

THE BASICS OF GREASE TRAP PERMITS IN MIAMI-DADE



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Who regulates grease trap permits in Miami-Dade?

The Miami-Dade County Department of Environmental Resources Management “DERM” is the department that regulates, among other things, grease traps. It does so through its fats, oils, and grease “FOG” program.

Miami-Dade County and its municipalities are required under a federal court order to correct past and current issues relating to grease discharge in the county. One requirement under that court order is that Miami-Dade County implement a new FOG control program and local law (ordinance). This new law became effective on March 5, 2018, and one of the requirements under that law is that all food service establishments have a Grease Discharge Operating (“GDO”) permit issued by DERM. These laws are set forth in [Section 24-42.6 of the Miami-Dade County Code of Ordinances](#).

Who is required to have a permit?

Any nonresidential facility that introduces food waste or other substances like vegetable or animal product used in, or a byproduct of cooking, food preparation, or cleaning processes, into the sanitary sewer system is required to have a GDO permit. This includes restaurants, bakeries, hotel and cafeteria kitchens, commercial kitchens, kitchens serving hospitals, nursing homes, daycares, assisted living facilities and other healthcare facilities, and food processing plants. These facilities must have both an approved, installed grease trap and a FOG GDO permit.

What is the process for getting a FOG GDO permit?

The process depends on factors like whether the facility previously had a GDO permit, whether an approved grease trap has already been installed, and whether the grease trap meets current requirements. DERM publishes a helpful approval matrix that can be found on their website at <https://www.miamidade.gov/environment/library/forms/fog-cu-ol-lbt-review-decision-matrix.pdf>.

Step 1: Municipal Certificate of Use: If your facility is located within a municipality like the City of Miami, Coral Gables, or Miami Beach, the first step is to apply for a municipal occupational license/certificate of use from the city before submitting a GDO permit application to DERM. Note: all municipalities require that DERM approve the municipal certificate of use application, so you will be routed to DERM for approval.

Step 2: DERM Review of Municipal Certificate of Use: Visit DERM's [online portal](#) and choose "Apply for a Municipal or Unincorporated Certificate of Use."

Step 3: FOG Permit Application: Prepare a "[Fats, Oil & Grease Discharge Control Operating Permit Application](#)." This will need to be uploaded to the same online portal mentioned above. Note: this form must be carefully completed to avoid processing delays. Some pointers on completing the form can be found below.

Step 4: DERM Review: DERM will review the Certificate of Use and FOG permit applications and typically responds with comments and follow-up questions. Once approved, DERM issues a document called a "Miami-Dade County Approval of Municipal Application for Certificate of Use or Business License," as well as a FOG GDO operating permit.

Does FOG GDO permits need to be renewed?

Yes, FOG GDO permits need to be renewed annually. They expire on December 31, and DERM mails permit renewal forms to the mailing address listed on the permit application at least 45 days before the expiration date.

How do I fill out the FOG permit application?

When filling out the required form application, it is important to pay careful attention to the following areas, which DERM often scrutinizes:

- **Section B:** The applicant's name should be the full company name of the business that owns or leases the space, followed by the fictitious name (doing business as name). For example: "Valerie Haber, LLC d/b/a Valerie's Oceanfront Restaurant." Ensure that the fictitious name has been registered to the company with the Florida Secretary of State, Division of Corporations, available at [Sunbiz.org](#).
- **Section D:** Make sure to add the square footage of the interior and exterior spaces and the seat counts. If you do not have outside seating, fill in "0" where it asks for "Outdoor Area." Ensure the square footage and number of seats listed on the application match the square footage and seat count on the plans DERM has reviewed and approved. Any discrepancy can cause delays.
- **Section E:** In this section, list the grease trap specs carefully and ensure they match the plans DERM has reviewed and approved. Again, any discrepancy can cause delays.
- **Section F:** As of April 14, 2023, property owners must provide a "FOG Generator Disclosure Statement" to the purchaser or lessee of the property. The applicant and the property owner must confirm that they have provided or been provided the required disclosure statement.
- **Section G:** The applicant's representative must sign and notarize this section. The "Name of Applicant" line should be filled out just as you have filled it out in Section B. If the applicant is a company, whoever signs the application on behalf of the company must be listed on Florida Secretary of State Division of Corporations records for the company, which can be searched at

Sunbiz.org. DERM will cross-reference to ensure that whoever signs this form has the authority to do so on behalf of the applicant entity.

- **Section H:** The property owner must sign and notarize this section. The full name of the property owner's company, or the individual's name if owned by a person, must be written in the line that says "property owner name." Again, whoever signs the application on behalf of a company must be listed on Florida Secretary of State Division of Corporations records for the company.

To learn more about DERM grease traps permitting or the application process, contact the GrayRobinson national [Food Law Team](#) at 866.382.5132 or foodlaw@gray-robinson.com.

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