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DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
ENVIRONMENTAL RESOURCES MANAGEMENT
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VIA ELECTRONIC CORRESPONDENCE

September 29, 2020

CCN: 63395
File No:8.DC.20.52

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
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Tom Mariani
Washington, D.C. 20044-7611
RE: DOJ No. 90-5-1-1-4022/1
Tom.Mariani@usdoj.gov

Chief, Clean Water Enforcement Branch
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Southeast District – West Palm Beach
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West Palm Beach, FL 33406
Attn: Compliance/Enforcement Section
Jason.Andreotta@dep.state.fl.us

RE: Consent Decree (Case: No. 1:12-cv-24400-FAM),
Reference DOJ Case No. 90-5-1-1-4022/1,
Section VI, -Fats, Oils and Grease ("FOG") Control Program Paragraph 19(a)
Third Annual FOG Control Program Review Report

Dear Sir/Madam:

In accordance with the FOG Control Program approved by the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) on September 7, 2017, Miami-Dade County (County) is submitting the Third Annual FOG Control Program Review Report.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Should you have any questions regarding this matter, please call me at (305) 372-6754.

Sincerely,

Carlos L. Hernandez

for Lee N. Hefty
Director, Division of Environmental Resources Management (DERM)
Department of Regulatory and Economic Resources (RER)

ec:

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Miami-Dade County FOG Control Program

3rd Annual FOG Control Program Review Report

September 29, 2020

Prepared by

Division of Environmental Resources Management (DERM)

Miami-Dade County Department of Regulatory and Economic Resources

Prepared for

United States Environmental Protection Agency and

Florida Department of Environmental Protection

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3rd Annual FOG Control Program Review Report

PREPARED BY:

Division of Environmental Resources Management (DERM)

Miami-Dade County Department of Regulatory and Economic Resources

Status: Final

Document	3rd Annual FOG Control Program Review		
Ref:	Annual Report	Date:	09-29-2020
Prepared by:	Carlos L. Hernandez, PE		

Revision History

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				Carlos L. Hernandez, PE	Carlos L. Hernandez
Revision	**Revision Date**	**Status**	**Revised by:**	Water & Wastewater Division	Signature
		Final	Carlos L. Hernandez, PE		

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1. Introduction

The Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) prepared this Annual Fats, Oils, and Grease (FOG) Control Program Review Report (Report) pursuant to Miami-Dade County's FOG Control Program (FCP) and Ordinance (FCO) approved by the United States of America Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) on September 7, 2017. The FCO was approved by the Miami-Dade County Board of County Commissioners on February 21, 2018 and became effective on March 5, 2018.

Pursuant to Paragraph 19(a)(xv) of the of the Consent Decree (CD), Case No. 1:12-cv-24400-FAM, DERM's FCP includes an annual review process to evaluate the effectiveness of the FCP and FCO to achieve reductions in FOG discharges to the wastewater collection, transmission and treatment systems (WCTTSs) and thereby reduce sanitary sewer overflows (SSOs) caused by FOG. Performance Measures (PM) and Key Performance Indicators (KPIs) are utilized for this evaluation.

This third annual report is being submitted in September instead of June as a result of delays caused by the COVID-19 Pandemic. Refer to ***Attachment 1*** for a copy of the County's Force Majeure request.

2. Performance Measures (PMs) and Key Performance Indicators (KPIs)

The following PMs and KPIs are being utilized to evaluate the effectiveness of the FCP and FCO and, with other factors, evaluate the need to revise the FCP and/or FCO.

PM	KPI	Method	DERM Target
Collection System SSOs Primarily Caused by FOG		MDWASD Monthly Report/Meeting	Annual Reduction
Collection System Blockages Primarily Caused by FOG		MDWASD Monthly Report/Meeting	Annual Reduction
	Number of FOG Generators without FOG Control Device	FOG Inspections	Annual Reduction None by 2018
	Routine FOG Inspection Frequency	FOG Inspections	100% Annually by September 2019
	FOG Education (Residential)	Education	Six (6) Events Annually Implementation of the program by March 5, 2020(1)
	FOG Stakeholder Outreach (commercial/industrial)	Outreach	Six (6) Events Annually

(1) March 5, 2018 + 24 Months (October 18, 2017 Miami-Dade County FOG Control Program & Proposed FOG Control Ordinance, Section 13.01)

Table 1. PMs & KPIs

A summary of select PMs, KPIs and other indicators are discussed below.

2.1 Collection System SSOs Primarily Caused by FOG

SSOs reported to DERM are monitored daily and logged for tracking and assessment (e.g., root cause, enforcement and moratoriums). The total number of SSOs reported by the sixteen (16) Utilities (MDWASD + 15 Municipal Utilities) is presented in ***Chart 1a***. The data presented in ***Chart 1a*** is primarily from MDWASD reporting given the size of the MDWASD system relative to that of the Municipal Utilities and the sophistication of MDWASD's identification and reporting capabilities stemming from prior consent decrees. DERM has been working with all Municipal Utilities to improve their identification and reporting capabilities and this has been discussed in Utility Round

Table meetings. It is believed, based on the most recent data, that Municipal Utility reporting has improved. It is therefore anticipated that as Municipal Utility reporting improves, the number of SSOs may actually increase, and that this increase may conceal actual improvements associated with the FCP. For this reason, SSOs will be presented by each utility and collectively as presented in ***Chart 1b***.

Additionally, it is anticipated that several years of data will be required to establish reliable trends. That is, decreases or increases in SSOs may not reflect the impact of the FCP and FCO for a few years after March 2018, the implementation date for the new FCP/FCO.

A summary of findings for SSOs follows:

1. The total number of SSOs reported by the Utilities shows an increasing trend except for a dip in 2018 (refer to ***Chart 1a***).

2. The total number of SSOs caused by FOG was showing a decreasing trend but rose significantly in 2019 (refer to ***Chart 1a***). This is primarily a result of SSOs reported by the City of Miami Beach (refer to ***Chart 1b***).

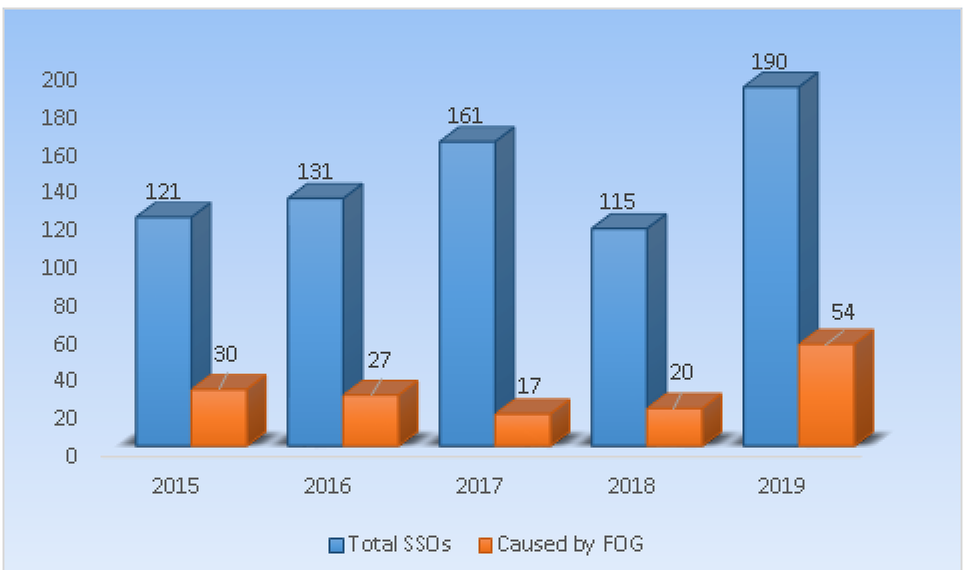

Chart 1a: Sanitary Sewer Overflows for All Utilities

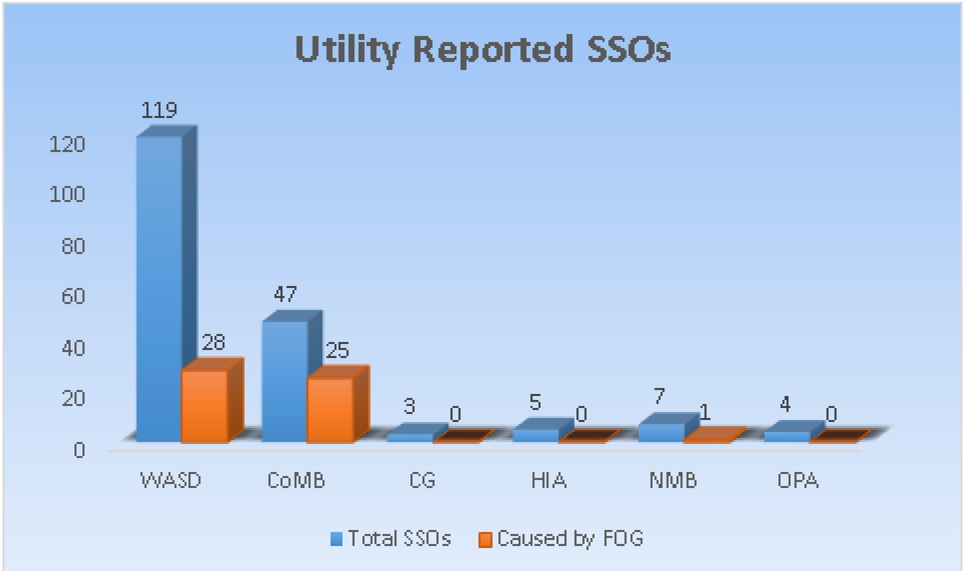

Chart 1b: 2019 Sanitary Sewer Overflows by Utility

The FCP strategies to reduce FOG related SSOs included front-end (e.g., design standards, more efficient interceptors, and eManifest) and back-end (e.g., Hot Spot reporting) process improvements. Hot Spot reporting continues to be a key area for prevention of SSOs.

The following are some of the areas inspected during 2018 and 2019 as a result of Hot Spot reports or complaints by Utilities:

- Aragon Alley, City of Coral Gables
- Giralda Avenue and Miracle Mile, City of Coral Gables
- Lincoln Road, City of Miami Beach
- Bal Harbour Shoppes area, Town of Bal Harbour
- NW 183rd St, between 42nd and 47th Ave
- SW 88th St and 99th Ave (shopping Center)
- SW 40th St and 67th Ave
- SW 117th Ave & 72 St
- SW 1st Ave, between 10th St & 11th St, Brickell
- SE 1st Ave, between 3rd and 4th St, Brickell
- 163rt St Intracoastal Mall
- SW 40th St and 79 St. Shopping center
- NW 27 Ave & NW 11 St
- 7100 NW 7 Ave
- 1701 Collins Ave
- 18734 NW 32 PL
- 17500 N. Bay Rd., Sunny Isles Beach
- North Bay Rd /182 ST

- Town of Medley, basins #200, 500, FEC-1, FEC-2

As reported in the 2nd Annual FOG Control Program Review Report, MDWASD had integrated a real-time level monitoring system (e.g., SmartLevelTM/SmartCover) to minimize Hot Spot SSOs. By incorporating two-way communication devices at key manholes, MDWASD can deploy field teams to prevent an SSO based on preset wastewater level alerts and warnings (i.e., wastewater level above invert measured from the bottom of the manhole cover). MDWASD defines a Hot Spot as a location with three (3) or more SSOs in a period of two (2) years. MDWASD continues to use this system to minimize SSOs.

Municipal Utilities are notifying DERM of Hot Spots utilizing the monthly Hot Spot Report or FOG complaints (areas of concern). The Municipal Utilities submit a Hot Spot report to DERM on a monthly basis. Currently, the DERM FOG Inspection Group supervisor reviews complaints and prioritizes inspections accordingly. A sample of Utility Hot Spot report is included in ***Attachment 2***.

2.2 Number of FOG Generators without a FOG Control Device

With the implementation of the new FCP, a key goal has been the reduction in the number of food service establishments (FSEs) operating without a grease interceptor (No Grease Interceptor, NGI). Inspection efforts have focused on bringing these sites into compliance. The goal is to have zero (0) NGI sites.

The total number of NGI FSEs have decreased from 695 in 2015, to 38 in 2020 (refer to ***Chart 3***). This reduction is the result of a coordinated effort involving a significant number of resources working on compliance assistance, technical support and enforcement. DERM will continue to focus resources to accomplishing the goal of zero (0) NGI FSEs.

