

***DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS***

[Sec. 118-421. Purpose.](#)

[Sec. 118-422. Definitions.](#)

[Sec. 118-423. Effective date of FOG regulations.](#)

[Sec. 118-424. Grease interceptor installation required after effective date.](#)

[Sec. 118-425. Exemption from grease interceptor installation requirement for existing facilities.](#)

[Sec. 118-426. Compliance procedures.](#)

[Sec. 118-427. Installation of grease interceptors and grease traps.](#)

[Sec. 118-428. Operation, maintenance and cleaning of grease interceptors.](#)

[Sec. 118-429. Records and record keeping.](#)

[Sec. 118-430. Inspection of grease interceptors and related sewers and equipment.](#)

[Sec. 118-431. Inspection fees.](#)

[Sec. 118-432. Enforcement.](#)

[Sec. 118-433. Notice of violation; administrative penalties; corrective action order.](#)

[Sec. 118-434. Penalties.](#)

[Sec. 118-435. Order to cease operation of FSE.](#)

[Sec. 118-436. Appeal of corrective action order or cease and desist order.](#)

[Sec. 118-437. Additional remedies.](#)

[Secs. 118-438—118-449. Reserved.](#)

**Sec. 118-421. Purpose.**

The purpose of this section shall be to aid in the prevention of sanitary sewer blockages and obstructions from contribution and accumulation of fat, oil, and grease (FOG) into the POTW. Such discharges from commercial kitchens, restaurants, food processing facilities and all other establishments, where fat, oil and grease (FOG) of vegetable or animal origin are discharged directly or indirectly into the POTW, can contribute to line blockages and/or spills in violation of Title 40, Code of Federal Regulations 40 CFR, Part 403.

(O.14,549)

**Sec. 118-422. Definitions.**

The definitions found in [section 118-316](#) shall apply to the provisions of this division, provided however that the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- MUNICIPAL CODE

Chapter 118 - UTILITIES

ARTICLE III. - REGULATION OF INDUSTRIAL WASTEWATER AND COMMERCIAL WASTEWATER

DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

*Best management practices* or *BMPs* means and includes schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. For purposes of this division, *best management practices* include procedures and practices that reduce the discharge of fat, oil and grease (FOG) to the building sewer, to the city sanitary sewer system and to the POTW.

*Design liquid depth* means the maximum depth of liquid when the tank is filled with water.

*Effective date* means the date set forth in [section 118-423](#) upon which the regulatory provisions of this division take effect.

*Food service establishment* or *FSE* means an operation or enterprise that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Such facilities may include, but are not limited to, those that process meat or other food ingredients as an intermediate step or for final human consumption, food service operations in a summer camp, residential substance abuse treatment facility, halfway house, correctional facility, school, restaurant, commercial kitchen, caterer, church, hotel, bars, hospital, prison, care institution or similar facility.

*Grease interceptor* means a tank that serves one or more fixtures and is remotely located. Grease interceptors include, but are not limited to, tanks that capture wastewater from dishwashers, garbage disposals, floor drains, pot and pan sinks and trenches as allowed by local plumbing codes. For purposes of this division, a grease interceptor is a multi-compartment tank located underground outside of a building that reduces the amount of FOG in wastewater prior to its discharge into the POTW.

*Grease trap* means a device designed to retain grease from one to a maximum of four fixtures. Not all grease traps are approved by the manufacturer for use on heated water (e.g., dishwasher) or in-line to a waste disposal unit (e.g., garbage disposal and grinders). For purposes of this division, a grease trap is a small device located within a building.

*Minimum design capability* means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the POTW.

*Non-routine inspection* means an impromptu, unscheduled inspection of an FSE made without prior notification or arrangement.

*Routine inspection* means an inspection of an FSE which is scheduled in advance or according to a pre-arranged schedule.

*User* as used in this division has the same meaning as the definition in [section 118-316](#), but also includes persons who discharge wastewater to the POTW from mobile sources, such as mobile food vendors.

(O.14,549, 14,946)

**Sec. 118-423. Effective date of FOG regulations.**

The provisions of this division shall be effective on and after April 3, 2006.

