

**Ordinance 2017-23**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AMENDMENT OF CHAPTER 86 – UTILITIES, OF THE CITY OF ST. PETE BEACH CODE OF ORDINANCES SECTION(S) 86-147 – 86-153, PERTAINING TO FATS, OILS, AND GREASE (FOG); PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY, PUBLICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission wishes to update the City's regulations pertaining Fats Oils and Grease Management within the City; and

**WHEREAS**, the City Commission has found this Ordinance to be in compliance with the City's consent order issued by DEP dated November 21, 2014; and

**WHEREAS**, the City Commission has found this ordinance is in the best interest, health, safety and welfare of the citizens and visitors of the City.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA HEREBY ORDAINS:**

**SECTION 1.** Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

**SECTION 2.** Chapter 86 – Utilities of the City of St. Pete Beach Code of Ordinances (the “Code”) Sections 86-147 – 86-153 are hereby amended as follows:

**Sec. 86-147. GENERAL PROVISIONS.**

- (a) ***Purpose and policy.*** This article sets forth uniform requirements for food service establishments and automotive related enterprises located within the City of St. Pete Beach and to food service establishments and automotive related enterprises located outside the city who are, by contract or agreement with the city, users of the Wastewater Collection System, herein after referred to as the WWCS. This Article enables the city to comply with all applicable state and federal laws including the Clean Water Act (33 United States Code Sec.1251 et seq.). This article further establishes uniform permitting, maintenance, and monitoring requirements for controlling the discharge of fats, oils and grease from food service establishments and automotive related enterprises discharging to the City of St. Pete Beach WWCS.
- (b) ***Objectives.*** The objectives of this article are:
  - (1) To preclude the introduction of excessive amounts of fats, oils, and grease into the City of St. Pete Beach' wastewater collection and transmission system; and

- (2) To prevent obstruction or blockage of the city's sanitary sewer lines due to grease build-up, attributing to sanitary sewer backups and overflows or releases of wastewater that reach waters of the United States, publicly and privately-owned properties, streets, and residential and commercial buildings, resulting in potential environmental and civil liability to the city; and
  - (3) To protect the health, safety, and welfare of the citizens of and visitors to the City of St. Pete Beach, the integrity of the environment, and regulate the use of the city's wastewater collection and transmission system as required by law; and
  - (4) To set forth the procedures to be followed in administering this article and to provide penalties for violations thereof; and
  - (5) To implement a procedure to recover the costs incurred by the city, including staff time and equipment used, in cleaning and maintaining wastewater collection system lines and disposing of grease blockages; and
  - (6) To implement a procedure to recover costs for any liability incurred by the city for damages caused by grease blockages resulting in the flooding of streets, residences, or commercial buildings and to prevent similar recurrences; and
  - (7) To issue Commercial Wastewater Discharge Permits (CWDPs) to food service establishments and automotive related enterprises requiring grease trap, grease interceptor, and/or oil/water interceptor installation, maintenance, monitoring, compliance, and enforcement activities; and
  - (8) To establish administrative review procedures and reporting requirements; and
  - (9) To establish fees for the recovery of costs resulting from the program established herein; and
  - (10) To establish enforcement procedures for violations of any part or requirement of this article.
- (c) **Administration.** Except as otherwise provided herein, the Director of the Public Services Department (Director), or other such persons as delegated by the City Manager, shall assign the administration of the FOG Management Program to designated staff for implementation and enforcement of the provisions of this article, up to and including fines for non-compliance.
- (d) **Applicability.** The provisions of this article shall apply to all existing food service establishments and automotive related enterprises and to all food service establishments and automotive related enterprises that commence operation on or after the effective date of this article that are located within the municipal boundaries of the City of St. Pete Beach and to all existing food service establishments and automotive related enterprises and to all food service establishments and automotive related enterprises that begin operations on or after the effective date of this article located outside the municipal boundaries of the city, and who are, by contract or agreement with the city, users of the WWCS owned, operated, and maintained by the City of St. Pete Beach, Florida.
- (e) **Severability.** If any clause, sentence, paragraph, section or subsection of these regulations shall be adjudged invalid for any reason whatsoever, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence,

paragraph, section or subsection thereof found to be invalid.

- (f) ***Disclaimer of liability.*** These regulations shall not be construed or interpreted as imposing upon the city, its officials, or employees:
- (1) Any liability or responsibility for damages to any property; or
  - (2) Any warranty that any system, installation, or portion thereof that is constructed or repaired under permits and inspections required by these regulations will function properly. In addition, any employee charged with enforcement, acting in good faith and without malice in the discharge of their duties, shall not thereby be personally liable and is hereby relieved from personal liability for damage that may occur to any person or property as a result of any act required by these regulations.

