



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

2/23/2021

Subject:

Adoption of an Ordinance establishing the Fats, Oils and Grease (FOG) Management program by amending Chapter 110. Utilities

Fiscal Impact:

Fees associated with the Ordinance are referenced under Sec. 110-73

Dept/Office:

Utility Services Department

Requested Action:

It is requested that the Board of County Commissioners consider adoption of an Ordinance establishing the Fats, Oils and Grease (FOG) Management program by amending Chapter 110. Utilities

Summary Explanation and Background:

The Utility Services Department proposes to amend County Code Chapter 110 in order to establish a Fats, Oils and Grease (FOG) Management program in order to provide definitions, criteria, management, including rates, fees, and enforcement as it relates to the disposal of fats, oils, grease, sand, and lint into the County wastewater collection system. The purpose of these revisions is to prevent blockages in the County wastewater collection system while reducing corrective maintenance costs to remove such waste.

The proposed amendments contain criteria applicable to all facilities that discharge fats, oils and grease into the County's wastewater collection system with the exception of single-family homes and likewise provides fees for the implementation of the program. Violations of the program shall be enforced through the County code enforcement procedures as set forth under Section 1-7 of the Brevard County Code of Ordinances.

Corrective maintenance related to the removing build-up of fats, oils, and greases is significantly time consuming and expensive. Moreover, the buildup in the collection system takes up capacity in the County wastewater collection system increasing the probability of sewer overflows. This updated ordinance provides the County with a proactive approach to minimize corrective maintenance costs while improving the transmission capacity of the County wastewater collection system.

This Ordinance was advertised on February 11, 2021 and sent to all City Managers within the Brevard County Utility Services service area.

Clerk to the Board Instructions:

E-mail Clerk Memo to rose.lyons@brevardfl.gov <<mailto:rose.lyons@brevardfl.gov>> and mail original to Utility Services Department.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

February 24, 2021

M E M O R A N D U M

TO: Edward Fontanin, Utility Services Director Attn: Rose Lyons

RE: Item H.2., Ordinance Establishing the Fats, Oils, and Grease (FOG) Management Program by Amending Chapter 110, Utilities

The Board of County Commissioners, in regular session on February 23, 2021, conducted the public hearing and adopted Ordinance No. 2021-04, establishing the FOG Management Program by amending Chapter 110, Utilities; approved no registration fees for the Program; authorized the first violation to have a fee of \$300, the second violation to have a fee of \$1,500, and the third violation to have a fee of \$3003; and authorized that if the violations are concurrent and in consecutive order, and if not, the fee assessment is reset. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 1, 2021

Honorable Rachel M. Sadoff
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Ms. Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2021-04, which was filed in this office on March 1, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING THE FATS OILS AND GREASE MANAGEMENT PROGRAM BY AMENDING CHAPTER 110. UTILITIES., AT ARTICLE II. WATERS AND SEWER SYSTEMS. AT DIVISION 1. GENERALLY. IN ORDER TO PROVIDE FOR DEFINITIONS; FURTHER AMENDING ARTICLE II. AT DIVISION 2. SEWAGE DISPOSAL GENERALLY. IN ORDER TO PROVIDE FOR AMENDMENTS TO THE REGULATION OF DISCHARGE TO PUBLIC SEWERS; FURTHER AMENDING DIVISION 2. SEWAGE DISPOSAL. IN ORDER TO ESTABLISH A FATS, OIL AND GREASE MANAGEMENT PROGRAM INCLUDING PROGRAM CRITERIA, PROGRAM DISCHARGE CERTIFICATE, AND ESTABLISHING THE FATS, OIL AND GREASE MANAGEMENT PROGRAM RATES AND FEES AND ENFORCEMENT AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Brevard County, a political subdivision of the State of Florida, owns and operates the Brevard County Water and Wastewater system pursuant to Chapter 125, Florida Statutes and Chapter 153, Florida Statutes; and

WHEREAS, the Brevard County Board of County Commissioners finds that the disposal of fats, oil and grease into the County-owned and maintained wastewater collection and transmission system is a hinderance to the operation of the system as the fats, oil and grease entering the system may cause blockages and interfere with the operation of the system; and

WHEREAS, the Brevard County Board of County Commissioners finds that regulations relating to the discharge and disposal of fats, oils and grease into the system will prevent blockages and provide for the proper operation and maintenance of the County system; and

WHEREAS, the Brevard County Board of County Commissioners desires to establish a Fats, Oil and Grease Management Program with the intent to minimize the introduction of fats, oils and grease into the system by requiring all facilities with the exception of single family homes to comply with Fats, Oil and Grease Management Program by installing the applicable sand and oil interceptor; and

WHEREAS, the Brevard County Board of County Commissioners finds that this Ordinance will promote the public health, safety and welfare of the County as a whole.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA as follows:

FILED WITH THE STATE MARCH 1, 2021

SECTION 1. Chapter 110. Utilities., at Article II. Water and Sewer Systems. at Division 1. Generally., at Section 110-36. Definitions. is hereby amended to read as follows:

Section 110-36. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter or parts per million (ppm).