(O.14,549)

ARTICLE III. - REGULATION OF INDUSTRIAL WASTEWATER AND COMMERCIAL WASTEWATER

DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

**Sec. 118-424. Grease interceptor installation required after effective date.**

The owner of a building or facility in which as FSE is located, and the owner or operator of an FSE shall be required to install an approved grease interceptor, and to thereafter operate and maintain same as provided in this division.

(O.14,549, 14,946)

**Sec. 118-425. Exemption from grease interceptor installation requirement for existing facilities.**

The requirements of [section 118-424](#) shall not apply to that portion of a building or facility within which an FSE is in existence on the effective date if:

- (1) The FSE has an existing grease interceptor or grease trap in place as of the effective date and provided that (1) the owner or occupant of the FSE continues to use the interceptor or trap, (2) the interceptor or trap is of sufficient capacity and design, and (3) the interceptor or trap is operated and maintained so as to comply with FOG discharge limits; and
- (2) Any repair, remodeling or renovation of the wastewater plumbing system in the existing FSE involves only (1) the repair of leaks or the clearing of stoppages in drains, soil, waste or vent piping, or (2) the removal and reinstallation of a sink, toilet or hot water heater; provided that such work does not involve replacement, rearrangement or moving of wastewater pipes floor sinks, drainage fixtures or grease traps; and
- (3) None of the following conditions are present:
  - a. A building or facility exists on the effective date and is thereafter expanded or renovated, or a portion thereof, to include an FSE where such FSE did not previously exist; or
  - b. An FSE exists on the effective date within a building or facility, or portion of a building or facility, and application is thereafter made for a building permit(s) for such building or facility with valuation of \$50,000.00 or more within a 12-month period; or
  - c. A building or facility, or portion thereof, that contained an FSE on the effective date but in which an FSE ceases to operate for one year or more, as determined by Iowa Department of Inspections & Appeals, Food and Consumer Safety Bureau records.

(O.14,549, 14,946)

**Sec. 118-426. Compliance procedures.**

- (a) After the effective date, any permitted construction under [section 118-424](#) shall be deemed compliant upon issuance of a certificate of compliance or certificate of occupancy for such construction by the city building official or designee.
- (b) An FSE shall be deemed compliant, unless the WRA director or local building official or designee determines that an existing grease trap or grease interceptor is incapable of adequately retaining FOG. In such cases, the director may order the FSE to install an adequate grease interceptor within a specified time period if:
  - (1) The FSE is found to contribute FOG in quantities above FOG discharge limits; or
  - (2) The FSE discharges necessitate increased maintenance on the publicly owned treatment works (POTW) in order to keep stoppages from occurring therein; or

ARTICLE III. - REGULATION OF INDUSTRIAL WASTEWATER AND COMMERCIAL WASTEWATER

DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

- (3) The FSE's discharge to the POTW is at anytime determined to exceed 400 mg/l total FOG.
- (c) An order directing an existing FSE or the owner or operator of the FSE or the owner of the building or facility in which the FSE is located to install a grease interceptor shall be in writing from the WRA director in the form of a notice of violation including a corrective action order, as provided in [section 118-433](#) of this division.
- (d) FSEs or owners of buildings or facilities within which an FSE is located which are unable to install or replace a grease interceptor due to exceptional physical constraints or economic hardship may appeal to the WRA director for approval of an alternative grease control technology by requesting a hearing in accordance with the provisions of this division. Such requests shall be submitted in writing and shall include detailed descriptions of the FSE's physical or financial constraints and the alternative grease control technology which it proposes to install and utilize.
- (1) In order to demonstrate exceptional economic hardship, the owner or operator of the FSE shall submit to the WRA director balance sheets and profit and loss statements for FSE for the preceding three years. A new FSE shall submit profit/loss projections or a detailed business plan with projections for 24 months. Each request shall be evaluated on a case-by-case basis.
- (2) Notwithstanding approval of alternative grease control technology, when the WRA director determines that such alternative is not performing adequately, the FSE or owner of the building or facility in which the FSE is located shall be required to take additional grease control measures, which may include the installation of a grease interceptor.
- (3) In order to demonstrate exceptional physical site constraints preventing the installation of a grease interceptor, the owner or operator of the FSE or owner of the building or facility in which the FSE is located shall submit to the WRA director documentation and plats showing the location of city sanitary sewer and any private easements in relation to the building sewer for the building housing the FSE, and showing available space inside or outside the building and drawings of existing plumbing at or in a site that uses common plumbing for all services at that site.
- (4) An FSE that is given an exemption from installing a properly sized grease interceptor is prohibited from installing or using a dishwasher or garbage disposal without approval of the director and must comply with the conditions of such approval, if any.

