

Memorandum



Date: September 18, 2026

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

Agenda Item No. 2(B)(8)
October 6, 2026

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Report on Review of the County's Fats, Oils, and Grease (FOG) Regulations,
Implementation, and Enforcement - Directive No. 260336

Executive Summary

On February 18, 2026, the Board of County Commissioners (Board) adopted Resolution No. R-128-26, sponsored by Commissioner Juan Carlos Bermudez and Chairman Anthony Rodriguez, directing the County Mayor or County Mayor's designee to study (1) whether the county's fats, oils, and grease (FOG) regulations can be implemented or enforced in a manner that is less financially burdensome on local businesses and (2) whether the county's FOG regulations should be amended for that same purpose, and to provide a report. The County Mayor or County Mayor's designee shall seek input from and collaborate with the U.S. Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) in conducting this study and shall seek the review and approval of the EPA and FDEP as to any proposed amendments to the FOG regulations that the County Mayor or County Mayor's designee may wish to recommend to this Board. The study shall also draw pertinent distinctions between the regulatory requirements applicable to businesses connected to septic tanks and the regulatory requirements applicable to businesses connected to sewer systems.

The Department of Environmental Resources Management (DERM) has provided several recommendations in the directive report with input from the Water and Sewer Department (WASD) and the Department of Regulatory and Economic Resources (RER), through review of the Fats, Oils, and Grease (FOG) regulations, implementation, and enforcement. Some recommendations will require amendments to Chapter 24 of the Code of Miami-Dade County (Code) and prior written consensus with the U.S. Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP). DERM has already begun preliminary discussions with the EPA, which will continue throughout this process.

The FOG Control Program is codified under Sec. 24-42.6 of the Code, adopted in 2018. The intent and purpose of Sec. 24-42.6 is to reasonably safeguard public health, safety and welfare, and protect the sanitary sewer collection, transmission and treatment systems by setting minimum requirements and standards for the design and operation of FOG generating facilities. The recommendations included in the report were considered based on careful analysis to provide relief where feasible, while avoiding costly impacts on utility infrastructure, as well as danger to public health and the environment. The proposed Code modifications aim to reduce the financial burden on local businesses by extending the operational life of existing FOG control devices, under qualifying conditions, and also alleviate some of the time constraints associated with the Code.

Key recommendations:

- Propose amendments to the Code to include a definition for a "breached tank"; provide an exception to repair a breached tank, following an evaluation from a professional engineer or plumbing contractor under a building permit and a final assessment confirming watertight

- repairs have been completed; and provide up to one year for businesses to replace a breached FOG Control Device when repairs are no longer feasible or possible.
- Recommend expanding education and outreach efforts with stakeholders to clarify a damaged tank can and should be repaired immediately to prevent further deterioration that could shorten its useful life.
 - Propose amendments to the Code to provide for additional compliance time between the last FOG Operating Permit and the time a new Certificate of Use (CU) is being applied for. The proposed amendment will recognize the expired permit but may require a condition assessment of the FOG device when expired over 36 months.
 - Propose amendments to the Code to remove the hydromechanical device requirement of 99% removal efficiency for existing devices, allowing businesses to continue using older hydromechanical devices that are still in good working condition and properly sized for the business' operation, and clarifies that applying pump-out frequencies of 30, 60, 90 days are acceptable to account for capacity of the system.
 - Recommend utilizing a combined approach of utilizing compliance status and DERM annual inspections in lieu of the Annual FOG Control Device Certification (i.e. determination based on good standing: no open violations, complete pump-out record history, and satisfactory inspection). If a business is in good standing, the certification requirement shall be reviewed and enforced on a five-year basis.
 - Coordinate with FDEP to determine whether the State will allow the use of hydromechanical grease interceptors for food service establishments that discharge to onsite sewage treatment and disposal (OSTDS) systems within Wellfield Protection Areas.
 - Further review and discussion with FDEP and EPA to specifically address exemptions for certain uses (i.e. office breakrooms; candy/honey producers; child/adult care, churches, and small private/charter schools that cater food service) and FOG generating home-based businesses, including permissible updates to the FOG Guidance Manual.
 - Propose amendments to the Code to allow an existing FOG device without a sampling point to remain in service, provided adequate samples can be collected from its outlet tee. If adequate samples cannot be obtained, a new sampling port may be required, where feasible.
 - Recommend exploring opportunities for a loan program similar to the septic-to-sewer financial assistance program (via grants, zero-percent interest loans, or low-interest loans) for qualifying applicants.
 - Recommend performing analyses and financial modeling for potential fee reductions for qualifying compliant facilities.

Please see the attached report for further analysis of the above recommendations. In accordance with Ordinance No. 14-65 and pursuant to rule 5.06(j) of the Board's Rules of Procedure, this report will be placed on the next available meeting agenda of the full Board without committee review. If you have any questions or require additional information, please contact Loren Parra, Director and Chief Resilience Officer, Department of Environmental Resources Management, at Loren.Parra@miamidade.gov.