Building drain means that part of the lowest horizontal piping of a drainage system extending five feet outside the inner face of the outermost wall of any building or structure which receives the discharge from soil, waste and other drainage pipes inside the walls of any such building or structure and which conveys the discharge to the building sewer.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

City means those incorporated areas located within the county.

County means the board of county commissioners.

Department means the Utility Services Department of Brevard County.

Director means the Director of Utility Services Department or his designee, authorized deputy, agent, or representative.

Grease interceptor means a water-tight in-ground tank with non-removable baffles, located outside the building in a location accessible for cleaning, inspection, and maintenance and has a minimum storage capacity of seven hundred fifty gallons and shall be designed to collect, contain or remove food wastes and grease from the wastewater while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

Grease trap means a device located inside or outside the building in a location accessible for cleaning, inspection, and maintenance and has a maximum storage capacity of less than seven hundred fifty gallons and shall be designed to collect, contain or remove food wastes and grease from the wastewater while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity. This definition includes Hydro-mechanicals.

Grease/Solids depth means the combined depth of the grease cap at the top of the grease interceptor's liquid level and the solids deposition at the bottom of the grease interceptor.

Industrial waste means any waste attributable to industrial manufacturing processes or to a trade, business or commercial enterprise other than standard wastes.

Infiltration means that portion of the wastewater entering a public sewer through a building sewer or private collection system, consisting of groundwater.

Inflow means that portion of the wastewater entering a public sewer, consisting of stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, swimming pool water or industrial process water.

Lint trap means a device located inside or outside a building in a location accessible for cleaning, inspection, and maintenance and consists of a tank with a baffle to remove large items such as buttons and string and a removable stainless steel screen to remove lint. The size of the lint trap shall be determined by the number of washing machines connected to it.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Polluted waters means any waters not in compliance with the water quality standards set forth in state law and state rules.

Private sewage disposal system means a system of piping, tanks or treatment devices and subsurface absorption field for the handling and disposing of standard wastes.

Privately owned utility means any person, firm, partnership, association, society, company, corporation or other legal entity, and any lessee, trustee or receiver thereof, owning, constructing, operating, managing or controlling any waterworks, water system, sewer system or combination thereof, located in whole or part within unincorporated areas of the county, and serving or purporting to serve the public directly or indirectly, but it shall not mean or include any person, firm, partnership, association, society, company, corporation or other legal entity or any lessee, trustee or receiver thereof, whose activities are confined to selling, distributing or furnishing bottled water and who is not otherwise engaged directly or indirectly in owning, leasing, constructing, operating or managing any waterworks, water system, sewer system or combination thereof. Privately owned utility for the purpose of this article shall not include any political subdivision, special purpose or taxing district, authority, board or governmental agency created by special act of the legislature or any municipality, incorporated city, town or village, owning, constructing, operating, managing or controlling any waterworks, water system, lift station, sewer system or combination thereof in the incorporated or unincorporated areas of the county.

Properly shredded garbage means the wastes from the preparing, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the sewer system, with no particle greater than one-half inch in any dimension.

Public sewer means any sewer or sewerage system owned, operated or maintained by the county.

Public water system means any potable water supply system owned, operated or maintained by the county.

Publicly Owned Treatment Works (POTW) means a "treatment works," as defined by Title 33 USC Section 1292 or collection system which is owned by the County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of wastewater or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Sampling Port means an accessible opening on the building sewer to facilitate observation, sampling and measurement of wastes.

Sand and Oil interceptor means a water-tight in-ground tank with a minimum of one access manhole designed for the interception of sand, petroleum products, and final polishing before the liquid waste discharges to the wastewater collection system by gravity and shall consist of three 750 gallon tanks in a series. No baffle walls are required.

Sanitary nuisance consists of the commission of any act by any person, or the keeping, maintaining, propagation, existence or permission of anything by any person by which the health or life of any individual or individuals may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused.

Sanitary sewer means any sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewage means any combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be unintentionally contained therein.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewer district means the Brevard County sewer district encompassing all of the county with the exception of those areas serviced by systems owned and operated by municipalities and established pursuant to legislative authority.

Sewer or sewerage system means any plant, system, facility or property used or useful, or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage and sewage effluent and residue for the public, including, but not limited to, treatment plants, pumping stations, intercepting sewers, pressure lines, mains, laterals and all necessary appurtenances and equipment thereto, and all property, property rights, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof, excluding therefrom all systems for the collection, treatment, purification or disposal of industrial wastes for manufacturing plants owned or operated by such manufacturing plants.

