

ORDINANCE 2006 - 23

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS ENTITLED "WATER AND SEWERS"; CREATING ARTICLE VIII ENTITLED "FATS, OILS, AND GREASE MANAGEMENT PROGRAM"; PROVIDING FOR CERTAIN UNIFORM REQUIREMENTS FOR CONTRIBUTIONS FROM FOOD SERVICE ESTABLISHMENTS AND AUTOMOTIVE RELATED ENTERPRISES INTO THE CITY'S WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT SYSTEM; CREATING SECTION 20-98, GENERAL PROVISIONS; SECTION 20-99, DEFINITIONS AND ABBREVIATIONS; SECTION 20-100, GREASE TRAPS, GREASE INTERCEPTORS, AND OIL/WATER SEPARATORS; SECTION 20-101, PERMITTING AND INSPECTION PROGRAM; SECTION 20-102, GREASE WASTE HAULER REGISTRATION PROGRAM; SECTION 20-103, FEES; SECTION 20-104, APPEAL OF PERMIT DENIAL OR REVOCATION; SECTION 20-105, LEGAL PROCEEDINGS; SECTION 20-106, ADMINISTRATIVE ENFORCEMENT REMEDIES AND ABATEMENT; RESERVING SECTIONS 20-107 AND 20-108; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the Board of Commissioners finds that Federal and State requirements for the operation and maintenance of wastewater collection and transmission systems presently exist within applicable State and Federal regulations and all NPDES permits contain standard conditions, which require the proper operation and maintenance of permitted wastewater collection, transmission, and treatment systems to achieve compliance with permit conditions and necessitates the duty to mitigate, which requires the City to take all reasonable steps to minimize or prevent any discharge in violation of the permit that has a reasonable likelihood of adversely affecting human health or the environment; and

WHEREAS, the Board of Commissioners finds that the disposal of grease, fats, and oils into the City-owned and maintained wastewater collection and transmission system, including sub-systems or satellite systems discharging to the City's system, is a hindrance to the operation of the system and has the potential to create a sanitary sewer blockages resulting in an unpermitted wastewater discharges, thereby creating a threat to the public health, safety, and welfare of the citizens of Tarpon Springs and negatively impacting the environment; and

WHEREAS, the Board of Commissioners finds that wastewater discharges containing high concentrations of fats, oils, and grease are primarily generated from restaurants and other institutional food service establishments and are major contributions that have been identified as the primary cause of sanitary sewer blockages in the City's wastewater collection and transmission system; and

WHEREAS, the Board of Commissioners finds that the City of Tarpon Springs is responsible for reporting all sanitary sewer overflows that occur within the City's sanitary sewer service area to local, State and Federal agencies, which has the potential to subject the City to the imposition of sanctions and/or monetary penalties; and

WHEREAS, the Board of Commissioners finds that it is necessary to eliminate sanitary sewer overflows from the City's wastewater collection and transmission system; and

WHEREAS, the Board of Commissioners finds that the City is responsible for promulgating laws through Ordinance and it is in the City's best interest to establish sound legal authority to implement and enforce the requirements outlined in this Article, up to and including fees for services performed by the City and fines associated with the enforcement of this Article: and

WHEREAS, the Board of Commissioners finds that the permit fees proposed to be charged for the City's Fats, Oils, and Grease (FOG) Management Program are just and equitable and bear a reasonable relationship to the costs which will be incurred by the City in administering the program, including costs for

staff time, equipment, and to damages caused by grease blockages in the City's sanitary sewer system; and

WHEREAS, the Board of Commissioners finds that it is necessary and in the best interest of the public and the environment to amend the Tarpon Springs City Code of Ordinances by providing certain uniform requirements for food service establishments and automotive related enterprises, thereby enabling the City to comply with all applicable Federal and State laws required by the "Clean Water Act of 1977" and its Domestic Wastewater Facility Operating Permit as required by the Florida Department of Environmental Protection (FDEP).

NOW, THEREFOR, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA THAT:

Section 1. The City of Tarpon Springs Code of Ordinances, Chapter 20, entitled "*Water and Sewers*" is hereby amended by adding an article to be numbered Article VIII, Fats, Oils, and Grease (FOG) Management Program, which shall read as follows:

**§20-98 General Provisions.**

- (a) Purpose and policy. This Article sets forth uniform requirements for food service establishments and automotive related enterprises located within the City of Tarpon Springs and to food service establishments and automotive related enterprises located outside the City who are, by contract or agreement with the City, users of the Wastewater Facility, herein after referred to as the WWF. This Article enables the City to comply with all applicable State and Federal laws including the Clean Water Act (33 United States Code §1251 et seq.). This Article further establishes uniform permitting, maintenance, and monitoring requirements for controlling the discharge of fats, oils and grease from food service establishments and automotive related enterprises discharging to the City of Tarpon Springs WWF.
- (b) Objectives. The objectives of this Article are:
- (1) To preclude the introduction of excessive amounts of fats, oils, and grease into the City of Tarpon Springs' wastewater collection, transmission, and treatment system; and
  - (2) To prevent obstruction or blockage of the City's sanitary sewer lines due to grease build-up, attributing to sanitary sewer backups and overflows or releases of wastewater that reach waters of the United States, publicly and privately-owned properties, streets, and residential and commercial buildings, resulting in potential environmental and civil liability to the City; and
  - (3) To protect the health, safety, and welfare of the citizens of and visitors to the City of Tarpon Springs, the integrity of the environment, and regulate the use of the City's wastewater collection and transmission system as required by law; and
  - (4) To set forth the procedures to be followed in administering this Article and to provide penalties for violations thereof; and
  - (5) To implement a procedure to recover the costs incurred by the City, including staff time and equipment used, in cleaning and maintaining wastewater collection system lines and disposing of grease blockages; and
  - (6) To implement a procedure to recover costs for any liability incurred by the City for damages caused by grease blockages resulting in the flooding of streets, residences, or commercial buildings and to prevent similar recurrences; and

- (7) To issue Commercial Wastewater Discharge Permits (CWDPs) to food service establishments and automotive related enterprises requiring grease trap, grease interceptor, and/or oil/water interceptor installation, maintenance, monitoring, compliance, and enforcement activities; and
  - (8) To establish administrative review procedures and reporting requirements; and
  - (9) To establish fees for the recovery of costs resulting from the program established herein; and
  - (10) To establish enforcement procedures for violations of any part or requirement of this Article.
- (c) Administration. Except as otherwise provided herein, the Director of the Public Services Department (Director), or other such persons as delegated by the City Manager, shall assign the administration of the FOG Management Program to designated staff for implementation and enforcement of the provisions of this Article, up to and including fines for non-compliance.
- (d) Applicability. The provisions of this Article shall apply to all existing food service establishments and automotive related enterprises and to all food service establishments and automotive related enterprises that commence operation on or after the effective date of this Article that are located within the municipal boundaries of the City of Tarpon Springs and to all existing food service establishments and automotive related enterprises and to all food service establishments and automotive related enterprises that begin operations on or after the effective date of this Article located outside the municipal boundaries of the City, and who are, by contract or agreement with the City, users of the WWF owned, operated, and maintained by the City of Tarpon Springs, Florida.
- Multifamily dwellings such as triplexes, quadraplexes, townhouses, condominiums, apartment buildings, apartment complexes, or areas of intensified dwelling which are found suspect by the City of Tarpon Springs to be contributing oil and grease in quantities sufficient to cause main line blockages, lift station malfunctions, or necessitate increased maintenance on the City's collection and transmission system shall be directed to cease discharging oil and grease to the City's WWF and/or shall be required to install an approved grease interceptor.
- (e) Severability. If any clause, sentence, paragraph, section or subsection of these regulations shall be adjudged invalid for any reason whatsoever, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof found to be invalid.
- (f) Disclaimer of liability. These regulations shall not be construed or interpreted as imposing upon the City, its officials, or employees:
- (1) Any liability or responsibility for damages to any property; or
  - (2) Any warranty that any system, installation, or portion thereof that is constructed or repaired under permits and inspections required by these regulations will function properly. In addition, any employee charged with enforcement, acting in good faith and without malice in the discharge of their duties, shall not thereby be personally liable and is hereby relieved from personal liability for damage that may occur to any person or property as a result of any act required by these regulations.

