

PART 29: FATS, OILS, AND GREASE MANAGEMENT REGULATION
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CITY OF COLUMBIA REGULATIONS
PART 29
FATS, OILS, AND GREASE MANAGEMENT REGULATION

29.1 **PURPOSE:**

This regulation will be enforced in conjunction with the City of Columbia, South Carolina, Code of Ordinances, Chapter 23 (Chapter 23), and establishes uniform registration, operating, maintenance, cleaning, and inspection requirements designed to limit and control the discharge of fats, oils, and grease from Food Service Establishments (FSEs) into the City's wastewater collection system. The objectives of this regulation include the following:

- 29.1.1 To reduce the introduction of excessive amounts of fats, oils, and grease into City of Columbia (City) wastewater collection system;
- 29.1.2 To reduce fats, oils, and grease related build-up to the City's wastewater collection system that could lead to clogging or blocking of the sewer lines, causing backup and flooding of streets, residences, and commercial buildings, resulting in potential liability to the City;
- 29.1.3 To establish uniform identification numbers along with registration procedures and Global Positioning System Coordinates to be input into GIS to identify food service establishments located within the City wastewater service area;
- 29.1.4 To establish operation, cleaning, and maintenance requirements for food service establishments with grease traps and/or grease interceptors;
- 29.1.5 To establish inspection procedures and requirements for food service establishments with grease traps and/or grease interceptors;
- 29.1.6 To establish review procedures and reporting requirements for food service establishments installing new grease traps and/or grease interceptors; and
- 29.1.7 To establish enforcement procedures for violations of Chapter 23 and any provision of this regulation.

29.2 **DEFINITIONS**

- 29.2.1 *Director* means the City's Director of Utilities and Engineering.
- 29.2.2 *Fats, Oils, and Grease (FOG)* means any material, either liquid or solid, composed primarily of fats, oils, and grease from animal or vegetable sources.
- 29.2.3 *Food Service Establishment (FSE)* means any commercial facility, including, by way of example and without limitation, restaurants, motels, hotels, cafeterias, hospitals, schools, bars, and any other facility which, in the sole discretion of the City, must install a Grease Trap or Grease Interceptor prior to discharging kitchen or food preparation wastewater into the City's wastewater collection system. This definition includes, but is not limited to, any establishment which is required to

have a South Carolina Department of Health and Environmental Control (SCDHEC) food service license and/or permit.

- 29.2.4 *FSE Owner* or *Owner* means, in the case of an individually owned FSE, the Owner(s) and/or proprietor(s) of the FSE. Where the FSE is a franchise operation, the Owner of the franchise is the responsible person and/or entity and is considered the FSE Owner. Where the FSE is owned by a corporation, the corporate representative, as designated on the FOG Registration form, is deemed to be authorized to act on behalf of the corporation. Where two or more FSEs share a common Grease Interceptor, the FSE Owner is any individual and/or entity who owns and/or assumes, maintains, or exercises control of the Grease Interceptor or the property on which the Grease Interceptor is located, as well as any individual and/or entity who utilizes or will utilize the shared Grease Interceptor.
- 29.2.5 *Gray Water* means all of the liquid contained in a Grease Trap or Grease Interceptor that lies below the floating grease layer and above the bottom solids layer.
- 29.2.6 *Grease* means a material, either liquid or solid, composed primarily of fats, oils, and grease from animal or vegetable sources. The terms "FOG," "oil and grease," and "oil and grease substances" shall all be included within this definition and these terms may be used interchangeably.
- 29.2.7 *Grease Hauler* means a person or entity that collects the contents of Grease Traps and/or Grease Interceptors and transports the contents to an approved recycling or disposal facility. A Grease Hauler may also provide other services to FSEs related to Grease Trap and/or Grease Interceptor cleaning and maintenance.
- 29.2.8 *Grease Interceptor* means a large underground concrete vault located outside of an FSE designed to collect, contain, or remove Grease from the waste stream while allowing the sub-straight or Gray Water to discharge to the wastewater collection system by gravity.
- 29.2.9 *Grease Trap* means a device located within an FSE designed to collect, contain, separate, or remove Grease from the waste stream while allowing the sub-straight waste or Gray Water to discharge to the wastewater collection system by gravity.
- 29.2.10 *Inspector* or *City Staff* means an employee of the City, who under the authority of the Director, has responsibility for implementing and who does implement any FOG management regulations.
- 29.2.11 *Program* means the contents of this regulation, Part 29, as implemented by the Director, Inspectors, and City Staff.