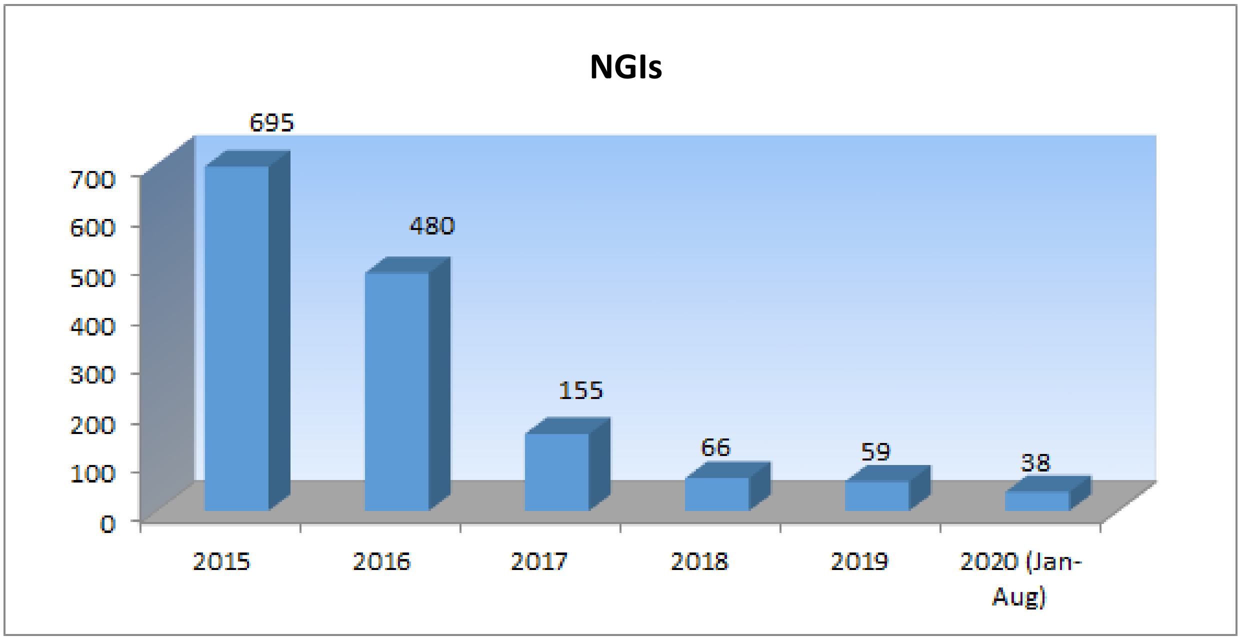

Chart 2: Food Service Establishments without a Grease Interceptor

2.3 Number of Breached FOG Control Devices

Starting with the third annual report, a new category was added: *Number of Breached FOG Control Devices*. It is anticipated that the number of NGIs will become zero and therefore a replacement category was selected that represents a significant concern and equally important to track in this report. A breached FOG Control Device is one that is damaged and/or defective so that it allows wastewater, FOG or food waste to seep, flow, or discharge into the ground, groundwater, surface waters or any other location not approved by the Director or Director's designee. Corrosion is a common root cause for breached devices and therefore unprotected concrete tanks are the most common type of breached device.

A total of twenty-three (23) breached devices were identified in 2019. Future reports will provide totals by year in a chart form and summarize enforcement efforts and outcomes.

2.4 FOG Program Workforce Analysis

Staffing resources (workforce) and workload were evaluated to assess future staffing needs. Workload was analyzed by specific task/assignments:

- Routine Inspections
- Hot Spots & Complaints Inspections
- Construction Inspections

- Confirmation Inspections
- FOG Disposal Facility Inspections
- Residential Areas Inspections
- eManifest Inspections
- *Private Pump Station Inspections (~ 1,500)*
- *Public Pump Station Inspections (~1,600)*

A significant change from prior years is the additional tasks of incorporating private and public pump station inspections in the FCP. This effort became significant when the COVID-19 Pandemic made it difficult to inspect food service establishments. A shift to pump station inspections resulted from social-distancing requirements and concerns that pump station failures could further complicate public health concerns. Moreover, the accumulation of FOG in a wet well is a clear sign of poor FOG control, whether it be from commercial establishments (e.g., restaurants) or residences. Based on the success of this initiative, pump station inspections have been made a permanent task in the FCP.

A comparison of staffing levels, past, present and future, is presented below in ***Table 2***.

Staff Position	2018	2019	2020	2021	Change
Division Chief	1	1	1	*1*	No change
Program Manager	1	0	0	*1*	Position was moved in 2019 to temporarily address immediate needs in development programs. Replacing position is proposed. (1)
Supervisor	2	2	2	*4*	Increase proposed. (1)
FOG Inspector	4	4	4	*8*	Increase proposed. (1)
FOG Technician	8	8	10(2)	*20(3)*	Increase proposed. (1)

(1) Additional positions are proposed to address programmatic initiatives, but subject to COVID-19 Pandemic impacts.
(2) 2 Vacant positions added to assist with pump station inspections.
(3) Includes Public & Private Pump Station Inspections.

Table 2: Prior, Current & Future Staffing

Workload data (by inspection category/assignments) for years 2017 to 2019 was reviewed and analyzed to estimate full time equivalent workforce requirements for a period of ten (10) years (2017-2027). A discussion of each inspection category, tabulated summary and assumptions (***Tables 3*** and ***4***) follow below.

Weeks/Year =	**52**	**weeks**			
Holidays =	2	weeks	Inspection days/week/FTE =	4	hours
Annual Leave =	2	weeks	Inspection hours/day/FTE =	6.5	per inspector
Sick Leave =	2	weeks	No. Inspections/year/FTE =	1008	
Training =	2	week	Inspection hours/week/FTE =	**26**	Hours
			Inspection hours/year/FTE =	**1,144**	Hours
Annual Work =	**44**	**weeks**			

Table 3: Basis for Staffing Calculations

Year-->			2017	2018	2019	2020	***2021***	2022	2023	2024	2025	2026	2027
Routine, GDOs-->			7,065	7,289	7,424	7,647	***7,000***	7,500	7,600	7,700	7,800	7,800	7,800
Hot Spots-->			336	336	336	336	***336***	336	336	336	336	336	336
Status Confirmation-->			--	--	1,349	743	***1,094***	985	887	887	887	887	887
Closed Confirmation-->			--	--	3,563	3,798	***2,887***	2,599	2,340	2,340	2,340	2,340	2,340
Construction Inspections-->			--	--	559	615	***677***	745	820	820	820	820	820
FOG Disposal Inspections-->			--	--	32	64	***116***	116	116	116	116	116	116
eManifest Inspections-->			--	--	--	--	***--***	500	500	500	500	500	500
Public Pump Station Inspections-->			--	--	--	1,500	***1,500***	1,500	1,500	1,500	1,500	1,500	1,500
Private Pump Station Inspections-->			--	--	--	1,600	***1,600***	1,600	1,600	1,600	1,600	1,600	1,600
Inspection category	**Hours/Task/FTE**	**Classifications**	**2017**	**2018**	**2019**	**2020**	***2021***	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**
Routine	2	FOG Tech	0	0	0	0	***12***	13	13	13	14	14	14
	0	FOG Inspector	0	0	0	0	***0***	0	0	0	0	0	0
		Subtotal	0	0	0	0	***12***	13	13	13	14	14	14
Hot Spots & Complaints	6	FOG Tech	4	8	8	8	***2***	2	2	2	2	2	2
	6	FOG Inspector	2	2	2	2	***2***	2	2	2	2	2	2
		Subtotal	6	10	10	10	***4***	4	4	4	4	4	4
Status/Closed Confirmation	0.5	FOG Tech	0	0	0	0	***1***	1	1	1	1	1	1
	0	FOG Inspector	0	0	0	0	***0***	0	0	0	0	0	0
		Subtotal	0	0	0	0	***1***	1	1	1	1	1	1
Construction	0	FOG Tech	0	0	0	0	***0***	0	0	0	0	0	0
	4	FOG Inspector	2	2	2	2	***2***	3	3	3	3	3	3
		Subtotal	2	2	2	2	***2***	3	3	3	3	3	3
FOG Disposal	8	FOG Tech	1	1	1	1	***1***	1	1	1	1	1	1
		FOG Inspector	0	0	0	0	***0***	0	0	0	0	0	0
		Subtotal	1	1	1	1	***1***	1	1	1	1	1	1
eManifest	2	FOG Tech	0	0	0	0	***0***	1	1	1	1	1	1
	0	FOG Inspector	0	0	0	0	***0***	0	0	0	0	0	0
		Subtotal	0	0	0	0	***0***	1	1	1	1	1	1
Public Pump Stations	1	FOG Tech	0	0	0	3	***1***	1	1	1	1	1	1
	1	FOG Inspector	0	0	0	2	***1***	1	1	1	1	1	1
		Subtotal	0	0	0	5	***3***	3	3	3	3	3	3
Private Pump Stations	1	FOG Tech	0	0	0	3	***1***	1	1	1	1	1	1
	1	FOG Inspector	0	0	0	2	***1***	1	1	1	1	1	1
		Subtotal	0	0	0	5	***3***	3	3	3	3	3	3
Residential	4	FOG Tech	0	0	0	0	***1***	1	1	1	1	1	1
	4	FOG Inspector	0	0	0	0	***1***	1	1	1	1	1	1
		Subtotal	0	0	0	0	***2***	2	2	2	2	2	2
Total FOG Techs			5	9	9	15	***20***	21	21	22	22	22	22
Total Inspectors			4	4	4	8	***8***	8	8	8	8	8	8
Total Supervisors			2	2	2	2	***4***	4	4	4	4	4	4
Total Prgram Managers			1	1	0	0	***1***	1	1	1	1	1	1
Grand Total			12	16	15	25	***33***	34	35	35	35	35	35

Table 4. 10 Years Staffing FTEs

2.4.1 Routine Inspections

The FCP included performing routine inspections of facilities with Grease Discharge Operating (GDO) operating permits starting after *September 30, 2019*. As of August 2020, there were 7,409 GDO permitted facilities. The total number of GDO sites has been increasing yearly (refer to ***Chart 3***). *With the COVID-19 Pandemic, it is unknown if this trend will continue or the number of restaurants and food service establishments will decrease. This is a significant variable that makes future planning difficult.*

Based on ongoing inspection efforts, the duration for an average routine inspection, factoring mobilization, transportation, inspection, and report preparation, the number of FOG technicians and inspectors required to accomplish routine annual inspections has been adjusted. Refer to ***Tables 2, 3*** and ***4***.

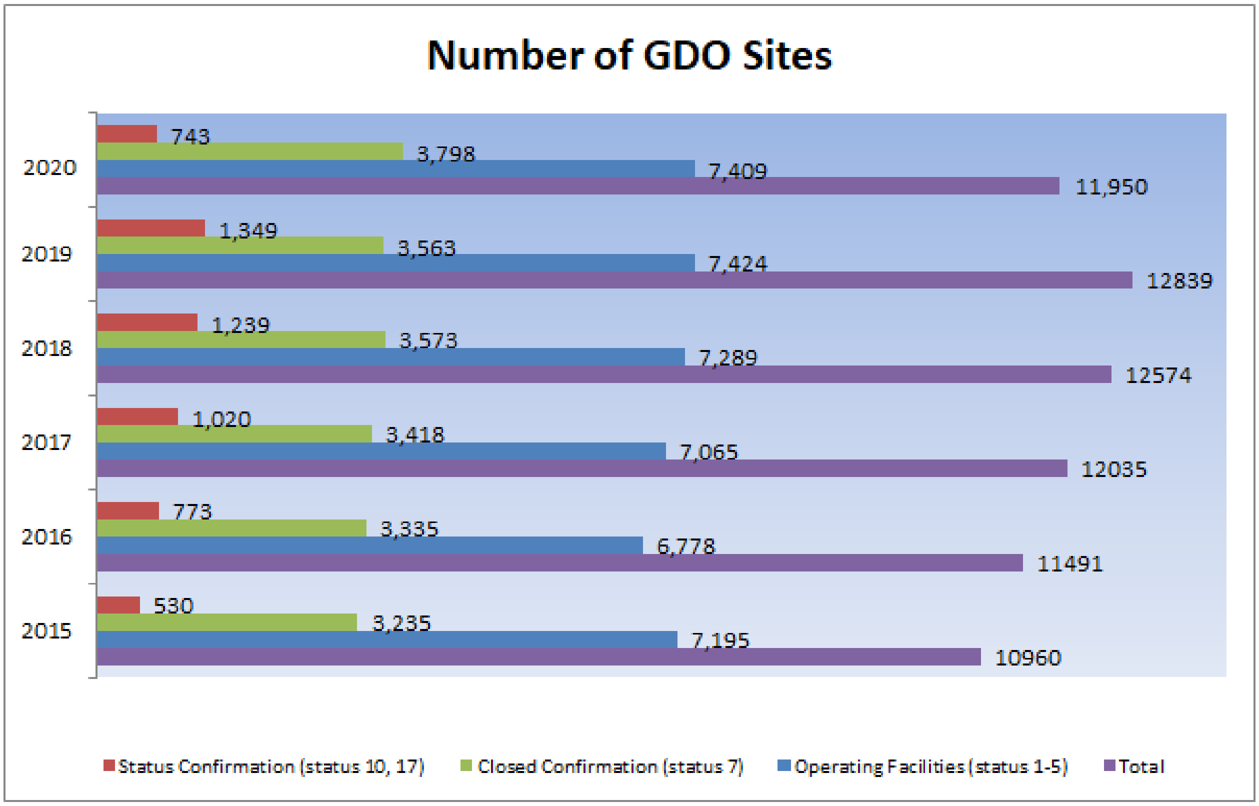

Chart 3: Number of Grease Discharge Operating Permits

2.4.2 Hot Spots & Complaints Inspections

Hot Spots inspections result from request from the Utilities to determine possible GDO facilities causing FOG discharges in specific areas. Complaints inspections are conducted based on private and municipal complaints.