Standard waste means human and domestic wastes, liquids or matter from plumbing fixtures normally carried off by drains and sewers, including, but not limited to, bath and toilet wastes, laundry wastes, kitchen wastes and other similar wastes from household appurtenances, provided said waste does not exceed 200 ppm each of BOD and suspended solids.

Storm sewer means any drain or sewer for conveying stormwater, surface water or groundwater or unpolluted water from any other source.

User means any person who contributes, causes or permits the contribution of wastewater into the collection system.

Water service line means the extension of the water line from the water meter to or within the building it is servicing.

Water system means any plant, system, facility or property used or useful, or having the present capacity for future use, in connection with the collection, treatment, purification, storage and transmission of potable water to the public, including, but not limited to, wells, treatment plants, storage facilities, pumping stations, pressure lines, mains, laterals and all necessary appurtenances and equipment thereto, and all property, property rights, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof.

SECTION 2. Chapter 110. Utilities., at Article II. Water and Sewer Systems. at Division 2. Sewage Disposal Generally., at Section 110-69. Regulation of discharge to public sewers. is hereby amended to read as follows:

Sec. 110-69. - Regulation of discharges to public sewers.

- (a) No person shall discharge or cause to be discharged into any sanitary sewer any wastewater consisting of inflow or infiltration materials.
- (b) Stormwater, surface water and groundwater and all other unpolluted drainage shall be discharged into those sewers specifically designated as storm sewers, or to a natural outlet approved by the public works department or other county agency responsible for the approval of drainage plans.
- (c) No person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:
 - (1) Any water or wastes containing more than 10.0 mg/l volatile organic carbon (V.O.C.), or any other flammable or explosive liquid, solid, or gas.
 - (2) Cyanides in excess of 2.0 mg/l as cyanide in the wastes as discharged into the public sewer.
 - (3) Any water or wastes having a pH lower than 5.5 or having any other similar corrosive property capable of causing damage to structures, equipment or personnel of the sewerage system.
 - (4) Any paper dishes, cups, milk containers or similar products, whether whole or ground, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags,

feathers, tar, plastics, woods, unground garbage, whole blood, paunch manure, hair and fleshings, entrails or similar solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage works.

- (5) As prohibited by the Fats, Oils and Grease Program, any water or waste containing wax, fats, oils and grease, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (zero degrees and 65 degrees Celsius).
- (d) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes upon written notice thereof from the Director if it appears likely in the opinion of the Director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, public property, or constitute a sanitary nuisance. In forming his opinion as to the acceptability of such wastes, the Director shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewer, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other relevant factors. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (2) Any water or waste containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create a sanitary nuisance, including but not limited to pesticides, herbicides, plating wastes and toxic heavy metals.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Director.
- (4) Any waters or wastes containing any of the following substances in excess of the below listed maximum concentration values, which are hereby deemed hazardous and harmful to the effective and efficient operation of the wastewater treatment process:

Cadmium	0.2 mg/l
Chromium	1.0 mg/l
Copper	6.0 mg/l
Lead	3.0 mg/l

Mercury	0.04 mg/l
Nickel	1.0 mg/l
Silver	1.0 mg/l
Zinc	20.0 mg/l

- (5) Any waters or wastes containing phenols or other taste- or odor-producing substances in concentrations in excess of the limits established by the coordinator necessary for compliance with the requirements of state, federal or other public agencies for discharge into receiving waters.
- (6) Any radioactive wastes or isotopes of such half-life or concentration as to exceed limits established by the Director in compliance with applicable local, state or federal laws, rules or regulations.
- (7) Any waters or wastes having a pH in excess of 8.5.
- (8) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids, including but not limited to fuller's earth, lime, slurries, and lime residues, or of dissolved solids, including but not limited to sodium chloride and sodium sulfate.
 - b. Excessive discoloration, including but not limited to dye wastes and vegetable tanning solutions.
 - c. Unusual Biochemical Oxygen Demand, chemical oxygen demand, or chlorine requirements in such quantities as to constitute excessive load on the sewage treatment works.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed to the extent required for compliance with applicable local, state and federal laws, rules and regulations for discharge into the receiving waters.
- (e) If any waters or wastes are discharged, or are proposed to be discharged into the public sewers, which waters or wastes contain the substances or possess the characteristics enumerated in subsection (a) or (d) of this section, and which in the opinion of the Director, may have a burdensome or deleterious effect upon the sewage works, processes, equipment or receiving waters, or which may otherwise create a hazard to life or constitute a sanitary nuisance, the Director may, upon written notice thereof to the owner:
 - (1) Prohibit discharge of such waters or wastes into the public sewer system.
 - (2) Require pretreatment as a condition for discharge to the public sewer system.