Attachment: Report on the County's Fats, Oils, and Grease (FOG) Regulations, Implementation, and Enforcement

c: Geri Bonzon-Keenan, County Attorney
Jess M. McCarty, First Assistant County Attorney

Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners
Page No. 3

Office of the Mayor Senior Staff
Loren Parra, Director, Department of Environmental Resources Management
Yinka Majekodunmi, Commission Auditor
Christina Cicilia, Director, Office of Policy and Budgetary Affairs
Basia Pruna, Director, Clerk of the Board
Eugene Love, Agenda Coordinator

MIAMI-DADE COUNTY



Report on the County's Fats, Oils, and Grease (FOG) Regulations, Implementation, and Enforcement

April 30, 2026

DERM

Department of Environmental Resources Management

Executive Summary

On February 18, 2026, the Board of County Commissioners (Board) adopted Resolution No. R-128-26, sponsored by Commissioner Juan Carlos Bermudez and Chairman Anthony Rodriguez, directing the County Mayor or County Mayor's designee to study (1) whether the county's fats, oils, and grease (FOG) regulations can be implemented or enforced in a manner that is less financially burdensome on local businesses and (2) whether the county's FOG regulations should be amended for that same purpose, and to provide a report. The County Mayor or County Mayor's designee shall seek input from and collaborate with the U.S. Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) in conducting this study and shall seek the review and approval of the EPA and FDEP as to any proposed amendments to the FOG regulations that the County Mayor or County Mayor's designee may wish to recommend to this Board. The study shall also draw pertinent distinctions between the regulatory requirements applicable to businesses connected to septic tanks and the regulatory requirements applicable to businesses connected to sewer systems.

The Department of Environmental Resources Management (DERM) has provided several recommendations in the directive report with input from the Water and Sewer Department (WASD) and the Department of Regulatory and Economic Resources (RER), through review of the Fats, Oils, and Grease (FOG) regulations, implementation, and enforcement. Some recommendations will require amendments to Chapter 24 of the Code of Miami-Dade County (Code) and prior written consensus with the U.S. Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP). DERM has already begun preliminary discussions with the EPA, which will continue throughout this process.

The FOG Control Program is codified under Sec. 24-42.6 of the Code, adopted in 2018. The intent and purpose of Sec. 24-42.6 is to reasonably safeguard public health, safety and welfare, and protect the sanitary sewer collection, transmission and treatment systems by setting minimum requirements and standards for the design and operation of FOG generating facilities. The recommendations included in the report were considered based on careful analysis to provide relief where feasible, while avoiding costly impacts on utility infrastructure, as well as danger to public health and the environment. The proposed Code modifications aim to reduce the financial burden on local businesses by extending the operational life of existing FOG control devices, under qualifying conditions, and also alleviate some of the time constraints associated with the Code.

Key recommendations:

- Propose amendments to the Code to include a definition for a "breached tank"; provide an exception to repair a breached tank, following an evaluation from a professional engineer or plumbing contractor under a building permit and a final assessment confirming watertight repairs have been completed; and provide up to one year for businesses to replace a breached FOG Control Device when repairs are no longer feasible or possible.

- Recommend expanding education and outreach efforts with stakeholders to clarify a damaged tank can and should be repaired immediately to prevent further deterioration that could shorten its useful life.
- Propose amendments to the Code to provide for additional compliance time between the last FOG Operating Permit and the time a new Certificate of Use (CU) is being applied for. The proposed amendment will recognize the expired permit but may require a condition assessment of the FOG device when expired over 36 months.
- Propose amendments to the Code to remove the hydromechanical device requirement of 99% removal efficiency for existing devices, allowing businesses to continue using older hydromechanical devices that are still in good working condition and properly sized for the business' operation, and clarifies that applying pump-out frequencies of 30, 60, 90 days are acceptable to account for capacity of the system.
- Recommend utilizing a combined approach of utilizing compliance status and DERM annual inspections in lieu of the Annual FOG Control Device Certification (i.e. determination based on good standing: no open violations, complete pump-out record history, and satisfactory inspection). If a business is in good standing, the certification requirement shall be reviewed and enforced on a five-year basis.
- Coordinate with FDEP to determine whether the State will allow the use of hydromechanical grease interceptors for food service establishments that discharge to onsite sewage treatment and disposal (OSTDS) systems within Wellfield Protection Areas.
- Further review and discussion with FDEP and EPA to specifically address exemptions for certain uses (i.e. office breakrooms; candy/honey producers; child/adult care, churches, and small private/charter schools that cater food service) and FOG generating home-based businesses, including permissible updates to the FOG Guidance Manual.
- Propose amendments to the Code to allow an existing FOG device without a sampling point to remain in service, provided adequate samples can be collected from its outlet tee. If adequate samples cannot be obtained, a new sampling port may be required, where feasible.
- Recommend exploring opportunities for a loan program similar to the septic-to-sewer financial assistance program (via grants, zero-percent interest loans, or low-interest loans) for qualifying applicants.
- Recommend performing analyses and financial modeling for potential fee reductions for qualifying compliant facilities.

Background

On May 21, 2013, the Board adopted Resolution No. R-393-13, authorizing the execution of the Consent Decree, Case No. 1:12-cv-24400-FAM, effective December 6, 2013, between Miami-Dade County, the United States of America, and the State of Florida, in order to comply with the Federal Clean Water Act (CWA), Chapter 403, Florida Statutes, and the Florida Administrative Code, with the purpose of eliminating sanitary sewer overflows (SSOs) and prohibited bypasses. Discharge of untreated wastewater from Miami-Dade's wastewater collection and transmission system (WCTS) without a permit (SSOs) constitute a violation of the CWA. Since FOG is one of the causes of WCTS' failures and SSOs, the Consent Decree required improvements to the County's FOG Control Program.

Paragraph 19(a) of the Consent Decree required the County to review, evaluate, and revise its existing Grease Trap Ordinance and FOG Control Program, subject to review and approval by the EPA and FDEP.

The proposed Grease Trap Ordinance and FOG Control Program required food service establishments to install and maintain grease interceptors to minimize the discharge of fats, oils, and grease that would otherwise cause blockages leading to sanitary sewer overflows and prohibited sewer bypasses.

On September 7, 2017, the EPA and FDEP gave final approval for amendments to the Grease Trap Ordinance and FOG Control Program, which provided additional design and operation requirements to assist food service establishments, design professionals, contractors, and others with the design, construction, and maintenance of effective FOG control devices.