**Sec. 86-148. DEFINITIONS AND ABBREVIATIONS.**

- (a) ***General definitions.*** Unless the context specifically indicates otherwise, the following terms and phrases used in this article shall have the meaning hereinafter designated as follows:
- (1) ***"Automotive related enterprise"***. An establishment where automotive vehicles are serviced, greased, repaired, or washed and which contribute wastes containing petroleum (hydrocarbon) based oils and greases. Automotive related enterprises shall include, but shall not be limited to, automotive repair garages, gasoline stations with grease racks, and commercial vehicle wash facilities.
  - (2) ***"Automotive related enterprise owner" or "owner"***. In the case of an individual automotive related facility, the owner or proprietor of the automotive related operation. Where the automotive related facility is a franchise operation, the owner of the franchise is the responsible person or entity. Where the automotive related facility is owned by a corporation, the corporate representative is the responsible entity.
  - (3) ***"Best Management Practices" or "BMP"***. Techniques used throughout the food service industry, and have proven effective when implemented properly and consistently.
  - (4) ***"Black water"***. Wastewater from sanitary fixtures such as toilets and urinals.
  - (5) ***"City"***. The City of St. Pete Beach, Florida, or the Board of City Commissioners of St. Pete Beach, Florida and all authorized representatives.
  - (6) ***"Commercial wastewater discharge permit (CWDP)"***. A permit issued by the City of St. Pete Beach, Florida, authorizing the discharge of wastewater to the city's WWCS from a food service establishment or an automotive related enterprise.
  - (7) ***"Control Authority"***. The City of St. Pete Beach, Florida through the Director of the Public Services Department.
  - (8) ***"Director"***. The Director of the City of St. Pete Beach' Public Services Department, or such other persons designated by the City Manager.
  - (9) ***"Expand"***. Anytime a Food Service Establishment increases the flow-through rates

and requires additional grease capacity in the grease trap/interceptor.

- (10) "*Food service establishment*" or "*establishment*" or "*FSE*". Any business or food service facility, which prepares, processes, and/or packages food for sale or consumption, on or off site, with the exception of private residences. Food service establishments shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, delicatessens, bakeries, retail and wholesale meat markets, retail and wholesale seafood markets, lounges, hospitals, nursing homes, assisted congregate living facilities, churches, schools, and all other food service facilities not specifically listed above. For the purpose of this division, food service establishment shall not include a facility that only prepares beverages; an establishment that only sells prepackaged foods, or an establishment that is currently classified as a Significant Industrial User by and permitted through the city's Industrial Pretreatment Program.
- (11) "*Food service establishment owner*" or "*owner*". In the case of individual food service establishments, the owner or proprietor of the food service operation. Where the food service establishment is a franchise operation, the owner of the franchise is the responsible person or entity. Where the food service establishment is owned by a corporation, the corporate representative is the responsible entity. Where two or more food service establishments share a common grease interceptor, the owner shall be the individual who owns or assumes control of the grease interceptor or the property on which the grease interceptor is located.
- (12) "*Garbage*". Solid waste resulting from the domestic or commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce, meats, and seafood.
- (13) "*Garbage disposal*" or "*garbage grinder*". A device which shreds or grinds up waste material into smaller portions prior to discharge into the city's wastewater collection and transmission system.
- (14) "*Gray water*". All of the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer.
- (15) "*Grease*". A material, either liquid or solid, containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit, composed primarily of fats, oils or grease from animal or vegetable sources. The phrases "fats, oils and grease", "FOG", "oil and grease," or "oil and grease substances" shall be included in this definition.
- (16) "*Grease interceptor*". A device located underground and outside of a food service establishment designed to collect, contain, or remove food waste solids and grease from the waste stream while allowing the balance of the liquid waste ("gray water") to discharge to the city's wastewater collection and transmission system by gravity flow or to a privately-owned collection and transmission system, which discharges to the city's wastewater collection and transmission system. Grease interceptors are required whenever and wherever grease waste is produced in quantities that could otherwise cause line stoppage or hinder sewage disposal and shall be in conformance with the provisions of the most current edition of the Florida Plumbing Code and all other

Federal, state, and local regulations.

- (17) "*Grease trap*". A device located inside a food service facility or under a sink designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste ("gray water") to discharge to the city's wastewater collection and transmission system by gravity flow or to a privately-owned collection and transmission system, which discharges to the city's wastewater collection and transmission system. Grease traps shall be in conformance with the provisions of the most current edition of the Florida Plumbing Code.
- (18) "*Grease waste hauler*". A person who collects the contents of a grease interceptor or grease trap and transports it to an approved grease recycling or grease disposal facility. A grease waste hauler may also provide other services to a food service establishment related to grease interceptor maintenance.
- (19) "*Oil/water separator*". A device designed and installed to segregate oil and water to prevent the discharge of oils to the WWCS. Oil/water separators are required where oils are discharged in quantities that could hinder the operation of the WWCS as determined by the city, including, but not limited to, facilities where automotive vehicles are serviced, greased, repaired, or washed.
- (20) "*Registered grease waste hauler list*". A list of grease waste haulers registered with the City of St. Pete Beach in accordance with the provisions outlined in Sec. 86-151 of this article and authorized to collect grease and operate a grease waste hauling business in the city.
- (21) "Renovate". Anytime a Food Service Establishment increases the flow-through rates and requires additional grease capacity in the grease trap/interceptor.
- (22) "*Shall*" is mandatory. "*May*" is permissive.
- (23) "*Significant industrial user*".
  - a. All users subject to categorical standards under Rule 62-625.410, FAC and 40 CFR Chapter I, Subchapter N, which has been adopted by reference in Rule 62-660, FAC; and
  - b. Any other industrial user that:
    1. Discharges an average of 25,000 gallons per day or more of process wastewater to the WWCS (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
    2. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the WWCS; or
    3. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the WWCS's operation or for violating any pretreatment standard or requirement in accordance with Rule 62-625.500(2)(e), FAC.
- (24) "*Wastewater*". The liquid and water-carried industrial or domestic wastes from dwellings, commercial establishments, industrial facilities, and institutions, together with any solids or other pollutants which may be present, whether treated or

untreated, which is contributed into or permitted to enter the WWCS.