- (3) Establish limits for the quantities and rates of discharge of such waters or wastes.
- (4) Require payment to cover the added cost of handling and treating such waters and wastes not covered by existing sewer charges, including but not limited to any plant expansion or modification necessitated for proper treatment of such waters or wastes.
- (5) Require repairs or modifications to the collection system to eliminate prohibited discharges.

If the Director permits the pretreatment or equalization of waste flows, the design and installation of the required plans and equipment shall be subject to the review and approval of the Director and subject to the requirements of all applicable local, state and federal laws, rules and regulations.

- (f) Lint traps, grease interceptors, grease traps, or sand and oil interceptors shall be provided when, such traps or interceptors are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand or other ingredients prohibited under the terms of this article. All such interceptors and traps shall be of a type and capacity approved by the Director and shall be located so as to be readily and easily accessible for cleaning and inspection. Any removal and hauling of collected materials not performed by the owner's personnel shall be performed by a duly licensed waste disposal firm or organization.
- (g) When preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, such facilities and all appurtenances thereto shall be maintained continuously in satisfactory and effective operating condition by the owner at his expense.
- (h) When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of such wastes. Any manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (i) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods. Sampling methods, location, times, durations and frequencies shall be determined on an individual basis subject to approval by the Director.

- (j) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the county and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the county for treatment.
- (k) In addition to any other requirements herein set forth, any major contributing industry as defined by 40 CFR 128.124 shall comply with 40 CFR 128 and any other regulation as shall from time to time be established by EPA or other appropriate regulating governmental agency or authority.

SECTION 3. Chapter 110. Utilities., at Article II. Water and Sewer Systems. at Division 2. Sewage Disposal Generally., at Section 110-70. Fats, Oil and Grease Management Program. is hereby created as follows:

Sec. 110-70. Fats, Oil and Grease Management Program.

The intent of the Fats, Oil and Grease Management Program is to minimize the introduction of fats, oil and grease and petroleum products into the County owned collection system. Wastes containing fats, oil and grease and petroleum products shall be discharged to the County owned collection system only in accordance with the requirements set forth in this article. All facilities that discharge fats, oil and grease into the County owned collection system, with the exception of single family homes, shall comply with the Fats, Oil and Grease Management Program by installing required grease interceptor or grease trap. All car wash facilities that discharge petroleum products into the County owned collection system shall comply with the requirements of the Fats, Oil and Grease Management Program by installing the required sand and oil interceptor.

SECTION 4. Chapter 110. Utilities., at Article II. Water and Sewer Systems. at Division 2. Sewage Disposal Generally., at Section 110-71. Fats, Oil and Grease Discharge Certificate. is hereby created as follows:

Sec. 110-71. Fats, Oil and Grease Discharge Certificate.

(a) It is unlawful for any facility producing wastes containing fats, oil and grease or petroleum products to discharge into the collection system without first obtaining authorization from the Department. Authorization shall be given in the form of a Fats, Oil and Grease Discharge Certificate. Application for a Fats, Oil and Grease Discharge certificate shall be made to the Department. If the Department determines that the facility meets the criteria provided for under this article, a Fats, Oil and Grease Discharge Certificate shall be issued allowing the facility to discharge of such wastes into the collection system. Each Fats, Oil and Grease Discharge Certificate shall be valid for a period of twelve months. The user shall apply for Fats, Oil and Grease Discharge Certificate reissuance a minimum of sixty days prior to the expiration of the user's existing Fats, Oil and Grease Discharge

Certificate. The terms and conditions of the Fats, Oil and Grease Discharge Certificate shall be subject to any modifications made by the County. No Fats, Oil and Grease Discharge Certificate shall be issued until the required grease interceptor, grease trap and/or sand and oil interceptor has been installed and approved of by the Department.

(b) As a condition precedent to the issuance of a Fats Oil and Grease Discharge Certificate, the user shall agree to hold harmless the County and the County's employees from any liabilities arising from the user's operations under the Fats, Oil and Grease Discharge Certificate.

SECTION 5. Chapter 110. Utilities., at Article II. Water and Sewer Systems. at Division 2. Sewage Disposal Generally., at Section 110-72. Fats, Oils and Grease Management Program Criteria. is hereby created as follows:

Sec. 110-72. Fats, Oils and Grease Management Program Criteria.

(a) Installation of grease interceptor or grease trap or sand and oil interceptor required.

In order to obtain a Fats, Oils and Grease Discharge Certificate, the user shall install the required grease interceptor or grease trap or sand and oil interceptor pursuant to the requirements of this article. All grease interceptors or grease traps or sand and oil interceptors shall be installed, operated, maintained and repaired solely at the user's expense. All users shall submit the following information for the Department's review including, but not limited to, shop drawings, performance data, design criteria, and materials of construction. To assure adequacy and effectiveness, the Department may require repairs, modifications, or replacement of such equipment.

(b) Grease interceptor or grease trap requirements.