A new initiative that DERM is working on implementing is the use of real-time level monitoring systems (e.g., SmartLevelTM/SmartCover). A pilot program was proposed and being reviewed. This pilot would deploy up to ten (10) units to monitor key manholes in residential areas associated with FOG Hot Spots not being monitored by MDWASD (e.g., Municipal Utilities and residential areas). If deployed, the status of the pilot program will be disused in the next annual report.

2.4.3 Construction Inspections

Starting March 2018, with the approval of the FCO, DERM began performing construction inspections to confirm compliance with approved plans. These inspections have proven to be invaluable in that they provide an opportunity to identify and correct problems during the construction phase and prior to final inspection and issuance of a Certificate of Occupancy (or Completion) being issued by the Municipal Building Department. Correcting problems after a CO or CC has been granted becomes extremely difficult, in part because a contractor has typically been paid in full and has demobilized from the site. A summary of construction inspections performed is presented below in ***Chart 4***.

2.4.4 Confirmation Inspections

Currently there are a total of 4,541 facilities pending confirmation inspection to determine if they are operating without a permit or closed (***Chart 3***).

2.4.5 FOG Disposal Facility Inspections

To prevent/minimize comingling of FOG with septage, educate liquid waste haulers in the use of appropriate eManifest forms, and to improve the disposal process at the wastewater treatment plant, DERM started performing inspections of liquid waste haulers at the South District Wastewater Treatment Plant (SDWWTP) Hauled Waste Disposal facility in 2018. DERM is also coordinating with MDWASD in the hauled waste sampling program and disposal facility sampling.

2.4.6 Residential Areas Inspections

Some blockages caused by FOG reported by the utilities are in residential areas. DERM intended to initiate residential outreach in 2020 but due to the COVID-19 Pandemic this effort was postponed.

A new initiative that DERM is working on implementing is the use of real-time level monitoring systems (e.g., SmartLevelTM/SmartCover). A pilot program was proposed and being reviewed. This pilot would deploy up to ten (10) units to monitor key manholes in residential areas identified as being FOG hot spots. If deployed, the status of the pilot program will be disused in the next annual report.

2.4.7 eManifest Inspections

Liquid waste haulers and GDO facilities are required to submit information to DERM using the eManifest system. The system generates reports of potential violations that require review and inspection. Additionally, random sampling performed by MDWASD of hauled waste, in part as a deterrent to inappropriate waste disposal, requires follow up to determine the source location of waste material that exceeds local limits. These may include facilities served by septic system and industrial facilities.

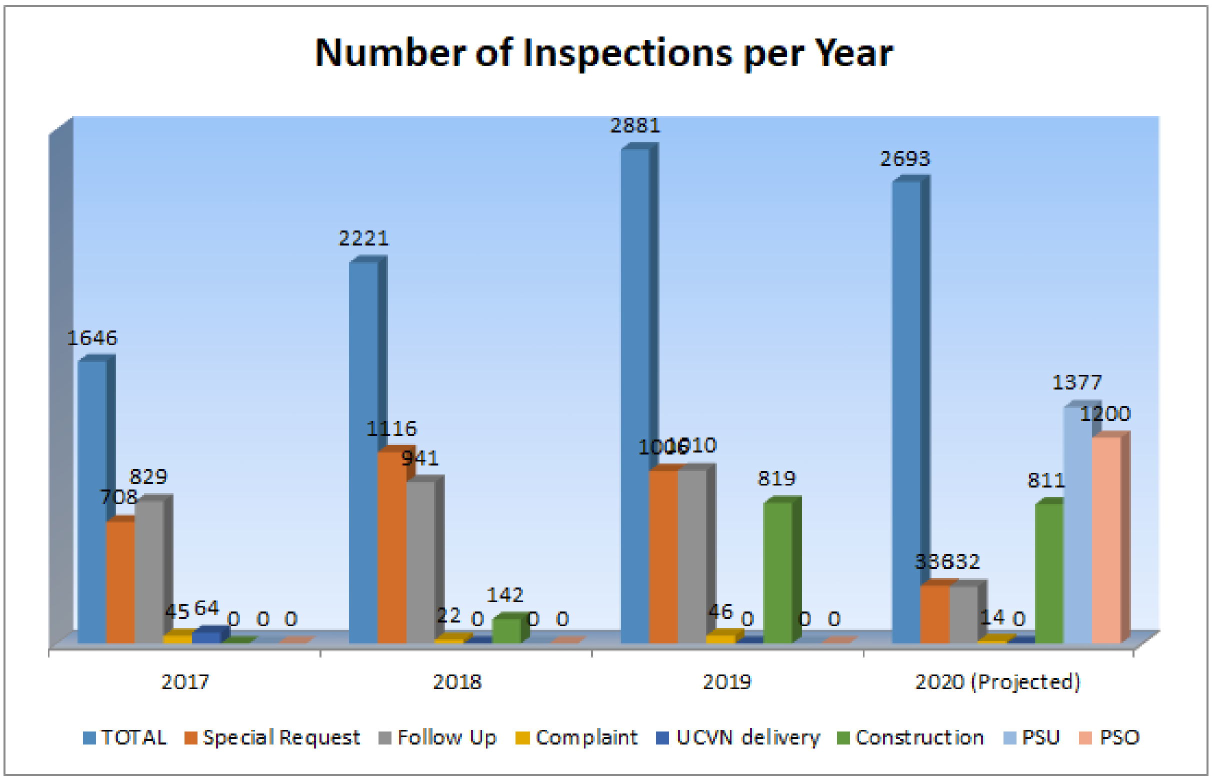

Chart 4: Number of Inspections per Year

2.5 FOG Construction Plans and Certificate of Use Reviews

An indicator of future increases (or declines) in the total of GDO facilities is the number of construction plans and certificate of use submittals. Construction plan submittals continue to increase, with an overall increase of 36% observed (***Chart 5***). The certificate of use applications also shows an increasing trend, with a small dip in 2019 (***Chart 6***). However, this dip is in part a function of how the certificate of use reviews were logged by the DERM West Office during 2019. That is, unlike prior years where all reviews were counted, in 2019 only approvals were counted.

The overall increase in reviews would suggest that the number of permitted facilities (GDOs) will continue to expand. However, as previously noted, the COVID-19 Pandemic's short- and long-term impacts are significant unknowns that may require significant adjustments to staffing.

Chart 5: Total FOG Engineering Reviews (Overtown & PIC)

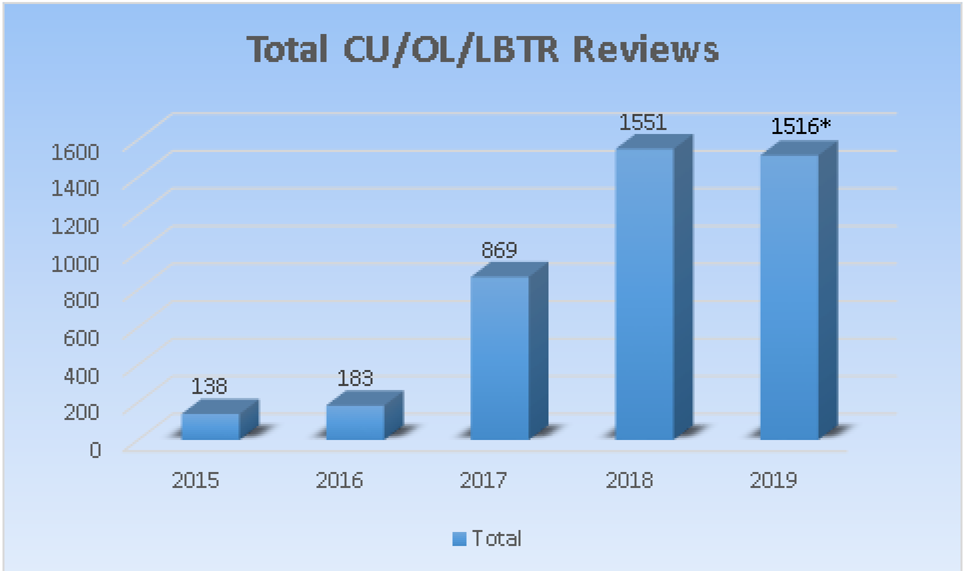

Chart 6: Occupational License, Certificate of Use Reviews (Overtown & PIC)

2.6 FOG Outreach and Education Events

DERM has focused on FOG outreach and education since 2014 and has exceeded the FCP target of six (6) stakeholder outreach events per year (refer to ***Table 4***). As proposed in the FCP, DERM planned to expand the current MDWASD residential FOG outreach program by March 2020. The expansion was to include an educational campaign to address blockages caused by the combination of "flushable wipes" and FOG, which was one of the concerns expressed by the Utilities during the FOG Annual Review meeting held on June 18, 2019. Due to the COVID-19 Pandemic, this was not realized. It is anticipated that this effort will be reprogramed for 2021.

YEAR	TOTAL NUMBER	RESIDENTIAL OUTREACH	NON-RESIDENTIAL
2014	15	0	15
2015	20	0	20
2016	18	2	16
2017	12	0	12
2018	19	0	19
2019	19	2	17

Table 5: Outreach Events

3. FOG Control Program Review Committee

The effectiveness of the FCP and FCO are continuously evaluated at the DERM Division Level (i.e., DERM Water and Wastewater Division). An annual review of the FCP effectiveness is performed by the FOG Control Program Review Committee (committee). The committee is composed of five members, each from one of the following Departments/Sections:

- DERM Water and Wastewater Division (formerly the Wastewater Permitting Section)
- DERM Director or Director's Designee
- RER Administration
- Miami-Dade County Water and Sewer Department, Wastewater Collection and Transmission Line Division
- Volume Sewer Customers (Municipal Utility)

Due to the COVID-19 Pandemic, the committee meeting was postponed and required two separate virtual meetings. The presentation and meeting materials are included in ***Attachment 3***.

The committee also reviewed the progress made by DERM to implement the program requirements. A summary of DERM's progress is included in ***Table 6***.

FOG Implementation Schedule		
Requirement	**Requirement or Goal Date**	**Status**
No Commingling of FOG and septage	*April 1, 2017*	Implemented
DERM to make training materials available for FOG generators (e.g., food service establishments), liquid waste transporters and FOG disposal facilities	*February 21, 2019*	Implemented
DERM to implement an electronic disposal manifest system, replacing the paper based system implemented April 1, 2015	*April 1, 2017*	Implemented
DERM to perform compliance assistance visits to active FSEs to promote awareness of the requirement to report electronically	*October 10, 2017*	Implemented
Require FSEs to utilize eManifest system (date the grease interceptor was pumped out and the name of the Liquid Waste Transporter).	*January 1, 2018*	Implemented
DERM to finalize procedures and checklist for Construction Inspections to be performed by RER.	*January 30, 2018*	Implemented
Guidelines for the Monthly Hot Spots Report will be made available to the Utilities.	*January 30, 2018*	Implemented

RER to perform FOG Control Device (grease interceptor) Construction Inspections for all plans approved under FOG 2.0 (i.e., all plans approved pursuant to Section 24-42.6, as enacted by County Ordinance).	*March 5, 2018*	Implemented
Monthly Hot Spots Report will be submitted by the Utilities per requirements in Section 24-42.6(13)	*March 5, 2018*	Implemented
Compliance Inspections to FSEs will be conducted annually.	*September 30, 2019*	Pending
To comply with Section 24-42.6(10)(iv) each FOG generator and FOG control device operator shall have one (1) trained person in the staff with knowledge in FOG reporting and maintenance requirements.	*January 1, 2019*	Training materials made available

Table 6: FOG Implementation Schedule

After reviewing and discussing performance measures (PMs) and key performance indicators (KPIs), the committee made recommendations which were captured in the committee input matrix (refer to ***Attachment 4***). The input matrix addressed:

1. What is Your No. 1 FOG Concern?
2. If you can change One thing, what would it be?
3. Are Existing PMs/KPIs good indicators?
4. Should we add New PM/KPI?
5. Other Comments?

Utilities expressed concerns with application submittals (Plans and Certificate of Use applications) with COVID-19 imposed in-person limitations; blockages within private sanitary sewer systems, particularly in residential areas; yellow grease and its impacts to the storm sewer system; and effectiveness of outreach efforts and enforcement. The committee proposed changes to include increased staffing and presence in problem areas of the County; increased outreach to include more virtual events; and to increase/maintain constant coordination with municipalities.

With regards to PMs/KPIs, RER Director's office had proposed including volume of hauled waste as a secondary KPI, as an indicator of FOG control devices pump out (cleaning) frequency compliance in the 2019 Committee Meeting. This indicator is currently tracked, and the trend will be included in future reports.

