



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

1/10/2023

Subject:

Legislative Intent and Permission to Advertise an amendment to Ordinance for Fats, Oils and Grease (FOG) Management program by amending Chapter 110. Utilities. More specifically Sections 110-70 and 110-72

Fiscal Impact:

Cost of Advertisement

Dept/Office:

Utility Services

Requested Action:

It is requested that the Board consider approval of Legislative Intent and Permission to Advertise an amendment to Ordinance for Fats, Oils and Grease (FOG) Management program by amending Chapter 110. Utilities. Modifying Sections 110-70 and 110-72.

Summary Explanation and Background:

The Utility Services Department is requesting approval of Legislative Intent and Permission to Advertise an amendment to the County's fats, oils, and grease program Ordinance, in particular Section 110-70 and 110-72, as shown below in underline. The amendments shown below provide clear direction regarding vertical multi-unit residential units in their requirements of implementation and inspection and fees associated with the FOG program.

SECTION 2. Section 110-70. entitled Fats, oil, and grease management program. is hereby amended to read as follows:

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 the 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. Vertical multi-unit residential shall comply with the requirements of the fats, oil, and grease management program by installing the required grease interceptor or grease trap for all non-residential areas where fats, oil, and grease may enter the county owned collection system. Non-residential areas include, but are not limited to, common areas or commercial areas within the complex.

SECTION 3. Section 110-72. entitled Fats, oil, and grease management program criteria.

(d) Inspections.

(3) Vertical multi-unit residential. In the circumstance where a fats, oil, and grease obstruction in the County's wastewater collection system is observed and County staff determine after an inspection that the obstruction is caused by a vertical multi-unit residential complex, the Owner(s) of the vertical residential complex will be assessed a \$3,000 fee for the County's effort to rectify the obstruction. If additional occurrences at the same vertical multi-unit residential complex occur within three years from the last occurrence, the Owner(s) of the complex will be assessed a \$5,000 fee.

The County will use the following investigative process to determine the cause of a fats, oil, and grease obstruction:

(a) observe the location of the blockage within the County owned wastewater system,

(b) inspect nearby manhole, lift stations upstream of the vertical residential complex for evidence of fats, oil, grease collection,

(c) inspect the sample port for that building at the point of connection

(d) if evidence shows from the due diligence in (b) and (c) that the complex was the source of fats, oils, grease, then the vertical residential complex will be deemed the cause of the obstruction.

Corrective maintenance related to 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 vertical multi-unit residential complexes by implementing corrective maintenance costs and providing direction on accountability.

This amendment was reviewed and approved by the Building & Construction Advisory Committee (BCAC) at their meeting December 14, 2022.

Clerk to the Board Instructions:

E-mail Clerk Memo to Rose Lyons at: rose.lyons@brevardfl.gov <<mailto:rose.lyons@brevardfl.gov>> and mail original to Utility Services, Attention: Rose Lyons.



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

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January 11, 2023

M E M O R A N D U M

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

RE: Item F.5., Legislative Intent and Permission to Advertise an Amendment to Ordinance for Fats, Oils, and Grease (FOG) Management Program by Amending Chapter 110, Utilities, More Specifically Sections 110-70 and 110-72

The Board of County Commissioners, in regular session on January 10, 2023, granted Legislative Intent and Permission to Advertise an amendment to Ordinance for Fats, Oils, and Grease (FOG) Management program by amending Chapter 110, Utilities, modifying Sections 110-70 and 110-72.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**

A handwritten signature in cursive script that reads "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/pp

cc: Finance
 Budget

ORDINANCE NO. 23-

AN ORDINANCE AMENDING BREVARD COUNTY CODE OF ORDINANCES CHAPTER 110 UTILITIES. AMENDING ARTICLE II. WATER AND SEWER SYSTEMS. AMENDING SECTION 110-36. DEFINITIONS. TO ADD A DEFINITION FOR VERTICAL MULTI-UNIT RESIDENTIAL COMPLEX; AMENDING 110-70. FATS, OIL, AND GREASE MANAGEMENT PROGRAM. TO PROVIDE FOR COMPLIANCE REQUIREMENTS FOR VERTICAL MULTI-UNIT RESIDENTIAL COMPLEXES; AMENDING 110-72. FATS, OIL, AND GREASE MANAGEMENT PROGRAM CRITERIA. TO PROVIDE FOR THE DETERMINATION OF THE CAUSE OF FATS, OIL, AND GREASE OBSTRUCTIONS; AND PROVIDING FOR AREA ENCOMPASSED; ENFORCEMENT; CONFLICTING PROVISIONS; SEVERABILITY; CODIFICATION; AND 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, previously, in 2021, the Board of County Commissioners enacted Ordinance 2021-04, establishing a fats, oil, and grease management program to minimize the disposal of fats, oils, and grease into the County-owned and maintained wastewater system to prevent damage and ensure continued operation of the system; and