(25) "*Wastewater collection and/or transmission systems*" or "*WWCS*". Sewer, pipelines, conduits, manholes, pumping stations, force mains, and all other facilities used for the collection and transmission of wastewater from individual service connections to the wastewater treatment plant intended for the purpose of providing treatment prior to release to the environment.

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

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

#### **Sec. 86-149. GREASE TRAPS, GREASE INTERCEPTORS, AND OIL/WATER SEPARATORS.**

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

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

existing systems, is not in compliance with the Florida Building Code, (Plumbing) within 180 days of notification.

Exception:

In lieu of upgrading or replacing their existing grease interceptor, grease trap and/or oil/water separator, the establishment may submit an action plan to the Control Authority to reflect how modifications and/or additional measures can insure that their system is not contributing fats, oils, and greases in quantities sufficient to cause wastewater collection system line stoppages or necessitate increased maintenance on the city's wastewater collection and transmission system. The action plan shall be in compliance with both the "Design and Performance Criteria for Grease Traps, Grease Interceptors and Water/Oil Separators" and Best Management Practices Manual. The action plan must be submitted within 45 days from notification and must be implemented within 45 days from approval by the Control Authority.

When applying for a permit as required by Section 86-150 (a) the owner of the Food Service Establishment or auto related enterprise shall obtain the services of a licensed Plumber to submit along with the application the following information;

1. Site plan and/or floor plan depicting all grease traps, grease interceptors, and oil/water separators.
2. The size of all grease traps, grease interceptors, and oil/water separators (system(s)).
3. Calculations showing the type and capacity required by the Florida Building Code, Plumbing. The calculations can either utilize the flow-through rates (GPM) or volume (seating/gallons/hours and load factor).
4. If the calculations show that the existing system(s) are deficient, then plans must be submitted to show how the system will be brought into compliance.

(b) **Compliance.** At any time after any food service establishment and automotive related facilities are brought into compliance based on subsection (a) above the city shall require an existing food service establishment or an automotive related facility to install a new oil and grease removal system, or provide action plan as outlined in 2(a) which may include a grease interceptor, grease trap, or oil/water separator that complies with the requirements of the most current edition of the Florida Plumbing Code or to modify, repair, or replace any noncompliant plumbing or existing grease interceptor, grease trap, or oil/water separator within thirty (30) business days of written notification by the Control Authority when any one or more of the following conditions exist:

1. The establishment does not have a grease interceptor, grease trap, or oil/water separator; or
2. The establishment is found to be contributing fats, oils, and greases in

quantities sufficient to cause wastewater collection system line stoppages or necessitate increased maintenance on the city's wastewater collection and transmission system; or

3. The establishment has an irreparable, or defective grease interceptor, grease trap, or oil/water separator; or
4. Renovation of the food preparation or kitchen waste plumbing system is performed, which requires a plumbing permit to be issued by the City of St. Pete Beach; or
5. There is a change in the intended use of the establishment; or
6. The facility has not operated as a food service facility for 6 consecutive months prior to receiving a CWDP application form; or
7. The existing establishment does not have plumbing connections to a grease interceptor, grease trap, or oil/water separator in compliance with the requirements of this article;

(c) **Plumbing connections.** Grease interceptors, grease traps, or oil/water separators shall be installed in accordance with the most current edition of the Florida Plumbing Code, which requires that such grease interceptor, grease trap, or oil/water separator be located in the food service establishment's or automotive related facility's lateral service line between all fixtures which may introduce fats, oils, or greases into the sewer system and the connection to the city's wastewater collection and transmission system. Wastewater from sanitary facilities (black water) and other similar fixtures shall not be introduced into the grease interceptor, grease trap, or oil/water separator under any circumstance and is strictly prohibited.

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

- 1) **Inspection, cleaning and maintenance.** Each FSE shall be solely responsible for the cost of the grease trap's proper installation, inspection, cleaning, and maintenance. Each FSE may contract with a grease waste hauler who is currently permitted by Pinellas County, Florida, or may perform its own grease trap cleaning and maintenance. All grease traps shall be opened, inspected, cleaned, and maintained at a minimum of once per week. In addition to the required weekly cleaning, each FSE shall determine an additional cleaning frequency at which its grease trap(s) shall be cleaned according to the performance standards outlined in the city's guidance document entitled "Design and Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators".
- 2) **Control Authority inspection.** Grease traps shall be periodically inspected by the Control Authority, upon the presentation of proper credentials and identifications, as necessary to assure compliance with this article and to assure proper cleaning and maintenance schedules are being adhered to.