(O.14,549, 14,946)

**Sec. 118-427. Installation of grease interceptors and grease traps.**

Grease interceptors and grease traps, when required, shall be installed as follows:

- (1) Grease interceptors and grease traps shall be installed at the expense of the owner or operator of the FSE or owner of the building or facility in which the FSE is located which is contributing wastewater to the POTW.
- (2) All wastewater streams containing FOG or reasonably likely to contain FOG within FSEs or other FOG generating operations shall be directed into one or more appropriately sized grease interceptor before discharge to the POTW. Grease interceptors shall be either sized by adding the peak design flow rates for all fixtures leading to the grease interceptor and allowing a minimum retention time of 30 minutes or as follows:

- MUNICIPAL CODE

Chapter 118 - UTILITIES

ARTICLE III. - REGULATION OF INDUSTRIAL WASTEWATER AND COMMERCIAL WASTEWATER

DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

<b>Grease Interceptor Sizing</b>								
1. Peak meals per hour								
	a.	Seating capacity of FSE				_____		
	b.	Occupancy of FSE				_____*		
	c.	Seating or occupancy x meal factor of 1.3 (45 minute meal) = Peak meals per hour						
	*	Church: include all area(s) used for meal service						
	*	Assisted Living / nursing facility: equal to maximum number of residents (per State license)						
2. Waste flow rate, gallons of flow								
	a.	Commercial, equipped kitchen with dishwasher & one garbage disposal*				7		
	b.	Commercial, equipped kitchen with dishwasher, no garbage disposal				6		
	c.	Commercial, equipped kitchen with no dishwasher, one garbage disposal*				6		
	d.	Commercial, equipped kitchen with no dishwasher, no garbage disposal				5		
	e.	Single service kitchen**				2		
	*	Each additional garbage disposal, add one (1) gallon						
	**	Single service kitchen = no garbage disposal, no dishwasher and all service is single use						
3. Retention time, hours								
	a.	Commercial kitchen				2.5		
	b.	Single service kitchen				1.5		
4. Storage factor								
	a.	Commercial Kitchen up to 8 hours of operation				1		
	b.	Commercial kitchen up to 16 hours of operation				2		
	c.	Commercial kitchen up to 24 hours of operation				3		
	d.	Single service kitchen				1.5		
Peak Meals per Hour	<b>X</b>	Waste Flow Rate	<b>X</b>	Retention Time	<b>X</b>	Storage Factor	=	Calculated Interceptor Size

- (3) Concrete grease interceptors whether precast or poured in place, shall be designed and manufactured in accordance with ASTM C 1613-08 Standard Specification for Precast Concrete Grease Interceptor Tanks or IAPMO/ANSI Z1001 Grease Interceptors and shall be installed in accordance with the codes adopted by the jurisdiction in which the FSE is located. Where no code is adopted, the construction and installation shall be in accordance with the Iowa State Plumbing Code and this division. Grease interceptors using materials other than concrete require approval by the director, and shall comply with the conditions of such approval, if any.
- (4) The building official or other designated official of the governmental subdivision within which the FSE is located shall inspect each grease interceptor installation made pursuant to this division, shall review all relevant information regarding the rated performance of the grease interceptor, and the building plan and facility site plan for the building and site where the grease interceptor has been installed, and shall approve such grease interceptor installation upon determination that the grease interceptor meets all applicable standards and requirements.
- (5) Grease interceptors shall have a minimum capacity of 1,000 gallons and shall not exceed 5,000 gallons for a single unit. Where a capacity greater than 3,000 gallons is required, several smaller units shall be installed in series, however the capacity shall not exceed 10,000 gallons for any single series of interceptors without approval of the director.
- (6) Grease interceptors shall be installed outside the building housing the FSE and below surface grade, and shall have access manholes, with a minimum diameter of 24 inches, over each chamber and sanitary tee. Access manholes shall extend from the grease interceptor to at least

ARTICLE III. - REGULATION OF INDUSTRIAL WASTEWATER AND COMMERCIAL WASTEWATER

DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

the finished surface grade and be designed and maintained to prevent storm or surface water inflow and groundwater infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal.