29.3 **GREASE TRAPS AND GREASE INTERCEPTORS**

- 29.3.1 ***Requirements:*** All FSEs located within the City of Columbia wastewater service area are required to have a Grease Trap and/or Grease Interceptor properly installed and maintained in accordance with the following: this regulation - *Fats, Oils, and Grease Management – Part 29; Specifications for Grease Traps and*

Grease Interceptors Regulation - Part 30; and all applicable requirements of the City's most recently adopted version of the International Plumbing Code.

29.3.2 **New FSEs:** FSEs which are proposed or newly constructed, and existing FSEs undergoing a change of use which necessitates the issuance of a new SCDHEC food service permit, expansion, or renovation to provide food services, are considered New FSEs. All New FSEs are required to install Grease Traps and/or Grease Interceptors, as appropriate, in compliance with the *City of Columbia Grease Trap and Interceptor Sizing Guide* (located at *Specifications for Grease Traps and Interceptors Regulation - Part 30*, Attachment C). New FSEs are required to operate, maintain, clean, and repair their Grease Traps and Grease Interceptors according to and in compliance with all applicable provisions contained in this regulation. In situations where it is not feasible for a New FSE to install an underground Grease Interceptor, the New FSE is required to install adequate and approved Grease Traps for use on individual fixtures, including, but not limited to: pot sinks, mop sinks, pre-rinse sinks, wok ovens, floor drains, and any other drains where the potential for introduction of Grease exists. In such cases, Grease Traps will be considered adequate and will be approved by the City only if a flow control device is placed on the inlet that prevent overloading and a sample port is placed on the outlet of each Grease Trap.

29.3.3 **Existing FSEs:** Except as provided in Subsection 3.3.1 below, Existing FSEs, which are those FSEs already operating with Grease Traps and/or Grease Interceptors that were installed prior to the effective date of this regulation, will generally be permitted to operate and maintain existing Grease Traps and Grease Interceptors provided they are in proper operating condition and are maintained, cleaned, and repaired in accordance with all applicable provisions contained in this regulation and/or Chapter 23. In the event of noncompliance with this regulation or Chapter 23, the City may, in its sole discretion: (1) allow modifications to be made by the FSE, at the FSE's own expense, to the existing Grease Trap or Grease Interceptor in order to bring it into compliance; or (2) require that the existing FSE install, at its own expense, a new Grease Trap and/or Grease Interceptor that meets the requirements of this and all other applicable laws and regulations including, without limitation, *Specifications for Grease Traps and Interceptors Regulation - Part 30* and Chapter 23.

29.3.3.1 **Grease Traps and Grease Interceptors installed prior to the effective date of this regulation.** If a Grease Trap or Grease Interceptor installed prior to the effective date of this regulation does not allow for measurement and sampling to demonstrate that the Grease Trap or Grease Interceptor is in compliance with this regulation and Chapter 23, the FSE must modify or replace the Grease Trap or Grease Interceptor as provided below no later than December 31, 2018:

- (a) The City, in its sole discretion, may approve a proposed modification of an existing Grease Trap or Grease Interceptor which allows for measurement and sampling of the existing Grease Trap or Grease Interceptor to demonstrate that the Grease Trap or Grease Interceptor is in compliance with this regulation and Chapter 23. Any proposed modification to meet this requirement must be submitted to the City for review no later than June 30, 2018; or

- (b) If not modified pursuant to (a) above, the existing Grease Trap or Grease Interceptor must be replaced with a new Grease Trap or Grease Interceptor, as appropriate, in compliance with the *City of Columbia Grease Trap and Interceptor Sizing Guide* (located at *Specifications for Grease Traps and Interceptors Regulation - Part 30, Attachment C*).