- 3) *Repairs and replacement.* The FSE shall be solely responsible for the cost and scheduling of all repairs to and/or replacement of its grease trap(s). Repairs or replacement required by the Control Authority shall be completed by a specified date of the written notice of required repairs or replacement is received by the establishment. The Control Authority may authorize an extension of time to achieve compliance, if requested by an FSE. If additional time is necessary to come into compliance with the provisions of this article, the FSE may submit an action plan as outlined in 2(a) establishing a schedule for bringing the FSE into compliance on a reasonably agreed upon date.
  - 4) *Disposal.* Grease and solid materials removed from a grease trap shall be containerized and appropriately disposed of in the FSE's solid waste disposal system.
  - 5) *Record keeping.* The FSE shall maintain records of the date, time, and signature of all cleaning and maintenance for each grease trap in a logbook and shall make this logbook available for inspection by the Control Authority upon request.
- (e) ***Grease interceptors.*** Grease interceptors shall be designed and installed in accordance with the most current edition of the Florida Plumbing Code. Each FSE shall operate and maintain its grease interceptor in accordance with the following criteria:
- 1) *Inspection, pumping, and maintenance.* Each FSE shall be responsible for all costs associated with the proper installation, inspection, pumping, cleaning, and maintenance of its grease interceptor. All FSE's that have grease interceptors shall utilize a contracted grease hauler who has been permitted by Pinellas County, Florida. Pumping services shall include the complete removal of all contents, including floating materials, wastewater and bottom sludge and solids from the interceptor.
  - 2) *Pumping frequency.* Each FSE shall have its grease interceptor(s) pumped at a minimum frequency of once every calendar month. There shall be a minimum period of three (3) weeks between each required pumping. In addition to required monthly pumping, each Control Authority shall determine an additional or reduced frequency at which its grease interceptor(s) shall be pumped according to the performance standards outlined in the city's guidance document entitled "Design and Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators".
  - 3) *Control Authority inspection.* Grease interceptors shall be periodically inspected by the Control Authority, upon the presentation of proper credentials and identifications, as necessary to assure compliance with this article and to determine if proper cleaning and maintenance schedules are being adhered to. If, upon inspection, an interceptor is found to exceed the standards outlined in the city's guidance document entitled "Design and Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators", the FSE shall be required to have the interceptor pumped out within seventy-two (72) hours of the inspection date. Failure to pump-out the interceptor shall constitute a violation of this article.
  - 4) *Repairs and replacement.* The FSE shall be solely responsible for the cost and scheduling of all repairs to and/or replacement of its grease interceptor(s). Repairs or replacement required by the Control Authority shall be corrected by a specified date contained in the same written notice that requires the repairs or replacement. The

Control Authority may authorize an extension of time to achieve compliance for an additional sixty (60) calendar days if requested by an FSE. If additional time is necessary to come into compliance with the provisions of this article, the FSE may submit an action plan establishing a schedule for bringing the FSE into compliance on a reasonably agreed upon date.

- 5) *Disposal.* Wastes removed from each grease interceptor shall be disposed of at a facility permitted to receive and treat such wastes. Neither grease nor solid materials removed from the interceptors shall be returned to any grease interceptor, publicly or privately-owned sewer line, publicly or privately-owned manhole, publicly or privately-owned pump station, or any portion of the city's wastewater collection and transmission system or wastewater treatment facility.
- 6) *Record keeping.* Each FSE shall maintain records of cleaning and maintenance of the system, details of any repairs required, and dates of repair completion, and any other records pertaining to the interceptor. These records shall be made available for review upon request by the Control Authority, and shall contain the following information:
  - a. The as-built drawing of the establishment's plumbing system;
  - b. A copy of the current Commercial Wastewater Discharge Permit;
  - c. Receipts from grease pumpers, plumbers, parts suppliers, etc.;
  - d. Log of pumping, cleaning, and maintenance activities; and
  - e. Grease waste hauler information.

The file shall be available at all times for inspection and review by the Control Authority.

- (f) *Oil/water separators.* Oil/water separators shall be designed and installed in accordance with the most current edition of the Florida Plumbing Code. Each automotive related facility shall operate and maintain its oil/water separator in accordance with the following criteria:
  - 1) *Inspection, pumping, and maintenance.* Each automotive related facility shall be responsible for all costs associated with the proper installation, inspection, pumping, cleaning, and maintenance of its oil/water separator. All automotive oil and grease generators that have oil/water separators shall utilize a contracted waste oil hauler.
  - 2) *Pumping frequency.* Each automotive related facility shall have its oil/water separator(s) pumped at a minimum frequency of once every one hundred and eighty (180) days, or more frequently as needed to prevent carry over of oil and grease into the city's WWCS, which shall be determined by the Control Authority.
  - 3) *Control Authority inspection.* Oil/water separators shall be periodically inspected by the Control Authority, upon the presentation of proper

credentials and identifications, as necessary to assure compliance with this article and to determine if proper cleaning and maintenance schedules are being adhered to. If, upon inspection, an oil/water separator is found to exceed the standards outlined in the city's guidance document entitled "Performance Criteria for Grease Traps, Grease Interceptors, and Oil/water Separators", the automotive related enterprise shall be required to have the separator pumped out within seventy-two (72) hours of the inspection date. Failure to pump-out the oil/water separator shall constitute a violation of this article.

- 4) *Repairs and replacement.* The automotive related enterprise shall be solely responsible for the cost and scheduling of all repairs to and/or replacement of its oil/water separator(s). Repairs or replacement required by the Control Authority shall be corrected by a specified date of written notice of requiring the repairs or replacement is received by the facility. The Control Authority may authorize an extension of time to achieve compliance if requested by an automotive related enterprise. If additional time is necessary to come into compliance with the provisions of this article, the automotive related enterprise may submit a compliance schedule establishing a schedule for bringing the automotive related enterprise into compliance on a reasonably agreed upon date.
- 5) *Disposal.* Wastes removed from each oil/water separator shall be disposed of at a facility permitted to receive and treat such wastes. Neither oil nor solid materials removed from the separator shall be returned to any oil/water separator, publicly or privately-owned sewer line, publicly or privately-owned manhole, publicly or privately-owned pump station, or any portion of the city's wastewater collection and transmission system or wastewater treatment facility.
- 6) *Record keeping.* Each automotive related enterprise shall maintain records of cleaning and maintenance of each oil/water separator, details of any repairs required, and dates of repair completion, and any other records pertaining to the oil/water separators. These records shall be made available for review upon request by the Control Authority, and shall contain the following information:
  - a. The as-built drawing of the facility's plumbing system,;
  - b. A copy of the current Commercial Wastewater Discharge Permit;
  - c. Receipts from pumpers, plumbers, parts suppliers, etc.;
  - d. Log of pumping, cleaning, and maintenance activities; and
  - e. Waste oil hauler information.