**§20-99 Definitions and Abbreviations.**

- (a) General definitions. Unless the context specifically indicates otherwise, the following terms and phrases used in this Article shall have the meaning hereinafter designated as follows:

- (1) *"Automotive Related Enterprise"*. An establishment where automotive vehicles are serviced, greased, repaired, or washed and which contribute wastes containing petroleum (hydrocarbon) based oils and greases. Automotive related enterprises shall include, but shall not be limited to, automotive repair garages, gasoline stations with grease racks, and commercial vehicle wash facilities.
- (2) *"Automotive Related Enterprise Owner" or "Owner"*. In the case of an individual automotive related facility, the owner or proprietor of the automotive related operation. Where the automotive related facility is a franchise operation, the owner of the franchise is the responsible person or entity. Where the automotive related facility is owned by a corporation, the corporate representative is the responsible entity.
- (3) *"Best Management Practices" or "BMP"*. Techniques used throughout the food service industry, and have proven effective when implemented properly and consistently.
- (4) *"Black Water"*. Wastewater from sanitary fixtures such as toilets and urinals.
- (5) *"City"*. The City of Tarpon Springs, Florida, or the Board of City Commissioners of Tarpon Springs, Florida and all authorized representatives.
- (6) *"Commercial Wastewater Discharge Permit (CWDP)"*. A permit issued by the City of Tarpon Springs, Florida, authorizing the discharge of wastewater to the City's WWF from a food service establishment or an automotive related enterprise.
- (7) *"Control Authority"*. The City of Tarpon Springs, Florida through the Director of the Public Services Department.
- (8) *"Director"*. The Director of the City of Tarpon Springs' Public Services Department, or a duly authorized representative.
- (9) *"Food Service Establishment" or "Establishment" or "FSE"*. Any business or food service facility, which prepares, processes, and/or packages food for sale or consumption, on or off site, with the exception of private residences. Food service establishments shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, delicatessens, bakeries, retail and wholesale meat markets, retail and wholesale seafood markets, lounges, hospitals, nursing homes, assisted congregate living facilities, churches, schools, and all other food service facilities not specifically listed above. For the purpose of this division, food service establishment shall not include a facility that only prepares beverages; an establishment that only sells prepackaged foods, or an establishment that is currently classified as a Significant Industrial User by and permitted through the City's Industrial Pretreatment Program.
- (10) *"Food Service Establishment Owner" or "Owner"*. In the case of individual food service establishments, the owner or proprietor of the food service operation. Where the food service establishment is a franchise operation, the owner of the franchise is the responsible person or entity. Where the food service establishment is owned by a corporation, the corporate representative is the responsible entity. Where two (2) or more food service establishments share a common grease interceptor, the owner shall be the individual who owns or assumes control of the grease interceptor or the property on which the grease interceptor is located.
- (11) *"Garbage"*. Solid waste resulting from the domestic or commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce, meats, and seafoods.

- (12) *"Garbage Disposal" or "Garbage Grinder"*. A device which shreds or grinds up waste material into smaller portions prior to discharge into the City's wastewater collection and transmission system.
- (13) *"Gray Water"*. All of the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer.
- (14) *"Grease"*. A material, either liquid or solid, containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit, composed primarily of fats, oils or grease from animal or vegetable sources. The phrases "fats, oils and grease", "FOG", "oil and grease," or "oil and grease substances" shall be included in this definition.
- (15) *"Grease Interceptor"*. A device located underground and outside of a food service establishment designed to collect, contain, or remove food waste solids and grease from the wastestream while allowing the balance of the liquid waste ("gray water") to discharge to the City's wastewater collection and transmission system by gravity flow or to a privately-owned collection and transmission system, which discharges to the City's wastewater collection and transmission system. Grease interceptors are required whenever and wherever grease waste is produced in quantities that could otherwise cause line stoppage or hinder sewage disposal and shall be in conformance with the provisions of the most current edition of the Florida Plumbing Code and all other Federal, State, and local regulations.
- (16) *"Grease Trap"*. A device located inside a food service facility or under a sink designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste ("gray water") to discharge to the City's wastewater collection and transmission system by gravity flow or to a privately-owned collection and transmission system, which discharges to the City's wastewater collection and transmission system. Grease traps shall be in conformance with the provisions of the most current edition of the Florida Plumbing Code.
- (17) *"Grease Waste Hauler"*. A person who collects the contents of a grease interceptor or grease trap and transports it to an approved grease recycling or grease disposal facility. A grease waste hauler may also provide other services to a food service establishment related to grease interceptor maintenance.
- (18) *"Oil/water Separator"*. A device designed and installed to segregate oil and water to prevent the discharge of oils to the WWF. Oil/water separators are required where oils are discharged in quantities that could hinder the operation of the WWF as determined by the City, including, but not limited to, facilities where automotive vehicles are serviced, greased, repaired, or washed.
- (19) *"Registered Grease Waste Hauler List"*. A list of grease waste haulers registered with the City of Tarpon Springs in accordance with the provisions outlined in §20-102 of this Article and authorized to collect grease and operate a grease waste hauling business in the City.
- (20) *"Shall"* is mandatory. *"May"* is permissive.

- (21) *“Significant Industrial User”*.
- a. All users subject to categorical standards under Rule 62-625.410, FAC and 40 CFR Chapter I, Subchapter N, which has been adopted by reference in Rule 62-660, FAC; and
  - b. Any other industrial user that:
    1. Discharges an average of twenty-five thousand gallons per day (25,000 gpd) or more of process wastewater to the WWF (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
    2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the WWF treatment plant; or
    3. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the WWF’s operation or for violating any pretreatment standard or requirement in accordance with Rule 62-625.500(2)(e), FAC.
- (22) *“Wastewater”*. The liquid and water-carried industrial or domestic wastes from dwellings, commercial establishments, industrial facilities, and institutions, together with any solids or other pollutants which may be present, whether treated or untreated, which is contributed into or permitted to enter the WWF.
- (23) *“Wastewater Collection and/or Transmission Systems”*. Sewer, pipelines, conduits, manholes, pumping stations, force mains, and all other facilities used for the collection and transmission of wastewater from individual service connections to the wastewater treatment plant intended for the purpose of providing treatment prior to release to the environment.
- (24) *“Wastewater Facility” or “WWF”*. A treatment works, as defined by Section 212 of the CWA (33 U.S.C. §1292), which is owned in this instance by the City of Tarpon Springs, Florida. This definition includes any sewers that collect, convey, and/or pump wastewater to the WWF treatment plant, but does not include pipes, sewers, or other conveyances not connected to the City of Tarpon Springs wastewater treatment plant. For the purpose of this division, “WWF” shall also include any sewers that convey wastewater to the WWF from persons outside the City who are, by contract or agreement with the City, users of the City’s WWF.
- (25) *“Wastewater Treatment Plant”*. That portion of the WWF, which is designed to provide treatment (including recycling and reclamation) of domestic, commercial, and industrial wastewater.