(1) In general.

a. Wastes containing fats, oil and grease including materials processed through garbage grinders shall be directed to a grease interceptor or grease trap.

b. Wastes shall be discharged to the grease interceptor or grease trap through the inlet pipe only and in accordance with the design/operating specifications of the grease interceptor or grease trap.

c. Sanitary facilities and other similar fixtures shall not be connected or discharged to the grease interceptor or grease trap.

d. Minimum removal efficiency for grease interceptors for animal fats and vegetable oils shall be eighty percent.

e. The following Food Service Facility Plumbing Equipment, including, but not limited to, shall be connected to a grease interceptor or grease trap:

1. Scullery sinks (two or three compartment)
2. Pots and Pan sinks
3. Floor drains in kitchen and washing areas (not including public restrooms)
4. Pre-wash sinks
5. Dishwashers and other washing machines
6. Automatic hood wash units
7. Indoor garbage car washes
8. Indoor trash compactors

f. Fryers shall not be connected to a grease interceptor or grease trap. The waste from fryers shall be discarded into a covered waste grease container and recycled.

(2) Design and Capacity.

a. Grease interceptors or grease traps shall be designed and constructed in accordance with the provisions of this article, Chapter 64E of the Florida Administrative Code, latest edition, all applicable building codes and state regulations. Design and construction shall be approved by the Department. The following information shall be submitted to request an approval to install the equipment:

1. Shop drawings, plans, and details pursuant to Chapter 64E of the Florida Administrative Code, latest edition.
2. The model and capacity of the tank(s) shall be identified on the plan.
3. A copy of the floor plan and plumbing plan that has been submitted to the Building Department.
4. If applicable, menus.
5. An adequate number of inspection and monitoring points located downstream, such as a control manhole or inspection box, shall be provided.

b. The capacity of the approved grease interceptor or grease trap shall be in accordance with the requirements set forth in Chapter 64E of the Florida Administrative Code, latest edition. Each grease interceptor or grease trap shall service only one business establishment.

(3) Installation.

a. New Facilities.

On or after the effective date of this article, all new facilities that will discharge fats, oil and grease into the County owned collection system shall install an approved, properly operated and maintained grease interceptor. Requests for the installation of hydro-mechanicals may be submitted to the Director and shall be accompanied by a written justification statement for the request. The Director shall have the discretion to approve or deny the installation of hydro-mechanicals or alternative interceptors. Sizing calculations shall be in accordance to the formulas listed in Chapter 64E of the Florida Administrative Code, latest edition.

b. Existing Facilities.

1. Expansion, Renovation or Remodel of Existing Facilities.

On or after the effective date of this article, users of existing facilities who desire to expand or renovate to include a food service facility where such facilities did not previously exist, shall install an approved, properly operated and maintained grease interceptor or grease trap. Sizing calculations shall be in accordance to the formulas listed in Chapter 64E of the Florida Administrative, latest edition. Grease interceptors or grease traps shall be installed prior to the opening or reopening of said facilities. Users of existing facilities who desire to remodel the food preparation or kitchen waste plumbing facilities that are subject to a permit issued by the Building Official shall install an approved, properly operated and maintained grease interceptor or grease trap.

2. Non-compliant Existing Facilities.

a. When an existing facility changes ownership and/or use, within one hundred and eighty days of being notified by the Department of non-compliance, the existing facility that is not in compliance with this article shall be required to install an approved grease interceptor or grease trap.

b. The compliance date under this subsection shall be determined by the Department. Any requests for extensions shall be made in writing to the Department, at least fifteen days prior to the compliance date. The written request shall include the reason for the user's failure or inability to comply with the compliance date, the amount of additional

time needed to complete the remaining work, and the steps to be taken to avoid future delays.

(4) Location.

- a. In general. Grease interceptors or grease traps shall be installed in a location that provides easy access at all times for inspection, cleaning and proper maintenance, including pumping, and shall pose no hazard to public health or safety. Grease interceptors or grease traps shall not be located in low areas subject to flooding. The surface surrounding the grease interceptor or grease traps shall be sloped to drain storm water away from the grease interceptors or grease traps. The Department shall approve the location of the grease interceptor or grease trap prior to installation.
- b. Grease Traps. Grease traps shall be located inside or outside the building in a location accessible for inspection, cleaning and proper maintenance.
- c. Grease Interceptors. Grease interceptors shall be located underground, outside of buildings or structures, and shall not be placed in any type of enclosure. Grease interceptors shall not be located in or near any part of a structure where food handling is done.

(5) Maintenance.