The file shall be available at all times for inspection and review by the Control Authority.

- 7) *Additives.* Any chemicals, enzymes, emulsifiers, live bacteria, or other grease cutters, dissolving agents, or additives used for the purpose of oil and grease reduction shall be prohibited unless such use has been approved by the Control Authority prior to their addition to grease traps, grease interceptors or oil/water interceptors by the FSE,

the automotive related enterprise or the grease hauler. Material Safety Data Sheets (MSDS) and any other applicable information concerning the composition, frequency of use, and mode of action of the proposed additive shall be sent to the city together with a written statement outlining the procedures for the proposed use of the additive(s). Based upon the information received and any other information solicited from the potential user or supplier, the Control Authority shall permit or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the Control Authority at any time.

- 8) *Alternative grease removal devices or technologies.* Alternative device and technologies such as automatic grease removal systems shall be subject to written approval by the Control Authority prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The Control Authority may approve these types of devices depending on manufacturer's specifications on a case by case basis. The establishment may be required to furnish analytical data demonstrating that oil and grease discharge concentrations to the city's wastewater collection and transmission system will not exceed the limitation established in Chapter 86, Article III of the City of St. Pete Beach' Code of Ordinances.

#### **Sec. 86-150. PERMITTING AND INSPECTION PROGRAM.**

- (a) *Permitting requirements.* All FSE and automotive related enterprises shall be required to apply for and obtain a "Commercial Wastewater Discharge Permit" (CWDP) from the city. The Control Authority shall approve, deny, or approve with special conditions all applications for CWDPs in accordance with the policies and regulations established in this article. The CWDP shall be in addition to any other permits, registrations, or local business taxes which may be required by Federal, State, or local law. It shall be a violation of this article for any FSE or automotive related enterprise identified by the Control Authority to discharge wastewater containing fats, oils, and grease to the City of St. Pete Beach' wastewater collection and transmission system without a current CWDP.
- (b) *Application form.* The Control Authority shall provide an application form for a CWDP. The appropriate form shall be sent to all FSE and automotive related enterprise owners identified by the Control Authority. All establishments required under the terms of this program to obtain a CWDP shall submit a completed application form for a CWDP to the Control Authority at the address shown on the form within thirty (30) calendar day of receipt of the form.
- (c) *Pre-permit inspection procedure.* Once a completed application form has been received, the FSE or automotive related facility shall be inspected by the Control Authority prior to the issuance of the CWDP. During the pre-permit inspection, the information contained in the application form will be verified. The grease interceptor, grease trap, or oil/water separator will be inspected. If all information is verified and the grease interceptor, grease trap, or oil/water separator is in proper working condition, a CWDP will be issued. Additionally, for FSE's, a copy of the Control Authority's information document entitled "Best Management Practices for the Control of Fats, Oils, and Grease", hereby incorporated by reference, will be issued. If the grease interceptor, grease trap, or

oil/water separator requires any maintenance or repairs, or incorrect information has been submitted in the application, the Control Authority shall provide a written notice to correct any deficiencies, including a required time schedule for repairs to be completed prior to a second pre-permit inspection. (Second pre-permit inspections shall be performed after sufficient time to make corrections is provided to allow for corrective action by the establishment to occur. If the facility is not in compliance at the second pre-permit inspection or any subsequent pre-permit inspection,, a charge as outlined in "Appendix A" of the City's fee schedule will be assessed. During the pre-permit inspection process program staff will record all pertinent information required to justify the recuperation of costs incurred by the city for re-inspections.

- (d) **Commercial Wastewater Discharge Permit (CWDP).** The following criteria shall apply to all CWDPs:
- 1) Each CWDP shall be effective for a period not to exceed two (2) years and shall have an effective and an expiration date;
  - 2) The CWDP must be displayed in a conspicuous place where it can be seen by the staff of the establishment;
  - 3) The CWDP shall be issued to a specific user for a specific operation. CWDP's may vary in content and requirements depending on the classification of the FSE or automotive related enterprise and the type(s) of oil and grease removal device(s) installed. A CWDP shall not be transferred or sold to a new owner under any circumstances. A new owner of a FSE or automotive related enterprise is required to apply for a new CWDP;
  - 4) The Control Authority shall provide the establishment with a CWDP renewal application sixty (60) days prior to the existing permit expiration date;
  - 5) An application for renewal of the CWDP shall be submitted at least thirty (30) days prior to the expiration date of the existing CWDP by each applicant wishing to continue to discharge into the city's WWCS. Failure to submit an application in a timely manner shall be in violation of this article;
  - 6) The terms and conditions of the CWDP are subject to modification by the Control Authority during the term of the permit, if conditions or requirements in this article are modified. The user shall be informed of any proposed changes in the issued permit at least sixty (60) days prior to the effective date of the change(s). Any changes or new conditions in the CWDP shall include a reasonable schedule for achieving compliance; and
  - 7) If the establishment changes or expands its scope of service, which will result in a discharge flow change, then a new permit application shall be filed.
- (e) **Right of entry.** Each FSE and automotive related enterprise shall allow the Control Authority and other duly authorized employees or agents of the city, bearing proper credentials and identifications, access at all reasonable times to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling, and testing in accordance with the provisions of this article. The refusal of any FSE or automotive related enterprise to allow the Control Authority entry to or upon the facility's

premises for purposes of system inspection, sampling effluents, or inspecting and copying records or performing such other duties as shall be required by this article shall constitute a violation of this article.