(b) Abbreviations. The following abbreviations, when used in this Article, shall have the designated meanings as follows:

- (1) BMP – Best Management Practices
- (2) CWA – Clean Water Act
- (3) CWDP – Commercial Wastewater Discharge Permit
- (4) FAC – Florida Administrative Code
- (5) FDEP – Florida Department of Environmental Protection
- (6) FOG – Fats, Oils, and Greases
- (7) FSE – Food Service Establishment
- (8) NOV – Notice of Violation

- (9) WWF – Wastewater Facility

**§20-100 Grease Traps, Grease Interceptors, and Oil/water Separators**

(a) Requirements. All food service establishments and automotive related enterprises are required to have a grease trap or grease interceptor, or an oil/water separator, respectively, properly installed in accordance with any and all applicable requirements of the most current edition of the Florida Plumbing Code.

- (1) New establishments. On or after the effective date of this Article, all food service establishments and automotive related facilities, which are proposed or newly constructed, or existing food service establishments and automotive related facilities, which will be expanded, renovated, or remodeled, to include a food service establishment or automotive related facilities, where such an establishment or facility did not previously exist, shall be required to install a grease interceptor(s), grease trap(s) or oil/water separator in accordance with the requirements of the most current edition of the Florida Plumbing Code and to operate and maintain the grease interceptor(s), grease trap(s) or oil/water separator in accordance with the requirements outlined in this Article. Grease interceptors, grease traps, and oil/water separators shall be installed and permitted prior to the issuance of a certificate of occupancy.
- (2) Existing establishments. All food service establishments and automotive related facilities existing prior to the effective date of this Article shall be permitted to operate and maintain existing grease interceptors, grease traps, or oil/water separators provided their grease interceptors, grease traps, or oil water separators are in efficient operating condition, which shall be verified by the Control Authority.

On or after the effective date of this Article, the City may require an existing food service establishment or an automotive related facility to install a new oil and grease removal system, which shall include a grease interceptor, grease trap, or oil/water separator that complies with the requirements of the most current edition of the Florida Plumbing Code or to modify, repair, or replace any noncompliant plumbing or existing grease interceptor, grease trap, or oil/water separator within thirty (30) calendar days of written notification by the City when any one or more of the following conditions exist:

1. The establishment does not have a grease interceptor, grease trap, or oil/water separator; or
2. The establishment is found to be contributing fats, oils, and greases in quantities sufficient to cause wastewater collection system line stoppages or necessitate increased maintenance on the City's wastewater collection and transmission system; or
3. The establishment has an irreparable, or defective grease interceptor, grease trap, or oil/water separator; or
4. Remodeling of the food preparation or kitchen waste plumbing system is performed, which requires a plumbing permit to be issued by the City of Tarpon Springs; or
5. There is a change in the intended use of the establishment; or
6. The existing establishment is sold or undergoes a change in ownership; or

7. The existing establishment does not have plumbing connections to a grease interceptor, grease trap, or oil/water separator in compliance with the requirements of this Article; or
  8. The establishment fails to submit a completed application form for a Commercial Wastewater Discharge Permit within thirty (30) calendar days after the date of the receipt of an application form by the City of Tarpon Springs.
- (b) Plumbing connections. Grease interceptors, grease traps, or oil/water separators shall be installed in accordance with the most current edition of the Florida Plumbing Code, which requires that such grease interceptor, grease trap, or oil/water separator be located in the food service establishment's or automotive related facility's lateral service line between all fixtures which may introduce fats, oils, or greases into the sewer system and the connection to the City's wastewater collection and transmission system. Wastewater from sanitary facilities (black water) and other similar fixtures shall not be introduced into the grease interceptor, grease trap, or oil/water separator under any circumstance and is strictly prohibited.
- (c) Grease traps. Grease traps shall be installed in accordance with the most current edition of the Florida Plumbing Code and the FSE shall operate and maintain its grease trap in accordance with the following criteria:
- (1) Inspection, cleaning and maintenance. Each FSE shall be solely responsible for the cost of the grease trap's proper installation, inspection, cleaning, and maintenance. Each FSE may contract with a grease waste hauler who is currently permitted by Pinellas County, Florida and who is registered with the City of Tarpon Springs for cleaning services or it may develop a written protocol and perform its own grease trap cleaning and maintenance procedures upon submitting to and receiving written approval from the City of Tarpon Springs. All grease traps shall be opened, inspected, cleaned, and maintained at a minimum of once per week. In addition to the required weekly cleaning, each FSE shall determine an additional cleaning frequency at which its grease trap(s) shall be cleaned according to the performance standards outlined in the City's guidance document entitled "*Design and Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators*".
  - (2) Control Authority inspection. Grease traps shall be periodically inspected by the Control Authority, upon the presentation of proper credentials and identifications, as necessary to assure compliance with this Article and to assure proper cleaning and maintenance schedules are being adhered to.
  - (3) Repairs and replacement. The FSE shall be solely responsible for the cost and scheduling of all repairs to and/or replacement of its grease trap(s). Repairs or replacement required by the Control Authority shall be completed within thirty (30) calendar days after the date of the written notice of required repairs or replacement is received by the establishment. The City may authorize an extension of time to achieve compliance for an additional sixty (60) calendar days if requested by the FSE. If additional time is necessary to come into compliance with the provisions of this Article, the FSE may enter into a Consent Order establishing a schedule for bringing the FSE into compliance on a reasonably agreed upon date.
  - (4) Disposal. Grease and solid materials removed from a grease trap shall be containerized and appropriately disposed of in the FSE's solid waste disposal system.
  - (5) Record keeping. The FSE shall maintain records of the date and time of all cleaning and maintenance for each grease trap in a logbook and shall make this logbook available for inspection by the Control Authority upon request. The FSE shall also develop and maintain a written protocol to be followed by FSE staff, including a schedule and alternate

operating procedures concerning grease trap cleaning and maintenance and shall make this available to the Control Authority upon demand.

(d) Grease interceptors. Grease interceptors shall be designed and installed in accordance with the most current edition of the Florida Plumbing Code. Each FSE shall operate and maintain its grease interceptor in accordance with the following criteria:

- (1) Inspection, pumping, and maintenance. Each FSE shall be responsible for all costs associated with the proper installation, inspection, pumping, cleaning, and maintenance of its grease interceptor. All FSE's that have grease interceptors shall utilize a contracted grease hauler who has been permitted by Pinellas County, Florida and who has registered with the City of Tarpon Springs for pumping services. Pumping services shall include the initial complete removal of all contents, including floating materials, wastewater and bottom sludges and solids from the interceptor.