- 29.3.4 ***Plumbing Connections:*** Grease Traps and Grease Interceptors shall be installed in accordance with the requirements contained in all applicable local plumbing codes. Any Grease Trap and/or Grease Interceptor shall be located in the FSE's lateral sewer line between all fixtures which may introduce Grease into the City's wastewater collection system. Wastewater from domestic facilities and other similar fixtures shall not be introduced into a Grease Trap and/or Grease Interceptor by the FSE under any circumstances.
- 29.3.5 ***Grease Traps.*** All Grease Traps shall be installed in accordance with the City's most recently adopted version of the International Plumbing Code. Each FSE shall operate and maintain its Grease Trap in accordance with the following criteria:
 - 29.3.5.1 ***Sizing.*** All Grease Traps shall be sized in accordance with the City of Columbia Grease Trap and Interceptor Sizing Guide (located at *Specifications for Grease Traps and Grease Interceptors Regulation - Part 30, Attachment C*).
 - 29.3.5.2 ***Flow control device and sample port.*** FSEs are responsible for equipping Grease Traps with a device on the inlet side to control the rate of flow through the Grease Trap. The rate of flow shall not exceed the manufacturer's rated capacity in gallons per minute for each Grease Trap. FSEs are also responsible for equipping Grease Traps with a sample port on the outlet side.
 - 29.3.5.3 ***Installation, inspection, cleaning, and maintenance.*** Each FSE shall be solely responsible for the cost of Grease Trap installation, inspection, cleaning, and maintenance. Each FSE must either contract with a Grease Hauler cleaning service or develop a written protocol for and perform its own Grease Trap cleaning and maintenance procedures that meet the requirements of this Program. Cleaning shall include the complete removal of all floating materials, Gray Water, and bottom solids from the Grease Trap. The return of Gray Water back into the Grease Trap or into the City's the wastewater collection system is prohibited. Grease Trap cleaning must include removing/scraping excess solids from walls, floors, baffles, and inlet and outlet piping. It is the responsibility of each FSE to inspect its Grease Trap during and after the pumping and cleaning procedure to ensure that the Grease Trap is properly cleaned out and that the structure is sound and all fittings and fixtures inside the Grease Trap are in working condition and are functioning properly. The FSE Owner must have documentation consisting of inspection, cleaning, and maintenance logs on site in accordance with and demonstrating compliance with this regulation and must be able to produce the documentation immediately upon request of the Inspector and/or City Staff.
 - 29.3.5.4 ***Grease Trap Cleaning Frequency.*** Cleaning and maintenance should generally be performed in accordance with the Grease Trap manufacturer's recommendations. However, despite this provision, cleaning and maintenance must be performed as

often as and in the manner necessary to achieve full compliance with Chapter 23 and this regulation, even if such cleaning and maintenance exceeds that recommended by the manufacturer.

- 29.3.5.5 *Inspection.* Grease Traps shall be inspected by the Inspector as often as necessary in the City's sole discretion to ensure compliance with Chapter 23, and this regulation, and to determine if proper cleaning and maintenance schedules as set forth herein are being adhered to by the FSE. FSEs with Grease Traps are responsible for having qualified staff on hand during any inspection to open and close the Grease Trap.
- 29.3.5.6 *Repairs and replacement.* Each FSE shall be solely responsible for the cost, scheduling, and performance of all repairs and replacements to its Grease Trap(s), including, without limitation, any and all repairs and replacements that may be required by the Inspector and/or City Staff under this Program.
- 29.3.6 ***Grease Interceptors:*** Grease Interceptors shall be designed and installed in accordance with *Specifications for Grease Traps and Interceptors – Part 30* and the City's most recently adopted version of the International Plumbing Code. In the event of a conflict between the two, the most stringent requirements shall apply. Each FSE shall operate and maintain its Grease Interceptor in accordance with the following criteria:
- 29.3.6.1 *Installation, inspection, cleaning, and maintenance.* Each FSE shall be solely responsible for the costs of installing, inspecting, pumping, cleaning, and maintaining its Grease Interceptor(s). All FSEs that have Grease Interceptors shall utilize a Grease Hauler to properly dispose of Grease Interceptor contents. Cleaning shall include the complete removal of all Grease Interceptor contents including floating materials, Gray Water, and bottom solids. The return of Gray Water back into the Grease Interceptor or into the City's wastewater collection system is prohibited. Grease Interceptor cleaning must be performed as often as and in a manner necessary to achieve compliance with Chapter 23 and this regulation. Such cleaning may include removing/scraping and/or hydroscrubbing excessive solids from the walls, floors, baffles and all interior plumbing. It shall be the responsibility of each FSE to inspect its Grease Interceptor during the pumping and cleaning procedure to ensure that the Grease Interceptor is properly cleaned out and that the structure is sound and all fittings and fixtures inside the Grease Interceptor are in working condition and functioning properly. The FSE Owner must have documentation consisting of inspection, cleaning, and maintenance logs on site in accordance with and demonstrating compliance with this regulation and must be able to produce the documentation immediately upon request of the Inspector and/or City Staff.
- 29.3.6.2 *Grease Interceptor cleaning frequency.* Each FSE shall have its Grease Interceptor(s) cleaned at a minimum frequency of twice per year. In addition to this required cleaning, each FSE shall determine an additional frequency at which its Grease Interceptor(s) shall be cleaned in accordance and in compliance with each of the following criteria:

- 29.3.6.2.1 When the floatable Grease layer exceeds six inches in depth as measured with an approved dipping method;
- 29.3.6.2.2 When the settleable solids layer exceeds eight inches in depth as measured with an approved dipping method;
- 29.3.6.2.3 When the total volume of captured Grease and solid material displaces more than 25 percent of the capacity of the Grease Interceptor as calculated with an approved dipping method; or
- 29.3.6.2.4 When the Grease Interceptor is not retaining/capturing FOG so as to comply with the requirements of Chapter 23 and this regulation.
- 29.3.6.3 *Inspection.* Grease Interceptors may be inspected by the Inspector as often as necessary in the City's sole discretion to ensure compliance with this Program, including, without limitation, to determine if proper cleaning and maintenance schedules are being adhered to by the FSE. FSEs with Grease Interceptors that are inaccessible to the Inspector are responsible for having staff readily available during any inspection to provide access to and to open and close the Grease Interceptor for the Inspector. It is the sole responsibility of the FSE to provide the City with access to any inaccessible Grease Interceptor.
- 29.3.6.4 *Repairs and replacement.* Each FSE shall be responsible for the cost, scheduling, and performance of all repairs and replacements to its Grease Interceptor(s), including, without limitation, any and all repairs and replacements that may be required by the Inspector and/or City Staff under the Program.
- 29.3.7 *Additives.* The introduction of chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives into the wastewater collection system is generally prohibited by the City. On very rare occasions the City may, in its sole discretion, approve an FSE's use of additives. FSEs seeking to introduce additives must, prior to their introduction into Grease Traps or Grease Interceptors, submit the following information to the Department of Utilities and Engineering Wastewater Compliance Section for review and consideration: Material Safety Data Sheets and any other applicable information concerning the composition, frequency of use, and mode of action of the proposed additive(s) and a written statement outlining the FSE's proposed use of the additive(s). The FSE may only use the additives if and when the City grants the FSE permission to do so in writing and then may only do so in accordance with the specific parameters set forth by the City therein. Permission to use any specific additive may be withdrawn by the City at any time, upon the City's providing written notice to the FSE.
- 29.3.8 *Alternative Grease Removal Devices or Technologies.* The use of alternative Grease removal devices and technologies, such as automatic grease removal systems, are generally prohibited by the City. On rare occasions, the City may, in its sole discretion, approve the use of this technology and these devices on a case-by-case basis. An FSE may only use alternative Grease removal devices or technologies after receiving permission to do so in writing from the City and then may only do so in accordance with the specific parameters set forth by the City therein. Permission to use any alternative Grease removal devices or technologies

may be withdrawn by the City at any time, upon the City's providing written notice to the FSE.

29.3.9 **Recordkeeping.** Each FSE shall maintain records required hereunder in a bound logbook kept on site at the FSE describing and documenting all cleaning, maintenance, and repairs performed for each Grease Trap and Grease Interceptor including the date and time of each pump out or cleaning and details regarding same; records documenting and detailing any maintenance and/or repairs, and the dates on which such maintenance and/or repairs were performed and completed; and any other records documenting and related to the cleaning, maintenance, and/or repairs for each Grease Trap or Grease Interceptor. The logbook must be made available by the FSE for review by the Inspector and/or City Staff upon request during an inspection. In addition to the records specified above, each FSE shall also maintain a file on-site which contains the following information:

29.3.9.1 A copy of the FSE's FOG Registration form submitted to the City pursuant to Section 4.0 below; and

29.3.9.2 Receipts evidencing and identifying (at least by name, address, and service(s) provided) any individuals and/or entities performing cleaning, maintenance, and/or repairs on each Grease Trap and/or Grease Interceptor including, without limitation, Grease pumpers, Grease Haulers, plumbers, and parts suppliers.