(f) **Inspection.** All FSE's and automotive related facility's shall be inspected as follows:

- 1) *Pre-permit inspection.* Pre-permit inspections shall be conducted by the Control Authority as outlined in subsection (c) above.
- 2) *Routine Inspections.* The Control Authority shall inspect FSE's and automotive related facility's on both an unscheduled and unannounced basis or on a scheduled basis after a CWDP has been issued to verify continued compliance with the requirements of this article. The Control Authority shall also determine if the practices contained in the "Best Management Practices for the Control of Fats, Oils, and Grease", issued to food service establishments, have been implemented. Inspections may include all equipment, food processing and storage areas and may include a review of the processes that produce wastewater discharged from the facility through the grease interceptor, grease trap, or oil/water separator. The Control Authority shall also inspect the grease interceptor, grease trap, or oil/water separator and may check the level of the grease interceptor, grease trap, or oil/water separator contents and/or take samples as necessary. The Control Authority shall record all observations in a written report. Any deficiencies shall be noted, including but not limited to:
  - a. Failure to properly maintain the grease interceptor, grease trap, or oil/water separator in accordance with the provisions of the CWDP and this article; or
  - b. Failure to report changes in operations, or wastewater constituents and characteristics; or
  - c. Failure to keep copies of pumping manifests or receipts; or
  - d. Failure to maintain logs, files, records, or access for inspection or monitoring activities; or
  - e. Failure to obtain or renew the CWDP in a timely manner; or
  - f. Inability of existing grease trap, grease interceptor, or oil/water separator to prevent the discharge of oil and grease into the city's collection and transmission system as evidence by the build-up of oil and grease downstream of the grease trap, grease interceptor, or oil/water separator or the unit is not properly sized; or
  - g. Any other inconsistency with this article that requires correction by the FSE or automotive related enterprise.

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

- 3) *Re-inspections.* The Control Authority shall re-inspect establishments which received deficiency notices after the original inspection. The Control Authority shall inspect any repairs or other deficiencies and shall provide written notice of compliance or non-compliance as the case may be. A first re-inspection shall be performed after a

specified time frame has elapsed to allow for corrective action by the establishment to be completed. In the event of continuing non-compliance, successive re-inspections will be scheduled and shall be charged in accordance with the city's pre-established fee rates as identified in Appendix A to the establishment for the second re-inspection, and all successive re-inspections.

**Sec. 86-151. GREASE WASTE HAULER REQUIREMENTS.**

- (a) ***Pinellas County's "Grease Hauler Program"***. Any person, firm, or business desiring to collect, pump, or haul grease wastes from FSEs serviced by the City of St. Pete Beach' WWCS shall hold and maintain an active and current Pinellas County "Grease Waste Hauler Permit".

Note: The City of St. Pete Beach WWCS does not accept grease waste.

- 1) It shall be unlawful for any identified grease waste hauler to clean or pump out grease interceptors within the city's sanitary sewer service area without a current Pinellas County "Grease Waste Hauler Permit" that is currently on file.
- (b) ***Grease waste hauler requirements.*** Grease waste haulers collecting, pumping, or transporting grease interceptor waste from FSEs located within the city's sanitary sewer area shall adhere to the following:
  - 1) All grease interceptors shall be pumped completely empty. Excessive solids shall be scraped from the walls and baffles, and inlet, outlet, and baffle ports shall be cleared. The re-introduction of gray water shall be strictly prohibited.
  - 2) No grease or gray water will be accepted at the city-owned WWCS. The grease waste hauler shall contract with other privately or publicly-owned, permitted facilities to properly dispose of grease and food solids at their own cost.
  - 3) Compliance with all federal, state, and local regulations regarding the pumping of grease interceptors and the transporting and disposal of their contents is required.
- (c) ***Spill reporting.*** Any accident, spill, or other discharge of grease or gray water, which occurs within the city's sanitary sewer service area, shall be reported to the city by the grease waste hauler as soon as possible, but in no case, not longer than 24 hours after the incident. The grease waste hauler shall be solely responsible for clean-up procedures and costs and shall comply with all procedures contained in federal, state, and local regulations.
- (d) ***Record keeping.*** Grease waste haulers shall retain, and make available for inspection and copying, all records related to grease interceptor maintenance and pumping and grease disposal from FSEs located within the City of St. Pete Beach wastewater collection and transmission service area. These records shall remain available for a period of at least three years. This period may be extended by request of the Control Authority at any time. Failure to provide information to the Control Authority within 14 calendar days of a written request shall be a violation of this article. The Control Authority may require additional record keeping and reporting, as necessary, to ensure compliance with the conditions of this article.

- (e) **Vehicle inspection.** Grease waste haulers shall permit city staff, at any time while performing service to grease interceptors located within the city's sanitary sewer service area, to inspect the grease waste hauler's registered vehicles, cleaning procedures, and hauling records identifying final disposal destination.
- (f) **Disposal.** Waste removed from each grease interceptor shall be disposed of at a facility permitted to receive and treat such waste. Neither grease nor solid materials removed from a grease interceptor shall be returned to any grease interceptor, privately-owned collection and transmission system, or to any portion of the city's wastewater collection and transmission system or wastewater treatment plant.