- (7) Sewer lines which are not grease laden, which are not likely to contain FOG, or which contain sanitary wastes shall not be connected to a grease interceptor.
- (8) Grease interceptors shall be equipped with an accessible discharge sampling port with a minimum six inch diameter, which shall extend from the grease interceptor to at least the finished surface grade.
- (9) Where grease interceptors are shared by more than one FSE, the building owner shall be the responsible party for record keeping and cleaning of the interceptor.

(O.14,549, 14,946)

**Sec. 118-428. Operation, maintenance and cleaning of grease interceptors.**

- (a) The owner or operator of an FSE which is required to pass wastewater through a grease interceptor shall operate and maintain the grease interceptor so that wastewater exiting the grease interceptor shall not exceed 400 milligrams per liter of FOG.
- (b) The owner or operator of the FSE shall cause the grease interceptor to be cleaned as hereinafter required when FOG and solids reach 25 percent of the design liquid level of the grease interceptor, or sooner if necessary to prevent carry over of grease from the grease interceptor into the city sanitary sewer system. Interceptors shall be cleaned at three-month intervals or less. A longer cleaning interval must be approved by the WRA director. If the owner or operator of the FSE, or an employee of the owner or operator, has obtained a waste hauler's license and has completed to the satisfaction of the WRA director the course of training offered by the WRA in the cleaning of grease interceptors, such person or persons may clean the grease interceptor. Alternatively, the owner or operator of an FSE may employ a waste hauler licensed by the WRA pursuant to division 3 of article II of this chapter to clean the grease interceptor, provided that the waste hauler personnel performing the grease interceptor cleaning has satisfactorily completed a course of training on grease interceptor cleaning offered by the WRA.
- (c) Any person who cleans a grease interceptor shall do so in accordance with the following procedures and requirements. The person cleaning the grease interceptor shall:
  - (1) Completely empty and remove the contents (liquids and sludge) of all vaults of the grease interceptor, and remove the grease mat and scrapings from the interior walls.
  - (2) Not deposit waste and wastewater removed from a grease interceptor back into the grease interceptor from which the waste or wastewater was removed or into any other grease interceptor, for the purpose of reducing the volume of waste and wastewater to be disposed of.
  - (3) Not introduce enzymes, emulsifying chemicals, hot water or other agents into a grease interceptor to dissolve or emulsify grease or as a grease abatement method. Introduction of bacteria as a grease degradation agent is permitted with prior written approval by the WRA director.
  - (4) Dispose of waste and wastewater removed from a grease interceptor at the WRF or at a facility approved for disposal of such waste by the WRA director. Waste and wastewater removed from a grease interceptor shall not be discharged to any private sanitary or storm sewer or to the city sanitary or storm sewer system.

ARTICLE III. - REGULATION OF INDUSTRIAL WASTEWATER AND COMMERCIAL WASTEWATER

DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

- (5) Not use an automatic grease removal system to clean a grease interceptor without prior written approval of the WRA director, and if, the use of an automatic grease removal system is approved, shall operate same in a manner that the grease wastewater discharge limit, as measured from the system's outlet, is consistently achieved.

If grease interceptor cleaning is performed by a licensed waste hauler, the owner or operator of the FSE shall witness all cleaning/maintenance activities to verify that the grease interceptor is being fully cleaned and properly maintained according to the requirements of this section or [section 118-483](#). The waste hauler shall provide a copy of the disposal receipt for all waste and wastewater removed from a grease interceptor to the owner or operator of the FSE.

As part of each cleaning of a grease interceptor, the owner or operator of the FSE, or the licensed waste hauler employed by the owner or operator, shall perform the following maintenance activities:

- a. Check that the sanitary "tees" on the inlet and outlet sides of the grease interceptor are not obstructed, loose, or missing.
  - b. Verify that the baffle is secure and in place.
  - c. Inspect the grease interceptor for any cracks or other defects.
  - d. Check that lids are securely and properly seated after completion of cleaning.
- (d) The WRA director may make exceptions to the above requirements, or may approve alternative operational requirements or cleaning and maintenance methods, provided that such exceptions or approvals shall be made in writing by the WRA director.