Based on committee recommendations, DERM is proposing the following:

1. Continue to improve front-end processes. The latest improvements implemented include an online system to intake and process Certificate of Use applications. This new system allows online submittal of Certificate of Use applications by customers and/or Municipalities and allows concurrent reviews by core and specialty reviewers (e.g., FOG engineers).
2. Development of a Pilot Program to utilize real-time level monitoring systems (e.g., SmartLevelTM/SmartCover). The pilot program was proposed and is being reviewed. This pilot program would deploy up to ten (10) units to monitor key manholes in residential and non-residential areas identified as being FOG Hot Spots. If deployed, the status of the pilot program will be disused in the next annual report.
3. Base on the success of recent Virtual Outreach events, DERM will continue to expand outreach using virtual platforms. The most recent event was a pre-Annual Permit renewal workshop used to present existing and new permit conditions for private pump station permitted community (owners and operators) prior to the beginning of the new permit year. This will be implemented for the next GDO (FOG Annual permits) permit renewal cycle.
4. DERM will further evaluate the need for additional FOG Inspectors, Technicians and Supervisors based on the workforce and workload analyses presented herein. This will include evaluating the impact of the COVID-19 Pandemic on the number of regulated facilities.

4. Proposed FCO and FCP Revisions

The FCO became effective in March 2018 and no changes are currently proposed. DERM will continue to monitor all areas of the FCO (e.g., design standards, plan review, construction inspections, operating permits, etc.) routinely to ascertain if any changes are required. Prior to making any changes to the FCO, which would require Board of County Commissioner approval, an Ordinance Revision Plan (ORP) will be submitted to FDEP and EPA for review and approval. The ORP would include, at a minimum, the regulatory and technical basis for the proposed changes and implementation schedule (e.g., public outreach, public comment, legislative timeframes, and code implementation timeline with change applicability and grandfathering criteria).

Based on working knowledge gained by implementing the FCP, some adjustments are proposed for the FCP. These are limited to inspection strategies related to staffing resources, including inspections at the SDWWTP hauled waste disposal facility.

DERM's inspection protocol for 2017 through 2019 included focusing primarily on Hot Spots and Complaints and starting to transition more staff resources to routine inspections in late 2019, with the goal of initiating annual inspections by September 30, 2019. Given the level of effort required to address Hot Spots and Complaints, expanding SDWWTP inspections, eManifest enforcement/inspections, construction inspections/re-inspections, and COVID-19 Pandemic, shifting resources to annual inspections was not possible. Moreover, based on the projected workload for all inspection categories, additional staffing is required to meet all inspection goals through 2021 and beyond. However, due to the COVID-19 Pandemic and associated unknowns, it is difficult to accurately estimate the number of additional staff required. Every effort will be made to increase staffing to implement annual inspections by 2021.

5. Conclusions

DERM implemented the FCP to reduce FOG discharges to the WCTTS and thereby reduce FOG related SSOs. While the FCP and FCO have only recently been approved, DERM has made great progress improving key functions: Design/Review, Compliance/Construction Inspections, FOG Manifesting (i.e., eManifest) and Outreach.

DERM will continue to make progress implementing the FCP and enforcing the FCO, and when applicable, propose changes to the EPA and FDEP.

ATTACHMENT 1

County’s Force Majeure Request

miamidade.gov

DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
ENVIRONMENTAL RESOURCES MANAGEMENT
701 NW 1st Court, 2nd Floor
Miami, Florida 33136-3912
T 305-372-6789
derm@miamidade.gov

VIA ELECTRONIC CORRESPONDENCE

July 21, 2020

CCN: 63306
File No: 8.DC.20.52

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Tom Mariani
Washington, D.C. 20044-7611
RE: DOJ No. 90-5-1-1-4022/1
Tom.Mariani@usdoj.gov

Chief, Clean Water Enforcement Branch
Water Protection Division
Attn: Brad Ammons
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Ammons.Brad@epa.gov

Rachael Amy Kamons
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611
Rachael.Kamons@usdoj.gov

Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
Attn: Compliance/Enforcement Section
Jason.Andreotta@dep.state.fl.us

RE: Consent Decree (Case: No. 1:12-cv-24400-FAM),
Reference DOJ Case No. 90-5-1-1-4022/1,
Section VI, - Fats, Oils and Grease ("FOG") Control Program Paragraph 19(a)
Section XI – Force Majeure, Paragraph 52 – Delay Notification
Third Annual FOG Control Program Review Report Delay Notification

Dear Sir/Madam:

In accordance with the Federal Consent Decree (**(Case: No. 1:12-cv-24400-FAM),** Paragraph 19(a)(xv), Miami-Dade County (County) shall review, evaluate and revise the FOG Control Program on at least an annual basis. Any revisions to the FOG Control Program shall be submitted to EPA and FDEP in accordance with Paragraph 15 of this Consent Decree." Paragraph 15 provides a mechanism for Miami-Dade County to revise certain Deliverables during the term of the Consent Decree subject to EPA's prior written approval.

Pursuant to the FOG Control Program approved by the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) on September 7, 2017, the County proposed to submit an annual report by June 30th of each year for the prior year (e.g., June 30, 2020 for year 2019). The June date was selected to provide sufficient time to collect, compile and review the data for the prior year. Additionally, the County included a process to obtain input from stakeholders as part of the FOG Program evaluation, with the goal of addressing Paragraph 19(a)(xv) by determining if any revisions to the FOG Control Program are required.

Given the evolving COVID-19 pandemic, the County's first and foremost priority has been the health and safety of the public, businesses and County staff. Consequently, travel and social distancing recommendations, consistent with the Centers for Disease Control and Prevention, were implemented to limit the spread of COVID-19. These protective actions resulting from the COVID-19 pandemic affected the availability of key staff and stakeholders to collaborate and complete the Third Annual FOG Control Program Review Report. Moreover, the evolving operational strategies for food service establishments (e.g., temporary closures and limited seating) resulted in shifting County staffing to focus on preventing sanitary sewer overflows (SSO) that could result from stay home/work from home recommendations and related disinfection efforts; e.g., disinfectant rags and wipes being flushed causing blockages in the wastewater collection and transmission system.

To initially advise the EPA that the COVID-19 pandemic had limited the County from submitting the Third Annual FOG Control Program Review Report and that it was anticipated that the report would be completed and submitted by September 2020, an email was provided to EPA on June 25, 2020.

While at this time the County is not proposing or anticipating any changes to the approved FOG Control Program, satisfying the requirements of Paragraph 19(a)(xv), we continue to monitor the effects of the COVID-19 Pandemic and its impact on the County (public, businesses, stakeholders, and staff) to confirm this assertion. For this and aforementioned reasons, and pursuant to EPA's March 26, 2020 Memorandum with subject ***COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program***, the County proposes to complete and submit the Third Annual FOG Control Program Review Report on or before September 30, 2020 while adapting and finding opportunities to improve outcomes – including reducing SSO.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Should you have any questions regarding this matter, please call me at (305) 372-6754.

Sincerely,

Lee N. Hefty
RER Assistant Director, Division of Environmental Resources Management

ec:

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Florida Department of Environmental Protection
Southeast District – West Palm Beach
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Lashika Nelson
Sherry Negahban
Richard O'Rourke
Annalise Mannix
Robert Fergen
Carlos Castro
Rolando Roque
Dan Edwards
Oscar Vasquez

Lee N. Hefty (RER-DERM)
Carlos Hernandez (RER-DERM)
Rashid Istambouli (RER-DERM)

Martin Dorward (CD PMCM)
Scott Eckler (CD PMCM)
Andrea Suarez-Abastida (CD PMCM)
Cynthia Doyon (CD PMCM)

ATTACHMENT 2

Sample of Utility Hot Spot Report

Accelerated FOG Maintenance (aFOG)[*1] Report
MDC Code Section 24-42.6(13)

Utility Name: City of Miami Beach
Month Reported: 11/01/19
Completed by: Kristina Nunez

Utility Code	Date of Maintenance mm/dd/yyyy	Maintenance Location (address)	ZIP code	X, Coordinate (Feet)	Y, Coordinate (Feet)	Causes[*2]	Maintenance Initial MH #	Maintenance Final MH #	Length of Pipe Cleaned (Feet)	Description of Maintenance Performed[*3]	List of complete name of Chemicals added	Volume Recovered for Disposal (gallons)[*4]	Liquid Waste Transporter DERM Permit LW-ST #	Disposal Ticket No.[*5]	Maintenance Cost[*6] Labor	Maintenance Cost[*6] Equipment	Maintenance Cost[*6] Materials/Supplies	Total Maintenance Cost	Event Id (DERM use only)
2	11/01/19	612 Lincoln Road	33139	940965.465	530500.088	FOG	SWR43656	SWR43654	556	Hydro Jetting		1,050	372	325699	$ 35.36	$ 85.10		$ 120.46	243770612 Lincoln Road
2	11/01/19	985 Bay Drive	33139	942744.98	553234.4	FOG	SWR16373	SWR16373	40	Hydro Jetting		1,050	372	325699	$ 33.69	$ 51.51		$ 85.20	243770985 Bay Drive
2	11/02/19	301 Ocean Drive	33139	941882.408	523780.827	FOG	SWR43395	SWR43399	525	Hydro Jetting		2,100	372	326822	$ 35.36	$ 85.10		$ 120.46	243771301 Ocean Drive
2	11/05/19	985 Bay Drive	33139	942744.98	553234.4	FOG	SWR16373	SWR16373	40	Hydro Jetting		2,100	372	326928	$ 35.36	$ 85.10		$ 120.46	243774985 Bay Drive
2	11/15/19	501 Lincoln Road	33139	941639.1	530706.14	FOG	SWR42587	SWR42589	600	Hydro Jetting		2,100	372	326895	$ 17.68	$ 42.55		$ 60.23	243784501 Lincoln Road

NOTES

*1 Cleaning performed by utilities to prevent sanitary sewer overflows caused by FOG blockages in sanitary sewer systems, including but not limited to laterals, gravity mains, pump stations, and air release valves

*2 Causes
- FOG
- FOG & Rags (FROG)
- FOG & Roots
- Other

*3 Description of accelerated FOG maintenance performed :
- Hydro Jetting
- Pipe replaced due to grease solidified
- Chemicals added
- Other

*4 Quantities of waste removed, recovered, collected or treated to prevent a sanitary sewer overflow

*5 Disposal Ticket No., Must be reported from the Manifest form used to bring the waste to the disposal facility (Treatment plant). See sample form in the next TAB "Sample Disposal Manifest Form"

*6 Cost of accelerated FOG maintenance including labor, equipment, and materials. Labor shall include field and office staff

ATTACHMENT 3
3rd FOG Control Program Review Committee Meeting Materials

MDC – FOG Control Program
3rd Annual Review
September 1, 2020

Water and Wastewater Division
Department of Regulatory and Economic Resources (RER)
Division of Environmental Resources Management (DERM)

MIAMI-DADE COUNTY

AGENDA
3rd Annual FOG Control Program Review

- **Participants:**
  RER Administration
  DERM Water and Wastewater Division
  Municipal Utilities
- **FOG Team**
- **Today's Meeting Objectives**
- **DERM Requirements Under EPA Consent Decree Case: No. 1:12-cv-24400-FAM**
- **FOG Control Program Performance Measures (PMs) & Key Performance Indicators (KPIs)**
- **Committee Members' Input**

FOG Team Members

Division Chief	Carlos L. Hernandez, PE hernac@miamidade.gov
Supervisors	1. Laura Castillo Laura.Castillo@miamidade.gov 2. Ashton Youngquist Ashton.Youngquist@miamidade.gov
FOG Inspectors	1. Nelson Martinez Nelson.Martinez@miamidade.gov 2. Jhon Garcia Valencia Jhon.GarciaValencia@miamidade.gov 3. Briana Henriques Briana.Henriques@miamidade.gov *4. VACANT – In Process*
FOG Techs	1. Erika Perez Erika.Perez@miamidade.gov 2. Randall Mejia Randall.Mejia@miamidade.gov 3. Nicholas Padgett Nicholas.Padgett@miamidade.gov 4. Charles Bryant Charles.BryantII@miamidade.gov 5. Yeitsi Cabrera Yeitsi.Cabrera@miamidade.gov 6. Cedric McQueen Cedric.Mcqueen@miamidade.gov *7. Vacant – In Process* *8. Vacant – In Process* *9. Vacant – In Process* *10. Vacant – In Process*

MIAMI-DADE COUNTY

FOG Team Members

Division Chief	Carlos L. Hernandez hernac@miamidade.gov
Engineers	Carlos Lincheta Carlos.Lincheta@miamidade.gov Nadia Ramnanan Nadia.Ramnana@miamidade.gov Karina Lopez Karina.lopez@miamidade.gov Victor Cabrera Victor.Cabrera@miamidade.gov
FOG Permitting	Carlos Ruiz carlos.ruiz@miamidade.gov Johnny Vega johnny.vega@miamidade.gov

MIAMI-DADE COUNTY

Today's Meeting Objectives

- **Evaluate the FOG Control Program's Effectiveness by reviewing** Performance Measures **(PMs)** and Key Performance Indicators **(KPIs).**
  - **Evaluate FOG inspection compliance and compliance assistance effectiveness in reducing** wastewater collection and transmission system **blockages** and sanitary sewer overflows **(SSOs).**
  - Discuss how Performance Measures (PMs) and Key Performance Indicators (KPIs) are measured, tracked, and evaluated.

MIAMI-DADE COUNTY

Today's Meeting Objectives

- Discuss role of each committee member (e.g., DERM, Municipal Utilities, …).

