

Princeton Water and Wastewater Commission



FOOD SERVICE ESTABLISHMENT ENFORCEMENT RESPONSE GUIDE

This Food Service Establishment Enforcement Response Guide (FSE-ERG) was developed to ensure a consistent response to all food service establishments that cause, or have the potential to cause, interference, obstruction, sanitary sewer overflows, bypasses, or stormwater inflow to the City of Princeton sewer and wastewater system. This FSE-ERG is to be used in conjunction with the provisions in the City of Princeton Sewer Use Ordinance enforcement and penalties sections. Food Service Establishments are non-residential users of the City of Princeton sewer and wastewater system and are monitored by the Princeton Water and Wastewater Commission (“Commission”) under its Fats, Oils & Grease (FOG) Management Policy. This FSE-ERG is intended to be used for food service establishments only. Refer to the Commission’s FOG Management Policy for additional information on the Commission’s grease management program.

SIGNIFICANT NONCOMPLIANCE OF WASTEWATER DISCHARGE LIMITS

The E.P.A. has defined "significant noncompliance" as violations that meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit, or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH). The following compatible pollutants are exempt from TRC consideration if they exceed the surcharge level but do not exceed upper ceiling: BOD, TSS, FOG;
- 3) Any other violations of a pretreatment effluent limit (daily maximum, instantaneous, narrative limit, longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangered the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, and/or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-days compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations that the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

NONCOMPLIANCE NOTIFICATION (NCN)

Generally issued by a Commission inspector, contractor field personnel, or Grease Management Coordinator, the Noncompliance Notification (NCN) is an official communication from the Commission to the non-compliant user informing the user that the pretreatment violation has occurred. The NCN is issued for any problems identified with the grease control equipment operation, maintenance, or components. Also, an NCN will be issued when FOG is identified in the downstream sewer lines from a food service establishment. A normal response time or due date to respond to the Commission is 30 days, but shorter response times may be required. Failure to respond by the designated due date included in a NCN will result in the issuance of a Notice of Violation or additional escalation in enforcement action.

NOTICE OF VIOLATION (NOV)

Generally issued by the Superintendent or Grease Management Coordinator, the Notice of Violation (NOV) notifies the non-compliant user of violations of the City of Princeton Sewer Use Ordinance and/or FOG Management Policy. Within forty five (45) days of the receipt date of the NOV, an explanation of the violation and a plan for the satisfactory correction of the condition and prevention of future violations, to include specific required actions, shall be submitted to the Commission. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV. A NOV does not contain assessment of penalties or cost recovery. The NOV provides the user with an opportunity to correct the noncompliance on its own initiative rather than according to a schedule of actions determined by the Commission. The NOV documents the initial attempts of the Commission to resolve the violation. Authenticated copies of NOV's may serve as evidence in judicial proceedings.

ADMINISTRATIVE ORDER (AO)

When the Commission finds that a user has violated or continues to violate the provisions of the City of Princeton Sewer Use Ordinance or FOG Management Policy, has not responded to a previous NCN or NOV, the Commission may issue an order for compliance to the user. Orders may contain any requirements that the Superintendent determines to be reasonable, necessary, and appropriate to address the non-compliance, including but not be limited to the installation of pretreatment technology, additional self-monitoring, and management practices. If the violation is not corrected through timely compliance with the order, the Superintendent may require the offending user to appear before the Superintendent and the Commission to explain the delay in remedying the violation and to present a plan for eliminating the causes of the violation. Further orders and directives as are necessary and appropriate may be issued.

PENALTY ASSESSMENT

The Commission has categorized the various types of violations, and assigned a penalty range to each category. Penalty categories are determined by using the Enforcement Response Table (attached). All penalty assessments will be approved and signed by the Superintendent or his designee. Penalty amounts are considered to be an economic deterrent to the illegal activity. Penalty ranges have been designed to recover any economic benefit gained by the violator through non-compliance.

CATEGORY 0 = NO PENALTY

CATEGORY 1 = \$50.00 to \$500.00

CATEGORY 2 = \$100.00 to \$1,000.00

CATEGORY 3 = \$500.00 to \$10,000.00

CATEGORY 4 = DIRECT LEGAL ACTION – Any penalties and/or costs to be assessed at the maximum penalty allowable by applicable law and included as part of the legal action.

Assessments for damages or destruction of the facilities of the City of Princeton’s sewer and wastewater system, and any penalties, costs, and attorney’s fees incurred by the Commission as the result of the user’s violation of the City of Princeton Sewer Use Ordinance or FOG Management Policy, as well as the expenses involved in enforcement, are not part of this penalty assessment procedure.