On February 21, 2018, the Board adopted Ordinance No. 18-22, which codified those amendments in the Code of Miami-Dade County, Florida as Sec. 24-42.6. - Fats, Oils and Grease (FOG) Control Program. The intent and purpose of this section is to safeguard public health, safety and welfare, and protect the sanitary sewer collection, transmission and treatment systems by setting minimum requirements and standards for the design and operation of FOG generating facilities.

This report provides an analysis on (1) whether the county's fats, oils, and grease (FOG) regulations can be implemented or enforced in a manner that is less financially burdensome on local businesses and (2) whether the county's FOG regulations should be amended for that same purpose.

Analysis of Sec. 24-42.6. - Fats, Oils and Grease (FOG) Control Program

Breached FOG Control Devices

The following concerns from the public, particularly from small businesses, have been brought to the county's attention regarding breached FOG Control Devices (FCDs):

- *If an FCD is breached and such breach is the source of prohibited wastewater, FOG, or food waste discharge, the responsible party shall within 90 days obtain from the County all required approvals and permits and install a new FCD that complies with the new and more demanding standards.*
- *A business could have to bear the economic burden of installing a new FCD after a breach, even if such breach was the device's first-ever breach, the breach was minor, and the resulting discharge caused little or no damage to the environment or applicable sewerage system.*

Sec. 24-24.6 Subsections (1) and (2) read as follows:

- (1) No person shall dispose of any wastewater, FOG or food waste, or cause, let, permit, suffer or allow disposal or discharge of any wastewater, FOG or food waste to be disposed or discharged into any stormwater drainage system, ground or groundwater, surface water, private street, public right-of-way, or any other location not approved by the Director or Director's designee.
- (2) When a breached FOG control device is the source of wastewater, FOG or food waste discharge as prohibited above, the FOG generator or FOG control device operator shall:
 - (a) Make temporary repairs within seven (7) days of the date the Director or the Director's designee determines that the FOG control device is breached.
 - (b) Within 30 days of the date the Director or the Director's designee determines that the FOG control device is breached, the FOG generator or FOG control device operator shall submit plans to the Department for review and approval for the installation of a new FOG control device that complies with design requirements in Section 24-42.6(9).
 - (c) Within 90 days of the date the Director or the Director's designee determines that the FOG control device is breached, the FOG generator or FOG control device operator shall obtain all required approvals and permits and install the Department approved FOG control device.
 - (d) Cease the discharge of FOG and wastewater as prohibited above. Failure to stop the discharge of FOG and wastewater as prohibited above shall result in the Director or the Director's designee directing the FOG generator or FOG control device operator to cease operating or ordering the utility providing water service to the facility to cease providing such service.

Analysis:

To initiate this analysis, it is important to clarify what is a breached tank. A breached tank is a failure state where the structure is broken, allowing for leaks, contamination, or groundwater infiltration. This is different from a corroded tank which could be the initiation of a degradation process that could end with a breach and failure of the tank.

The following table shows the differences between corroded and breached tanks:

Feature	Corroded Tank	Breached Tank
Primary Condition	Chemical deterioration (acid attack)	Physical opening/structural break
Visibility	Soft, pitted, crumbling concrete	Visible cracks, holes, separation
Immediate Risk	Impending structural failure	Leaks, ground contamination, fines
Common Cause	Hydrogen Sulfide Gas → Sulfuric Acid	Overloading, corrosion, shifting soil
Typical Remedy	Specialized coating or replacement	Immediate replacement

The above clarification is important because a corroded tank can and should be repaired immediately to prevent further deterioration that could shorten its useful life and trigger breaching and need for replacement as required by the County Code. Expanded education and outreach efforts can help convey this message to business owners, property owners, liquid waste haulers, consultants, and engineers to avoid confusion on breached tank replacement requirements.

FOG Control devices in Miami-Dade County operate within a uniquely vulnerable environmental setting due to the presence of the Biscayne Aquifer, a porous and unconfined groundwater system, and our sole source of drinking water. This condition places a heightened responsibility on all stakeholders to prevent and minimize potential sources of contamination. When an FCD becomes breached, it creates a direct pathway for FOG to enter the Biscayne Aquifer and pollute our drinking water, or for groundwater to flow into the FCD overwhelming the capacity of the downstream sanitary sewer collection system and contributing to system inefficiencies and potential Sanitary Sewer Overflows (SSOs).

Given these risks, immediate temporary repairs are imperative to mitigate potential environmental impacts, such as groundwater infiltration into the FCD and discharge of fats, oils, grease, and food waste into the aquifer. However, by the time a breach is typically identified, the interceptor has often sustained significant structural damage—frequently losing at least 50% of its concrete wall integrity. At this stage, the unit is no longer

structurally sound or functionally reliable, and it poses serious health and safety risks to the facility, the public, and the environment.

An important factor to consider and understand is that FCD tanks need to be watertight. When a tank is breached, it is no longer watertight and its ability to perform as designed has been lost. As per FDEP's list of approved tanks for FCDs, the wall thickness of concrete tanks ranges from 3 to 8 inches. This illustrates the amount of concrete that is lost from a tank's wall prior to that tank becoming breached. Consequently, temporary repairs may provide short-term mitigation but do not address the underlying structural failure. Therefore, the only viable long-term solution is the complete replacement of the FCD with a unit that meets current Code requirements.

Concrete FCDs hold FOG and food waste that create an acidic environment as a result of organic decomposition. To avoid damage to the concrete and extend the useful life of a concrete FCD, it must be properly cleaned/pumped out at the frequency established in the food service establishment's FOG Discharge Control Operating Permit issued by the County. Pump-out frequencies vary from 30 to 90 days, and they are proposed by the Engineer of Record on plans when applying for a building permit to install a new FCD. For facilities operating prior to the enactment of the FOG Ordinance in 2018, the pump-out frequency was established as 90 days for gravity grease interceptors (concrete tanks) and 30 days for hydromechanical grease interceptors.