- ***Obtain* Committee Members' Input.**

DERM Requirements Under EPA Consent Decree Case: No. 1:12-cv-24400-FAM

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

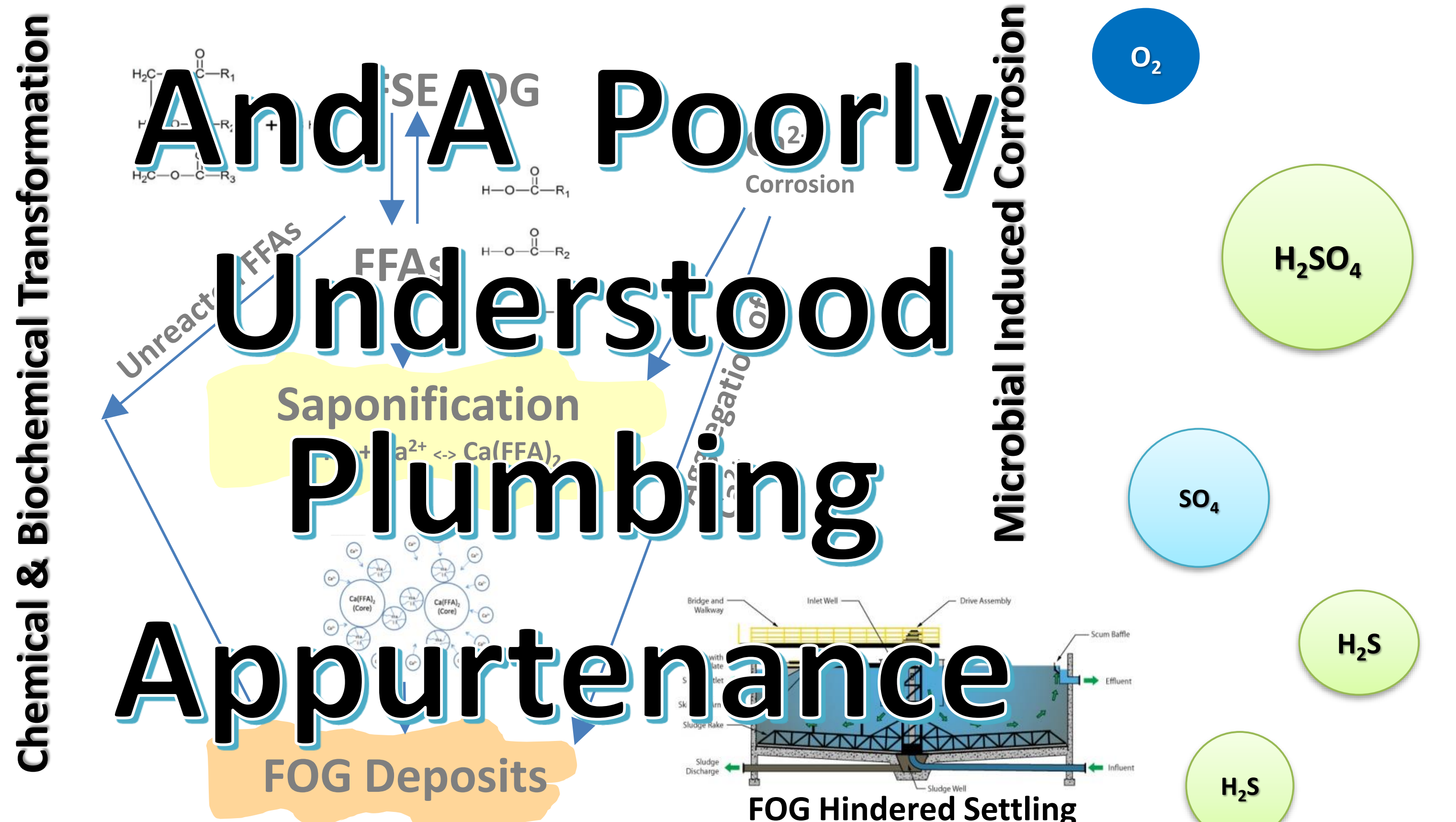
UNITED STATES OF AMERICA, the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, and the STATE OF FLORIDA, Plaintiffs,	)	Case: No. 1:12-cv-24400-FAM
v.	)	<u>CONSENT DECREE</u>
MIAMI-DADE COUNTY, FLORIDA, Defendant.	)	

MIAMI-DADE COUNTY

F O G

IN CASE YOU FORGOT....

AN EXTREMELY COMPLICATED PROBLEM



And A Poorly Understood Plumbing Appurtenance

Collection & **Transmission** System Blockages

F O G

WHEN FOG HIT THE FAN

FOG$^{0.0}$ 1986

FOG$^{1.0}$ 1994

2013

2014

FOG$^{1.5}$ 2015

FOG$^{1.75}$ 2016

2017

FOG$^{2.0}$ 2018

2019

FOG Plan Review
Paper Manifest
Improved GDO Permits
Outreach/Meetings

Improved FOG Plan Review
Better Inspections
More Outreach/Meetings
Leverage Haulers/Pumpers

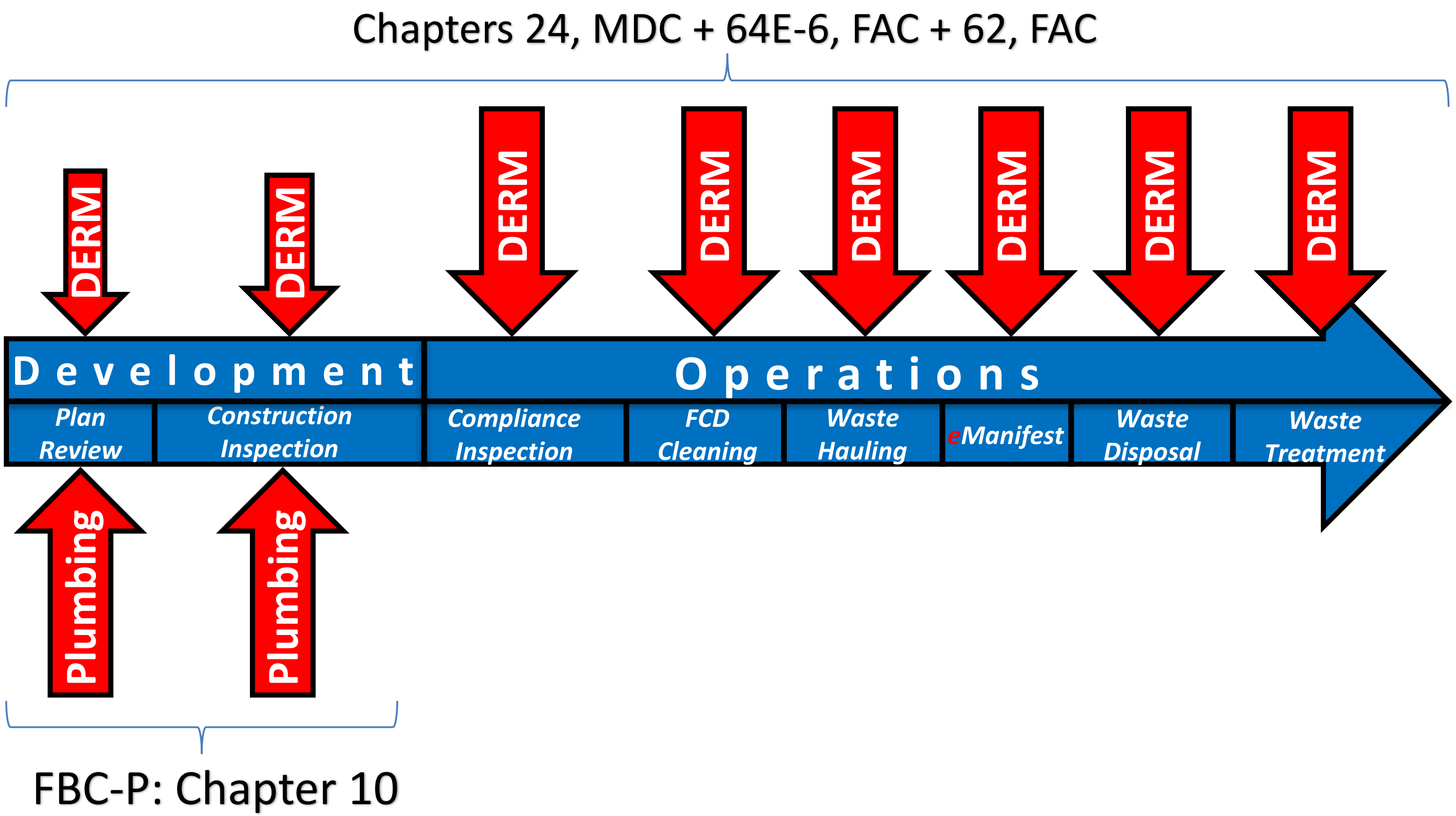
Response to 2nd Consent Decree

Improved FOG Plan Review
eManifest
EPA Approves FOG$^{2.0}$
More Outreach/Meetings

Construction inspections
Inspections at the Treatment Plant
Solids Separator Study
Partnership with municipalities

F O G

FOG$^{2.0}$ IMPLEMENTATION



Performance Measures (PM) & Key Performance Indicators (KPI)

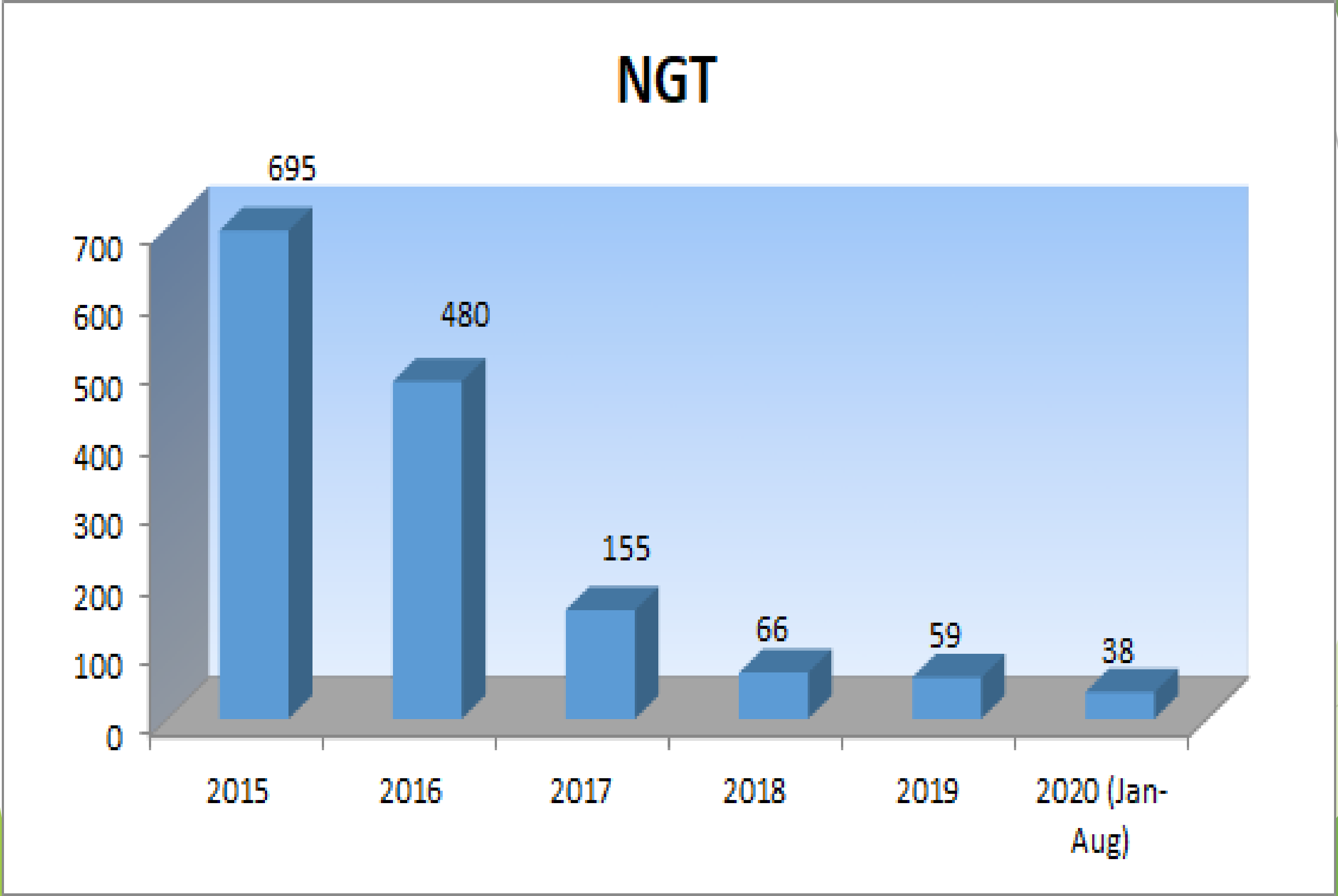
PM	KPI	Method	DERM Target
Collection System SSOs **Primarily Caused by FOG**		MDWASD Monthly Report/Meeting	Annual Reduction
Collection System Blockages **Primarily Caused by FOG**		MDWASD Monthly Report/Meeting	Annual Reduction
	Number of FOG Generators without FOG Control Device	FOG Inspections	Annual Reduction Goal is to have None by end of 2018
	FOG Inspection Frequency	FOG Inspections	100% Annually by 2019
	FOG Education (Residential)	Education	Six (6) Events Annually, to be fully implemented by March 4, 2020
	FOG Stakeholder Outreach (commercial/industrial)	Outreach	Six (6) Events Annually