The return of gray water back into the grease interceptor from which wastes were removed is allowable only for FSE's which have not obtained a variance from the monthly pumping frequency provided that grease and solids are not returned to the interceptor and further provided that the grease hauler has written authorization from the FSE to return the gray water. Grease interceptor cleaning shall include scraping excessive solids from the walls, floors, baffles, and all associated piping. The grease hauler shall wait at least twenty (20) minutes to allow the interceptor waste to separate in the tank truck before attempting to re-introduce the gray water to the interceptor. The volume of gray water returned to the interceptor shall not exceed seventy-five percent (75%) of the volume of the interceptor. It shall be the responsibility of each FSE to inspect its grease interceptor during the pumping procedure to ensure that the interceptor is properly cleaned out and that all fittings and fixtures inside the interceptor are in working condition and functioning properly.

- (2) Pumping frequency. Each FSE shall have its grease interceptor(s) pumped at a minimum frequency of once every calendar month. There shall be a minimum period of three (3) weeks between each required pumping. In addition to required monthly pumping, each FSE shall determine an additional or reduced frequency at which its grease interceptor(s) shall be pumped according to the performance standards outlined in the City's guidance document entitled "*Design and Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators*".
- (3) Control Authority inspection. Grease interceptors shall be periodically inspected by the Control Authority, upon the presentation of proper credentials and identifications, as necessary to assure compliance with this Article and to determine if proper cleaning and maintenance schedules are being adhered to. If, upon inspection, an interceptor is found to exceed the standards outlined in the City's guidance document entitled "*Design and Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators*", the FSE shall be required to have the interceptor pumped out within seventy-two (72) hours of the inspection date. Failure to pump-out the interceptor shall constitute a violation of this Article.
- (4) Repairs and replacement. The FSE shall be solely responsible for the cost and scheduling of all repairs to and/or replacement of its grease interceptor(s). Repairs or replacement required by the Control Authority shall be corrected within thirty (30) calendar days after the date of written notice of requiring the repairs or replacement is received by the establishment. The City may authorize an extension of time to achieve compliance for an additional sixty (60) calendar days if requested by the FSE. If additional time is necessary to come into compliance with the provisions of this Article, the FSE may enter into a Consent Order establishing a schedule for bringing the FSE into compliance on a reasonably agreed upon date.

- (5) Disposal. Wastes removed from each grease interceptor shall be disposed of at a facility permitted to receive such wastes. Neither grease nor solid materials removed from the interceptors shall be returned to any grease interceptor, publicly or privately-owned sewer line, publicly or privately-owned manhole, publicly or privately-owned pump station, or any portion of the City's wastewater collection and transmission system or wastewater treatment facility.
- (6) Record keeping. Each FSE shall maintain a logbook in which a record of all interceptor maintenance is entered, including the date and time of the maintenance, details of any repairs required, and dates of repair completion and any other records pertaining to the interceptor. This logbook shall be made available for review upon request by the Control Authority. Each FSE shall also maintain a file on site which contains the following information:
- a. The as-built drawing of the establishment's plumbing system, if available. If as-built drawings are not available, other drawings of sufficient detail to depict the plumbing layout of the FSE;
  - b. A copy of the current Commercial Wastewater Discharge Permit;
  - c. Copies of quarterly reports;
  - d. Receipts from grease pumpers, plumbers, parts suppliers, etc.;
  - e. Log of pumping, cleaning, and maintenance activities; and
  - f. Grease waste hauler information.

The file shall be available at all times for inspection and review by the Control Authority. Failure to maintain complete records or to provide such records to the Control Authority upon request shall constitute a violation of this Article.

- (7) Quarterly reporting. Each FSE shall submit a quarterly report to the City on a form provided by the City. Reports shall be submitted on or before the last day of March, June, September, and December of each calendar year as described in the establishment's CWDP. Each report shall record the number of times the interceptor has been cleaned since the last report and shall indicate the depth, in inches, and the volume of liquids and solids removed on each occasion and the name and address of the grease hauler. Each report shall include copies of either the grease waste hauler's receipt or manifest. If a variance has been previously granted in accordance with the standards outlined in the City's guidance document entitled "*Design and Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators*", the alternate cleaning frequency shall also be reported. Each report shall also note any repairs that have been made to the interceptor including the date that these repairs were completed. Reports shall be submitted to the address provided in the CWDP and shall be deemed to be late and subject to late fee(s) pursuant to Section 20-103(a)(8) of this Article if they are received by the City more than fourteen (14) calendar days after the end of each month specified above.
- (e) Oil/water separators. Oil/water separators shall be designed and installed in accordance with the most current edition of the Florida Plumbing Code. Each automotive related facility shall operate and maintain its oil/water separator in accordance with the following criteria:
- (1) Inspection, pumping, and maintenance. Each automotive related facility shall be responsible for all costs associated with the proper installation, inspection, pumping,

cleaning, and maintenance of its oil/water separator. All automotive oil and grease generators that have oil/water separators shall utilize a contracted waste oil hauler.

- (2) Pumping frequency. Each automotive related facility shall have its oil/water separator(s) pumped at a minimum frequency of once every one hundred and eighty (180) days, or more frequently as needed to prevent carry over of oil and grease into the City's WWF.
- (3) Control Authority inspection. Oil/water separators shall be periodically inspected by the Control Authority, upon the presentation of proper credentials and identifications, as necessary to assure compliance with this Article and to determine if proper cleaning and maintenance schedules are being adhered to. If, upon inspection, an oil/water separator is found to exceed the standards outlined in the City's guidance document entitled "*Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators*", the automotive related enterprise shall be required to have the separator pumped out within seventy-two (72) hours of the inspection date. Failure to pump-out the oil/water separator shall constitute a violation of this Article.
- (4) Repairs and replacement. The automotive related enterprise shall be solely responsible for the cost and scheduling of all repairs to and/or replacement of its oil/water separator(s). Repairs or replacement required by the Control Authority shall be corrected within thirty (30) calendar days after the date of written notice of requiring the repairs or replacement is received by the facility. The City may authorize an extension of time to achieve compliance for an additional sixty (60) calendar days if requested by an automotive related enterprise. If additional time is necessary to come into compliance with the provisions of this Article, the automotive related enterprise may enter into a Consent Order establishing a schedule for bringing the automotive related enterprise into compliance on a reasonably agreed upon date.
- (5) Disposal. Wastes removed from each oil/water separator shall be disposed of at a facility permitted to receive such wastes. Neither oil nor solid materials removed from the separator shall be returned to any oil/water separator, publicly or privately-owned sewer line, publicly or privately-owned manhole, publicly or privately-owned pump station, or any portion of the City's wastewater collection and transmission system or wastewater treatment facility.
- (6) Record keeping. Each automotive related enterprise shall maintain a logbook in which a record of all oil/water separator maintenance is entered, including the date and time of the maintenance, details of any repairs required, and dates of repair completion and any other records pertaining to the oil/water separator. This logbook shall be made available for review upon request by the Control Authority. Each automotive related enterprise shall also maintain a file on site which contains the following information:
  - a. The as-built drawing of the facility's plumbing system, if available. If as-built drawings are not available, other drawings of sufficient detail to depict the plumbing layout of the automotive related facility;
  - b. A copy of the current Commercial Wastewater Discharge Permit;
  - c. Receipts from pumpers, plumbers, parts suppliers, etc.;
  - d. Log of pumping, cleaning, and maintenance activities; and
  - e. Waste oil hauler information.

