

RESOLUTION
NO. 08-10

A RESOLUTION
TO BE ENTITLED

A FINAL RESOLUTION ESTABLISHING A FATS, OILS,
AND GREASE PROGRAM AS WELL AS FEES AND
CONDITIONS ASSOCIATED WITH THAT PROGRAM;
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE EMERALD COAST UTILITIES AUTHORITY:

Section I. Purpose. The purpose of this Resolution is to fix and establish a Fats, Oils, and Grease Program as well as fees and conditions associated with that program.

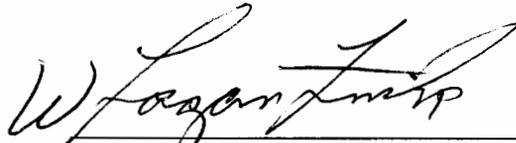
Section II. Findings. After public hearing held on Thursday, June 26, 2008, the Emerald Coast Utilities Authority (ECUA) finds that the establishment of a Fats, Oils, and Grease Program as well as the fees and conditions associated with that program, as set forth in Exhibit "A" to this Resolution to be just and equitable and in accordance with all legal and other obligations with ECUA.

Section III. Amendment of the ECUA Code. Chapter 6 of the ECUA Code, which had been reserved for future use, is hereby amended so as to establish a Fats, Oils, and Grease Program as reflected in Exhibit "A" to this Resolution, as it is ECUA's intent to have Exhibit "A" to this Resolution hereinafter constitute Chapter 6 of the ECUA Code.

Section IV. Effective Date. This Resolution shall take effect July 1, 2008.




Stephen E. Sorrell, Executive Director


W. Logan Fink, Chairman

Adopted on: June 26, 2008

Prepared by: Bradley S. Odom, Esq.

EXHIBIT "A"

Chapter 6

Fats, Oils, and Grease Program

(a) Legislative authority and purpose. This section is adopted pursuant to the authority of F.S. § 125.01 and chapter 162, as amended, and the general laws of the State of Florida to protect the health, safety, and welfare of persons and property in the Emerald Coast Utilities Authority (ECUA) water service area by establishing regulations and requirements for permitting food establishments which, whether by contract, permit, agreement, or otherwise, discharge wastewater into the ECUA wastewater collection and treatment system.

(b) Scope. The provisions of this section shall apply within the ECUA wastewater collection and treatment system service area.

(c) Definitions. When used in this section, the following word(s) shall have the indicated meaning unless the context clearly indicates a different meaning:

Drive-in restaurant shall mean an establishment where food is ordered from a menu, prepared, and served to a customer, without the customer having to depart his or her vehicle. Such food or beverage may be consumed within the restaurant building or outside the building within an area set aside for customers; within a motor vehicle parked on the premises; or taken off the premises as a carryout order.

Drive-thru restaurant shall mean an establishment without inside seating which principal business is the sale of preprepared food or rapidly prepared food offered directly to a customer in a ready-to-consume state.

ECUA shall mean the Emerald Coast Utilities Authority.

Florida Building Code shall mean the 2001 Florida Building Code or the edition most recently adopted by the Florida Building Commission.

Food shall mean a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

Food establishment shall mean any operation that prepares, packages, serves, or otherwise provides food for human consumption and relinquishes possession of such food to a consumer, directly or indirectly through a delivery service. The term includes elements of an operation, such as a central preparation facility that supplies a satellite feeding location; and operations that are conducted in a stationary, permanent facility or location regardless of whether consumption is on or off the premises and regardless of whether there is a charge for such food. The term includes, but is not limited to, restaurants, drive-in restaurants, drive-thru restaurants, cafes, cafeterias, delicatessens,

retail food stores, industrial feeding operations, public and private educational facilities, detention facilities, and health care facilities. The term does not include establishments that offer only prepackaged foods; produce stands or markets that offer only whole, uncut fresh fruits and vegetables; food and beverage vending machines; private homes where food is prepared or served for individual consumption by residents and guests or for sale or service at public functions such as a religious, nonprofit, or charitable organization's bake sale, supper, or other event.

Food establishment sludge shall mean fats, oils, greases, food scraps, and other grease interceptor contents generated by a food establishment using a grease interceptor.

Grease shall mean fats, oils, and other liquid, semisolid, or solid material generated as a result of food preparation by a food establishment. Automotive or other machinery oils and lubricants are not classified as grease for the purposes of this section.

Grease interceptor shall mean a passive interceptor device that its rated flow exceeds 50 gallons per minute (gpm) or has a storage capacity of 750 gallons or more and is located outside the building.

Grease interceptor permit shall mean any permit issued by ECUA pursuant to this section.

Grease interceptor treatment process shall mean any physical mechanism, chemical, or biological agent introduced into a grease interceptor with the intention of emulsifying, digesting, filtering, or otherwise affecting the nature of the grease interceptor contents. The term also includes alteration of the temperature of the contents.