- a. Cleaning and maintenance of the grease interceptor or grease trap shall be performed by the user. Cleaning shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids.
- b. Decanting, backflushing or discharging of removed wastes back into the grease interceptor or grease trap from which the waste was removed or any other grease interceptor or grease trap, for the purpose of reducing the volume to be hauled and disposed is prohibited.
- c. Grease interceptors or grease traps shall be pumped out completely at a minimum frequency of once every ninety days, or more frequently as needed to prevent carry over of fats, oil and grease into the County owned collection system. Grease traps shall be cleaned at a minimum frequency of every thirty days, or more often as necessary to prevent pass through of grease and other food solids to the County owned collection system. Cleaning and maintenance shall include removal of materials from the tank walls, baffles, cross pipes, inlets and outlets.
- d. The user shall be responsible for maintaining the grease interceptor or grease trap in a condition for efficient operation in order to ensure

compliance with this article.

- e. Grease interceptors shall be considered to be out of compliance if the grease layer on top exceeds six inches or the solids layer on the bottom exceeds eight inches or if the Grease/Solids Depth is more than twenty-five percent of the total water column.
- f. Grease interceptors shall be considered out of compliance if there is exposed rebar inside the device or visual evidence of malfunction. The grease interceptor must be rehabbed or replaced within 180 days.
- g. Grease traps shall be considered out of compliance if the baffle, or inlet and/or outlet piping are in poor condition, or improper seal is allowing leaking or odors to escape.
- h. Wastes removed from each grease interceptor or grease trap shall be disposed at a Florida Department of Environmental Protection Agency permitted facility to receive such wastes, in accordance with the provisions of this article. In no way shall the wastes be returned to any private or public portion of the County owned collection system or the treatment plants, without prior written approval from the Department.
- i. Flushing the grease interceptor or grease trap with water having a temperature in excess of 140°F shall be strictly prohibited.
- j. All maintenance of grease interceptors or grease traps, including proper disposal, shall be performed by the user at the user's sole expense.
- k. Any requests for an extension to the required maintenance shall be made in writing to the Department, at least forty-five days prior to the compliance date. The written request shall include the reason for the extension and the steps to be taken to avoid future delays. If a violation or overflow occurs after approval, the extension approval shall be revoked. Notwithstanding the above, all requests for extensions under this section shall be in the sole discretion of the Department. Facilities shall be limited to one extension per calendar year. Extensions granted under this section shall not exceed forty-five days.

(c) Sand and Oil Interceptor Requirements.

(1) In General.

- a. Wastes containing residual or trace amounts of petroleum based fats, oil and grease shall be directed to a sand and oil interceptor.
- b. Wastes shall be discharged to the sand and oil interceptor through the inlet pipe only and in accordance with the design/operating specifications of the sand and oil interceptor.
- c. Sanitary facilities and other similar fixtures shall not be connected or discharged to the sand and oil interceptor.
- d. Minimum removal efficiency for sand and oil interceptors for residual or trace petroleum based grease shall be ninety percent.

(2) Capacity.

- a. Sand and oil interceptors shall be constructed in accordance with the County's Criteria for Water and Sanitary Sewerage Systems within Brevard County, latest edition, all applicable building codes, and state regulations. Construction shall be approved by the Department. The capacity of sand and oil interceptors shall be based on peak flow and where applicable, capable of treating and removing emulsions. Sand and oil interceptors shall be sized pursuant to the County's Criteria for Water and Sanitary Sewerage Systems within Brevard County, latest edition. The following information shall be submitted to request an approval to install the equipment:
 - 1. Shop drawings, plans, and details pursuant to the County's Criteria for Water and Sanitary Sewerage Systems within Brevard County, latest edition.
 - 2. The model and capacity of the tank(s) shall be identified on the plan.
 - 3. A copy of the floor plan and plumbing plan that has been submitted to the Building Department.
 - 4. An adequate number of inspection and monitoring points located downstream, such as a control manhole or inspection box, shall be provided.
- b. The capacity of the approved sand and oil interceptor shall be in accordance with the requirements set forth in the County's Criteria for Water and Sanitary Sewerage Systems within Brevard County, latest edition. Each sand and oil interceptor shall service only one business establishment.

(3) Installation.

a. New Facilities.

On or after the effective date of this article , all new facilities that will discharge petroleum products into the County owned collection system shall install an approved, properly operated and maintained sand and oil interceptor. Sizing calculations shall be in accordance to the formulas listed in the County's Criteria for Water and Sanitary Sewerage Systems within Brevard County, latest edition.

b. Existing Facilities.

1. Expansion, Renovation or Remodel of Existing Facilities.

On or after the effective date of this article, users of existing facilities who desire to expand or renovate to include a car wash facility where such facilities did not previously exist, shall install an approved, properly operated and maintained sand and oil interceptor. Sizing calculations shall be in accordance to the formulas listed in the County's Criteria for Water and Sanitary Sewerage Systems within Brevard County, latest edition. Sand and oil interceptors shall be installed prior to the opening or reopening of said facilities. Users of existing facilities who desire to remodel the car wash facilities that are subject to a permit issued by the Building Official shall install an approved, properly operated and maintained sand and oil interceptor.

