

Standard Operating Procedure 003: FOG Risk Level Assessment

Town of Apex Code of Ordinances: Chapter 12 Article IV Fats, Oils and Grease Control Ordinance

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Purpose of Procedure

The purpose of this standard operating procedure is to assign risk levels to Food Service Establishments (FSE's) based on the potential to discharge fats, oils and grease (FOG) into the Sanitary Sewer Collection System which may lead to Sanitary Sewer Overflows (SSO's). Once these risk levels have been assigned, compliance inspections may be scheduled based on the assigned risk level.

Definitions

FOG Control Ordinance – The ordinance for the Town of Apex to govern Establishment's and User's disposal of fats, oils and greases into the collective Sanitary Sewer system.

Fats, Oils and Grease (FOG) - fats, oils, or greases of animal or-plant-based origin.

Food Service Establishment (FSE) – any commercial building that has a kitchen or food preparation area where grease-laden waste is drained into the sanitary sewer system.

Notice of Noncompliance – The first written notice from the Town that a Food Service Establishment is out of compliance with the requirements of the FOG Control Ordinance and will be given a chance to correct this issue with no penalty.

Notice of Violation – A written notice from the Town that an FSE is out of compliance with requirements and has failed to adhere to the Notice of Noncompliance that was previously sent. The FSE will receive a penalty on behalf of the Town for failure to comply. Continual failure to correct the issue will result in escalated penalties or potential water severance.

Water Severance Notice (WSN) – A written notice from the Town that an FSE has effectively ignored all previous issued Notices with no intent to adjust or comply to the requirements of the FOG Control Ordinance. The Notice will serve as documentation that Wake County Health Department will effectively shut off the water for the specified FSE until the corrective action is fixed.

Risk Level 0 – Inactive: Establishment generates no amount of FOG, is an inactive establishment, out of business or classified as non-FSE.

Risk Level 1 – Establishment generates minimal amount of FOG and normally complies with Town FOG regulations.

Risk Level 2 – Establishment generates a moderate or significant amount of FOG and normally complies with Town regulations.

Risk Level 3 – Establishment generates a significant amount of FOG and normally complies with Town regulations.

Risk Level 4 – Establishment generates significant amount of FOG, and or has more than one non-compliance in a 12-month period, and or is located in a grease intensive area.

Procedure

1. FOG Program will evaluate and assign risk levels to all FSE's
2. Risk Levels shall be based on the following:
 - a) Non-compliance history
 - b) Improved compliance history
 - c) Interceptor condition
 - d) Type of FSE
 - e) Change of ownership
 - f) Location (grease intensive areas)
3. Risk levels shall be recorded in the FOG database
4. Assign compliance inspections based on risk levels

5. Additional or less frequent inspections may be scheduled based on changing conditions

Regulations

1. The Town reserves the right to not escalate a Notice of Noncompliance or Notice of Violation dependent on the severity of the issue noted.
2. All Civil Penalties will be delivered to the Establishment's representative and must be either paid by the notified date, or appealed to the FOG Program Manager.
3. FSE's may appeal Notices and Civil Penalties by submitting relative documentation to justify the Establishment's stance. The FSE may submit either electronic or physical copy of this appeal to the FOG Program Manager and shall be received within 7 business days of reviving their Notice.
4. If at any point an FSE receives either a NOV CL III or Water Severance Notice, the FSE will be immediately listed as a Risk Level 4 for a minimum of two years, or until Program Manager deems acceptable for new risk level assessment.

History and Updates

No updates to the FOG Enforcement Response Plan for this version.