FOG Discharge Control Annual Operating Permits include conditions such as the following:

- The Fats, Oils and Grease Control Device (FOG control device) shall be cleaned at a minimum every 30 day(s). Solids separator and sampling port shall be inspected daily and cleaned as needed to prevent slow drainage, backups or overflows. An increase in maintenance frequency and/or upgrading of the existing grease interceptor shall be required if it is determined by the Department that discharges into the sanitary sewer system exceed the Sanitary Sewer Discharge Limitations and Pretreatment Standards set forth in Chapter 24 of the Code of Miami-Dade County, or may cause or contribute to blockages in the building drain lines, building sewer, laterals or public sanitary sewer system. If you are not responsible for cleaning of the grease interceptor, notify the Department immediately via email at FOG@miamidade.gov to ensure that permit records for the facility are up to date.
- The Department shall be notified within twenty-four (24) hours of the FOG control device being breached or damaged, making the system non-functional, or inactive. Breached and damaged FOG control devices shall be replaced following plan approval by the Department. No FOG control device shall be altered, modified, installed or removed without prior Departmental approval.

As stated above, when a breached FOG control device is the source of wastewater, FOG or food waste discharge, as prohibited by Sec 24-42.6(1), the FOG generator or FOG control device operator shall comply with the requirements of Sec 24-42.6(2) which includes ceasing the discharge, performing temporary repairs, and plan approval and installation of

a new FCD. Also, it is the FOG generators or FOG control device operators' responsibility, and it is in their best interest, to continuously inspect and maintain the FCD in good operating conditions to extend the life of the FCD and prevent earlier deterioration and final breaching of it.

Recommendations:

Notwithstanding the above and considering the financial cost to businesses and property owners, DERM proposes the following amendments to the Code to provide more time for compliance when an operator is required to replace a breached FCD. These proposed amendments will be discussed with FDEP and EPA:

- Currently, when a tank is breached the Code requires replacement within 90 days.
- The proposed amendments to the Code:
 - Includes a definition for a “breached tank”;
 - Provides an exception to repair a breached tank, following an evaluation from a professional engineer or plumbing contractor under a building permit and a final assessment confirming watertight repairs have been completed;
 - Provides up to one year for businesses to replace a breached FOG Control Device when repairs are no longer feasible or possible.
- Additionally, recommend expanding education and outreach efforts with stakeholders to clarify a damaged tank can and should be repaired immediately to prevent further deterioration that could shorten its useful life.
- This will alleviate financial pressures and time constraints on businesses required to replace a breached tank.

Expired FOG Operating Permit Conditions

The following concerns from the public have been brought to the county's attention regarding situations where a food service establishment's FOG Operating Permit expires:

- *When a FOG generator's FOG operating permit expires, the FOG generator shall comply with revised permit conditions based on new and more demanding requirements.*

Sec. 24-24.6 Subsection (4)(f) reads as follows:

- (4) Existing FOG generators with a current FOG operating permit issued prior to the effective date of this section, not proposing to increase seating capacity, dining area or drive-thru capacity, nor proposing to make any other modification, any of which will increase the discharge of FOG, shall comply with the following:

- (f) FOG generators shall comply with their current FOG generator operating permit conditions until the permit expires. Thereafter, FOG generators shall comply with permit conditions based on Section 24-42.6(10) requirements.

Analysis:

Subsection 24-42.6(4) refers to existing FOG generators with a current FOG operating permit issued prior to March 5, 2018. All FOG Annual Operating Permits have an issuance and an expiration date: January 1 and December 31, respectively. It is important to note that permits issued in 2018 already included Operating Conditions based on Section 24-42.6(10) of the Code. Essentially, Subsection 24-42.6(4)(f) clarifies that those FOG generators shall continue to comply with their current operating permit conditions until the permit expires. Thereafter, those FOG generators shall comply with permit conditions based on newly codified Section 24-42.6(10) requirements. Those requirements are related to the operation of the FCD and have not been modified since they became effective in 2018.

Currently, all the FOG Annual Operating Permits contain conditions based on the same requirements, therefore if a permit expires today, the renewed permit will still require that the operator complies with the same Operating Conditions based on subsection 24-42.6(10).

It appears the public's concern related to this issue is a matter of misunderstanding and provides opportunity for a point of clarification. The codified language did not alter the requirements that were already embedded into every food service establishment's FOG Annual Operating Permit Conditions.

Changes in Ownership and/or Modifications

The following concerns from the public, particularly from small businesses and tenants, have been brought to the county's attention regarding changes in ownership or modifications to a food service establishment:

- *When a business changes ownership or makes another change that requires the issuance of a certificate of use, certain circumstances, such as proposed construction or changes to the back of house, may require that the business comply with new and more demanding standards for the business's FOG control devices.*

Sec. 24-42.6 Subsections (7)(a), (b), (c) and (d) read as follows:

- (7) Notwithstanding any provision of this Code, no county or municipal officer, agent, employee or board shall approve, grant or issue any building permit, certificate of occupancy, certificate of completion, certificate of use or municipal occupational license for a FOG generator or FOG control device operator until prior written approval of the Director or the Director's designee has been obtained. Furthermore, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any FOG generator or FOG

control device until prior written approval of the Director or the Director's designee has been obtained.