2. Non-compliant Existing Facilities.

a. When an existing facility changes ownership and/or use, within one hundred and eighty days of being notified by the Department of non-compliance, the existing facility that is not in compliance with this article shall be required to install an approved sand and oil interceptor.

a. The compliance date under this subsection shall be determined by the Department. Any requests for extensions shall be made in writing to the Department, at least fifteen days prior to the compliance date. The written request shall include the reason for the user's failure or inability to comply with the compliance date, the amount of additional time needed to complete the remaining work, and the steps to be taken to avoid future delays.

(4) Location.

- a. Sand and oil interceptors shall be installed in a location that provides easy access at all times for inspection, cleaning and proper maintenance, including pumping, and shall pose no hazard to public health or safety. The Department shall approve the location of the sand and oil interceptor prior to installation.

- b. Sand and oil interceptors shall be located underground, outside of buildings or structures, and shall not be placed in any type of enclosure.
- c. Sand and oil interceptors shall not be located in low areas subject to flooding. The surface surrounding the interceptor shall be sloped to drain storm water away from the interceptors.

(5) Maintenance.

- a. Cleaning and maintenance shall be performed by the user. Cleaning shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids.
- b. Decanting, backflushing or discharging of removed wastes back into the sand and oil interceptor from which the waste was removed or any other sand and oil interceptor, for the purpose of reducing the volume to be hauled and disposed is prohibited.
- c. Sand and oil interceptors shall be pumped out completely at a minimum frequency of once every ninety days, or more frequently as needed to prevent carry over of fats, oil and grease into the County owned collection system. Cleaning and maintenance shall include removal of materials from the tank walls, baffles, cross pipes, inlets and outlets.
- d. The user shall be responsible for maintaining the sand and oil interceptor in such a condition for efficient operation to ensure compliance with this article.
- e. A sand and oil interceptor shall be considered to be out of compliance if the grease layer on top exceeds six inches or the solids layer on the bottom exceeds eight inches or if the Grease/Solids Depth is more than twenty-five percent of the total water column.
- f. A sand and oil interceptor shall be considered out of compliance if there is exposed rebar inside the device. The sand and oil interceptor must be rehabbed or replaced within 180 days.
- g. Wastes removed from each sand and oil interceptor shall be disposed at a Florida Department of Environmental Protection Agency permitted facility to receive such wastes, in accordance with the provisions of this article. In no way shall the wastes be returned to any private or public portion of the County owned collection system or the treatment plants, without prior written approval from the Department.

- h. Flushing the sand and oil interceptor with water having a temperature in excess of 140°F shall be strictly prohibited.
- i. All maintenance of sand and oil interceptors, including proper disposal, shall be performed by the user at the user's sole expense.
- j. Any requests for an extension to the required maintenance shall be made in writing to the Department, at least forty-five days prior to the compliance date. The written request shall include the reason for the extension and the steps to be taken to avoid future delays. If a violation or overflow occurs after approval, the extension approval shall be revoked. Notwithstanding the above, all requests for extensions under this section shall be in the sole discretion of the Department. Facilities shall be limited to one extension per calendar year. Extensions granted under this section shall not exceed forty-five days.

(d) Inspections.

a. Annual Preventative Inspections. The County shall have the right to inspect all interceptors and traps up to two times per calendar year. There shall be no fee for annual preventative inspections.

b. Re-inspections. If the County determines that any interceptor or trap is out of compliance with the provisions of this article, then the owner shall have thirty days from the date of notice of violation to correct any deficiencies of this article. The cost of re-inspections shall be assessed as follows: the fee for the first re-inspection shall be Three Hundred Dollars, the fee for the second re-inspection shall be One Thousand Five Hundred Dollars and the fee for the third re-inspection shall be Three Thousand and Three Dollars. If compliance is achieved at any re-inspection and payment is made in full to the County then the above-referenced re-inspection fee amount shall reset.

(e) Administrative Procedures.

1. Wastes from grease interceptors or grease traps or sand and oil interceptors shall be tracked by a manifest that confirms pumping, hauling and disposal of waste. This manifest shall contain the following information:

Generator Information:

- Name
- Contact Person
- Address
- Telephone Number
- Volume Pumped
- Date and Time of Pumping

-Name and Signature of generator verifying generator information.

Transporter information:

-Company Name

-Address

-Telephone Number

-Volume Pumped

-Date and Time of pumping

-Driver Name and Signature of transporter verifying
transporter information and service

Destination Information Disposal Site or Facility:

-Company Name / Permit Number(s)

-Contact Person(s)

-Address

-Telephone Number

-Location of Disposal Site/Facility

-Volume Treated

-Date and Time of Delivery

-Driver Name, Signature and Vehicle No.