Number of SSOs per Year

* Municipal SSOs = 26

KPI: Reduce NGTs

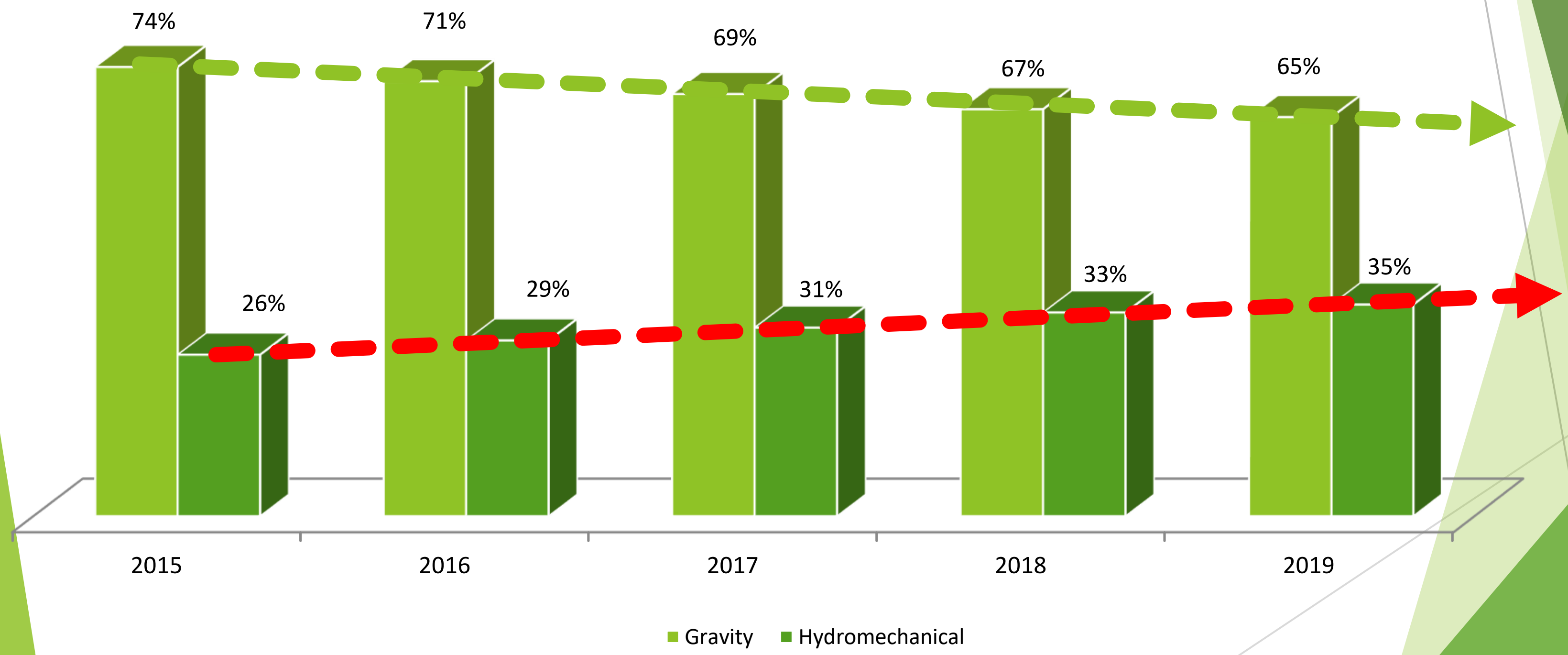
Number of FOG Generators Without FOG Control Device (NGTs)



MIAMI-DADE COUNTY

KPI: Reduce NGTs

Type of FOG Control Devices at FSE's



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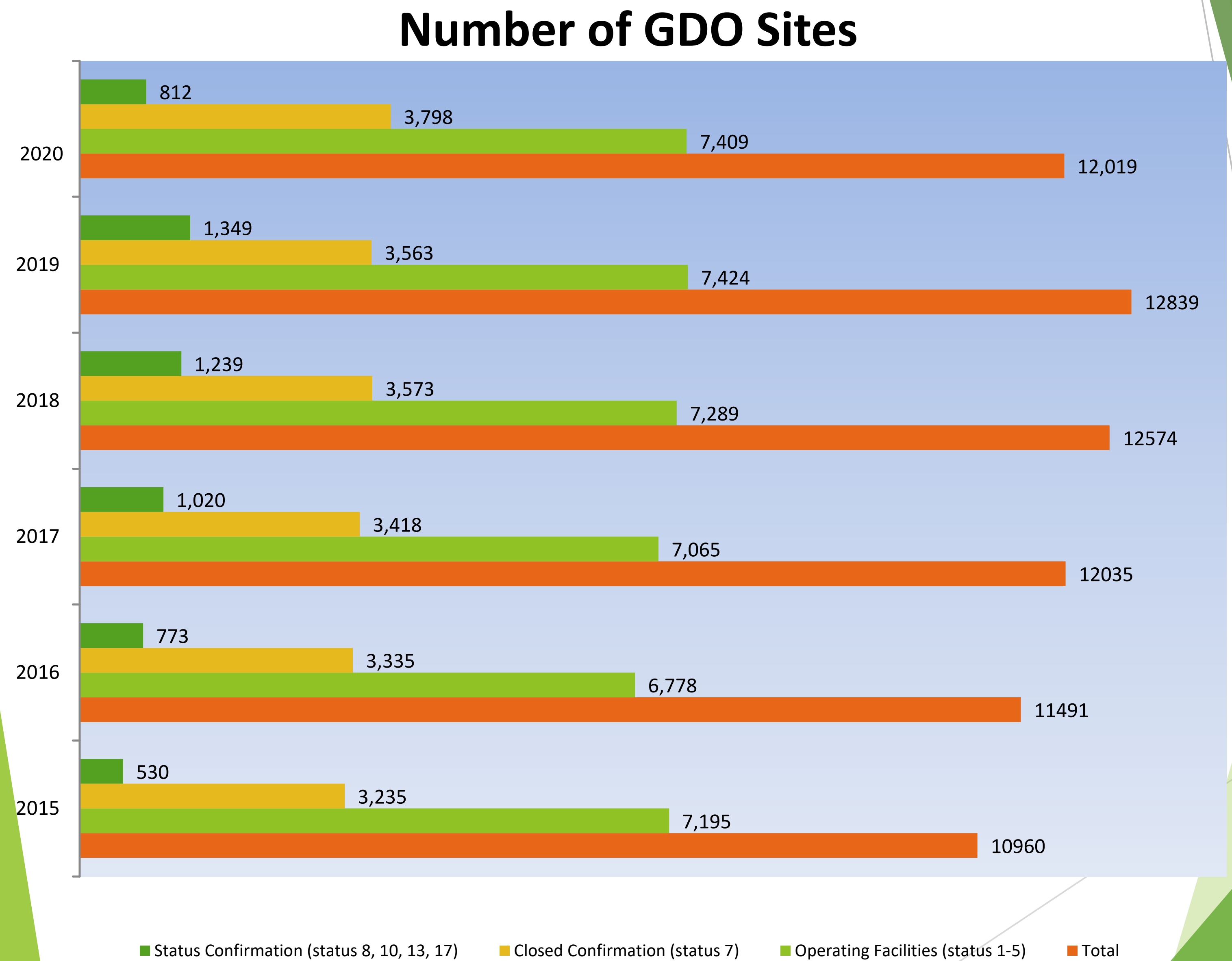
KPI: FOG Inspection Frequency



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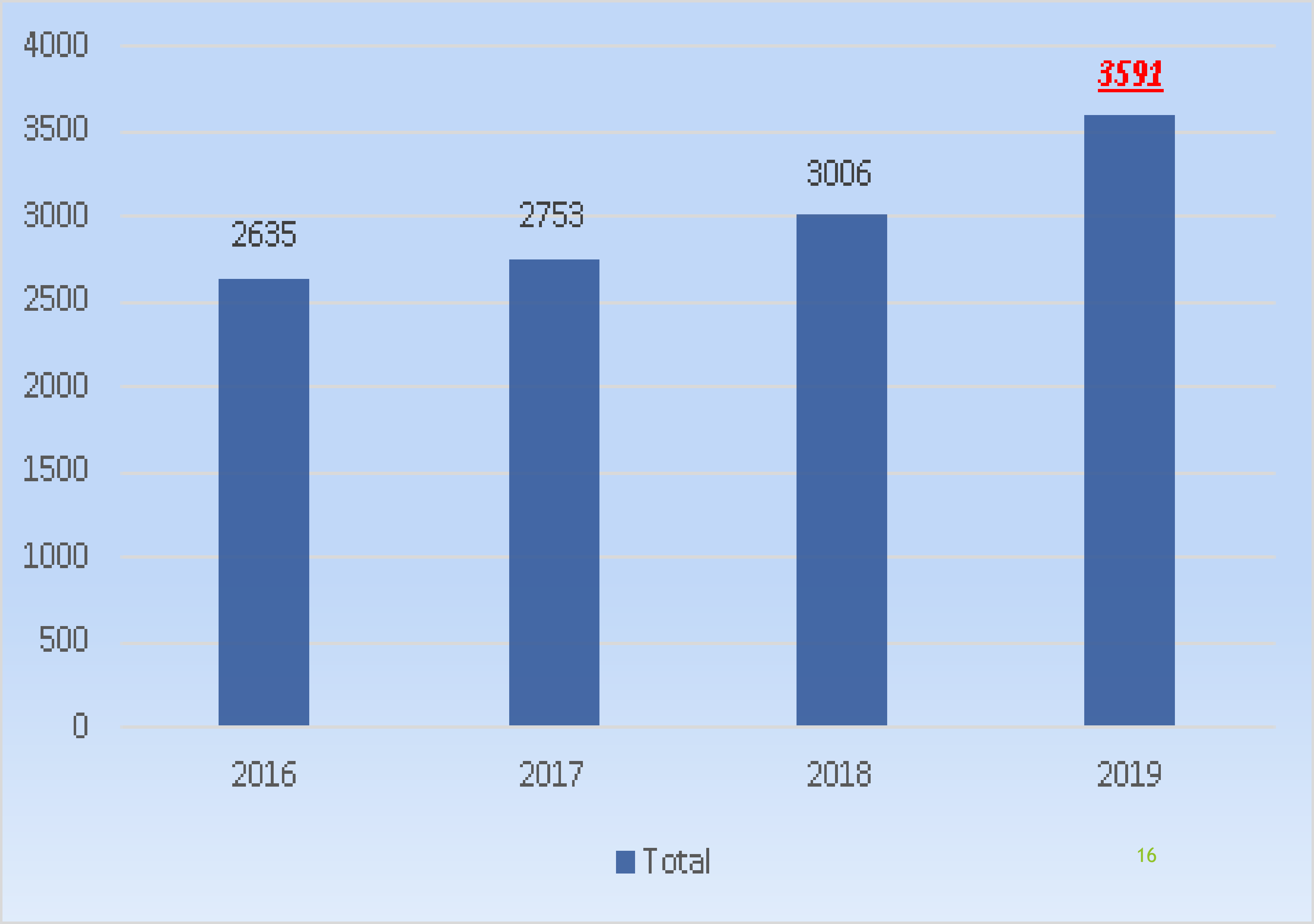
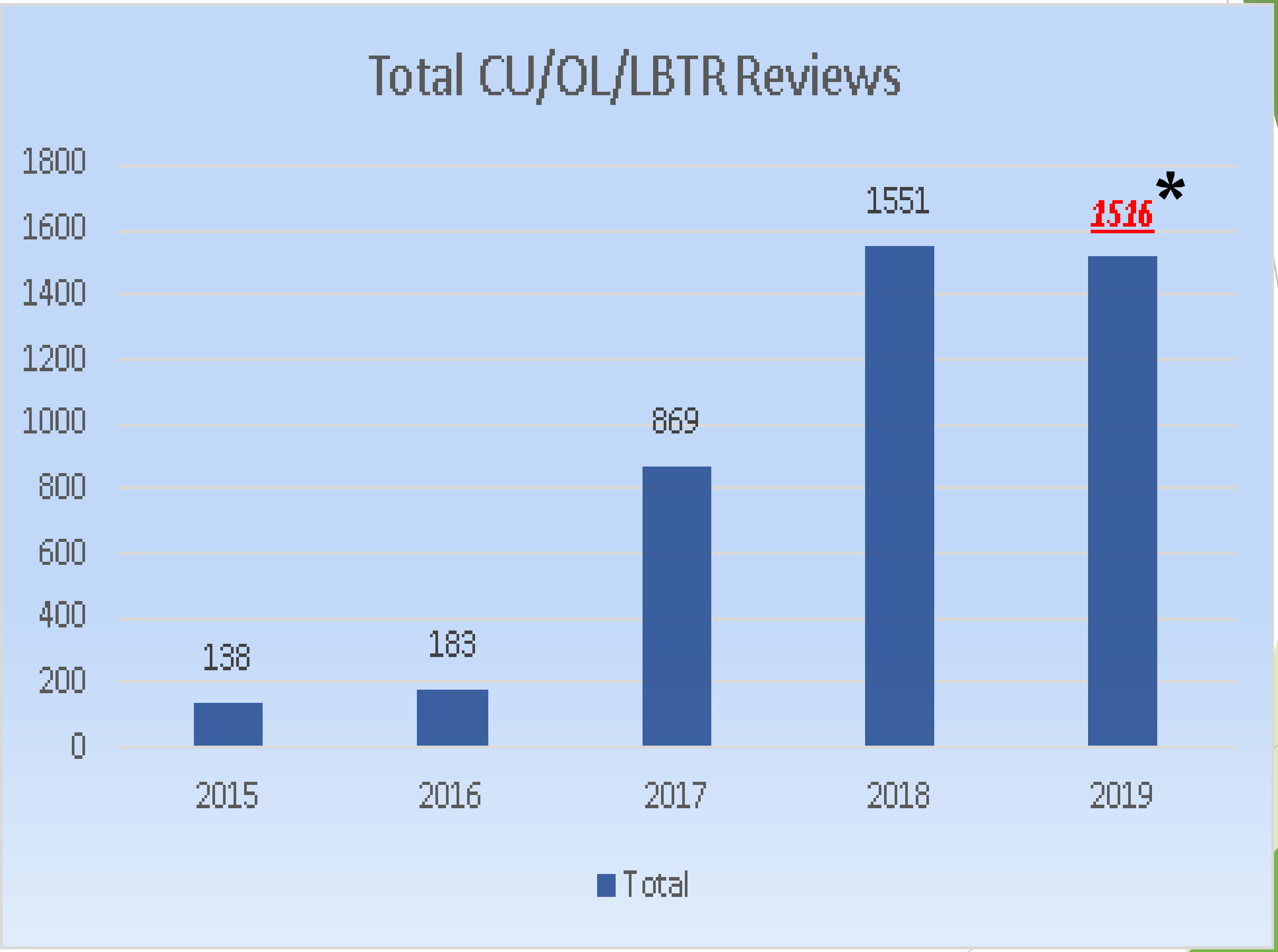
KPI: FOG Inspection Frequency