- (a) For new FOG generators or FOG control operators discharging to a utility or non-utility owned or operated sanitary sewer collection system or to an onsite sewage treatment and disposal system located in a wellfield protection area of any utility potable water supply wells, the Director or the Director's designee shall not issue a written approval until the Director or the Director's designee finds that:
 - (i) For the issuance of a building permit, construction plans have been found to be in compliance with Section 24-42.6(8).
 - (ii) For the issuance of a certificate of occupancy, certificate of completion, or municipal equivalent, the FOG control devices have been inspected by the Department and found to be in compliance with Section 24-42.6(9) and with Department approved construction plans pursuant to Section 24-42.6(7)(a)(i). Compliance with approved plans shall be determined by construction inspection. No building/plumbing permit final inspection, certificate of occupancy or certificate of completion shall be issued prior to the Department's inspection finding that the FOG control devices have been installed in compliance with Department approved construction plans.
 - (iii) For the issuance of a certificate of use or municipal equivalent, the FOG operating permit application has been submitted and found to be in compliance with Sections 24-18(A)(18), 24-42.6(10), 24-42.6(7)(a)(i) and 24-42.6(7)(a)(ii).
- (b) For existing FOG generators discharging to a utility or non-utility owned or operated sanitary sewer system or discharging to an onsite sewage treatment and disposal system located in a wellfield protection area of any utility potable water supply wells, proposing to increase seating capacity, dining area or drive-thru capacity, or other modification any of which will increase the discharge of FOG, the Director or the Director's designee shall not issue a written approval until the Director or the Director's designee finds that the proposed increased seating capacity, dining area or drive-thru capacity, or other modification any of which will increase the discharge of FOG, complies with Section 24-42.6 (7)(a)(i), (ii) and (iii).
- c) For changes in ownership or other changes that require the issuance of a certificate of use, municipal occupational license, or equivalent municipal approval to operate or use a business, the Director or the Director's designee shall not issue a written approval until the Director or the Director's designee finds that:

- (i) The prior use had a valid FOG operating permit within the last 12 months.
 - (ii) There is no construction proposed or required.
 - (iii) There are no changes to the back of house.
 - (iv) No changes have been made, or are proposed, to the plumbing system, use, or facility operations that will impact the FOG control device.
 - (v) A FOG control device condition assessment is performed by a licensed plumber or Florida Professional Engineer and the findings, submitted to the Department in a form prescribed by the Director or the Director's designee, show that the FOG control device is functioning in accordance with the manufacturer's specifications and instructions and that the sampling point complies with Section 24-42.6(8).
- (d) For changes in ownership or other changes that require the issuance of a certificate of use, municipal occupational license, or equivalent municipal approval to operate or use a business, that do not comply with Section 24-42.6(7)(c) shall be required to comply with Section 24-42.6(7)(a)(i), (ii) and (iii) prior to the Department approval of the change in ownership or other changes that require the issuance of a certificate of use, municipal occupational license, or equivalent municipal approval to operate or use a business.

Analysis:

In order to understand how seemingly minor changes to an FSE could trigger substantial changes, it is important to note the definitions of FOG and FOG Control Device. Sec. 24-5 (119) of Miami-Dade County Code defines Fats, Oils and Grease. *Fats, Oils and Grease* or *FOG* shall mean any substance such as vegetable or animal product used in, or a byproduct of, the cooking, food preparation, or cleaning process, that can cause or lead to corrosion, blockages, reduced flow, or interference with the sanitary sewer system when discharged alone or combined with other materials or waste. EPA Method 1664 referenced in Section 24-42.4 determines extractable materials including relatively non-volatile hydrocarbons, vegetable oils, animal fats, waxes, soaps, greases, and related materials which encompass FOG. Therefore, any change in the cooking, food preparation, cleaning process, or type of food service could require a full FOG review.

Also, Sec. 24-5(133) of Miami-Dade County Code defines FOG Control Device. *FOG Control Device* shall mean equipment designed to remove, hold and prevent the passage of FOG to onsite sewage treatment and disposal systems and sanitary sewer systems.

Prior to 2018, there were no regulatory requirements for proper sizing of FOG Control Devices and as a result, large FOG generators were approved to operate with undersized systems that did not capture FOG in an efficient way, causing sewer system blockages and SSOs. However, considering that back in 2018 there were over eight thousand active

(permitted) FOG generators in the County, it would have been unfeasible to require that all the FCSs be upgraded at once. Also, FSEs have a high turnover rate and this turnover provides the opportunity to require upgrades based on the proposed operation. Consequently, the county codified several system-upgrade triggering actions that have allowed for continuous upgrading of previously installed systems, while allowing FSEs to continue their operation if previously permitted and in compliance with operational requirements.

When changes are proposed to a facility that previously had a FOG Operating Permit, those changes are analyzed on a case by case by the County's FOG Plan Reviewers. Not all changes will result in a requirement to upgrade the existing grease interceptor. For example, adding an oven, a stove, or relocating a three-compartment sink could not trigger an upgrade. However, if a three-compartment sink or a dishwasher are added, or for changes in the previous use, sitting capacity or area, the reviewers will require the applicant to demonstrate that there is a FCD that can handle the new FOG loads or to propose and install a new FCD.

As per subsection 24-42.6 (7)(c), if all the above listed items (i) through (v) are complied with, changes in ownership or other changes that require the issuance of a certificate of use, municipal occupational license, or equivalent municipal approval to operate or use a business, will be issued with no required changes to the FCD or system.

Consequently, a change in ownership does not trigger by itself an upgrade of the FOG Control System. A situation when it could trigger an upgrade is when along with a change in ownership (or without a change in ownership), the facility proposes or needs changes that will impact the characteristics, capacity, and operation of the FOG Control System. These could be changes to the Food Service Establishment (FSE) type, increased seating capacity, dining area, or drive-thru capacity. All of these things imply an increase in food service production. At that point, per code, there is a need to determine if the existing FOG Control System has capacity for this increase and is in compliance with subsection (7)(d). These triggers are important because if an FSE is allowed to increase their food production without also ensuring the FCD system is adequate, it can result in excess FOG discharged to the sanitary sewer system, causing blockages and SSOs.

