

UNDERSTANDING THE REGULATORY REQUIREMENTS

The strategy and approach of a FOG Abatement Program should be based on the jurisdiction's recognized and agreed-upon goals, developed by program personnel with input from other municipal or regulatory agencies. For example, wastewater treatment agencies want to see improved performance at the treatment plant, collection system operators want to minimize SSOs and sewer cleanings, stormwater agencies want to keep FOG out of the storm drains, and the regulatory authorities want to prevent public health hazards and contamination of local waterways. At the onset of program development, it is imperative that these goals and their timelines are recognized and incorporated into the FOG Abatement Program. It is wise to include the state approval authority in this process, especially if the FOG Abatement Program is specified as part of a permit issued to the Publicly Owned Treatment Works (POTW).

Determine Regulatory Requirements

The U.S.EPA has drafted regulations for addressing collection system operations and maintenance and SSO prevention, but formal adoption of the regulations has not yet occurred (40 CFR, Parts 122 and 123, proposed rule). The U.S.EPA does provide guidance in a document titled, *Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems* (https://www3.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf), published in January 2005. If the municipality is not under a permit order from the state approval authority, determine the status of the proposed Federal regulations and consult the local authority before developing a FOG Abatement Program. The POTW's National Pollutant Discharge Elimination System (NPDES) permit should be reviewed for any provisions related to its collection system and the local health department should be contacted to determine if they have any special operating requirements for the collection systems or food service establishments. Some of the regulations that can potentially affect development of a FOG Abatement Program are listed below. Additional research may be required to determine the applicability of these regulations to the local municipal agency. However, completion of this research will ensure that all regulatory requirements are addressed prior to development and implementation of a FOG Abatement Program for FSEs.

Regulation	Enforcement Agency	Document
Collection system maintenance and operational requirements	U.S.EPA	Pending legislation: Capacity, Management, Operations, and Maintenance Requirements (CMOM) <i>CFR 40, Parts 122 & 123</i>
General collection system permit	U.S.EPA and the state Approval Authority	Under development for selected regions
Clean Water Act, Basin Plan	U.S.EPA and the state Approval Authority	NPDES permits issued to the local POTW

Local health ordinance	Local health department	Municipal Code
Local sewer ordinance	Local sewerage agency or POTW	Municipal Code

Provide Legal Framework

An appropriate legal framework will be necessary to implement the FOG Abatement Program. Establishing this framework may involve adopting a local sewer use ordinance, amendment of an existing ordinance, or directly permitting the FSEs. When writing or adapting a sewer use ordinance, keep in mind that the document should include clearly defined legal requirements and should be easily enforced. Suggested provisions for a local sewer use ordinance are listed below. These provisions are based on knowledge derived from existing FOG Abatement Programs and may also be considered when developing a permit-based FOG Abatement Program.

Level of Authority	Possible Provision	Reason for Inclusion
Water Quality	Prohibit discharges exceeding a maximum FOG concentration	Sets an identifiable standard for the FSEs to achieve. (However, there is currently no technical basis for a FOG limit intended to protect a collection system.)
	Kitchen BMPs (mandatory or optional)	Mechanism to control FOG discharges to the sanitary sewer in addition to installation of grease control equipment.
Equipment Requirements	FSEs must install, operate, and maintain grease control equipment, (e.g., grease interceptors).	Ensures installation and maintenance of FOG control device at food service establishments.
	Approval of the <u>type</u> of grease control equipment to be installed.	Allows the agency to ensure that inappropriate equipment is not installed at an individual site.
	Approval of <u>size and location</u> of grease control equipment.	Ensures that the equipment is sized properly and located where cleaning and inspections can easily take place.
Facility Access/ Inspections	“Right-to-Enter” the facility must be guaranteed for municipal agency inspectors.	Ensures that the regulating agency can inspect the facility.

	Pre-determined inspection frequency (e.g., once a month) and notification procedures.	Informs the FSE operators of the planned inspection schedule.
Control Mechanism	Mandatory participation for the FSEs in a permit program or in a pollution prevention certification program.	Ensures that all FSEs are aware of the program's requirements and are held accountable for compliance.
Enforcement	Establish fines and fees for non-compliance with ordinance provisions.	Notifies the FSEs that the FOG Abatement Program is important and compulsory.
Equipment Maintenance Program	Maintenance requirements established for FOG control equipment (e.g., monthly inspections and cleaning).	Ensures proper functioning of the FOG control equipment.
	Maintain records of all visual inspections and cleanouts, keep records for a minimum amount of time, and make records available to inspectors upon request.	Allows regulating agency access to all maintenance records to verify proper operation.
	Prohibit discharge and use of chemical or biological agents that could be used to emulsify FOG.	Prevents discharge of harmful chemicals to the sanitary sewer and reduces FOG deposit formation farther along in the sewer system.
Waste Grease Disposal Practices	Require FSEs to contract with managed, licensed, or permitted grease handlers.	Ensures that waste grease is removed by reputable and traceable handlers.
	Participate in voucher programs to track grease disposal methods.	Notifies the FSEs and handlers that stated grease disposal methods and locations will be verified.