Plan Review (PIC & OTV) - Trend?



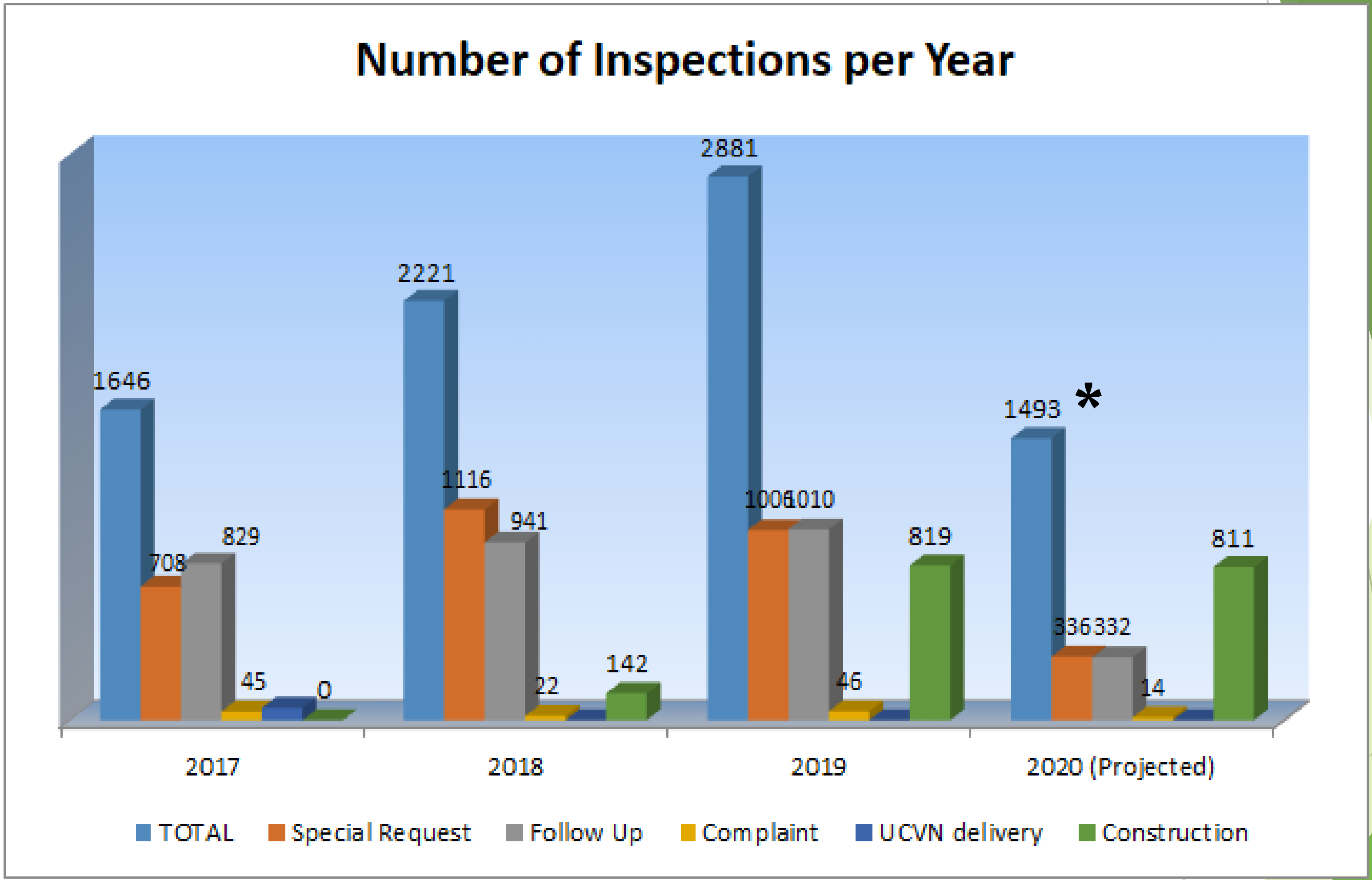
KPI: FOG Inspection Frequency

OL/CU/BTLR Reviews - Trend?



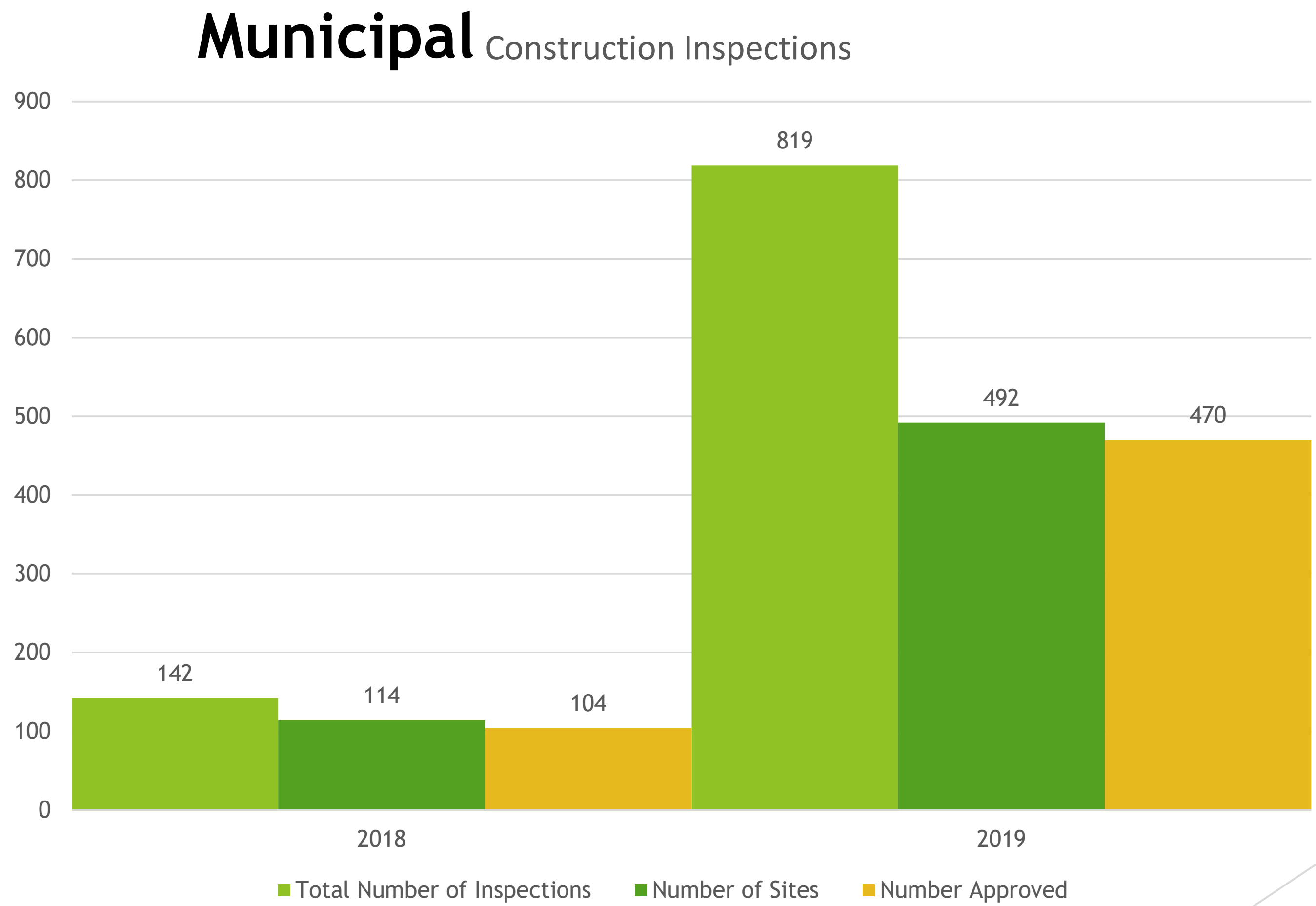
* Only includes approved CUs at PIC

KPI: FOG Inspection Frequency



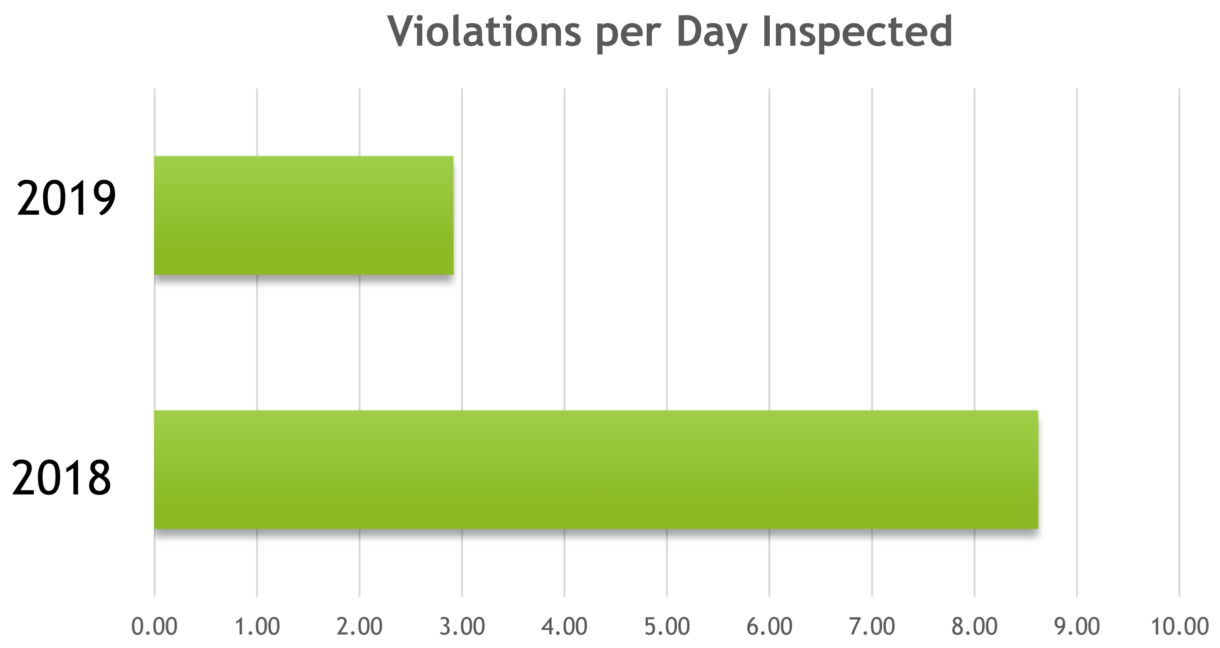
* NOT including ~1,377 PSU + 700 PSO = ~2,077 Inspections