(O.14,549)

**Sec. 118-429. Records and record keeping.**

- (a) *Required records.* The owner or operator of an FSE which is required to pass wastewater through a grease interceptor or trap shall maintain a written record of grease interceptor or trap maintenance, including a log showing the dates upon which the grease interceptor or trap was inspected and the estimated amount of FOG present in the grease interceptor or trap at each inspection, the date upon which waste and wastewater was removed from the grease interceptor or trap and disposed of, and the location and means of such disposal of waste and wastewater, and the name and employer or the person or persons performing each of said tasks. The log shall further include a record of the placement of any approved or unapproved additive into the grease interceptor, grease trap or building sewer on a constant, regular or scheduled basis, including the type and amount of additive placed on each such occasion. Only additives approved by the WRA director pursuant to [section 118-428\(c\)\(3\)](#) may be used in a grease interceptor.
- (b) *Record keeping.* The log shall at all times be kept and maintained on a day-to-day basis, so as to show a record of waste and wastewater removal, waste and wastewater disposal and approved additive placement for a continuous period of three years. All such records shall be kept secure at the premises of the FSE for a continuous period of three years and shall be made available for non-routine inspection by the city, the WRA and its operating contractor, or the employees and agents of any of them at any time during normal business hours.

(O.14,549)



ARTICLE III. - REGULATION OF INDUSTRIAL WASTEWATER AND COMMERCIAL WASTEWATER

DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

**Sec. 118-430. Inspection of grease interceptors and related sewers and equipment.**

The owner or operator of an FSE shall:

- (1) Provide, operate and maintain, at its expense, safe and accessible monitoring facilities (such as a suitable manhole), and shall make such monitoring facilities available for inspection, and for sampling and flow measurement of the building sewer or internal drainage systems. There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis.
- (2) Shall allow personnel authorized by the WRA director or by the city building official or designee, bearing proper credentials and identification, to enter upon or into any building, facility or property housing an FSE at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this division.
- (3) Shall, upon request by the WRA director's authorized representative, open any grease interceptor for the purpose of confirming that maintenance frequency is appropriate, that all necessary parts of the installation are in place, including but not limited to, baffles influent and effluent tees, and that all grease interceptors and related equipment and piping is maintained in efficient operating condition.
- (4) Shall accommodate compliance inspections and sampling events by the authorized representatives of the WRA director or of the city building official. Staff may conduct routine inspections and sampling events of any food service establishment. Non-routine inspection and sampling events shall occur more frequently when there is a history of non-compliance with this division and when blockages occur in the city's sanitary sewer system downstream of the FSE.

(O.14,549, 14,946)

**Sec. 118-431. Inspection fees.**

The fees for inspection of an FSE shall be as provided in [section 118-352](#) and shall be paid within 30 days of the date of the invoice for such fees.

(O.14,549, 14,946)

**Sec. 118-432. Enforcement.**

The WRA director is authorized to enforce this division as hereinafter provided. The city building official or designee, or such other governmental official hereafter designated by the WRA, is also authorized to enforce this division.

(O.14,549)

**Sec. 118-433. Notice of violation; administrative penalties; corrective action order.**

- (a) The director, or such other designated officers or officials with enforcement authority as provided in [section 118-432](#), are authorized to issue a notice of violation imposing an administrative penalty upon any person who fails to perform an act required by this division or who commits an act prohibited by this division. Such notice may include a corrective action order requiring the user to take one or more of the following corrective actions within 30 days:



- MUNICIPAL CODE

Chapter 118 - UTILITIES

ARTICLE III. - REGULATION OF INDUSTRIAL WASTEWATER AND COMMERCIAL WASTEWATER

DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

- (1) Conform to best management practices;
  - (2) Submit copies of the grease interceptor maintenance log;
  - (3) Develop, submit and implement a FOG compliance plan to be approved by the director or designated enforcement official; or
  - (4) Install a compliant grease interceptor.
- (b) The administrative penalty for such violations shall be as provided in the schedule of administrative penalties adopted by the city council by resolution.
  - (c) Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued to and served upon the violator. Service of the notice may be by regular mail or by delivery in person.
  - (d) Penalties assessed pursuant to notice of violation shall be paid by the violator in full as directed in the notice within 30 days of its issuance.
  - (e) The administrative penalties set out in the schedule of administrative penalties shall be charged in lieu of the fines and penalties provided for in [section 118-434](#), unless the violator refuses to correct the violation and pay the scheduled administrative penalty, or the WRA director determines that immediate enforcement action by misdemeanor or municipal infraction prosecution is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of this article. A record of all violations, administrative penalties charged or other enforcement actions taken shall be maintained by the WRA for a period of three years.

