



Grease Control Legal Support Program Including Enforcement Response Guide

**Third Revised Version Posted in the Public
Document Repository November 10, 2011**

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.


D. Wayne Loveday

11.10 - 2011
Date

Executive Summary

Per Section VII.D.1.(d).(ii). of the Consent Decree, KUB is required to prepare and submit within thirty (30) days after the Date of Entry an enforcement response guide (ERG) to address violations of its Grease Control Program set forth in Section VII.D.2.(a) of the Consent Decree and other applicable rules and regulations. This Deliverable is subject to Review Level 2 but is not subject to the Public Review Requirement of Section VI.A.2. It has been placed in the PDR for public review and comments at the time of submission to EPA, and KUB shall receive questions and comments from the public on this Deliverable for a period of twenty (20) days after placement in the PDR.

In addition to the ERG for the Grease Control Program, KUB's Rules and Regulations for the Wastewater Division (the "Rules and Regulations") detail the appeals and enforcement processes for the ERG. KUB's Rules and Regulations and its Grease Control Program, a part of the Pretreatment Program that is a component of the Rules and Regulations, were approved by EPA on October 15, 2004. The KUB Board formally adopted the Rules and Regulations at its December 16, 2004, open meeting.

Deliverable Requirement	Document Reference
Process that a customer must follow to request a waiver of any obligations imposed by the Grease Control Program and the Rules and Regulations	See Rules and Regulations Section XV, detailing the appeals process for customers
Process KUB will use to consider granting and revoking such waivers	See Rules and Regulations Section XV.1.B, detailing the process for the Appeals Board to grant exceptions
Maintain records of all decisions to grant or revoke such waivers and the basis for the decision	See above. Also, see Section XV.3 of the Rules and Regulations pertaining to the hearing procedures, including the right to have the hearing recorded stenographically or electronically.
Series of graduated enforcement responses for violations of the Grease Control Program and other Rules and Regulations such as (i) unauthorized grease discharges to the WCTS; (ii) unauthorized modifications to an approved grease interceptor; (iii) failure to properly operate and maintain an approved grease interceptor; (iv) failure to follow standard operating procedures; (v) failure to maintain adequate manifest documentation or to use permitted haulers; and (vi) failure to timely pay administrative fees	See Enforcement Response Guide – Grease Control Program
Description of notice KUB provides to customers who are found to be in violation	See Enforcement Response Guide – Grease Control Program
Process a customer must follow to challenge the issuance of a penalty or termination of service	See Enforcement Response Guide – Grease Control Program and Sections XIV and XV of the Rules and Regulations



Knoxville Utilities Board

Rules and Regulations – Wastewater Division

Appendix D. Enforcement Response Guide – Grease Control Program

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
NO PERMIT (Unauthorized Discharges)			
1. FSF has no permit; unpermitted grease discharge	FSF unaware of requirement; No harm to POTW/ environment/property	Phone call Inspector visit Program notification letter	PC I PC
	FSF unaware of requirement; The discharge is causing limited harm to POTW/ environment/property	Phone call Inspector visit Program notification letter NONC NOV Publish AO- Show cause Terminate Service(s) Schedule SRH Civil Penalty	PC, I I PC I, PC I, PC PC PC, M/VP COO PC, M/VP COO
	FSF unaware of requirement; The discharge is causing major harm to POTW/environment/ property	Terminate Service(s) Schedule SRH AO- Show cause Civil Penalty Damage Assessment	COO PC, M/VP PC, M/VP COO COO
2. FSF failure to pay permit fee	FSF does not submit payment of permit fee within 10 days of due date	Phone call Notification letter	I, PC PC
	FSF does not submit payment within 30 days of due date	NONC	I, PC
	FSF does not submit payment within 60 days of due date	NOV AO-Show cause Terminate Service(s) Schedule SRH Civil Penalty	I, PC PC, M/VP COO PC, M/VP COO
GREASE CONTROL EQUIPMENT			
1. Failure to install grease trap/interceptor to meet KUB guidelines for grease trap/interceptor design and installation	No grease trap/interceptor; Inadequate/improper grease trap design and/or installation	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
2. Grease trap/interceptor structural failure	Failure or malfunction of components (baffle, walls, tees, etc.)	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO
	No or impeded access to structure inspection and/or cleanout openings	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO
3. Inadequate maintenance of trap	Failure to perform scheduled and/or required cleaning/pumping	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO
	Failure to keep solids less than or equal to 25% by volume in external grease trap/interceptor structure	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO
	Failure to clean internal traps minimum every two weeks, or as needed/required to control grease discharge	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO
REPORTING			
1. Trap/Interceptor pumping records not maintained	Failure to maintain proper pumping records onsite for a minimum of 24 months from previous inspection	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
	Failure to submit pumping records to KUB if required	Phone call Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I, PC I I, PC I, PC PC PC, M/VP COO PC, M/VP COO
2. Failure to report upgrades/changes to existing facilities to KUB	Failure to report additions/changes to FSF that impact grease discharge to POTW (seating capacity increase, operating hours increased, addition of cooking eqpt using grease, additional fixtures, menu changes, etc.)	Phone call Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I, PC I I, PC I, PC PC PC, M/VP COO PC, M/VP COO
3. Failure to report improper operation or failure of grease control equipment	Failure to notify KUB of improper operation or failure of grease trap/interceptor that contributes to the temporary or permanent loss of grease control	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO
SITE VISITS			
1. Entry denial	Failure to allow KUB access to FSF premises for purposes of performing a Grease Control Program inspection	NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I, PC PC PC, M/VP COO PC, M/VP COO
2. Inadequate FSF employee training and/or recordkeeping	Failure to train FSF employees in proper grease handling and disposal practices	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO
	Failure to maintain onsite sufficient documentation of the administration of such training	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
Other			
1. Failure to respond to KUB enforcement action	General failure to respond, within specified time periods, to KUB enforcement and related actions	AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	PC, M/VP COO PC, M/VP COO

NOTES ON RESPONSES

The above enforcement responses are the probable initial ones.

A. *KUB* will use its discretion in determining whether to issue Civil Penalties and will consider, among other things, the following criteria when determining the size of any such Civil Penalty:

- ❖ Magnitude of the violation
- ❖ Duration of the violation
- ❖ Effect of the violation on *KUB's wastewater system* and/or the environment
- ❖ Economic benefit derived by the *user* as the result of violation
- ❖ Compliance history of the *user*
- ❖ Good faith efforts of the *user* to correct the violation

B. Violations, which threaten health, property or environment quality, are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

C. *KUB* will escalate into a more stringent action if the *user* fails to return to compliance.

D. For more complete information concerning enforcement, abatement and appeals refer to Sections XV and XVI of the *Rules and Regulations*.

Key:

AO = Administrative Order
 COO = *KUB Chief Operating Officer*
 I = *KUB Inspector*
 M = *KUB Manager*
 NONC = Notice of Noncompliance
 NOV = Notice of Violation
 PC = *KUB Program Coordinator*
 SRH = Service Renewal Hearing
 VP = *KUB Vice President*