party



New Violations

► The Third week:

- Complaint about a **power washing** tallow bins/ enclosure area/ parking lot
- IDDE inspectors opened a new case (direct discharge to the SD system/ complaint-based)
- Signs of power washing/ grease in the drain/ splattered grease on parking lot surface
This storm-drain flows downstream through a media-filter

IDDE: Illicit Discharge Detection and Elimination (inspections)



IDDE Follow up Enforcements

Parallel Inspections/Enforcements (IDDE & IND)

▶ IDDE Inspections

- ▶ Issued Administrative Citations to both companies
 - ▶ Property Manager & Contractor
- ▶ Suspected that grease had impacted the media filter (C.3)
- ▶ Required inspections and service of media filters/ clean up the storm lines

- ▶ Property Manager (responsible party) was not responsive
- ▶ Issued more citations (during the course of two months)
- ▶ Invited for a compliance meeting (RP didn't show up)

- ▶ Finally addressed all violations by early Jan - 2017

- ▶ IDDE: Illicit Discharge Detection and Elimination (inspections)
- ▶ C.3: New Development and Redevelopment
- ▶ IND: Industrial/ commercial (inspections)

IND Follow up Enforcements

- ▶ Continued IND Inspections: Yearly basis inspections/ classification based
- ▶ Required clean up of oil and grease from:
 - ▶ Tallow bins (lids and sides)
 - ▶ Enclosure area
 - ▶ Affected parking lot
 - ▶ Storm Drain catch basin
- ▶ IND: Industrial/ commercial (inspections)

IND Follow up Inspections



IND Follow up Inspections

- ▶ Dealing with an unresponsive Responsible Party
 - ▶ Discussions over phone calls and emails
 - ▶ Mailed and emailed copies of reports, citations, and recommendations
- ▶ New violations:
 - ▶ Trace of oil and grease on parking lot
 - ▶ Piles of uncovered soil and construction debris



Questions

➤ What would you do?

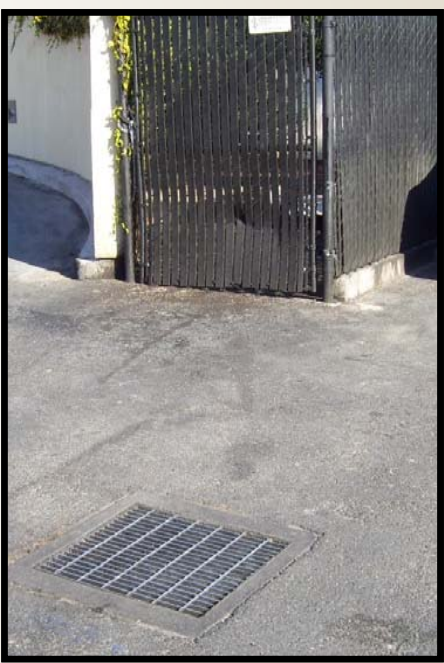


Final Result

► Dirty Job/ Beautiful Result

- Restaurants agreed on the indoor tallow bins
 - Individually Responsible
- PM removed the bins and cleaned the area
 - Code Enforcement

Empty enclosure



INSPECTORS