Due to a number of different factors, a property formerly permitted to generate FOG could be vacant for more than 12 months. The 12-month lapse in having a valid operating permit was included as a trigger to review outdated systems as many were undersized for the FSE's operations prior to the new FOG Ordinance and encourage facilities to keep or obtain their operating permit and comply with permit conditions.

It is noted that the FOG ordinance is unique, when compared to Florida Building Code flexibility that allows for grandfathering in certain circumstances, where approval can be determined as substantial compliance if the facility is compliant with the applicable building code as it was written during the time it was constructed and non-conforming use principles. However, due to the Consent Decree and above situations implying an increase in FOG production, the same grandfathering concept may negatively impact the sanitary sewer

collection and transmission system by continuing to allow the discharge of excess FOG. In addition, it is very important to understand that compliance with FOG requirements under Chapter 24 and GDO permits, prior to 2018, was conditioned to FCD's effluent discharges not exceeding 100 mg/L as a grab sample, or 50 mg/L as a daily average for Oil and Grease. The 2018 FOG Control Program amendments increased the FOG concentration threshold to 150 mg/L while providing detailed design and operational requirements. Grandfathering FCDs designed, installed, and in operation prior to 2018, could set them to comply with 100 mg/L rather than the current , more lenient, 150 mg/L of FOG effluent discharges.

Recommendations:

Notwithstanding the above and considering the financial cost to businesses and property owners, the following proposed amendments will be discussed with FDEP and EPA:

- Currently, when a FOG Operating Permit expires and is inactive for more than 12 months, a new business is required to comply with current Code requirements when applying for a new Certificate of Use (CU).
 - The proposed amendment will recognize the expired permit but may require a condition assessment of the FOG device when expired over 36 months between the last active FOG Operating Permit and the time a new Certificate of Use (CU) is applied for.
 - This will allow businesses to open and operate with existing FOG control devices without the financial burden of demonstrating compliance with the current Code.
- Currently, the Code provides businesses with the opportunity to continue using an existing FOG Control Device that was installed prior to the 2018 FOG Ordinance by demonstrating:
 - The device is in good working condition
 - via submittal of a Condition Assessment by a certified professional.
 - The device complies with current Code in that it is properly sized- meaning it has capacity and retention time to prevent excess FOG from entering the sanitary sewer system:
 - Via submittal of calculations based on device specifications and FOG loading from the business;
 - If the business utilized a hydromechanical device, it must meet 99% FOG removal efficiency.
 - Proposed amendments remove the hydromechanical device requirement of 99% removal efficiency for existing devices, allowing businesses to continue using older hydromechanical devices that are still in good working condition and properly sized for the business' operation, and clarifies that applying pump-out frequencies of 30, 60, 90 days are acceptable to account for capacity of the system.
- Current code requires a new sampling point when there is no sampling point or the existing sampling point is not reasonably accessible or adequate for sampling.

- The proposed amendments will allow an existing FOG device without a sampling point to remain in service, provided adequate samples can be collected from its outlet tee. If adequate samples cannot be obtained, a new sampling port may be required, where feasible.

Annual FOG Control Device Certification

The following concern from the public has been brought to the county's attention due to associated costs to small businesses:

- *On an annual basis, each FOG generator must submit to the County a FOG control device certification prepared by a qualified professional attesting that the existing device functions as designed and is in good working order.*

Sec. 24-42.6 subsection (10)(c) reads as follows:

- (10) Operating Permits for FOG Generators and FOG Control Device Operators. No person shall operate, cause, let, permit, suffer or allow the operation of a FOG generating facility or FOG control devices serving FOG generators discharging to a utility or non-utility owned or operated sanitary sewer system or an onsite sewage treatment and disposal system located in a wellfield protection area of any utility potable water supply wells without a valid FOG operating permit issued by the Director or the Director's designee or in violation of any condition, limitation or restriction which is part of a FOG operating permit.
- (c) Each FOG generator shall, on an annual basis, submit a FOG control device certification form which is prescribed by the Director or the Director's designee. Where made available by the Department, certification shall be completed using a secure online system or by an equivalent system developed by the Department. Said certification shall be prepared by a Florida Professional Engineer or licensed plumber or liquid waste transporter, attesting that the existing FOG control devices are functioning as designed and are in good working order. Where required in this Section, the renewal shall also include training certificates for staff trained pursuant to Section 24-42.6(10)(d)(iv).

Analysis:

The goal of this annual requirement is to determine whether the FCD is being properly operated, maintained, and that it retains its physical integrity. Recognizing the costs associated with a recurrent annual certification of the condition of the FCD and at the same time the importance of keeping the FCD watertight and performing as expected, it is acknowledged that there is the need for a more affordable means to accomplish this very important task.

Since all the FCDs need to be pumped out at least four times a year, and for each of those pump outs it is required to generate a FOG Single Load Liquid Waste Transporter eManifest, and this manifest includes identification and reporting of observed corrosion (or other tank damage) and whether the FCD tank is breached; this could be part of an alternative approach to the annual certification.

Also, the Miami-Dade County DERM FOG Control Program Compliance Team has a goal of performing an annual inspection of each permitted facility in the county. This includes, among other tasks, a visual inspection of the FCD tank, sampling of the effluent, review of training logs, pump out receipts, e-manifest reporting records, connection of plumbing fixtures from the back of the house to the FOG Control System, verification of permit status, proper storage of yellow grease, and if there is any signal of overflows, spill, or outdoor washing that could impact open ground, groundwater, surface water or stormwater structures. Also, training certificates for FOG generating facilities' staff are verified during inspections. The FOG Control Program developed training materials for staff for operation, maintenance and reporting of FOG control devices. The requirement to complete this training to all new staff is one of the conditions of the operating permits. Any violations of these FOG permit conditions, including failure to provide logs and e-manifest reports, result in enforcement. Enforcement mechanisms include but are not limited to field notices, uniform civil violation notices, follow-up inspections, and corrective actions.