#### **Sec. 86-152. CHARGES.**

Charges and billing. The charges provided for in this article are utility charges as that term is used in Sec. 86-10 of the Code of Ordinances and are separate and distinct from any and all other utility charges chargeable by the city. Such charges shall be due, payable, collectable, and enforceable as provided in Sec. 86-10 the Code of Ordinances. Charges applicable to this article are as follows:

**All FSEs and AREs will be billed per Appendix "A".**

#### **Sec. 86-153. ENFORCEMENT, FINES, REMEDIES.**

##### **(a) Code Enforcement Actions.**

- (1) Violations of this article shall be enforced as code violations under **Article IX, Chapter 22** of the Code of Ordinances.
- (2) The Director, Operations Manager, and Project Manager of the Public Works Department are designated code inspectors for the purpose of enforcing this article.

##### **(b) Duties of the Control Authority.**

- (1) **Administrative rules.** The director shall establish administrative rules for the enforcement of this article consistent with this article which shall be contained in the Department's Enforcement Response Plan for Commercial User Non-Compliance (ERP). The ERP and any amendments to the ERP shall be approved by resolution of the Board of Commissioners.
- (2) **Recommended compliance periods.** The director or their designee shall establish recommended compliance periods by which various types and categories of violations must be corrected.
  - a. The recommended compliance periods shall be used by code inspectors to calculate the date by which a violation must be corrected. Code inspectors are authorized to deviate from the recommended compliance periods in cases of emergency, where unique conditions and circumstances warrant otherwise, when necessary to protect public health or safety, the environment or the WWCS, or

when no recommended compliance period has been established for the violation. In such cases the code inspector shall consider the seriousness of the violation, the immanency of any threat to public health or safety, the environment or the WWCS, and the length of time it would reasonably require to correct the violation in determining the compliance period and establishing a date when the violation must be corrected.

- b. The recommended compliance periods shall be used by any person prosecuting a violation of this article before the Special Magistrate in making a recommendation to the board regarding an appropriate period of time to allow a violator to remedy a violation. A person prosecuting a violation of this article before the code enforcement board is authorized to deviate from the recommended compliance periods in cases of emergency, where unique conditions and circumstances warrant otherwise, when necessary to protect public health or safety, the environment or the WWCS, or when no recommended compliance period has been established for the violation. In such cases the person prosecuting a violation of this article shall consider the seriousness of the violation, the immanency of any threat to public health or safety, the environment or the WWCS, and the length of time it would reasonably require to correct the violation in determining the compliance period to recommend to the board.
- (3) *Schedule of recommended fines.* The director shall establish a schedule of recommended fines for violations under this article. The schedule of recommended fines shall be contained in the department's ERP, and shall be approved by resolution of the Board of Commissioners. In establishing a schedule of recommended fines, the director shall consider the seriousness of the violation, whether the violation poses a threat to public health or safety, the environment or the WWCS, the immanency of any such threat, and whether the violation is a repeat violation. The schedule of recommended fines shall be used by any person prosecuting a violation of this article in making a recommendation to the code enforcement board regarding the appropriate fine to assess against a violator. A person prosecuting a violation of this article is authorized to deviate from the schedule of recommended fines in cases of emergency, where unique conditions and circumstances warrant otherwise, when necessary to protect public health or safety, the environment or the WWCS, or when no recommended fine has been established for the violation. In such cases the person prosecuting a violation of this article shall consider the factors set forth in this section in determining the fine to recommend.
- (c) **Violations.** A notice of violation (NOV) may be issued to an establishment for any one or more of the following reasons:
- (1) Failure to properly maintain the grease interceptor, grease trap, or oil/water separator in accordance with the provisions of the CWRPD and this article; or
  - (2) Failure to report significant changes in operation, or wastewater constituents and characteristics; or
  - (3) Failure to maintain a file of records on-site at all times; or

- (4) Failure to maintain a record of pumping activities; or
- (5) Failure to provide logs, files, records, or access for inspection or monitoring activities; or
- (6) Failure to apply for or renew a CWDP as required by this article in a timely manner; or
- (7) Any other failure to comply with the requirements of this article or conditions of a CWDP.

(d) **Notice of violation.** A notice of violation under this article shall:

- (1) State the date the violation was discovered,
- (2) State the address where the violation occurred,
- (3) State a clear description of the violation,
- (4) State the specific sections of this article which are being violated,
- (5) Describe in clear terms of the actions necessary to correct or contest the violation,
- (6) State the date by which the violation must be corrected,
- (7) State the name and address of the person issuing the notice, and
- (8) Advise the violator of potential fines and penalties which can be imposed if the violation is not corrected and enforcement actions which the department can pursue if the violation is not corrected within the compliance period.

A notice of violation may refer to more than one violation.

(e) **Compliance schedule.**

- (1) If a violator requests additional time to correct the violation or otherwise achieve compliance after receipt of a NOV, he or she shall submit a compliance schedule to the code inspector on or before the date for compliance set forth in the NOV. The compliance schedule shall describe what actions the violator proposes to take to achieve compliance and prevent its reoccurrence and the date that these actions will be accomplished. The code inspector shall evaluate the request to determine if it is reasonable. In determining the reasonableness of the request, the code inspector shall consider the seriousness of the violation and, the good faith efforts of the violator to correct the violation.
- (2) If the code inspector determines that the request is reasonable, he or she shall issue a written short term compliance schedule to the violator describing the actions required to correct the violation and prevent its reoccurrence and the dates by which such actions shall be accomplished. The code inspector may modify the compliance actions or dates requested by the violator as deemed necessary when issuing a short term compliance schedule. Failure of the violator to comply with the short term compliance schedule shall be deemed a violation of this article.
- (3) If the code inspector determines that the request is unreasonable, he or she shall so notify the violator in writing and request a hearing before the Special Magistrate.

