

Standard Operating Procedure 001: FOG Enforcement Response Plan

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 is to provide instructions for the proper enforcement response for Food Service Establishments in the Town of Apex to ensure that excessive Fats, Oil, and Grease (FOG) do not accumulate in the Sanitary Sewer Collection System. Excessive accumulation of FOG in the Sanitary Sewer Collection System may lead to a Sanitary Sewer Overflow (SSO).

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) – Food Service Establishment -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.

Procedure

1. If FSE is determined to be out of compliance per SOP 002 (FOG Inspection), a written Notice of Noncompliance will be issued to the Establishment.
2. Follow up with a return inspection when the specified time deadline has passed for the NNC and document in the FOG database. Records violations do not require a follow up inspection if they are submitted electronically prior to the deadline. A records inspection must be completed.
 - a) If FSE has complied with the specified action written in the NNC, no further enforcement is needed.
 - b) If FSE has failed to comply with the specified action in the NNC, then a Notice of Violation Class I will be issued as specified in the FOG Enforcement Response Plan.
3. If a NOV Class I is issued to an FSE, follow up with a return inspection when the specified time deadline has passed for the NOV and document in the FOG database.
 - a) If FSE has complied with the specified action written in the NOV CL I, no further enforcement is needed.
 - b) If FSE has failed to comply with the specified action in the NOV CL I, then a Notice of Violation Class II will be issued as specified in the FOG Enforcement Response Plan.
4. If a NOV Class II is issued to an FSE, follow up with a return inspection when the specified time deadline has passed for the NOV and document in the FOG database.
 - a) If FSE has complied with the specified action written in the NOV CL II, no further enforcement is needed.
 - b) If FSE has failed to comply with the specified action in the NOV CL II, then a Notice of Violation Class III will be issued as specified in the FOG Enforcement Response Plan.
5. If a NOV Class III is issued to an FSE, follow up with a return inspection when the specified time deadline has passed for the NOV and the document in the FOG database.
 - a) If FSE has complied with the specified action written in the NOV CL III, then no further enforcement is needed.
 - b) If FSE has failed to comply with the specified action in the NOV CL III, then a Water Severance Notice will be issued as specified in the FOG Enforcement Response Plan.

6. If a Water Severance Notice is issued, the FOG Program Manager will notify Senior Management, Water Meters Division and the Wake County Health Department.
 - a) The civil penalty for the WSN will be formally addressed and delivered to the Establishment's representative.
 - b) The FSE may appeal the civil penalty with a written response including documentation and justification either electronically or physically submitted to the FOG Program Manager within seven (7) days of the Water Severance Notice.
7. Follow up with a return inspection when the specified time deadline has passed for the water severance after issuing the WSN.
 - a) If the FSE has complied with the specified action in the Water Severance Notice, no further enforcement is needed.
 - b) If the FSE has failed to comply with the specified action in the Water Severance Notice, then the water will be severed on the specified date of the issued WSN.
8. FOG Program Manager will notify all Senior Management, Water Meters Division, and Wake County Health Department of the specified date for water severance for the Establishment.
9. Water service will not be reinstated until all requirements of the Notice of Violation CL III have been met.
10. Once compliance has been met, the FOG Staff must document all relative information in the FOG database. Including emails, pictures, documents videos and communication relevant to complete justification for reinstated water service.
11. FOG Program Manager will notify Senior Management, Water Meters Division and Wake County Health Department that water service is approved to be returned to the Establishment.
12. Inspector or FOG Program Manager will ensure all civil penalties have been paid prior to reinstated water service.

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, for a full calendar year from the incident any other failure found during inspections will relate in immediately starting at a Notice of Violation Class I. This will be considered for Establishments termed "Repeat Offenders".
5. If an Establishment is found to be liable for failing to adhere to the FOG Control Ordinance and upon inspection are deemed the responsible party for an SSO created in the nearby environment, there is cause for immediate issuance of a Notice of Violation Class III.

History and Updates

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