

Town of Madison Oil and Grease Control Program

§17-122 OIL AND GREASE CONTROL PROGRAM.

(a) *Generally.*

(1) No person shall discharge or cause to be discharged any of the following described water or wastes either directly or indirectly into the sewerage facilities of the town:

(i) Any wastewater containing more than 100 parts per million by weight of total fats, wax, grease, or oil, whether emulsified or not, or containing substances which may solidify or become viscous at a temperature between 32EF and 160EF (0EC and 71EC). The use of chemical or biological agents, physical methods, or any other means to dissolve, liquefy, suspend, disperse, emulsify, entrain, or otherwise cause any oil, grease, or other similar material to flow through the sewer collection system is prohibited;

(ii) Any substance which will cause interference, i.e., contribute to the treatment plant violating its NPDES permit or the water quality standards of the receiving stream or any other federal or state permit regulating the operation of the treatment plant;

(iii) Any materials which form excessive amounts of scum or foam which may interfere with the operation of the sewerage facilities of the town or cause undue additional labor or expense in the operation of same; and

(iv) Any trucked or hauled pollutants or wastewater except as specifically authorized by the town.

(2) If the town determines to its satisfaction, that any prohibited discharge has taken place, the town shall employ whatever enforcement actions it deems necessary.

(b) *Requirements for oil and grease traps or interceptors.*

(1) Town approved grease, oil, and sand traps or interceptors shall be provided for food service establishments or operations, vehicular service facilities, and car washes when, in the opinion of the town, they are necessary for the proper handling and control of wastewater being discharged to public sewers containing grease, oil, or sand in excessive amounts. The traps or interceptors shall not be required for private living quarters or dwelling units, but may be required for industrial or commercial establishments, public eating places, hospitals, hotels, abattoirs, or other institutions. The traps or interceptors shall be readily accessible for cleaning and inspection and shall be maintained by the owner at his or her expense and in continuous efficient operation at all times. Whenever town or sub-town inspection of the existing traps or interceptors results in a written notice for action on the part of the person responsible for the trap or interceptor, the action shall be completed within the compliance period granted by the inspecting authority.

(2) When retained or trapped material (including, but not limited to, oil, grease, sand, grit,

and the like) must be removed from grease, oil, and sand traps or interceptors, the material shall be removed by pumping or other physical means and shall be hauled away for disposal in accordance with applicable federal, state, and local regulations. No retained or trapped material in any form shall be allowed to pass from the trap or interceptor into the sewer collection system. The use of chemical or biological agents, physical methods, or any other means to dissolve, liquefy, suspend, disperse, emulsify, entrain, or otherwise cause retained or trapped material to flow from the trap or interceptor into the sewer collection system is prohibited. The owner shall provide the town, upon request, with accurate information as to the ultimate disposal method and location of the material pumped or otherwise removed from the trap or interceptor. All records shall be maintained for a minimum of three years.

(c) *Acceptance of hauled waste containing oil and grease.*

(1) The town is to accept pumping originating from within the town from licensed septic cleaning operators. The town shall keep records concerning each tank load to indicate origin, type, and volume of waste.

(2) The schedule for accepting pumping shall be as published and distributed by the town to those haulers licensed to discharge to the town.

(3) Pumping will be accepted only from:

(i) Wastewater of domestic origin from human sources (those generated from normal human activities) from septic tanks; and

(ii) Grease traps containing oil and/or grease of animal and vegetable origin from restaurants, hotels, or any other source, which prepares food for retail sales for direct human consumption on the premises.