WHEREAS, the introduction of fats, oil, and grease by vertical multi-unit residential complexes into the County-owned and maintained wastewater system negatively impacts the operation of the system; and

WHEREAS, at this time, the Board of County Commissioners seeks to specify compliance requirements for vertical multi-unit residential complexes in the previously-established fats, oils, and grease management program to prevent damage to the County-owned and maintained wastewater system; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

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

SECTION 1. Section 110-36. entitled **Definitions.** is hereby amended to read as follows:

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 the county.

Director means the director of utility services department or 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 750 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 750 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 wastes 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 in excess of 100 gallons per inch of pipe diameter per mile of pipe (gal/in/mi).

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.

Official notice means mailing of written notification by the assistant county administrator.

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 the 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, 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.

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.

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.

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.

Vertical multi-unit residential means any building with three or more residential units using a common single lateral.

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. Section 110-70. entitled Fats, oil, and grease management program. is hereby amended to read as follows:

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 the 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. Vertical multi-unit residential shall comply with the requirements of the fats, oil, and grease management program by installing the required grease interceptor or grease trap for all non-residential areas where fats, oil, and grease may enter the county owned collection system. Non-residential areas include, but are not limited to, common areas or commercial areas within the complex.

SECTION 3. Section 110-72. entitled Fats, oil, and grease management program criteria. is hereby amended to read 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 80 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 Code, 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 180 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 15 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 90 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 30 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 25 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 state 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 45 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 45 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 90 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 180 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.

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 15 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 90 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 25 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 state 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 45 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 45 days.

(d) Inspections.

(1) 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.

(2) 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 30 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 \$300.00, the fee for the second re-inspection shall be \$1,500.00 and the fee for the third re-inspection shall be \$3,003.00. 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.

(3) Vertical multi-unit residential. In the circumstance where a fats, oil, and grease obstruction in the County's wastewater collection system is observed and County staff determine after an inspection that the obstruction is caused by a vertical multi-unit residential complex, the Owner(s) of the vertical residential complex will be assessed a \$3,000 fee for the County's effort to rectify the obstruction. If additional occurrences at the same vertical multi-unit residential complex occur within three years from the last occurrence, the Owner(s) of the complex will be assessed a \$5,000 fee.

The County will use the following investigative process to determine the cause of a fats, oil, and grease obstruction:

(a) observe the location of the blockage within the County owned wastewater system,

(b) inspect nearby manhole, lift stations upstream of the vertical residential complex for evidence of fats, oil, grease collection,

(c) inspect the sample port for that building at the point of connection

(d) if evidence shows from the due diligence in (b) and (c) that the complex was the source of fats, oils, grease, then the vertical residential complex will be deemed the cause of the obstruction.

(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 number
- 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 12 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 48 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 this Code, per the provisions of any municipal ordinances for code enforcement, as applicable, and per provisions of F.S. ch. 162. 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 4. Area encompassed. This article shall be applicable in both the unincorporated and incorporated areas, except that this article shall not apply in any municipality that has adopted and maintains in effect ordinances or regulations governing the same matters.

SECTION 5. Conflicting provisions. In the case of direct conflict between any provision of this Ordinance and a portion or provision of any other appropriate federal, state, or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 6. Severability. The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, clause, or phrase herein, is, for any reason, held to be invalid or unconstitutional, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, paragraphs, sentences, clauses, or phrases. Such remaining sections, etc. shall remain in effect, it being the intent that this ordinance shall remain in effect notwithstanding the invalidity of any part.

SECTION 7. Codification. The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word or phrase to incorporate this Ordinance into the Code.

SECTION 8. Effective date. This Ordinance shall take effect immediately upon its adoption and filing as provided by law. A certified copy of this Ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten (10) days of enactment.