The file shall be available at all times for inspection and review by the Control Authority. Failure to maintain complete records or to provide such records to the Control Authority upon request shall constitute a violation of this Article.

- (f) Additives. Any chemicals, enzymes, emulsifiers, live bacteria, or other grease cutters, dissolving agents, or additives used for the purpose of oil and grease reduction shall be prohibited unless such use has been approved by the Control Authority prior to their addition to grease traps, grease interceptors or oil/water interceptors by the FSE, the automotive related enterprise or the grease hauler. Material Safety Data Sheets (MSDS) and any other applicable information concerning the composition, frequency of use, and mode of action of the proposed additive shall be sent to the City together with a written statement outlining the procedures for the proposed use of the additive(s). Based upon the information received and any other information solicited from the potential user or supplier, the City shall permit or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the City at any time.
- (g) Alternative grease removal devices or technologies. Alternative device and technologies such as automatic grease removal systems shall be subject to written approval by the Control Authority prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The City may approve these types of devices depending on manufacturer's specifications on a case by case basis. The establishment may be required to furnish analytical data demonstrating that oil and grease discharge concentrations to the City's wastewater collection and transmission system will not exceed the limitation established in Chapter 20, Article III of the City of Tarpon Springs' Code of Ordinances.

**§20-101 Permitting and Inspection Program.**

- (a) Permitting requirements. Each FSE and automotive related facility shall be evaluated to determine whether it falls within the definition of a Significant Industrial User (SIU). Facilities classified as SIU's shall be subject to permitting and discharge monitoring as provided in Chapter 20, Article III of the City of Tarpon Springs' Code of Ordinances. All other FSE and automotive related enterprises shall be required to apply for and obtain a "Commercial Wastewater Discharge Permit" (CWDP) from the City. The City shall approve, deny, or approve with special conditions all applications for CWDPs in accordance with the policies and regulations established in this Article. The CWDP shall be in addition to any other permits, registrations, or occupational licenses which may be required by Federal, State, or local law. It shall be a violation of this Article for any FSE or automotive related enterprise identified by the City to discharge wastewater containing fats, oils, and grease to the City of Tarpon Springs' wastewater collection and transmission system without a current CWDP.
- (b) Application form. The City shall provide an application form for a CWDP. The appropriate form shall be sent to all FSE and automotive related enterprise owners identified by the City. All establishments required under the terms of this program to obtain a CWDP shall submit a completed application form for a CWDP to the City at the address shown on the form within thirty (30) calendar days of receipt of the form. Each application form submitted shall include the following information:
  - (1) Name, address, telephone number, and location (if different from the address) of applicant, owner of the premises (if different from the tenant when the property is leased) from which fats, oils, and grease are discharged, and the name of a representative duly authorized to act on behalf of the establishment; and
  - (2) A description of the activities, facilities, and plant processes on the premises, including a list of all equipment, raw materials, and chemicals used or stored at the facility. Material Safety Data Sheets (MSDS) of all such chemicals shall be included; and

- (3) A drawing in sufficient detail to show the location of all kitchen equipment that produces wastewater, and all sewers, floor drains, sewer connections, grease interceptors, grease traps, or oil/water interceptors and appurtenances in the user's premises if known or if it may be readily ascertained; and
- (4) The number of employees, the number and times of shifts, and hours and days of establishment operation; and
- (5) Details of all grease interceptor, grease trap, or oil/water separator cleaning and maintenance within the last year; and
- (6) For FSEs, a copy of the establishment's menu; and
- (7) A signed statement from the establishment's owner that the information provided is accurate, and that the applicant agrees to abide by the regulations contained in this Article, as well as any other applicable Federal, State, or local regulations governing the FSE or automotive related facility; and
- (8) Any other information determined by the Control Authority to be necessary in order to evaluate the CWDP application.

Proposed new facilities shall apply a minimum of sixty (60) calendar days prior to connecting or commencing discharge to the City's WWF.

- (c) Pre-permit inspection procedure. Once a completed application form has been received, the FSE or automotive related facility shall be inspected by the City prior to the issuance of the CWDP. During the pre-permit inspection, the information contained in the application form will be verified. For FSE's the average daily potable water use will be calculated and the permit fee determined based on this information. The grease interceptor, grease trap, or oil/water separator will be inspected. If all information is verified and the grease interceptor, grease trap, or oil/water separator is in proper working condition, a CWDP will be issued. Additionally, for FSE's, a copy of the City's information document entitled "*Best Management Practices for the Control of Fats, Oils, and Grease*", hereby incorporated by reference, will be issued. If the grease interceptor, grease trap, or oil/water separator requires any maintenance or repairs, or incorrect information has been submitted in the application, the Control Authority shall provide a written notice to correct any deficiencies, including a required time schedule for repairs to be completed prior to a second pre-permit inspection. Second pre-permit inspections shall be performed after a minimum of thirty (30) calendar days have elapsed to allow for corrective action by the establishment to occur. If the facility is not in compliance at the second pre-permit inspection, charges and fees will be levied for future inspections.

An application for a permit shall be granted with conditions or denied within sixty (60) calendar days after the date of the last pre-permit inspection in which the applicant's establishment is in compliance.

- (d) Commercial Wastewater Discharge Permit (CWDP). The following criteria shall apply to all CWDPs:
- (1) Each CWDP shall be effective for a period not to exceed two (2) years and shall have an effective and an expiration date;
  - (2) The CWDP must be displayed in a conspicuous place where it can be seen by the staff of the establishment and a copy of the CWDP must be kept in the records files;
  - (3) The CWDP shall be issued to a specific user for a specific operation. CWDP's may vary in content and requirements depending on the classification of the FSE or automotive

related enterprise and the type(s) of oil and grease removal device(s) installed. A CWDP shall not be transferred or sold to a new owner under any circumstances. A new owner of a FSE or automotive related enterprise is required to apply for a new CWDP;