(d) *Enforcement authority.* If a user fails to comply with any provision of these rules and regulations or fails to comply with any requirement of the town's permit system, including submission of monitoring reports, or fails to produce an effluent that meets the applicable discharge limitations, whether or not the user is a "significant" discharger, the town will take enforcement action pursuant to the guidelines established in the *Madison Sanitary Sewer Town Enforcement Response Guide*. The enforcement response guide is a document developed by the town, based on federal and state regulations and guidance that provides town personnel with guidelines for appropriate enforcement responses for various types and degrees of violations. The remedies provided in this section are not exclusive. The town shall have the right, at its discretion, to take any, all, or any combination of these actions against any noncompliant user. It is the town's intent that enforcement for violations will be pursuant to the *Madison Sanitary Sewer Town Enforcement Response Guide*. However, the town reserves the right to take any other action, either more or less stringent, that the town determines to be appropriate against any user for any violation of any provision of the town rules and regulations, wastewater permit or authorization, or orders issued. Further, the town is empowered to take more than one enforcement action against any noncompliant user.

e) *Penalties for noncompliance.*

(1) Any person violating any provision of these rules and regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$100

or imprisoned for a period not exceeding 30 days. Violations of discharge into the town's sewerage system will be counted as separate violations for each parameter whose discharge limits or permit condition is exceeded. Upon written notice to a person committing the violation, each day after receipt of the notice that the violation is continued shall constitute a separate offense.

(2) Any person violating any provisions of these rules and regulations shall be subject to a civil penalty not to exceed \$2,000 for each violation. For purposes of penalty assessment, each day on which a given violation occurs or continues shall be deemed a separate and distinct offense. In the case of discharge limits with required monitoring less frequent than daily, the civil penalty may be assessed for each day during the period of violation. Civil penalties assessed under this section shall be in addition to any criminal penalties or any other penalties and remedies. All penalties assessed under the provisions of this section shall constitute a debt payable to the town and shall constitute a lien against the property of the person against whom the penalties are assessed.

(3) The town must issue all civil penalties in the form of an administrative order that states, at minimum: the amount of civil penalty; the violation(s) for which the civil penalty is being assessed; and the compliance date upon which the civil penalty must be paid in full. On or before the compliance date specified in the administrative order, the user against whom the penalty has been assessed must either pay the penalty in full or make a written request for an informal conference with the town to attempt to negotiate a settlement agreement.

(4) If the user against whom the penalty has been assessed fails to pay the penalty in full or to make a written request for an informal conference to negotiate a settlement agreement on or before the compliance date specified in the administrative order, the town will issue to the user a show cause order specifying which violation(s) is (are) charged and requiring the user to appear at an adjudicatory hearing and show cause why the civil penalty should not be imposed. If an informal conference is scheduled and the user fails to appear at the informal conference at the time and date specified for the conference, or if an informal conference is conducted and the user and the town cannot negotiate a settlement agreement at the informal conference, the town will issue to the user a show cause order specifying which violation(s) is(are) charged and requiring the user to appear at an adjudicatory hearing and show cause why the civil penalty should not be imposed.

(5) An adjudicatory hearing on the show cause order will be held before the Commission or its designee appointed to conduct a hearing. All appeals from the final decision of the Commission or its designee under the provisions of this section shall be heard in the Court of Common Pleas in the town. All appeals from the final decision of the Commission or its designee under the provisions of this section must be filed within 30 calendar days of the final decision of the Commission or its designee.

(6) The remedies provided in this section are not exclusive. The town reserves the right to take any other action, either more or less stringent, that the town determines to be appropriate against any user for any violation of any provision of the town rules and regulations, wastewater permit or authorization, or orders issued.

(f) *Provision for recover of costs.* Any nondomestic user, whether or not classified as significant, shall be billed by the town for all costs associated with an enforcement action or actions in which the

town identifies the user as being in violation of any discharge permit or discharge authorization limit, or any other requirement of the town's sewer use rules and regulations. Costs may include, but are not limited to: monitoring at the user's discharge point, in the town's collection system, or at the town's facilities which the town deems necessary to investigate and/or identify the user as the source of a pollutant; costs of town personnel time and materials used in conducting any monitoring or investigation which the town deems necessary to the enforcement action, or in any remedial efforts which the town deems necessary to mitigate or correct the impact on any town facilities or processes of a user's violation(s); costs of outside laboratories or consultants utilized by the town in the investigation or in any remedial efforts which the town deems necessary to mitigate or correct the impact on any town facilities or processes of a user's violation(s); any fines or penalties imposed on the town as the result of violation of any NPDES or other permit condition, any state or federal regulation, or any law; and any attorneys' fees incurred by the town in connection with a violation of the rules and regulations.