

A REGULATION REGULATING THE CLEANING, TRANSPORTATION AND ISPOSAL OF GREASE TRAP WASTE PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE HARRISON COUNTY UTILITY AUTHORITY

Be it resolved and enacted by the Harrison County Utility Authority, pursuant to the Harrison County Utility Authority Act a regulation as follows:

ARTICLE I.
DEFINITIONS

Authority shall mean the Harrison County Utility Authority formerly Harrison County Wastewater and Solid Waste Management District.

Clean shall mean that the entire contents of the grease trap are removed and the walls of the trap are scraped or hydraulically cleaned with high water pressure then re-pumped.

Commercial Food Preparation shall mean all non-domestic activities and/or processes involved in the preparation, processing and/or serving of food conducted by any person or business, including, but not limited to all privately or publicly owned and/or operated enterprises such as schools, universities, hospitals, nursing homes.

Director shall mean the Executive Director of the Harrison County Utility Authority, or his authorized deputy, agent or representative.

Disposer shall mean a person who operates a facility at which waste is intentionally placed for final disposition.

Generator shall mean any facility which is identified as a commercial nondomestic source that generates grease from commercial food preparation.

Grease Trap shall mean any device, fixture, mechanical aid, contrivance or other equipment or appurtenance designed to capture, separate or collect grease from the discharge stream of or otherwise generated as waste by a Generator.

Grease Trap Hauler shall mean any person engaged in the collection, transportation, processing or disposition of grease trap waste and includes the owner/operator of any equipment, facilities, vessels or vehicles engaged in grease trap waste hauling and/or processing activities and the employees, lessees, representatives or agents of such owner/operator.

Grease Trap Waste shall mean any disposed material obtained from grease traps.

Nondomestic source shall mean source of waste or wastewater emanating from any source that is not exclusively residential in nature including but not limited to businesses, schools, hospitals, restaurants.

Person shall mean any individual, company, firm, partnership, association, society, corporation, group or other legal entity.

POTW shall mean a Publicly Owned Treatment Works as defined by section 212 of the Clean Water Act (33 U.S.C. 1251 et seq), which is owned by a State, wastewater district, or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Processor shall mean any person who is engaged in a system whereby the grease trap solid waste pollutants are separated from the liquid, and who possesses a NPDES permit.

Public Agency shall mean the governmental agencies which are members of the Harrison County Utility Authority.

Sewer Use Ordinance shall mean any ordinance, regulation, standard, or guideline adopted by the Authority or a Public Agency which regulates the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of water and wastes into the public sewer systems.

ARTICLE II *GENERAL PROVISIONS*

1. The Director of the Authority is hereby authorized to promulgate such rules, regulations, procedures, standards or criteria, in conjunction with the administration of the Authority's POTW program, as are necessary to effectuate and fulfill the intent of this Regulation.

ARTICLE III *PUBLIC AGENCY*

1. Each Public Agency shall require all Generators within the jurisdiction of the Public Agency to install and maintain a grease trap pursuant to applicable building codes adopted by such Public Agency.

2. Each Public Agency shall require all Generators within the jurisdiction of the Public Agency and which are required to install Grease Traps in their facilities to clean and/or pump their grease traps at whatever interval is necessary to ensure that the contents, effluent and waste from the grease trap discharged into the sewer system are not in violation of the Sewer Use Ordinance of the Authority or the Public Agency, or any present and/or future Public Agency, Authority, State or Federal requirement.

3. Each Public Agency shall authorize the Director or his designated Representative to inspect and test the contents, effluent discharged, and/or waste of the grease trap of any Generator that has not cleaned and/or pumped its grease trap during a 90 day period to ensure compliance with the Sewer Use Ordinance adopted by the Authority and the Public Agency and any other present and/or future Public Agency, Authority, State and Federal requirements.
4. Each Public Agency shall require more frequent cleaning of a Generator's grease trap if it is determined by the Director that more frequent cleaning is required to ensure compliance with the Sewer Use Ordinances adopted by the Authority and the Public Agency and any other present and/or future Public Agency, Authority, State and Federal requirements.
5. Each Public Agency may permit less frequent cleaning of a Generator's Grease Trap only upon determination by the Director that the Generator will be in compliance with the Sewer Use Ordinances of the Authority and the Public Agency and any other present and/or future Public Agency, Authority, State and Federal requirements if less frequent cleaning is performed. The Generator shall apply to the Director for an exception and shall provide all necessary documentation as required by the Director.
6. Each Public Agency shall authorize the Director to implement rules and procedures to monitor the cleaning of the grease traps of Generator's within the jurisdiction of the Public Agency, and to monitor the disposal of waste removed from a grease trap of a Generator within the jurisdiction of the Public Agency.
7. Each Public Agency shall require that all Generators' within the jurisdiction of the Public Agency apply for a Grease Trap Permit with the Authority.
8. Each Public Agency shall agree to assist the Director in enforcement of this regulation.