Grease trap shall mean a passive interceptor device that its rated flow is 50 gallons per minute (gpm) or less and is located inside the building.

Restaurant shall mean an establishment where food is ordered from a menu, prepared, and served for sale with consumption primarily on the establishment's premises.

Retail food store shall mean any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption only. The term includes delicatessens that offer prepared food for sale in bulk quantities only.

Stick test shall mean the insertion of a clear, hollow tube into the grease interceptor to capture a portion of its contents to determine the amount of food establishment sludge present.

Twenty-five percent rule shall mean that the accumulation of food establishment sludge shall not exceed twenty-five percent of the capacity of the grease interceptor as determined by means of a stick test.

User shall mean any person who introduces wastewater into an ECUA wastewater facility.

Wastewater collection and transmission system shall mean any or all of the following: sewers, pipelines, conduits, pumping stations, force mains, and all other facilities used for collection and transmission of wastewater from individual service connections to ECUA facilities intended for the purpose of providing treatment prior to their release into the environment.

Wastewater facility shall mean any or all of the following: the collection and transmission system, the wastewater treatment plant, and the reuse or disposal system of ECUA.

(d) Grease interceptor requirements for food establishments.

(1) Grease interceptors required.

a. No food establishment shall discharge or cause or permit to be discharged wastewater into any ECUA wastewater facility until such establishment shall first install or cause to be installed one or more grease interceptors.

b. Existing food establishments shall install one or more grease interceptors that meet the requirements for new food establishments when the following conditions exist:

1. The food establishment discharges or causes or permits to be discharged wastewater containing solid or viscous substances which may obstruct the flow in a sewer or otherwise interfere with the operation of the wastewater facility such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, metal, glass, or rags, as determined after inspection by ECUA; or

2. The food preparation area or kitchen plumbing facilities are remodeled or replaced. This subsection shall apply only if such remodeling or replacement can reasonably be expected to result in an increase in the discharge of substances listed in subsection (d)(1)b.1.

c. New food establishments shall install grease interceptors of the design and capacity specified by the Florida Building Code. Installation of grease traps as a substitute for one or more grease interceptors is prohibited in new construction except where specifically authorized by the ECUA.

d. All food establishment wastewater and waste from food preparation area floor drains and sinks, waste container wash racks, and dishwashers shall be directed through a grease interceptor.

e. All wastewater from restrooms, hand washing sinks, showers, drinking fountains, and icemakers shall be discharged into the wastewater collection system downstream of all necessary grease interceptors and monitoring devices.

f. ECUA may require the user to provide, operate, and maintain, at the user's expense, appropriate monitoring facilities, such as sampling manholes, for observation, inspection, monitoring, and flow measurement of the user's wastewater discharge to the wastewater facility.

(2) Grease interceptor cleaning and maintenance.

a. Grease interceptors shall be accessible at all times for inspection and maintenance.

b. A grease interceptor shall be considered to be out of compliance with this section if the total volume of food establishment sludge displaces twenty-five

percent (25%) of the capacity of the interceptor as measured at the point adjacent to the outlet pipe of the grease interceptor.

c. All users shall remove the contents of the interceptor(s) at a frequency so as not to exceed the twenty-five percent rule. Grease interceptor contents shall be removed at the user's expense by a septage disposal service permitted by the Florida Department of Health. Cleaning shall include the complete removal of all contents, including floating material, wastewater, and solids. The user shall maintain a log of cleaning activities and shall make it available for immediate access by inspectors. Any food establishment, other than food establishments served by grease traps, may request in writing an alternate pumping frequency.

d. Decanting, backflushing, or discharging of the grease interceptor contents back into the grease interceptor from which the contents were removed or into any other grease interceptor, for the purpose of reducing the volume of waste to be hauled and disposed, is prohibited.

e. Grease interceptor contents shall be disposed only at a facility or a location that is operated according to the applicable rules of the State of Florida.

f. Grease traps shall be cleaned at a minimum frequency of once per week, or more often, if deemed by ECUA to be necessary to prevent pass-through of food establishment sludge. Cleaning and maintenance shall include removal of the material from the tank walls, baffles, cross pipes, inlets and outlets. The user shall maintain a log of cleaning activities and shall make it available for immediate access by inspectors.

(3) Alternate pumping frequency.

a. Upon receipt of a written request for an alternate pumping frequency, the ECUA may inspect a grease interceptor when the contents have been removed to ascertain the condition of the grease interceptor and issue a written notification to the food establishment to cease the removal of grease interceptor contents until notified to do so by the ECUA.

b. The ECUA may reinspect a grease interceptor after 30 days or at a time determined by the ECUA to ascertain the condition of the grease interceptor.

c. The ECUA may inspect a grease interceptor to determine if the performance criteria in subsection (d)(2)b., above, are being met. The ECUA may determine an alternate pumping frequency based on its findings and issue a written notification of an alternate pumping frequency.

d. If, at any time, the ECUA determines that the performance criteria in subsection (d)(2)b., above, are not being met, the ECUA may modify the pumping frequency.