Abbreviations:

- AO: Administrative Order
- FOG: Fats, Oils and Grease
- FSE: Food Service Establishment
- NCN: Noncompliance Notification
- NOV: Notice of Violation
- POTW: Publicly Owned Treatment Works

<u>Incident</u>	<u>Category Level</u>	<u>Action Taken</u>
1. Grease Interceptor structural failure (baffle wall collapsed, walls deteriorated, tank leaking, infiltration/inflow in tank)		
A. Initial Notification – Notification in writing by POTW of treatment system failure.	2	Issue NOV-15 day deadline
B. Second Notification – Failure to comply with NOV. Issue AO and 7 additional days to comply.	2	Issue AO-7 day deadline
C. Third Notification – Failure to comply with AO. Issue AO w/ fine of \$500 per day	3	Issue AO w/ \$500 fine
2. Facility contributing FOG to downstream manhole, SPS, or WWTP. Classify degree of impact for appropriate response:		
A. Slight FOG impact (slight coating of FOG in POTW, less than ¼” coverage - ½ of pipe)	1	Issue NCN-30 day deadline
Moderate FOG impact (moderate coating FOG in POTW, less than ½” coverage - ½ of pipe)-1 st Occurrence	1	Issue NCN-30 day deadline
Moderate FOG impact (moderate coating FOG in POTW, less than ½” coverage - ½ of pipe)-2 nd Occurrence	2	Issue NOV-45 day deadline
B. Heavy FOG impact (heavy coating FOG in POTW, causing obstruction and/or interference in sewer line)-1 st Occurrence	3	Issue AO-5 day deadline
Heavy FOG impact (heavy coating FOG in POTW, causing obstruction and/or interference in sewer line)-2 nd Occurrence	3	Issue AO, reimburse for sewer cleaning
C. Heavy FOG impact (facility’s discharge caused bypass or sanitary sewer overflow)	4	AO, Direct Legal Action
3. Failure to install Grease Control Equipment		
A. Initial Notification – Notification in writing by POTW of no treatment system.	1	Issue NCN-30 day deadline
B. Second Notification – Failure to comply with NCN. Issue NOV.	2	Issue NOV-15 day deadline
C. Third Notification – Failure to comply with NOV. Issue AO w/ \$500 fine.	3	Issue AO w/ \$500 fine
4. Failure of new facility, or an existing facility that upgrades their facility, to notify City, or submit <i>Grease Control Equipment Inquiry</i> information	0	Issue NOV & require GCE Inquiry info

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<u>Incident</u>	<u>Category Level</u>	<u>Action Taken</u>
5. Failure to install effluent T on interceptor, or repair within 30 days after notification.		
A. 1 st Occurrence or notice	1	Issue NOV 15 day deadline
B. 2 nd Occurrence or notice	2	Issue AO
C. 3 rd notice or repeated problems	3	AO w/ \$500 fine
6. Grease Control Equipment not maintained (pumped or cleaned) *Interceptor has > 25% FOG and solids, or > 90 days *Trap cleaned > monthly		
A. 1 Incident within 24 month period	0	Issue NCN
B. 2 Incidents within 24 month period	1	Issue NOV
C. 3 Incidents within 24 month period	2	Issue AO- \$200 fine
D. 4 Incidents within 24 month period	3	Issue AO- \$500 fine
7. Failure to respond to any notification letter within 30 days		Escalation of Enforcement
8. No records of grease control equipment maintenance or cleaning at facility		
A. 1 Incident within 24 month period	0	Verbal Warning
B. 2 Incidents within 24 month period	1	Issue NCN
C. 3 Incidents within 24 month period	2	Issue NOV
D. 4 Incidents within 24 month period	2	Issue AO- \$100 fine
9. Failure to allow access for inspectors to adequately assess grease control equipment		Issue AO, meeting
10. Safety hazard at grease control equipment area (i.e. missing manhole cover, manhole cover damaged or not made of material of suitable strength)		Notify Health Dept./ Codes Dept Issue NOV
11. Facility in violation of numerical FOG limit		
A. FOG concentration in excess of limit but less than 3x of limit	1	NOV
B. FOG concentration between 3x to 4x of limit	1	AO - \$100
C. FOG concentration in excess of 4x of limit	2	AO – min. \$200-\$500
12. Facility using additives or chemicals that emulsify or otherwise cause FOG to be discharged to sewer system	3	AO, meeting cost of sewer cleaning - reimbursed

Enforcement Response Plan for Multi-Dwelling Units Grease-Related Sewer Overflows

Princeton Water and Wastewater Commission regulates grease management through its Pretreatment Program under the Fats, Oils, & Grease (FOG) Management Policy. Grease-related overflows caused by residential customers are a source of grease restrictions. Single family residential customers are identified and educated on proper grease disposal. The multi-dwelling units (MDUs), however, must be addressed through the property management or owners.

Since the MDU owns the private infrastructure, the private sewer services, they must be held responsible for the restriction in the Publicly Owned Treatment Works (POTW). The City of Princeton Sewer Use Ordinance designates FOG that causes an obstruction as a prohibited discharge:

ARTICLE V - POLLUTANT DISCHARGE LIMITS

Restricted Discharges

4. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.

The Commission will actively pursue violators of the above-referenced provision of the City of Princeton Sewer Use Ordinance. The Enforcement Response Plan (ERP) will proceed as follows (all offenses within a 5 year period);

- 1st Offense – Require MDU to distribute Grease Notification flyers to all present tenants and new tenants as lease is signed.
- 2nd Offense – Mandatory \$200.⁰⁰ penalty plus cost of restriction/overflow removal charged to MDU.
- 3rd Offense – Mandatory \$400.⁰⁰ penalty plus cost of restriction/overflow removal charged to MDU.
- 4th Offense - Mandatory \$800.⁰⁰ penalty plus cost of restriction/overflow removal charged to MDU.
- 5th Offense – Installation of pretreatment equipment at MDU's expense to prevent a continuation of Non-compliance.

Failure to comply with the ERP will result in escalation of enforcement under the Pretreatment Program which may include monetary penalties up to \$1,000 / day and/or termination of services.