ARTICLE IV *GENERATORS*

1. Each Generator shall apply to the Director for a Grease Trap Permit on the form provided by the Director and pay an annual permit fee as authorized by the Harrison County Utility Authority.
2. Each Generator shall install, clean, pump, and maintain their grease traps in a manner that ensures that the contents, effluent discharge and waste from their grease trap does not violate the Sewer Use Ordinance of the Authority and/or the Public Agency, or any present and/or future Public Agency, Authority, State or Federal regulation.
3. Any Generator who does not clean its grease trap during any 90 day period, and has not applied for and been granted permission by the Director for less frequent cleaning

pursuant to Article III, Section 5 of this regulation, is subject to the Director ordering an inspection and testing of the Generator's grease trap to ensure compliance with the Sewer Use Ordinance of the Authority and/or the Public Agency and any other present and/or future Authority, State and Federal requirements.

4. If inspection and/or testing performed pursuant to this regulation reveals any violation of this regulation, the Generator will be responsible for the costs of the inspection, testing and subsequent cleaning in addition to fines and penalties pursuant to Article IX, of this regulation or pursuant to the penalty provisions of the Sewer Use Ordinance of the Authority and/or Public Agency.

5. A Generator or his agent shall authorize grease trap waste to be removed from its site only by an Authority permitted hauler who properly displays decals designating him as a grease trap waste hauler by the Authority.

6. A Generator or his agent shall authorize grease trap waste to be removed from its site only by an Authority permitted hauler who tenders the Grease Trap Waste Manifest designated by the Authority. The Generator shall not allow any discharge by the hauler into the sewer system, including the grease trap.

7. Prior to the removal of grease trap waste load from the site of a Generator, the owner, or his agent shall complete and sign the Generator's section of the Grease Trap Waste Manifest for the waste load being removed.

8. The Generator, or his agent, shall further comply with the reporting requirements of the Grease Trap Waste Manifest system as promulgated by the Director.

9. A Generator's failure to apply for a permit may result in penalties as prescribed by Article IX of this regulation, or any other penalties as established by the Public Agency governing the jurisdiction within which the Generator is located.

10. A Generator is responsible for the proper disposal of all waste, both solid and wastewater that is removed from its grease trap. Delivery of grease trap waste by a Generator to a Grease Trap Hauler that is properly licensed and bonded and is otherwise in compliance with this ordinance shall be prima facie evidences that such Generator has relieved itself of liability under the terms of this ordinance for such grease trap waste.

ARTICLE V. *PERMITS*

1. No person shall engage in hauling grease trap waste in Harrison County unless the owner/operator of such vehicle or vessel for grease trap waste hauling operations has applied for and been granted a Grease Trap Waste Hauler Permit for such activities by the Authority and has paid a permit fee so authorized by the Harrison County Utility Authority.

2. An applicant for a Grease Trap Waste Hauler Permit shall, at the time of application, provide a bond in the amount of Five Thousand Dollars (\$5,000). The bond shall be made payable to the Authority, and, upon default, shall cover costs incurred by the Authority and the Public Agencies for enforcement of this regulation, inspection, testing, and cleanup of grease trap waste in addition to damages caused by improper discharge of grease trap waste into the POTW system or any public property within the jurisdiction of the Authority or the Public Agencies. The bond shall be in effect at all times during the permit term. The bond shall require that any surety canceling the bond shall give the Director written notice of such cancellation at least fifteen (15) days prior to cancellation. In addition to the bond required in this Section, all Grease Trap Waste Haulers shall be insured for general liability and property damage by a policy with minimum coverage of \$500,000.00.
3. Grease Trap Waste Hauler Permits shall be issued for a period of one (1) year. Hauler permits are effective for only the person and vehicle named therein and may not be transferred or assigned.
4. The Director shall develop a vehicle registration system and shall issue three decals for each registered vehicle. All three decals shall be prominently placed on each registered vehicle, one on each side of the vehicle and one on the rear. These decals are not transferrable from one vehicle to another.

ARTICLE VI.
MANIFEST

1. The Director shall develop a record-keeping system and shall provide a Grease Trap Waste Manifest for completion and signature by all persons involved in the generation, collection, hauling, processing and disposal of grease trap waste.

ARTICLE VII.

1. A vehicle used for the transportation of grease trap waste shall be maintained in good working order. All hoses, tanks, pumps, pipes, valves and gauges shall be in good repair and free of any leaks which could cause a spillage or discharge of waste from the vehicle. Safety plugs, safety caps and any other devices approved by the Director shall be installed in all hoses of the tank to prevent spillage or leakage.
2. No vehicle shall be operated except by the owner/operators thereof or by a duly authorized agent and/or employee of the owner.
3. The Director shall have the authority to inspect any vehicle used for the transportation of grease trap waste at any time during normal working hours for the purpose of determining the condition of said vehicles.