Failure to maintain complete records in accordance with the Program as specified herein or to provide such records to the Inspector and/or City Staff upon request constitutes a violation of this regulation. All records required of an FSE under this regulation must be maintained for the time period consisting of the two (2) years immediately preceding the date of the most recent inspection of the FSE by the City, and for any time period thereafter.

29.3.10 **Disposal.** It is the responsibility of each FSE Owner to ensure that wastes removed from each of its Grease Traps and/or Grease Interceptors are properly disposed of at a facility permitted to receive such wastes.

29.4 **FOG REGISTRATION AND NEW GREASE TRAP/GREASE INTERCEPTOR INSPECTION PROCEDURE**

29.4.1 **Registration Requirements for FSEs.** Each FSE shall be subject to the FOG Registration requirements in this Section 4.0. This FOG Registration is required in addition to any other permits, registrations, or business license(s) which may be required of the FSE by federal, state, or local law or regulation.

29.4.2 **Registration Form.** The City shall provide or make available a FOG Registration form for all FSEs located within the City's wastewater service area. All Existing FSEs are required to submit a completed FOG Registration to the City at the address shown on the form no later than thirty (30) calendar days after receiving notification by the City that registration is required. Failure to do so will constitute a violation of this regulation. New FSEs are required to submit a completed FOG Registration to the City at the address shown on the form prior to beginning construction as described in Section 4.5 below. Each FOG Registration form submitted shall include the following information:

- 29.4.2.1 FSE Owner's name, title, and contact information; FSE contact name, title, and contact information, if different from the FSE Owner; FSE water and sewer account holder contact information; name of FSE; physical address of FSE; telephone number of FSE; and business mailing address of FSE if different from physical address;
- 29.4.2.2 A description of the type of food service activities to be performed at the FSE;
- 29.4.2.3 Seating capacity of the FSE;
- 29.4.2.4 A copy of calculations demonstrating how the size of each Grease Trap and/or Grease Interceptor was determined; a set of plumbing drawings or sketches, including floor plans and riser diagrams; and a site plan showing the location of the sewer discharge(s) and the location of any exterior Grease Interceptors, where applicable (drawings or sketches must have sufficient enough detail to show the location of all kitchen equipment and plumbing fixtures with drains, floor drains, sewer connections, and all Grease Traps and Grease Interceptors);
- 29.4.2.5 For FSEs with Grease Traps, documentation demonstrating that
(a) the Grease Trap is equipped with a device on the inlet side to control the rate of flow through the Grease Trap such that the rate of flow does not exceed the manufacturer's rated capacity in gallons per minute for each Grease Trap; and
(b) the Grease Trap is equipped with a sample port on the outlet side;
- 29.4.2.6 Total hours of operation each day;
- 29.4.2.7 Executed statement of the FSE Owner certifying that the FSE Owner has received, read, understands, and agrees to abide by *Fats, Oils, and Grease Management – Part 29; Specifications for Grease Traps and Grease Interceptors Regulation - Part 30; Chapter 23*, as well as any other applicable federal, state, and local laws and regulations governing the FSE; that the information provided in the FOG Registration form is accurate; that the FOG Registration form was completed at the FSE Owner's direction and with the FSE Owner's approval; that the FSE Owner understands that providing false information or violating the provisions of the above-stated laws and/or regulations may result in termination of the FSE's water and/or sewer service, and/or revocation of the FSE's permitted water and/or sewer capacity; and that if the FSE's water and/or sewer service is terminated, the FSE will have to submit a new FOG Registration form and/or reapply for water and/or sewer service with the City and bear all associated costs; and
- 29.4.2.8 All other information regarding the description of the FSE's operations, including, without limitation, information regarding the FSE's Grease Traps and Grease Interceptors, and treatment of same, as identified on the FOG Registration form.
- 29.4.3 ***FSEs with Shared Grease Interceptor(s)***. In situations where FSEs share one or more Grease Interceptors, the owner of each Grease Interceptor and any FSE and FSE Owner who utilizes or will utilize the shared Grease Interceptor are collectively responsible for completion and submission of the FOG Registration form to the City within the time period required in this regulation, for identifying all FSEs connected to each Grease Interceptor in the FOG Registration form, and