Recommendations:

Based on the above, a combined approach of compliance status and DERM annual inspections could provide a means to determine whether the FOG Control System is in working condition and is properly operated and maintained. However, this approach is not as thorough as the certification required under subsection 24-42.6(10)(c) because it does not include a detailed inspection of the internal condition of the walls and their integrity. Even though during the pump outs, the tanks are emptied by certified liquid transporters, the goal of that task is to remove FOG from the tank rather than a detailed inspection of the integrity of the tank. Also, normally during a routine DERM inspection, the tank is full of FOG and there is no opportunity to determine the integrity of the structure that is full of wastewater.

Notwithstanding the above, the combined approach could be implemented in lieu of the annual code required certification if all the above is fully implemented for compliant facilities (i.e. no open violations, complete pump-out record history, satisfactory inspection). These facilities in good status could move to a longer certification cycle, such as every five years. While higher risk facilities (i.e. those with missing eManifest reports, aging systems, prior violations, or maintenance concerns) should remain on annual certification. This approach immediately reduces costs for compliant businesses without removing accountability from the program.

To achieve this, DERM's FOG Control Compliance Program and Environmental Code Enforcement Division must be fully staffed and provided with improved IT platforms and processes for inspection reports, enforcement, generation of reports to analyze data and trends, implement online payment of permit fees, and eManifest reporting. An improved

eManifest system with ability to run automated discrepancy reports, triggering inspection and/or issuance of violation notices will be a helpful tool. These improvements will address inefficiencies and facilitate tracking of FCD conditions.

As an additional factor to be considered, processing roughly 10,000 FOG control device certifications per year from each permitted facility requires additional staff for their review and enforcement for non-compliant facilities. With the aforementioned proposed approach, these resources could be redirected to properly staff the FOG Control Compliance Inspections team.

In summary, no amendments to the Code are required for this recommendation:

- Currently, the Code requires submitting an Annual FOG Control Device Certification by a contracted professional.
 - Alternatively, DERM can utilize compliance status and annual inspections to determine if a business is required to submit an annual certification:
 - This determination is based on a business in good standing: no open violations, complete pump-out record/eManifests, and satisfactory inspection history;
 - If a business is in good standing, the certification requirement shall be reviewed and enforced on a five-year basis.
- This proposed change will alleviate the costly certification requirement every year for many compliant businesses.

Septic Tanks vs. Sewer System

Resolution No. R-128-26 also directs this study to draw pertinent distinctions between the regulatory requirements applicable to businesses connected to septic tanks and the regulatory requirements applicable to businesses connected to the public sanitary sewer system. Additionally, concerns from the public were raised regarding requirements to install large gravity FCD's when operating on a septic tank, even for smaller FSE's with lower-grease generating operations (i.e. coffee or smoothie shop).

Subsection 24-42.6(6) reads as follows:

- (6) Existing FOG generators and FOG control device operators that discharge to an **onsite sewage treatment and disposal system located in a wellfield protection area** of any utility potable water supply wells, without a valid FOG operating permit issued prior to the effective date of this section, shall comply with the following within one year of Department notification:

- (a) Submit as-built plans prepared by a Florida Professional Engineer and condition assessment prepared by a licensed plumber or Florida Professional Engineer. As-built plans and condition assessment shall demonstrate the following, where applicable:
 - (i) That all existing back of the house fixtures discharge to existing FOG control devices and not directly to the building sanitary drains or building sewers.
 - (ii) That existing FOG control devices comply with Chapter 64E-6, FAC.
 - (iii) That the FOG control device is functioning in accordance with the manufacturer's specifications and its integrity is not compromised.
 - (iv) That the outlet tee of the last grease interceptor is reasonably accessible for visual inspection and sampling.
 - (v) That existing yellow and brown grease storage areas prevent the release of FOG to ground, groundwater, surface waters or storm sewers.
 - (vi) That existing mat and equipment wash-down areas prevent the release of FOG to ground, groundwater, surface waters or storm sewers and prevent inflow of stormwater.
- (b) FOG generators or FOG control device operators that cannot comply with Section 24-42.6(6)(a) shall submit plans to upgrade the facility pursuant to Section 24-42.6(6)(a)(i), (ii), (iii), and (iv) and implement upgrades within one (1) year of Department notification.
- (c) Within five days of the Director or the Director designee's approval of the as-built plans or plans to upgrade the facility pursuant to Section 24-42.6(6)(b), a FOG operating permit application shall be submitted to the Department pursuant to Sections 24-18(A)(18) and 24-42.6(10).

Analysis:

All commercial facilities located within Wellfield Protection Areas (WPAs) in Miami-Dade County and served by an Onsite Sewage Treatment and Disposal System (OSTDS) are required to obtain an Industrial Waste (IW6) permit from the Department of Regulatory and Economic Resources (RER). This requirement applies regardless of facility use and is intended to protect public health and the environment from improper handling, storage, or disposal of hazardous materials and waste at facilities located within our vulnerable wellfields.

Following the approval of the FOG Ordinance on March 5, 2018, all existing FSEs located in a Wellfield Protection Area and served by an OSTDS that priorly had a IW6 permit, were notified of the new requirement and are now being tracked under the FOG Control Program.

All those existing FSEs are required to comply with the requirements of Subsection 24-42.6(6), which are specific for existing FSEs discharging to OSTDSs within a wellfield protection area, and requires that existing FOG control devices comply with Chapter 62-6, Florida Administrative Code (FAC) (previously 64E-6, FAC).

Also, subsection 24-42.6(7) of the County Code includes requirements for new or existing FOG generators or FOG control device operators discharging to sewers or to OSTDSs within a WPA, and that apply for a building permit, certificate of occupancy, certificate of completion, certificate of use or municipal occupational license.