-Name and Signature of operator verifying
disposal site and facility information

2. At the time of compliance inspection, a log of pumping activities shall be available for review for the previous twelve months. The log of pumping activities shall be posted in a conspicuous location for immediate access by Department personnel. The log shall include the date, time, volume pumped, hauler's name and license number and hauler's signature. The user shall report pumping activities within forty-eight hours to the Department on the form or website so designated by the County for such purposes.
3. The user shall maintain a file on site of the records and other documents pertaining to the facility's grease interceptor or grease trap or sand and oil interceptor. The file contents shall include, but is not limited to, the record (as-built) drawings, record of inspections, log of pumping activities and receipts, log of maintenance activities, hauler information, disposal information and monitoring data. The file shall be available at all times for inspection and review by the Department. Documents in the file shall be retained and preserved for a minimum of five years.
4. The Department may require the user to provide, operate and maintain, at the user's expense, appropriate monitoring facilities, such as a sampling

port, that are safe and accessible at all times, for observation, inspection, sample collection and flow measurement of the user's discharge to the Publicly Owned Treatment Works. The Department may impose additional limitations and monitoring requirements for the discharge to the Publicly Owned Treatment Works in accordance with the provisions set forth in this article.

(f) Enforcement.

1. All violations of this article shall be processed as provided in Section 1-7, of the Brevard County Code of Ordinances, per the provisions of any municipal ordinances for code enforcement, as applicable, and per provisions of Chapter 162, Florida Statutes. Each day of any such violation shall constitute a separate and distinct offense.

2. In addition to any other remedy set forth herein or otherwise provided by law, if a facility or user who violates the provisions set forth in this article, the Department shall have the authority to take one of the following options:

a. Investigate possible violations of this article and seek all available remedies in law or equity, including, but not limited to, an administrative search warrant from a court of competent jurisdiction or an injunction from a court of competent jurisdiction to enforce or restrict any relevant law; or

b. Terminate water and sewer service.

3. The County may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities. The filing of a suit shall not be bar against or a prerequisite for taking any other action against a facility or user.

SECTION 6. Chapter 110. Utilities., at Article II. Water and Sewer Systems. at Division 2. Sewage Disposal Generally., at Section 110-73. Fats, Oil and Grease Management Program Fees. is hereby created as follows:

Sec. 110-73. FATS, OIL AND GREASE MANAGEMENT PROGRAM FEES.

The current schedule of fees for the Fats, Oil and Grease Management Program, which becomes effective upon adoption of this article by the Board of County Commissioners, shall include:

- (1) The initial Fats, Oil and Grease Discharge Certificate application is a no fee certificate. An annual renewal is required. Fats, Oil and Grease Discharge Certificates are non-transferrable.
- (2) Sample collection and laboratory analysis related to enforcement activities shall be at the rates stated in the Schedule of Fees and Costs for the certified commercial laboratory under contract with the County.
- (3) The County may adopt other reasonable fees as deemed necessary to carry out the requirements and programs in this article. These fees relate solely to

the matters covered by this article and are separate from all other fees, fines, and penalties assessed by the County. These fees are charged to recover the costs incurred by the County to implement and enforce the provisions of this article.

Secs. 110-74—110-90. - Reserved.

SECTION 7. CONFLICTING PROVISIONS. In the case of a direct conflict between any provision of this Ordinance and a portion or provision of any other applicable federal, state or county law, rule, code or regulations, the more restrictive shall apply, unless preempted by law.

SECTION 8. SEVERABILITY. If any section, subsection, clause, phrase, word, provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalid unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, provided the remaining portions effectuate purpose and intent of this Ordinance.

SECTION 9. AREA ENCOMPASSED. This Ordinance shall apply throughout the incorporated and unincorporated areas of Brevard County, Florida as to any County owned system. A municipal ordinance shall prevail over this Ordinance within the municipality's jurisdiction as to any system not owned by the County to the extent of any conflict with this Ordinance.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect upon adoption and filing as required by law. A certified copy of this Ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten days of enactment.

DONE, ORDERED AND ADOPTED in Regular Session, this 23 day of February, 2021.

Attest:



Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

As approved by the Board on Feb. 23, 2021.

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Secs. 110-74—110-90. - Reserved.

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Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

As approved by the Board on Feb. 23, 2021.

Department Plan:

Fee Type	Locations	Amount	Revenue
Registration Fee	500	\$100	\$50,000
First Violation	60	\$300	\$18,000
Second Violation	20	\$300	\$6,000
Third Violation	5	\$300	\$1,500

TOTAL REVENUE: \$75,500**District 3 Plan:**

Fee Type	Locations	Amount	Revenue
Registration Fee	500	\$0	\$0
First Violation	60	\$500	\$30,000
Second Violation	20	\$1000	\$20,000
Third Violation	5	\$2000	\$10,000

TOTAL REVENUE: \$60,000