- (4) The City shall provide the establishment with a CWDP renewal application and an invoice for permit renewal sixty (60) calendar days prior to the existing permit expiration date;
  - (5) An application for renewal of the CWDP shall be submitted at least thirty (30) calendar days prior to the expiration date of the existing CWDP by each applicant wishing to continue to discharge into the City's wastewater and collection system. Failure to submit a application in a timely manner shall be in violation of this Article;
  - (6) The terms and conditions of the CWDP are subject to modification by the City during the term of the permit, if conditions or requirements in this Article are modified. The user shall be informed of any proposed changes in the issued permit at least sixty (60) calendar days prior to the effective date of the change(s). Any changes or new conditions in the CWDP shall include a reasonable schedule for achieving compliance; and
  - (7) If the establishment changes or expands its scope of service, which will result in a discharge flow change, then a new permit application shall be filed.
- (e) Right of entry. Each FSE and automotive related enterprise shall allow the Control Authority and other duly authorized employees or agents of the City, bearing proper credentials and identifications, access at all reasonable times to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling, and testing in accordance with the provisions of this Article. The refusal of any FSE or automotive related enterprise to allow the Control Authority entry to or upon the facility's premises for purposes of system inspection, sampling effluents, or inspecting and copying records or performing such other duties as shall be required by this Article shall constitute a violation of this Article. The City may seek a warrant or use such other legal procedures as may be advisable and reasonably necessary to discharge duties pursuant to this Article.
- (f) Inspection. All FSE's and automotive related facility's shall be inspected as follows:
- (1) Pre-permit inspection. Pre-permit inspections shall be conducted by the Control Authority as outlined in Subsection (c) above.
  - (2) Routine inspections. The Control Authority shall inspect FSE's and automotive related facility's on both an unscheduled and unannounced basis or on a scheduled basis after a CWDP has been issued to verify continued compliance with the requirements of this Article. The Control Authority shall also determine if the practices contained in the "*Best Management Practices for the Control of Fats, Oils, and Grease*", issued to food service establishments, have been implemented. All FSE and automotive related facilities with current CWDPs shall be inspected. Inspections shall include all equipment, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease interceptor, grease trap, or oil/water separator. The Control Authority shall also inspect the grease interceptor, grease trap, or oil/water separator and may check the level of the grease interceptor, grease trap, or oil/water separator contents and/or take samples as necessary. The Control Authority shall record all observations in a written report. Any deficiencies shall be noted, including but not limited to:
    - a. Failure to properly maintain the grease interceptor, grease trap, or oil/water separator in accordance with the provisions of the CWDP and this Article; or

- b. Failure to report changes in operations, or wastewater constituents and characteristics; or
- c. Failure to report pumping activities or keep copies of manifests or receipts; or
- d. Failure to maintain logs, files, records, or access for inspection or monitoring activities; or
- e. Failure to obtain or renew the CWDP in a timely manner; or
- f. Inability of existing grease trap, grease interceptor, or oil/water separator to prevent the discharge of oil and grease into the City's collection and transmission system as evidenced by the build-up of oil and grease downstream of the grease trap, grease interceptor, or oil/water separator or the unit is not properly sized; or
- g. Any other inconsistency with this Article that requires correction by the FSE or automotive related enterprise.

If any deficiencies are recorded by the Control Authority during an inspection, the Control Authority shall provide the establishment a written notice to correct the deficiency within a specified time frame, and a tentative date for a first re-inspection.

- (3) Re-inspections. The Control Authority shall re-inspect establishments which received deficiency notices after the original inspection. The Control Authority shall inspect any repairs or other deficiencies and shall provide written notice of compliance or non-compliance as the case may be. In the event that the establishment has returned to compliance with all deficiencies, there shall be no charge for the re-inspection. In the event of continuing non-compliance, successive re-inspections will be scheduled and appropriate fees shall be charged to the establishment concerned for the first and all successive re-inspections. A first re-inspection shall be performed after a specified time frame has elapsed to allow for corrective action by the establishment to be completed.

**§20-102 Grease Waste Hauler Registration Program.**

- (a) Pinellas County's "Grease Hauler Program". Any person, firm, or business desiring to collect, pump, or haul grease interceptor wastes from FSEs serviced by the City of Tarpon Springs' WWF shall hold and maintain an active and current Pinellas County "Grease Waste Hauler Permit" and shall register with the City in accordance with the following conditions:

- (1) The grease waste hauler shall complete and submit to the City a "Grease Waste Hauler Program Registration Form" containing the following information:
  - a. Name of registrant. If the registrant is a partnership, corporation, or other business entity, the name and telephone number of an individual who legally is able to act on behalf of the organization must be provided; and
  - b. Address and telephone number of registrant, including information for person(s) to be contacted at times other than regular business hours; and
  - c. The type, license tag number, and capacity of each vehicle which will be used to pump or transport wastes from grease interceptors located within the City's sanitary sewer service area. New or replacement equipment acquired subsequent to the registration shall be reported to the City prior to use; and
  - d. A list of all drivers or personnel used to clean, repair, or install grease traps or grease interceptors; and

- e. A copy of a current Pinellas County “Grease Waste Hauler Permit”; and
- f. If the grease waste hauler pumps or transports septic tank waste or portable toilet waste, a copy of a current State of Florida Department of Health license; and
- g. A written emergency spill clean-up and notification procedure; and
- h. Financial assurance in the amount of ten thousand dollars (\$10,000.00) in a form acceptable to the City. Such assurance shall remain in effect for the life of the registration. This assurance shall be used to guarantee disposal costs, fines, and the costs of any damages that may result from a grease waste hauler discharging in violation of this Article; and
- i. A list of all disposal sites that the registrant uses or intends to use; and
- j. A signed statement that the information provided is accurate, and that the registrant agrees to abide by the regulations contained in this Article, as well as any other applicable Federal, State, or local regulation governing their activities; and
- k. Any other information determined by the City to be necessary to evaluate the grease waste hauler’s registration.

Note: The City of Tarpon Springs of Tarpon Springs WWF does not accept grease waste.

- (2) Grease waste haulers registered with the City in accordance with the conditions contained in Subsection (1) above and wishing to continue providing grease waste hauling services to FSEs located within the City’s sanitary sewer area shall re-register with the City bi-annually on a form prescribed by the City.
- (3) There shall be no registration fees charged in association with the registration of grease waste haulers with the City of Tarpon Springs.
- (4) It shall be unlawful for any identified grease waste hauler to clean or pump out grease interceptors within the City’s sanitary sewer service area without a current Pinellas County “Grease Waste Hauler Permit” that is currently on file with the City of Tarpon Springs.

(b) Grease Waste Hauler requirements. Grease waste haulers collecting, pumping, or transporting grease interceptor waste from FSEs located within the City’s sanitary sewer area shall adhere to the following:

- (1) All grease interceptors shall initially be pumped completely empty. Excessive solids shall be scraped from the walls and baffles, and inlet, outlet, and baffle ports shall be cleared. The re-introduction of gray water shall be prohibited unless the grease waste hauler has written authorization to return the gray water to the establishment’s interceptor from the FSE concerned and that the written authorization has been filed with the City of Tarpon Springs. The grease waste hauler shall wait a minimum of twenty (20) minutes to allow the interceptor waste to separate in the truck tank prior to attempting to re-introduce the gray water back into the interceptor. In no case shall grease or solids be re-introduced into the interceptor.