KPI: FOG Inspection Frequency



	2018	2019
Average times each site was inspected	1.23	1.66

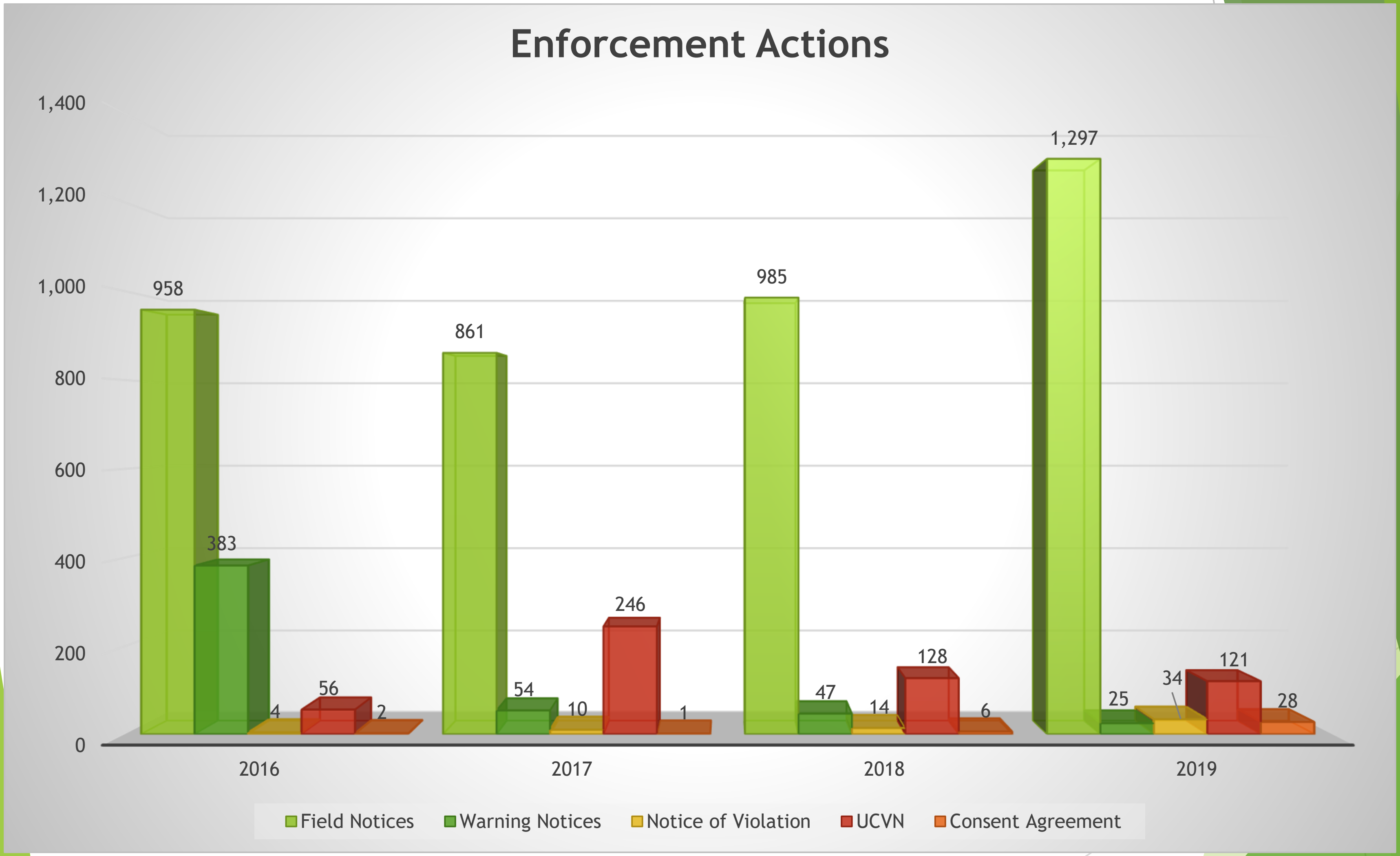
Inspections at Disposal Facility SDWWTP



Inspections at SDWWTP began in July 2018, and consists of 1 day per week, plus 1 Saturday per month.

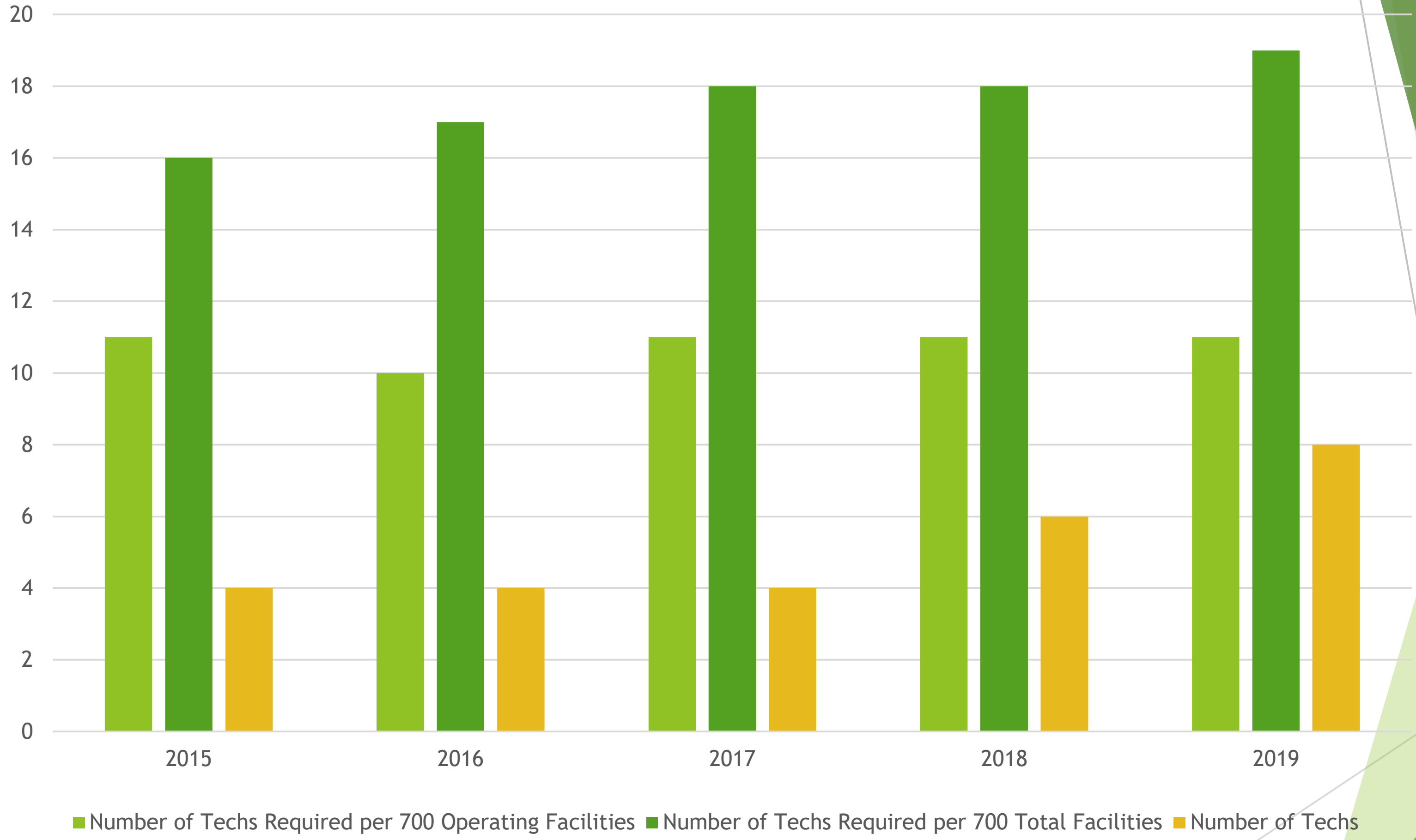
Total number of inspections for 2019 = **64** inspections.
Total number of inspections for 2018 = **32** inspections.

KPI: FOG Inspection Frequency



KPI: FOG Inspection Frequency

Resources / Number of Technicians**



KPI: FOG Outreach Events

Outreach Events

YEAR	NUMBER
2014	15
2015	20
2016	18
2017	12
2018	19
2019	19

The outreach events include: coordination meetings with the utilities, Quarterly FOG and utility round tables, participation in plumbing associations meetings, and presenting at conferences where FOG stakeholders congregate, among others.

COMMITTEE MEMBER'S INPUT

	Director's Office	RER Administration	RER W&WW	WASD	Municipal Utilities
What is Your No. 1 FOG Concern?					
If you can change One thing, what would it be?					
Are PM/KPI good indicators? Y/N					
Should we add New PM/KPI? Y/N					
Other Comments?					

MIAMI-DADE COUNTY

Thank You!

ATTACHMENT 4
3rd FOG Control Program Review Committee Input Matrix

3rd Annual FOG Control Program Review Report

Committee Input Matrix

Key Topics	RER Administration	WASD	Municipal Utility (Miami Beach)	Municipal Utility (Medley)	RER W&WWD
What is Your No. 1 FOG Concern?	- N/A	- How can we be sure private sanitary sewer lines are properly taken care of, and identify those private situations? To respond to those matters correctly. - This example was 100% residential. - WASD is trying to get new products in collection system and wet wells to reduce and dissolve grease in the system.	- Facilities have to have a log on site for maintenance, if we cannot make it to a physical inspection, have them email it. Easier to follow-up. - Outreach, can do more online workshops, will be happy to partner with us to improve this. With COVID it might be easier to attend virtual outreach events.	- Restaurants who don't know or pretend not to know what they need to do, important to be serious about enforcement and fines, to up the consequences. It is costly for the utility, then passes costs to customers, so overall it would help to "hit them where it hurts" in their pockets. Ramp up random inspections, make sure and enforce they are doing what they need.	- Internally, lack of staff/resources to properly perform all of the required inspections and tackle the problems we have. - Externally, lack of consistency from facilities maintaining their systems. Maintaining outreach and our presence to the public. Remind them to maintain their systems, even after we are gone (may be a year until next inspection). - Response to WASD: We put language in the Code to address residential FOG blockages. We have the ability to issue Notices to residential facilities. We need to be able to respond quickly and effectively. - Part of the problem is we sometimes respond too late and after-the-fact. We need to keep our presence known before hand, with annual routines, and outreach. So that we can prevent this from happening in the first place. Residential outreach has been lagging and we need to work on that for this coming year. - Notify us as quickly as possible, get the management company involved, and explain/educate them and the residents. - Brought up use of smart covers to help alert us of the problems on the private side early on? - Response to Miami Beach: eManifest requirement helps with the reporting aspect, puts the burden on them to send this to us. Outreach, difficult for people to leave their business to come to a physical meeting. Now it seems like an easier option virtually, and people are more comfortable now with it. Reach out again to BIDs in Miami Beach.

3rd Annual FOG Control Program Review Report

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If you can change One thing, what would it be?	- Response to Miami Beach: Guidance from upper management was sent out on how staff should be responding and checking voicemails, etc.	- It would be increase in staff. Shift inspection model to be more efficient, dedicate staff to certain areas. Same as question above. - Problem of funds to be able to help monitor smart covers on private side? - FOG mixed with the rags creates an even bigger issue, so if we can try to include that in our outreach/inspections and bring awareness to people about the rags, it would help a lot.	- Coordination between Miami Beach and DERM, to make a smoother process for applicant. People more likely to be compliant when process is smoother. Especially now with everything virtual, people aren't sure how to deal with some comments during plan review. Make sure email and phone number are provided to be available and respond to customers when they need help. Don't lose that personal touch, it can be overwhelming for small business owners. - With COVID, everything changing, might need more outdoor seating, etc. In general outreach and making sure there is communication during these hard times, to assist customers as best we can.	- Aside from staffing, follow-up and awareness of the businesses. Best way to reach out to the industrial facilities: in person is more impactful, but with COVID is different. Going block by block is best approach in Medley. 75% of businesses are Spanish speaking, they may play the ignorant card or due to lack of education. Presence of inspection staff, building inspectors, etc. would make an impact.	- It would be increase in staff. Shift inspection model to be more efficient, dedicate staff to certain areas. - Response to WASD: With staffing issues, we are trying to fill vacancies now and hopefully acquire more staff in the future. - Response to Miami Beach: Engineers are doing email and virtual meetings with professionals to remedy the issues. Voicemails have been updated to reflect this. Has been effective to hold virtual meetings. - Working with permitting for better data management and tracking. Hopefully will be better for sharing data with municipalities and customers.

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Are PM/KPI good indicators? Y/N	Yes - Recommend: make sure we are defining goals and outcomes that are realistic.	Yes	Yes	Yes - SSOs are good indicators, but not necessarily best, because you don't need an overflow to show that there are problems in your system. Yes, aFOG costs is better indicator, and accumulation of grease in Pump Stations. Could work on how to report this to DERM.	Yes
Should we add New PM/KPI? Y/N	No	No	No	No	No
Other Comments?	No	No	- Something more should be done for yellow grease, a big issue and impacts to storm sewer system.	No	- Yellow grease is a big problem, in alleyways can see erosion directly leading to catch basins. New ordinance had section on yellow grease, and inspections focus on it as well. Odalys has been a great help in this, hope to be able to provide her better access to our data in the future. - FOG is a factor to SSOs impacting the Bay. It is all connected in a way.