for ensuring that all FSEs connected to that Grease Interceptor comply with this regulation, as well as Chapter 23. All FSEs connected to the shared Grease Interceptor shall be subject to inspections under this regulation. In the event the identity of an FSE connected to the shared Grease Interceptor changes or in the event that an additional FSE connects to the shared Grease Interceptor, the owner of the shared Grease Interceptor, the FSE Owner, and any FSE utilizing or who will utilize the shared Grease Interceptor must submit an updated FOG Registration form identifying the change or the additional FSE to the City at least thirty (30) calendar days prior to the change and prior to the additional FSE connecting to the shared Grease Interceptor.

29.4.4 ***New Grease Trap/Grease Interceptor Inspection Procedure.***

29.4.4.1 *FSE – New Facilities.* After a completed and satisfactory FOG Registration form has been submitted to the City, the FSE may proceed with installation and/or construction of the Grease Trap and/or Grease Interceptor. When installation and/or construction of the Grease Trap and/or Grease Interceptor is completed, the FSE Owner shall notify the City that the FSE is ready for inspection. The FSE Owner shall notify the City prior to covering any exterior Grease Interceptors. During the inspection, the information contained in the FOG Registration form will be verified and the FSE's Grease Traps and/or Grease Interceptors will be inspected. If any Grease Trap or Grease Interceptor requires maintenance or repairs, if any incorrect information has been given, or in the event of noncompliance with any portion of this regulation, the Inspector will issue a written notice requiring that the FSE correct any deficiencies, including a required time schedule for repairs to be effected prior to a second inspection. Second inspections will be performed after a minimum of ten (10) calendar days have elapsed to allow the FSE to implement appropriate and necessary corrective action(s) to correct the deficiencies. If the FSE is not in compliance at the second inspection, the FSE Owner must complete any additional maintenance and/or repairs or take whatever other action may be required for compliance, and resubmit the FOG Registration form. Failure to comply with any portion of this regulation after resubmission of the FOG Registration form may result in enforcement action pursuant to Chapter 23, including, but not limited to, termination or denial of the FSE's water and/or sewer service.

29.4.4.2 *FSE – Existing Facilities.* All Existing FSEs are required to submit a completed FOG Registration form to the City at the address shown on the form no later than thirty (30) calendar days after receiving notification by the City that registration is required. Failure to do so will constitute a violation of this regulation. A new FOG Registration form must be submitted upon change in ownership of the FSE or changes in operations or plumbing changes or additions, including, without limitation, a change of use which necessitates the issuance of a new SCDHEC food service permit; remodeling or expansion of the food preparation area; and/or modifications to the kitchen waste plumbing system. No new Grease Trap or Grease Interceptor may be placed into service until the City has conducted an inspection pursuant to the procedures set forth in Section 4.5.1 above.

29.5 **Inspection Procedure.** All FSEs are subject to inspection as follows:

29.5.1 *Inspections.* The Inspector and City Staff may inspect FSEs at any time during business hours in order to verify continued compliance with all applicable laws and regulations, including, without limitation, requirements of this regulation and Chapter 23. All FSEs which have submitted a FOG Registration will be inspected on a regular basis. Inspections shall include, without limitation, all equipment, food processing and storage areas that discharge into the Grease Traps and/or Grease Interceptors at the FSE. The Inspector and/or City Staff shall also inspect the FSE's logbook and other records and data required to be kept hereunder; Grease Trap(s) and/or Grease Interceptor(s); and may check the level of the Grease Trap and/or Grease Interceptor contents and take samples and/or photographs as deemed necessary in the Inspector's sole discretion. If noncompliance is identified by the Inspector and/or City Staff during an inspection, the Inspector will, after the inspection, issue the FSE a written notice of violation directing the FSE to correct any deficiency. The FSE will be scheduled for re-inspection at the time denoted in the notice of violation.