- (2) No grease or gray water will be accepted at the City-owned WWF. The grease waste hauler shall contract with other privately or publicly-owned facilities to properly dispose of grease and food solids at their own cost.
- (3) Compliance with all Federal, State, and local regulations regarding the pumping of grease interceptors and the transporting and disposal of their contents is required.
- (c) Spill reporting. Any accident, spill, or other discharge of grease or gray water, which occurs within the City's sanitary sewer service area, shall be reported to the City by the grease waste hauler as soon as possible, but in no case, not longer than twenty-four (24) hours after the incident. The grease waste hauler shall be responsible for clean-up procedures and costs and shall comply with all procedures contained in Federal, State, and local regulations.
- (d) Record keeping. Grease waste haulers shall retain, and make available for inspection and copying, all records related to grease interceptor maintenance and pumping and grease disposal from FSEs located within the City of Tarpon Springs' wastewater collection and transmission service area. These records shall remain available for a period of at least three (3) years. This period may be extended by request of the City at any time. Failure to provide information to the City within fourteen (14) calendar days of a written request shall be a violation of this Article. The City may require additional record keeping and reporting, as necessary, to ensure compliance with the conditions of this Article.
- (e) Vehicle inspection. Grease waste haulers shall permit City staff, at any time while performing service to grease interceptors located within the City's sanitary sewer service area, to inspect the grease waste hauler's registered vehicles.
- (f) Disposal. Waste removed from each grease interceptor shall be disposed of at a facility permitted to receive such waste. Neither grease nor solid materials removed from a grease interceptor shall be returned to any grease interceptor, privately-owned collection and transmission system, or to any portion of the City's wastewater collection and transmission system or wastewater treatment plant. A violation of this provision shall result in removal from the Registered Grease Waste Hauler list. In addition, immediate enforcement action(s) shall commence.

**§20-103 Fees.**

- (a) Fees and billing. The fees provided for in this Article are separate and distinct from any and all other fees chargeable by the City. All fees shall become immediately due and owing to the City upon receipt of invoice(s) for rendition of services or expenditure by the City and shall become delinquent if not fully paid within thirty (30) calendar days after receipt. Any delinquent amount shall be subject to a late charge of ten percent (10%). Fees applicable to this Article are as follows:
  - (1) Permit fees for FSE's. Commercial Wastewater Discharge Permit (CWDP) fees shall be determined according to the computed average daily water usage by the FSE based on at least six (6) months of accumulated data from the potable water meter(s). Fees shall be assessed following the initial pre-permit inspection and subsequently thereafter upon submission of commercial wastewater discharge permit renewal applications. Permits are valid for a period not to exceed two (2) years unless revoked under the provisions of this Article and fees shall be based on water usage, calculated as follows:
 

a.	Less than 100 gallons per day, per year	\$100.00
b.	101 gallons to 1,000 gallons per day, per year	\$200.00
c.	1,001 gallons to 10,000 gallons per day, per year	\$300.00

- d. Greater than 10,001 gallons per day, per year \$400.00
- (2) In the case of a new FSE, best professional judgment shall be applied by the Control Authority to determine the projected average daily water usage by the FSE using the following criteria without the water meter data:
- a. Size of food handling area and number of employees;
  - b. Number of meals served per day (if applicable);
  - c. Number of seats or beds (if applicable);
  - d. Types of washing up processes;
  - e. Number of sinks, garbage disposals, dishwashers, floor drains, restrooms, etc.;
- (3) Permit fees for automotive related enterprises. A one hundred dollar (\$100.00) permit fee shall be assessed and due at the time of the initial commercial wastewater discharge permit application submission and subsequently thereafter upon submission of commercial wastewater discharge permit renewal applications. Permits are valid for a period not to exceed two (2) years unless revoked under the provisions of this Article.
- (4) Variance fee for FSEs. A FSE applying for a variance from the monthly pumping requirements as outlined in the City's guidance document entitled "*Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators*" shall submit a variance application fee in the amount of two hundred and fifty dollars (\$250.00) along with the completed application. An application for variance shall not be considered until the variance fee has been paid in full.
- (5) Pre-permit inspection fees. The charge for the initial pre-permit inspection and the second inspection shall be included as part of the permit application fee. A fee of one hundred dollars (\$100.00) shall be charged to a FSE or an automotive related facility if a third pre-permit inspection is required due to the establishment's failure to correct deficiencies. If a fourth or more inspections are required a fee of two hundred and fifty dollars (\$250.00) shall be charged to recover the cost for each inspection. Such fee shall be separate and in addition to any enforcement action.
- (6) Inspection and re-inspection fee. There shall be no charge for periodic inspections conducted by the Control Authority at FSEs and automotive related facilities with current CWDP's. If a grease interceptor, grease trap, or oil/water separator has to be re-inspected because of deficiencies found during the previous inspection by the Control Authority, and all of the deficiencies have been corrected, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a first re-inspection fee of one hundred dollars (\$100.00) shall be charged. If a second re-inspection is required, a second re-inspection fee of two hundred and fifty dollars (\$250.00) shall be charged if all deficiencies still have not been corrected. If a third or more re-inspections are required a re-inspection fee of two hundred and fifty dollars (\$250.00) for each successive re-inspection shall be charged to recover the cost for each inspection. Such fee shall be in addition other enforcement actions if all of the deficiencies have still not been corrected.
- (7) Demand monitoring fees. Fees for any demand monitoring, sampling, and analysis of wastewater discharges deemed necessary for the protection of the City's WWF shall be charged to the FSE or automotive related enterprise in the amounts established in Chapter 20, Article III, Section 20-37(b) (2) and (3) of City Code.

- (8) Late reporting fees. Permitted FSE's with grease interceptors are required to submit quarterly reports to the City as outlined in Section 20-100(d)(7) of this Article. Reports submitted more than fourteen (14) calendar days after the end of the quarter being reported shall be subject to a late fee of fifty dollars (\$50.00).

**§20-104 Appeal of permit denial or revocation.**

Any permit denial or revocation pursuant to this Article may be appealed to the Director of the Public Services Department of the City of Tarpon Springs. The permit applicant or permittee shall have thirty (30) calendar days from the date of notification of the permit denial or revocation to submit a written request for a hearing with the Control Authority. Failure to file an appeal constitutes acceptance of the decision to approve or deny the permit and any conditions thereof. The Director shall conduct a hearing and decide within sixty (60) calendar days from the receipt of the appeal, whether or not to grant the permit. The decision of the Director shall be final. The Director shall follow the same guidelines as established in the City Code with respect to permit issuance, and may impose reasonable conditions on any order granting the permit. In conducting a hearing, the Director may review new evidence and shall not be bound by the technical rules of evidence.

**§20-105 Legal Proceedings.**

- (a) Search warrant. If the Control Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program established by the City and designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director, through the City Attorney, may seek issuance of a search warrant from the Circuit Court of Pinellas County for the purposes inspection and monitoring if such lawful entry outlined in Section 20-101(e) of this Article has previously been denied by the establishment. By the establishment's use of the City's WWF, the establishment agrees to the issuance of an administrative search warrant without any prior notification to the user.
- (b) Notwithstanding any of the above, the Director, through the City Attorney, may cite any establishment to the Circuit Court of Pinellas County for violation of any provision of this Article. A violation of any condition or requirement of a CWDP or failure to obtain such a permit shall be deemed to be a violation of this Article.

