

FOG Enforcement Response Plan

General Responsibilities

- A. *Purpose* – The purpose of this Enforcement Response Plan is to establish general responsibilities for enforcement of the Fats, Oils, and Grease (FOG) Ordinance. It is the intention of the Department of Public Works to move quickly and responsibly in all enforcement actions. The following guidelines will help ensure that issues requiring enforcement are handled fairly and uniformly for all food service establishments (FSEs).
- B. *FOG Inspectors* – Inspectors will be responsible for conducting compliance monitoring and FSE inspections. Inspectors will:
1. Conduct outreach and educational activities with users;
 2. Check grease control device maintenance records;
 3. Determine compliance with the FOG ordinance through on-site inspections and prepare inspection reports;
 4. Provide compliance assistance as appropriate;
 5. Identify instances of noncompliance;
 6. Issue Notices of Non-Compliance;
 7. Prepare Notices of Violation (NOV) for issuance by the Department of Public Works;
 8. Develop draft compliance inspection schedules; and
 9. Participate in Show Cause meetings as deemed necessary by the Director of the Department of Public Works or Town Attorney, as the case may be.
- C. *FOG Compliance Administrator or designee* – The FOG Compliance Administrator or designee will be responsible for ensuring fair and consistent implementation of FOG control requirements are in compliance with requirements of the FOG Ordinance. The Administrator or designee will:
1. Review all violations;
 2. Review all documents prepared by Inspectors;
 3. Recommend appropriate response(s) to violations;
 4. Promptly notify the Director of the Department of Public Works of significant instances of noncompliance;
 5. Conduct compliance meetings;
 6. Develop and oversee compliance monitoring schedules;
 7. Track enforcement compliance schedules;
 8. Ensure consistency of the FOG control program;
 9. Initiate Administrative Orders with compliance schedules;

10. Initiate terminations of service;
 11. Consult with Town Attorney on all legal issues;
 12. Coordinate enforcement with other governmental agencies as appropriate; and
 13. Sign Notices of Violation
- D. *Director of the Department of Public Works* – Director of the Department of Public Works will be responsible for the appropriate application of enforcement standards to FOG control plan violations. The Director will:
1. Conduct appeals of enforcement actions;
 2. Approve terminations of service; and
 3. Sign Administrative Orders;
- E. *Town Attorney* – The Town Attorney’s office will:
1. Provide such legal assistance as deemed appropriate.

Enforcement Actions

- A. *Compliance Assistance* – The inspectors will assist any FSE in achieving compliance with the FOG Ordinance. The assistance may include, but is not limited to, providing information about training opportunities, providing copies of the regulations applicable to the establishment, assistance with the grease control device registration applications or distribution of training materials for employees.
- B. *Notice of Non-Compliance* – This is an informal notice to the FSE, issued at the time of the inspection, advising of corrections that need to be made in order to comply with the FOG Ordinance.
- C. *Notice of Violation* – This is a formal written notice to the FSE that it has committed a violation of the local FOG ordinance. The NOV will require corrective actions within a specified time frame to achieve compliance. The text of the NOV will include a statement that additional enforcement actions may be pursued if corrective actions are not achieved as required.
- D. *Administrative Order* – The Town may issue an administrative order requiring a FSE to comply with requirements of the FOG Ordinance. The FSE shall adhere to the compliance schedule in accordance with the Administrative Order.

- E. *Termination or Suspension of Service* – The Town may terminate or suspend service to a FSE to prevent any actual or threatened discharge to the sewer system that may endanger the public health or cause damage to the sewer system.

Appeal Process

A FSE may appeal any enforcement action to the Director of Public Works. Such appeal shall be requested in writing no later than five (5) business days after receipt of notice of the enforcement action. The Director of Public Works shall conduct a hearing as soon as practicable but no later than thirty (30) business days after receipt of request of appeal.

Compliance Schedules and Appropriate Response

- A. *Compliance Schedule* – The compliance schedule will be based upon the violation and will be initiated by the FOG Compliance Administrator or design
- B. *Selecting Appropriate Response* – The following factors should be taken into consideration when determining the appropriate enforcement action and compliance schedule:
 - 1. Duration of the violation;
 - 2. Compliance history of the FSE ;
 - 3. Actual or potential danger to public health;
 - 4. Actual or potential damage to the sewer system; and
 - 5. Other appropriate factors.