29.5.2 *Re-inspections.* The Inspector and City Staff will re-inspect FSEs that are issued a notice of violation within the time period specified in the notice of violation. The Inspector shall inspect, without limitation, any repairs made or other corrective measures taken by the FSE with regard to any noted violations and will subsequently provide written notice of compliance or non-compliance to the FSE as the case may be. If, upon re-inspection, the FSE has corrected all of the deficiencies which resulted in the issuance of the notice of violation and the FSE is in full compliance with all other requirements of the Program, the FSE will be notified by the City that it is in compliance.

29.5.3 *Access and Cooperation During Inspections.* Upon the request of the Inspector and other duly authorized employees or agents of the City, each FSE shall allow the Inspector and other duly authorized employees or agents of the City, including, without limitation, City Staff, access to all parts of the FSE premises for inspection, observation, records examination, measurement, sampling, testing and for other purposes in accordance with the provisions of this regulation. The refusal of any FSE to allow the Inspector and/or City Staff entry to or upon the FSE's premises, or an FSE's failure to cooperate in any manner during the course of an inspection, shall constitute an immediate violation of this regulation, which may result in enforcement action pursuant to Section 6.4 of this regulation.

29.5.4 *Non-Compliance:* In the event of continuing non-compliance after re-inspection, the FSE Owner will be notified that continued failure to comply within the time period designated by the City may result in enforcement action pursuant to Chapter 23, including, but not limited to, termination of water and/or sewer service.

29.6 **VIOLATIONS**

29.6.1 *Notices of Violation.* Deficiencies that will result in a finding of noncompliance and issuance of a notice of violation under this Program include the following:

29.6.1.1 Failure of the FSE to allow the Inspector or City Staff access to all parts of the FSE premises for inspection, observation, records examination, measurement,

sampling, testing and for other purposes in accordance with the provisions of this regulation shall constitute an immediate violation;

- 29.6.1.2 Failure of the FSE to properly operate, maintain, clean, and/or repair a Grease Interceptor and/or Grease Trap in accordance with this regulation;
 - 29.6.1.3 Failure of the FSE to report changes in operations or plumbing changes or additions, including, without limitation, a change of use which necessitates the issuance of a new SCDHEC food service permit; remodeling or expansion of the food preparation area; and/or modifications to the kitchen waste plumbing system;
 - 29.6.1.4 Where the FSE is operating an irreparable or defective Grease Trap and/or Grease Interceptor that is in need of replacement;
 - 29.6.1.5 Failure to report a sale or change in ownership of the FSE by submitting a new FOG Registration form within the thirty (30) days and in accordance with the procedures set forth in this regulation;
 - 29.6.1.6 Failure of the FSE to have or maintain plumbing connections to a Grease Trap or Grease Interceptor in compliance with the requirements of this regulation;
 - 29.6.1.7 Failure of the FSE to submit a completed FOG Registration within thirty (30) days after the date of notification by the City that such an application is required to be submitted;
 - 29.6.1.8 Where the FSE is contributing FOG to the City's wastewater collection system in quantities in excess of the allowable limits as established in Chapter 23;
 - 29.6.1.9 Failure of the FSE to maintain and/or retain, or to produce upon the Inspector or City Staff's request, records as required under this regulation for the time period delineated in this Program;
 - 29.6.1.10 Where the FSE has no Grease management in place;
 - 29.6.1.11 Where the FSE Owner and/or any user of a shared Grease Interceptor has failed to identify to the City all FSEs connected to the shared Grease Interceptor in the FOG Registration form in accordance with the requirements of this regulation;
 - 29.6.1.12 Where the FSE previously received a notice of violation under this Program and, upon re-inspection, the FSE remained in noncompliance;
 - 29.6.1.13 Where the FSE, in the sole discretion of the City, has engaged in bad-faith failure or has refused to comply with a notice of violation issued under this Program or has failed to otherwise cooperate with the Inspector and/or City Staff as required by this regulation; and
 - 29.6.1.14 Any other noncompliance with the Program, this regulation, or Chapter 23.
- 29.6.2 *Schedules of Compliance.* Failure to comply with this regulation may result in the following notices of violation with the compliance schedules noted. However,

nothing in this Section 6.2 precludes the City from taking immediate enforcement against an FSE in violation of this regulation or Chapter 23:

- 29.6.2.1 A notice of violation may be issued to the FSE by the City with the following compliance schedule in situations where an Inspector determines:
- (a) that the FSE's Grease Trap and/or Grease Interceptor is irreparable or defective and must be replaced.
 - (b) that an FSE has no Grease management in place;
 - (c) that the FSE has undergone a change of use which necessitates the issuance of a new SCDHEC food service license and/or permit, remodeling, expansion of the food preparation area, or modifications to the kitchen waste plumbing system and has failed to comply with the requirements of Section 3.2 of this regulation;
 - (d) that the FSE does not have or does not properly maintain plumbing connections to a Grease Trap or Grease Interceptor in compliance with this regulation.

FSEs receiving a notice of violation for any deficiency identified above will be required, within fifteen (15) days of the date of the notice of violation, to submit a corrective action plan to the City for consideration, outlining and detailing the scope of work, including a timeline for completion, that meets the requirements set forth in this Program, *Specifications for Grease Traps and Grease Interceptors Regulation - Part 30*, and Chapter 23. If the City approves the corrective action plan, the FSE must construct the improvements at its own expense. Construction must be complete within forty-five (45) days of the date of the City's written approval of the corrective action plan. A pre-construction inspection will be scheduled by the City and the FSE is responsible for notifying the City at least twenty-four (24) hours in advance of the start of construction in order that this inspection can be scheduled.

- 29.6.2.2 A notice of violation may be issued to the FSE by the City with a fifteen (15) day compliance schedule in situations where an Inspector determines:
- (a) that the FSE has failed to adequately clean, maintain, repair, or replace a Grease Trap or Grease Interceptor as determined by the City in accordance with this Program;
 - (b) that the FSE is contributing FOG to the City's wastewater collection system in quantities in excess of the allowable limits as established by the City in Chapter 23;
 - (c) that the FSE has been sold or undergoes a change of ownership or in operations and a new FOG Registration form is not submitted by the New FSE Owner in accordance with the requirements of this regulation;
 - (d) that the FSE has been notified by the City that it must submit a completed FOG Registration form and the FSE has failed to do so within thirty (30) days of the date of notification;
 - (e) that the FSE Owner and/or any user of a shared Grease Interceptor has failed to identify to the City all FSEs connected to the shared Grease Interceptor in the FOG Registration form in accordance with the requirements of this regulation;
 - (f) that the FSE has failed to produce, maintain, or retain maintenance logs, files, or other records required to be kept under this regulation for the time

- period consisting of the two (2) years immediately preceding the date of the most recent inspection at the FSE and any time period thereafter; or
- (g) that the FSE has otherwise failed to comply with the Program in any other manner set forth in this regulation.

- 29.6.2.3 A notice of violation will be issued to the FSE by the City with a seven (7) day compliance schedule in situations where an Inspector determines:
- (a) that the FSE previously received a notice of violation under this Program and, upon re-inspection, the FSE remained in noncompliance; or
 - (b) that the FSE is, in the sole discretion of the City, has engaged in bad-faith failure or has refused to comply with a notice of violation issued under this Program or has failed to otherwise cooperate with the Inspector and/or City Staff as required by this regulation.

- 29.6.3 *Corrective Action.* Where a FSE receives three (3) notices of violation within a one-year time period under this Program, the FSE will be automatically placed on a corrective action plan by the City that is designed to bring the Grease Trap and/or Grease Interceptor into compliance within the period of time specified in the corrective action plan. An FSE may be placed on a corrective action plan for a single violation or combination of violations when, in the discretion of the City, such violation(s) are of a nature or severity which warrants the imposition of a corrective action plan to bring the FSE into compliance with this regulation.

- 29.6.4 *Other Enforcement Action.* Any FSE which violates Chapter 23 or this regulation shall be subject to such other enforcement action as allowed by and in accordance with Chapter 23 and applicable state law, including, but not limited to:
- (a) A civil penalty not to exceed two thousand dollars for each day of violation;
 - (b) Termination of water or wastewater service pursuant to Section 23-111 of Chapter 23; and
 - (c) Criminal penalties pursuant to Section 23-112 of Chapter 23.