4. Haulers are required to maintain a Mississippi Department of Health license as per Chapter 2, subsection 27, of the Mississippi State Department of Health Regulations and Standards, as authorized by Section 41-67-7 of the Mississippi Code of Public Health.

ARTICLE IX.
PENALTIES

1. Any person found to be violating any provision of this regulation shall be served by the Authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time limit provided for v shall be punishable by fine in the amount not less than \$50.00 and not more than \$500.00 for each violation, each day.
3. Chronic violations of the terms of this regulation may result in the revocation of permits issued to the violator and/or discontinuances of services.
4. Recovery of costs incurred by the Authority: Any person violating any of the provisions of this regulation who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the Authority's wastewater disposal system shall be liable to the Authority for any expense, loss, or damage caused by such violation or discharge. The Authority shall bill the violator for the cost incurred by the Authority for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this regulation.
5. Falsifying Information: Any person who knowingly makes any false statement, representation, or certification in any application, record, report, manifest, or other document filed or required to be maintained pursuant to this regulation shall be suspension or revocation of permits.

ARTICLE X.
ENFORCEMENT

1. The Director shall have the authority to issue a Written Notice of Violation (NOV) to any person violating any provisions of this regulation requiring the violator to comply with the provisions of this regulation. Written Notice of Violation shall be served by certified mail, return receipt requested or personally.
2. Within 30 days of the date of the Notice of Violation, the party charged with a violation shall respond in writing advising the Director of its position with respect to the violation(s).
3. A violator shall be entitled to an informal conference with the Director or his representative to ascertain the veracity of the allegations and establish a plan for satisfactory correction of the violation(s) and prevention of a recurrence.

4. If a response is not received within 30 days and/or where a violation is not remedied by timely compliance with the plan established as a result of an informal conference as provided for in 3 above, the Director may order the violator to appear at a hearing to show cause why the Director should not revoke the applicable permit or take steps to discontinue service to the violator. Written notice of said hearing shall be served on the violator personally or by certified mail, return receipt requested, specifying 1) the time and place of said hearing, 2) the reasons why the enforcement action is to be taken, and 3) the proposed enforcement action. Notice shall be served no less than ten (10) days before a hearing. The proceedings and evidence of the hearing shall be considered by the Director who shall then enter an appropriate order with respect to the alleged violations.
5. The decision/order of the Director shall be appealable to the Board of Directors of the Harrison County Utility Authority. The Board may choose to hear the appeal or to appoint a review committee for the purpose of hearing said appeal. The alleged violator may appear personally before the Board or review committee. This appeal shall be a review of the decision of the Director and not a de novo hearing. The decision/order of the Director shall not be reversed unless said decision/order is not based upon substantial evidence or is arbitrary or capricious.
6. Appeal from the decision of the Board shall be to a court of competent jurisdiction. The Authority shall have the authority to seek enforcement of its order through an action for appropriate legal and/or equitable relief in the appropriate state court.
7. No provision under this section shall in any manner affect any rights of the Authority and/or its Public Agencies to enforce the Sewer Use Ordinance or any other applicable Codes or Ordinances.
8. All fines, penalties or assessments levied by this section or any other article of this regulation shall run from the date of the Notice of Violation. Appeals under this article shall not stay the running of such fines, penalties, or assessments.
9. Emergency Enforcement: The Authority may, without advance notice, order the suspension of a generator's or hauler's permit, or may terminate service to a generator when it appears to the Authority that an actual or threatened discharge 1) presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment or 2) threatens to interfere with the operation of the POTW, or to violate any pretreatment limits imposed by the Authority. Any violator notified of the Authority's suspension order, shall immediately cease all discharges. In the event of failure to comply with the suspension order, the Authority may commence judicial proceedings immediately thereafter to compel the discharger's specific compliance with such order and/or to recover civil penalties. The Authority shall reinstate the permit and/or service upon proof of the elimination of the non-complying discharge or conditions creating a threat as set forth above.

ARTICLE XI.
VALIDITY

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other section, clause, sentence, or provision of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XII.
EFFECTIVENESS

1. This regulation shall be in full force and effect from and after June 1, 1992.

ARTICLE XIII.
ADOPTION

The above regulation was considered on April 2, 1992, after public hearing and comment thereon, by the Board of Directors of the Harrison County Utility Authority and on motion duly made by Mr. Ken Saucier and seconded by Mr. Louis Rash for the adoption of said Regulation, was thereupon put to vote and passed unanimously.