(e) Grease interceptor permit requirements.

(1) Grease interceptor permit required. No food establishment shall discharge, or cause or permit to be discharged, wastewater into any ECUA wastewater facility until such establishment shall first obtain a grease interceptor permit from the ECUA. An existing food establishment which has filed a timely application pursuant to this ordinance may continue to discharge until such time as the application has been processed by the ECUA and a grease interceptor permit is issued or denied.

(2) Grease interceptor permit application. Applications for grease interceptor permits shall be completed and filed with the ECUA in the form prescribed by the ECUA within 30 days of notification by the ECUA. Proposed new food establishments shall apply a minimum of 60 days prior to connecting to or discharging wastewater into an ECUA wastewater facility. In support of the application, the applicant shall submit the following:

- a. The name of the food establishment, mailing address, location (if different from mailing address), telephone number, name of contact person and telephone number (if different from food establishment), name and address of operator and owner;
- b. The seating capacity and number of customers served per day;
- c. The average and maximum monthly water usage;
- d. The location of all grease interceptors and/or grease traps and their capacities;
- e. The description of grease interceptor treatment process (if applicable);
- f. The frequency at which grease interceptor and/or grease trap contents are removed;
- g. The plan of the property showing all sources of contaminated water, all grease interceptors, and all possible sources of discharge to the ECUA wastewater facility;
- h. Any other information as determined by the ECUA to be necessary to evaluate the permit application; and
- i. The permit application fee, as established by resolution of the ECUA board.

(3) Grease interceptor permit conditions. Grease interceptor permits shall be expressly subject to all applicable federal, state, and local laws and regulations and shall be subject to the following conditions:

- a. Grease interceptor and/or grease trap contents shall be removed at the frequency specified in the grease interceptor permit.
- b. The permittee shall immediately notify ECUA of any changes to the information contained in the permit application.

(4) Grease interceptor permit renewal. The permittee shall submit a grease interceptor permit renewal application not less than 90 days prior to expiration. The application shall contain the information listed in subsection (e)(2) above and shall be accompanied by applicable fees.

(5) Grease interceptor permit duration. Except as specified by the ECUA, a grease interceptor permit shall be effective for three years from the date of approval.

(6) Record retention. The permittee shall retain reports of grease interceptor service for a minimum of three years from the date of such service. The documentation of grease interceptor service may include a log provided by the ECUA, receipts or copies of receipts from the septage disposal service, manifest statements

from the septage disposal service, records of grease interceptor repair and maintenance, or similar documentation.

(f) Prohibited acts. Any food establishment shall be prohibited from engaging in the following:

- (1) Discharging food establishment sludge into the wastewater collection system.
- (2) Failing to accurately report the number or capacity of grease interceptors or grease traps or any grease interceptor treatment process.
- (3) Failing to notify the ECUA of any changes to the information contained in the permit application.
- (4) Failing to remove the contents of a grease interceptor or grease trap at the required frequency.
- (5) Failing to completely remove the contents of a grease interceptor when it is cleaned.
- (6) Introducing hot water into a grease trap or grease interceptor as a substitute for cleaning.
- (7) Falsifying records required by this ordinance, including but not limited to, records pertaining to the servicing of any grease interceptor or grease trap.

(g) Requirements to repair grease interceptors. Any user notified by the ECUA that a grease interceptor or grease trap repair is required shall initiate such repairs within five calendar days. If the public health, safety, or welfare is at risk or if the ECUA finds that a grease interceptor is capable of allowing stormwater inflow, the ECUA may require immediate repair of the grease interceptor or the cessation of wastewater flow from such grease interceptor.

(h) Monthly fees. Any food establishment which discharges into a wastewater collection system owned, operated, or maintained by ECUA shall be charged twenty-five dollars (\$25) per month.

(i) Reinspection and reinspection fee. In the event that a food establishment fails to pass any inspection made pursuant to this chapter, then ECUA shall reinspect the food establishment within ten (10) calendar days. The food establishment shall be charged a reinspection fee of one hundred dollars (\$100) for this reinspection.

(j) Termination of service. ECUA has a duty and obligation to protect the health, safety, and welfare of persons and property within the ECUA wastewater collection and treatment system service area. Therefore, ongoing compliance with this chapter shall be required as a condition and/or prerequisite to receive services from ECUA, and failure to do so may result in the termination of service by ECUA. Moreover, in the event that a food establishment fails to pass the reinspection referenced in subsection (i) above, ECUA may terminate service to that food establishment until such

time as the food establishment passed the required reinspection. Furthermore, in the event that any fees due under this chapter are not paid in a timely fashion, ECUA may terminate service to the facility concerning which the fees are owing until such time as all fees are paid to ECUA or deposited into the Registry of a Court of competent jurisdiction to decide any dispute which may exist regarding any disputed fees.