(f) ***Cease and desist orders.***

- (1) When the director or his designate finds that an FSE or an automotive related enterprise is violating the provisions of this article and that such violation poses an imminent and significant threat to public health or safety, the environment or the WWCS, he or she may issue a cease and desist order to the violator directing that the violator immediately cease and desist all such violations and take such other actions as are reasonably necessary to promptly alleviate the threat.
- (2) The cease and desist order shall be in writing and describe the violation and the steps necessary to alleviate the violation. The cease and desist order shall be served on the violator by facsimile, hand delivery or certified mail.
- (3) Failure of the violator to promptly comply with the cease and desist order shall be grounds for the director to immediately suspend the violator's utility service.
- (4) Nothing in this section shall prevent the director or his designate from taking any other action against the violator authorized by this article.

(g) ***Emergency suspension of discharge.***

- (1) The director or his designate may immediately suspend the right of an FSE or an automotive related enterprise to discharge into the WWCS when necessary to stop an immanent and significant threat to the public health or safety, the environment or the WWCS.
- (2) An FSE or an automotive related enterprise notified of an emergency suspension by the director or his designate shall immediately stop or eliminate its contribution to the WWCS. In the event the FSE or automotive related enterprise fails to immediately stop discharging into the WWCS, the director is authorized to take such steps as deemed necessary, including immediate severance of the utility service, to prevent damage or harm to the public health or safety, the environment or the WWCS.
- (3) Nothing in this section shall prevent the director or his designate from taking any other action against the violator authorized by this article.

(h) ***Permit revocation.***

- (1) Any CWDP issued under the provisions of this article is subject to modification, suspension, or revocation in whole or in part during the effective period for cause shown including, but not limited to, any one of the following:
  - a. Falsification of any information submitted as part of the application for the CWDP; or
  - b. Failure to comply with any requirement or regulation concerning discharges to the city's WWCS as provided in Sec. 86 of [the] City Code, or any amendments thereto; or
  - c. Failure to comply with any requirement or regulation contained in this article; or
  - d. Failure to pay charges required by this article, fines, or any assessed surcharges in a timely manner; or
  - e. When necessary to protect the public health, safety, or welfare and the integrity

of the environment.

- (2) In the event the Control Authority determines it is necessary to modify, suspend or revoke in whole or in part a CWDP, the Control Authority shall provide notice and an explanation of its intended action to CWDP holder by personal service or registered mail. Such notice shall advise the CWDP holder that he or she has fourteen days from the date of the notice to file a written appeal of the decision of the Control Authority to the City Manager. The written appeal shall set forth the reason or reasons the CWDP holder contends that the Control Authority's decision is unwarranted or unjustified. As soon as practicable, the City Manager shall schedule a formal hearing with the CWDP holder to provide the CWDP holder an opportunity to be heard on the decision of the Control Authority. Thereafter, the City Manager shall issue a written decision which may affirm, deny or modify the decision of the Control Authority.
- (3) A CWDP holder who's CWDP has been revoked or suspended shall not be allowed to discharge wastewater from a regulated process until a new CWDP has been issued. The new CWDP may subject the CWDP holder to additional requirements and inspections as determined by the Control Authority.
- (i) **Recovery of damages, costs and expenses.** An FSE, automotive related facility, person or entity shall be liable to the city for any damages, costs or expenses sustained or incurred by the city as the result of a violation of this article. The director shall first seek reimbursement of such damages, costs and expenses from the FSE, automotive related facility, person or entity causing such damages, costs or expenses. If reimbursement is not received within a reasonable time, the director shall request that the city attorney take such measures as deemed appropriate, including the filing of a civil suit, to recover such damages, costs or expenses.
- (j) **Remedies nonexclusive.** The remedies provided for in this article are not exclusive. The city may take any, all, or any combination of lawfully permitted actions against a noncompliant establishment, including termination of services. Additionally, the city is authorized to file a civil action, including an action for injunctive relief, in circuit court against a noncompliant establishment.
- (k) **Liability for regulatory fines imposed against the city.** If noncompliance by an establishment causes the city's WWCS to exceed the standards of its domestic wastewater operating permit or otherwise causes the city to be liable for fines or penalties imposed by a state or federal regulatory agency, the establishment shall be liable to the city for such costs.

**SECTION 3.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

**SECTION 4.** Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the

legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

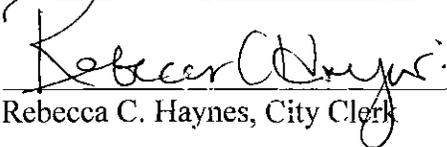
**SECTION 5.** Publication. This Ordinance shall be published in accordance with the requirements of law.

**SECTION 6.** Effective Date. This Ordinance shall become effective immediately upon final passage and adoption.

**FIRST READING:** 10/10/2017  
**PUBLISHED:** 11/03/2017  
**SECOND READING:** 11/14/2017  
**PUBLISHED:** 11/11/2017

  
\_\_\_\_\_  
Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 14<sup>th</sup> day of November, 2017.

  
\_\_\_\_\_  
Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

  
\_\_\_\_\_  
Andrew Dickman, City Attorney