(O.14,549)

**Sec. 118-434. Penalties.**

- (a) Any person who fails to perform an act required by this division or who commits an act prohibited by this division shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by [section 1-15](#) of this Code or shall be guilty of a municipal infraction punishable by a civil penalty as provided by [section 1-15](#) of this Code.
- (b) Any person who fails to comply with a pretreatment standard applicable to an FSE shall be guilty of a municipal infraction punishable by a civil penalty of not more than \$1,000.00 for each day the violation exists or continues, as provided by section 364.22 or 331.307 of the Iowa Code.
- (c) When enforcement is sought through a municipal infraction proceeding, the director, or such other designated officers or officials with enforcement authority as provided in [section 118-432](#), may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order.

(O.14,549, 14,946)

**Sec. 118-435. Order to cease operation of FSE.**

- (a) Where a violation of this division has not been timely corrected, and results in or threatens interference or pass through as herein defined, the WRA director, or such other designated officers or officials with enforcement authority as provided in [section 118-432](#), shall have the authority to issue an order in writing to the owner or operator of the FSE, ordering such person or persons to cease and desist from further operation of the FSE and from further discharge of wastewater to the sanitary sewer system. The order shall be delivered by personal service unless the owner or

- MUNICIPAL CODE

Chapter 118 - UTILITIES

ARTICLE III. - REGULATION OF INDUSTRIAL WASTEWATER AND COMMERCIAL WASTEWATER

DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

operator cannot be found within the city, in which event notice shall be by ordinary mail addressed to the owner's or operator's last known address and by posting a copy of the notice in a conspicuous place upon the premises of the FSE.

- (b) Operation of the FSE shall cease on the date stated in the order and shall not recommence without the prior written approval of the WRA director.
- (c) The applicant may make a written request to the director for a reconsideration and hearing on the cease and desist order within ten days from the issuance of the order, provided, however, that operation of the FSE shall cease pending the outcome of the hearing.
- (d) The owner's or operator's request for hearing shall identify the appealing party, include the address of the person requesting the hearing and to which all further notices shall be mailed or served, and shall state the basis for the appeal.
- (e) The hearing shall be scheduled to be held as soon as practicable and no later than 14 days after the request for hearing was filed with the WRA director. The person requesting the hearing shall be notified in writing or by telephone of the date and place of such hearing at least three days in advance thereof. At such hearing the director and the person requesting the hearing may be represented by counsel, examine witnesses, and present evidence as necessary.
- (f) The determination by the director or by that the violation occurred shall be considered a final administrative decision, unless appealed to the WRA.

(O.14,549)

**Sec. 118-436. Appeal of corrective action order or cease and desist order.**

- (a) Any person aggrieved by a corrective action order or a cease and desist order issued by the WRA director or by such other designated officers or officials with enforcement authority as provided in [section 118-432](#), may, file an appeal and request a ruling that such order be modified or rescinded.
- (b) Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to the WRA within ten days after the WRA director's issuance of the order. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to:

WRA		Appeal		Committee
%Des	Moines	Metropolitan	Wastewater	Authority
3000			Vandalia	Road
Des Moines, Iowa 50326				

- (c) The chair of the appeal committee shall schedule the appeal and shall cause notice of the time, date and place of the hearing to be mailed to the appealing party. Such appeal shall be decided by majority vote of the appeal committee. The appeal committee may affirm, modify or rescind the order of the director and shall so state and order in its written decision.

(O.14,549, 14,946)

**Sec. 118-437. Additional remedies.**

The WRA or the city is not precluded from seeking alternative relief from the court, including an order for abatement or injunctive relief or for recovery of investigational or remedial costs resulting from a non-

- MUNICIPAL CODE

Chapter 118 - UTILITIES

ARTICLE III. - REGULATION OF INDUSTRIAL WASTEWATER AND COMMERCIAL WASTEWATER

DIVISION 5. REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

complying discharge, in the event that the WRA or the city files a misdemeanor citation, notice of administrative penalty, and/or files a municipal infraction for the same violation of this division.

(O.14,549)

**Secs. 118-438—118-449. Reserved.**