The above-described cases must be reviewed by two agencies, Miami-Dade County RER and FDEP. While the County Code allows for the installation of Gravity Grease Interceptors (GGI) and Hydromechanical Grease Interceptors (HGI), FDEP only allows GGIs when discharging to an OSTDS. However, to avoid conflicts between the State and County regulations, the Miami-Dade County Code has adopted FDEP's requirements and only accepts GGIs for systems discharging to OSTDSs within wellfield protection areas.

As mentioned above, for cases other than FCDs discharging to OSTDSs within the WPA, the County allows for the installation of Hydromechanical Grease Interceptors (HGI), which are more efficient and have a smaller footprint and provides flexibility for smaller, lower grease producing facilities. In addition, FDEP does not allow the use of gravity grease interceptors indoors or with capacity less than 750 gallons.

Observations:

Miami-Dade County Code Sec. 24-42.6 already has different regulatory requirements for businesses connected to septic tanks and for businesses connected to sewers. For instance, businesses connected to septic tanks **do not need** to comply with the requirements of the FOG Control Program unless they are within a Wellfield Protection Area.

Since the County sits on top of our sole source of drinking water, the Biscayne Aquifer, which is unconfined and very porous, it is imperative to protect it from any sources or potential sources of contamination. Wellfield protection areas provide that needed protection.

FOG Control regulatory requirements for all the FOG generators or FOG control operators discharging to OSTDSs within a wellfield protection area are crucial to:

- Protect the building sewers from clogging.
- Protect the facility from building backups and the public from potential exposure to sewage.
- Protect septic tanks and drainfields from clogging, damage, and overflows.
- Minimize contamination risks to groundwater

- Reduce stress and failure risk in septic tanks

DERM records show that currently the number of FSEs in Miami-Dade County discharging to OSTDSs within wellfield protection areas is thirty-seven. Thirteen of those facilities have already complied with the requirements of the County's FOG Control Program.

Recommendations:

As previously mentioned, Sec. 24-42.6 has different regulatory requirements for businesses connected to septic tanks and for businesses connected to sewers. Businesses connected to septic tanks **do not need** to comply with the requirements of the FOG Control Program unless they are within a Wellfield Protection Area.

However, a recommendation to assist FSEs, including lower-grease producing facilities such as smoothie or coffee shops, discharging to OSTDSs within wellfield protection areas:

- Coordinate with FDEP to determine whether the State will allow the use of hydromechanical grease interceptors for food service establishments that discharge to onsite sewage treatment and disposal (OSTDS) systems within Wellfield Protection Areas.
- This will alleviate the State's requirement to utilize gravity systems (i.e. large in-ground concrete tanks) and provide flexibility in confined footprints for use of smaller, more efficient hydromechanical devices, which are also often less costly to install.

Conclusions

Several recommendations have been included in this report. Some of them will require amendments to Chapter 24 of the Code and prior consensus with the EPA and FDEP. Communications with EPA have already started and will continue through this important process. The recommended amendments will be provided to the Board, as proposed items, once they have been reviewed and approved by EPA and FDEP. DERM strongly considers that the recommendations provided will reduce the financial burden that current requirements impose on FOG generators and FOG control device operators, as well as alleviate some of the time constraints related to the current requirements of the Code.

As it is mentioned in the directing resolution, since the adoption of the County's amended FOG regulations in 2018, the County has invested significant funding in numerous projects in furtherance of both the County's obligations under the Consent Decree and the County's broader goals of protecting public health, the environment, and our public wastewater and drinking water utilities. While all these actions are allowing the County to replace aging infrastructure that could have failed and caused SSOs, it is imperative that this new infrastructure be protected from the adverse effects of FOG. One of the main goals of the FOG Control program is to protect the sanitary sewer collection, transmission and treatment systems by capturing FOG at its source. County owned and operated sewer collection systems, pump stations and force main networks are vulnerable to clogs or damage, and wastewater treatment plants could have their treatment process upset by

excess FOG, even if all this infrastructure is fully upgraded and in perfect operational condition. The importance of the County's FOG Control Program resides in that it is a first level of protection to the Countywide sewer infrastructure.

Miami-Dade County should look into the possibility of implementing actions to provide economic assistance to the business sector, especially to small businesses, while protecting our public sewer infrastructure, public health and fostering economic growth. Further review and discussion with FDEP and EPA can also be made in order to specifically address exemptions for certain uses (i.e. office breakrooms; candy/honey producers; child/adult care, churches, and small private/charter schools that cater food service) and FOG generating home-based businesses, including permissible updates to the FOG Guidance Manual. Additionally, the County could look into alternative financial relief by performing analyses and financial modeling for potential fee reductions for qualifying compliant facilities.

To further assist FSEs, it is also recommended the County investigate other pathways for funding assistance. For example, similar County programs such as the Septic-to-Sewer Financial Assistance Program, that supports septic-to-sewer conversion costs via grants, zero-percent interest loans, or low-interest loans, might be implemented for FSEs, especially for small businesses. Also, any available information on organizations and companies that could offer loans for the installation of FCDs should be identified and made available.

Finally, it is important to mention that Miami-Dade County's FOG Control Program is a referent for other jurisdictions in the State of Florida. Since its inception in 2018, and even before, during the process of developing the revamped program, the County's thorough process of including design guidance, a team of County Engineers dedicated to FOG Control design reviews, a group of FOG Construction Inspectors, a team of FOG Compliance Inspectors, and the support of Code Compliance Officers, has set this County apart from other jurisdictions. The recommendations in this report aim to keep our County in that leading role regarding FOG Control regulations, while at the same time providing paths for financial relief and assistance to our local businesses.