**§20-106 Administrative enforcement remedies and abatement.**

- (a) Enforcement. Enforcement action taken against FSE and automotive related facilities in violation of this Article shall be as follows:
- (1) Notice of Violation (NOV). When the City finds that a FSE or an automotive related facility has violated, or continues to violate, any provision of this Article or any provision of a commercial wastewater discharge permit the City may serve upon that establishment a written NOV. A NOV shall be issued to a establishment for any one or more of the following reasons:
- a. Failure to properly maintain the grease interceptor, grease trap, or oil/water separator in accordance with the provisions of the CWPD and this Article; or
  - b. Failure to report significant changes in operation, or wastewater constituents and characteristics; or

- c. Failure to maintain a file of records on-site at all times; or
  - d. Failure to maintain a record of pumping activities; or
  - e. Failure to provide logs, files, records, or access for inspection or monitoring activities; or
  - f. Failure to obtain or renew a CWDP as required by this Article in a timely manner; or
  - g. Any other failure to comply with the requirements of this Article or conditions of a CWDP.
- (2) Notice of Violation response. Within fourteen (14) calendar days of the receipt of a NOV, a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the establishment to the City. Submission of this plan in no way relieves the establishment of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a NOV. If an establishment violates or continues to violate the provisions set forth in this Article or fails to initiate and complete corrective action in response to a NOV, then the City may pursue one or more of the following options:
- a. Contract with a registered grease waste hauler or waste oil hauler to pump the grease interceptor or oil/water separator and bill the appropriate charge to the establishment;
  - b. Enter into an Administrative Order;
  - c. Revoke the CWDP; or
  - d. Citation to the Circuit Court of Pinellas County.
- (3) Best Management Practice (BMP) Training. All FSEs that receive a NOV or Administrative Order may be required to send both managerial and other staff to an approved training session regarding BMP. These training sessions will be held at locations and times that will be announced by the Control Authority.
- (4) Administrative Orders.
- a. Consent orders. If the City finds that alterations shall be made in an establishment's grease trap, grease interceptor, or oil/water separator, the City may issue an order to which the establishment shall consent, after negotiation between the two parties, in order to establish a compliance schedule. The consent order will include specific actions to be taken by the establishment to correct the noncompliance and will include milestone dates to be met to bring the establishment in compliance with this Article and will outline penalties for noncompliance. The establishment will be allowed to continue discharging to the WWF as long as the schedule for compliance, established in the consent order and documented in regular reports, is followed. Violations of the compliance schedule may result in revocation of the CWDP, termination of service, or additional enforcement actions. The consent order shall have the same force and effect as the administrative orders issued pursuant to subsections (b) and (c) below and shall be judicially enforceable.

- b. Compliance orders. When the City finds that an establishment has violated, or continues to violate, any provision of this Article, a commercial wastewater discharge permit or order issued hereunder, the City may issue an order to the establishment responsible for the discharge directing that the establishment achieve or restore compliance within a specified time frame. The compliance order shall be issued unilaterally, without negotiated consent of the establishment and shall include a compliance schedule with milestone dates for actions to be met by the establishment. The establishment may not be allowed to discharge process wastewater until compliance with the commercial wastewater discharge permit and this Article is met. If the establishment does not come into compliance within the time provided, services may be discontinued unless adequate treatment devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including best management practices designed to minimize the amount of FOG discharged to the sewer. A Compliance Order does not relieve the establishment of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the establishment.
- c. Cease and desist orders. When the City finds that an establishment has violated, or continues to violate, any provision of this Article, a commercial wastewater discharge permit or order issued hereunder, or that the establishment's past violations are likely to recur, the City may issue an order to the establishment directing it to cease and desist all such violations and further directing the establishment to:
  1. Immediately comply with all requirements; and
  2. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(5) Administrative fines.

- a. When the City finds that an establishment has violated, or continues to violate, any provision of this Article, a commercial wastewater discharge permit or order issued hereunder, the City may fine such establishment in an amount not to exceed the maximum fine allowed under State law, but in no case not less than fifty dollars (\$50.00) per violation, in accordance with the City's *"Enforcement Response Plan"*. Such fines shall be assessed on a per violation, per day basis.
- b. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the establishment's property will be sought for unpaid charges, fines, and penalties and the establishment shall be subject to any and all other collection and enforcement procedures set forth in Chapter 29, Article II of the City of Tarpon Springs Code of Ordinances.
- c. Users desiring to dispute such fines shall file a written request for the City to reconsider the fine along with full payment of the fine amount within fourteen (14) calendar days of being notified of the fine. Where a request has merit, the City

may convene a hearing on the matter. In the event the establishment's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City may add costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the establishment.
- (6) Emergency suspensions. The City may immediately suspend an establishment's ability to discharge, after formal notice to the establishment and opportunity to respond, whenever such suspension is necessary to stop an actual or threatened unauthorized discharge which reasonably appears to be present or cause an imminent or substantial endangerment to the integrity of the environment or to the health, safety or welfare of the public.
- a. Any establishment notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of an establishment's failure to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary, including immediate severance of the establishment's potable water service, to prevent or minimize damage to the WWF, its receiving stream, or endangerment to the integrity of the environment or the health, safety, or welfare of the public. The City may allow the establishment to recommence its discharge when the establishment has demonstrated to the satisfaction of the City that the period of endangerment has passed.
  - b. An establishment that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future recurrence.
- (7) Permit revocation. Any CWDP issued under the provisions of this Article is subject to modification, suspension, or revocation in whole or in part during the effective period for cause shown including, but not limited to, any one of the following:
- a. Falsification of any information submitted as part of the application for the CWDP; or
  - b. Failure to comply with any requirement or regulation concerning discharges to the City's WWF as provided in §20-27 of City Code, or any amendments thereto; or
  - c. Failure to comply with any requirement or regulation contained in this Article; or
  - d. Failure to pay fees required by this Article, fines, or any assessed surcharges in a timely manner; or
  - e. Failure to attend required BMP training as itemized in subsection (3) above; or
  - f. When necessary to protect the public health, safety, or welfare and the integrity of the environment; or
  - g. When the Control Authority reasonably suspects any of the above items.
- (b) Recovery of costs. When a discharge of waste causes an obstruction, damage, or any other impairment to the City's WWF, or any expense of whatever character or nature to the City, the

Director shall assess the expense(s) incurred by the City to clear the obstruction, repair damage to the system, and any other expenses or damage of any kind or nature by the City. The Director shall file a claim with the establishment or any other person or entity causing such damages seeking reimbursement for any and all expenses or damages suffered by the City, including staff time. If the claim is ignored or denied, the Director shall notify the City Attorney to take such measures as shall be appropriate to recover any expense or to correct other damages suffered by the City.

- (c) Remedies nonexclusive. The remedies provided for in this Article are not exclusive. The City may take any, all, or any combination of lawfully permitted actions against a noncompliant establishment, including termination of services. Enforcement of violations will generally be in accordance with §20-106 of this Article; however, the City may take other action against any establishment when circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant establishment. If noncompliance by an establishment causes the City's WWF to exceed the standards of its domestic wastewater operating permit or otherwise causes the City to be liable for fines or penalties imposed by a State or Federal regulatory agency, the establishment shall be liable to the City for such costs.

Section 2. Sections 20-107 and 20-108 are reserved.

**§20-107** **Reserved.**

**§20-108** **Reserved.**

Section 3. Ordinances, or parts thereof, in conflict or inconsistent herewith are hereby repealed and superseded.

Section 4. This Article shall take effect ninety (90) days after formal passage and adoption by the Board of Commissioners of the City for Tarpon Springs, Florida.