

Fats Oils and Greases (FOG) Enforcement Options

FOG can damage sanitary sewer conveyance systems by building up and congealing in pipes leading to blockages and overflows and disrupt wastewater treatment operations. Sanitary sewer overflows are public and environmental health concerns. FOG blockages cause increased maintenance and operational costs for the publicly owned treatment works (POTW).

POTWs with a sewer use ordinance can use the EPA Guidance for Developing Control Authority Enforcement Response Plans (September 1989) for guidance to develop an enforcement response plan to remedy violations of a local pretreatment program. The plan provides the framework for the regulatory authority to respond to a violation with appropriate action, including the procedures and guidance in selecting initial and follow-up enforcement actions and appropriate time frames. Enforcement responses are always limited to those authorized under State law and implemented in the sewer ordinance. Responses should also be appropriate to the violation, which is often a matter of common sense.



Enforcement Actions

Discussion with the FSE

Do not underestimate the value of having a discussion with the FSE or property owner prior to more punitive enforcement. Try to explain the FOG rules and why they are in place – to protect the public’s health and to prevent sewage back-up into the FSE. Be sure the FSE is clear on their responsibilities.

Use Municipal “Nuisance” Code

Ordinance or permit violations by the FSE or property owner can be declared a public nuisance and addressed as directed in the city code. Any FSEs creating a public nuisance can be subject to the provisions of the City Code governing such nuisances, including being held liable for reimbursing the POTW for any costs incurred in removing, abating, or remedying the nuisance. Nuisance code violations are often enforced by an officer writing a “ticket” to the FSE or property owner.





Corroded Pipe

Warning Letters

Ordinance or wastewater permit violations may be enforced using a warning letter or written notice of violation.

Escalating Administrative Penalties

Repeated violations may call for further administrative penalties. These could include:

- Cease and Desist Orders to immediately halt operations and terminate the discharge.
- Administrative Fines for each day of noncompliance.

Orders (Consent, Show Cause, Compliance)

It is an option to require a permit for discharging and pumping FOG. All Food Service Establishments (FSE's) or property owners with FSEs located onsite as well as all pumping contractors may be required to apply for and receive a general permit for FOG pretreatment. Permits can include control using Best Management Practices (BMPs) and do not limit the ability to inspect, sample, require reports or provide enforcement. BMPs can include treatment system installation and maintenance and record retention and reporting requirements.

This fact sheet was made possible through a USDA RUS grant.

For further information see:

- [EPA Guidance for Developing Control Authority Enforcement Response Plans \(September 1989\)](#)