

Section 16.5

Rules Governing the Discharge into the Public Sanitary Sewerage System From Grease Traps and Grease Interceptors

A. General

- (1) The public sanitary sewerage system exists to provide for and allow the collection and/or removal of polluted liquid wastes from public and private property. It is in the public interest that reasonable rules and regulations be applied to discharges into the sanitary sewerage system so as to prevent the system from being, (1) unnecessarily burdened, or (2) excessively burdened.
- (2) It is in the public interest that grease traps and/or interceptors be routinely cleaned in order to prevent grease and obstructive materials from being discharged into the sanitary sewerage system.
- (3) The rules and regulations contained in this Section 16.5 relating to discharges into the sanitary sewerage system of Orleans Parish are supplemental to all other rules and regulations of the Sewerage and Water Board which govern said sanitary sewerage system and tie-ins thereto.
- (4) The accumulation of FOG within sanitary sewer lines increases the potential to create sewer line blockages. Sanitary sewer line blockages can result in sanitary sewer overflows (SSOs), which may reach the surface waters of Louisiana. Blockages may also cause wastewater to back up into business establishments or homes and can result in extensive damage.
- (5) The purpose of this section is to aid in the prevention of sanitary sewer blockages, overflows, and obstructions caused by the accumulation of fats, oils and grease that are discharged into the sanitary sewer system.
 - (a) It is the duty and responsibility of the SWBNO's Environmental Affairs Department to investigate the introduction of Fats, Oil and Grease (FOG) into the sanitary sewer system and the wastewater treatment plant.
 - (b) This section is designed to outline, implement and enforce FOG discharge rules and to have an educational program for commercial property owners, FSE and/or FPE owners, and residential users of the POTW.
 - (c) The intent of this section is to ensure compliance with the SWBNO's Plumbing Code; ensure compliance with the rules and regulations of the United States Environmental Protection Agency and the State of Louisiana Department of Environmental Quality (as relates to FOG), ensure compliance with SWBNO's LPDES Permit Number LA 0038091 and LA 0038105; and to protect the City's infrastructure as it relates to the sanitary sewer collection and treatment system.

- (d) The authorization for the program is found in the Sewerage & Water Board's LPDES Permit Number LA0038091 and LA0038105 issued to the Sewerage & Water Board of New Orleans by the Louisiana Department of Environmental Quality which includes the following Performance Measure:

The Permittee shall maintain an educational and enforcement program that requires the proper operation and maintenance of all grease traps connected to the wastewater collection system. The educational program should target both residential and commercial property owners.

- (e) This section shall apply to all food service establishments (FSEs) and food processing establishments (FPEs) that are located within the corporate limits of the City, or that are within the extraterritorial jurisdiction of the City and to all FSEs and FPEs that receive sanitary sewer service from the Sewerage and Water Board of New Orleans (SWBNO) or that discharge any liquids or solids into the publicly owned treatment works (POTW).
- (f) Food Service Establishments discharging wastewater that contains FOG to the POTW must obtain a FOG discharge permit, install and maintain a grease trap or grease interceptor. All grease traps and grease interceptors shall be maintained for continuous, satisfactory and effective operation by the property owner and/or FSE owner, leaseholder or operator at his expense. "Enforceable Best Management Practices" for the control of Fats, Oil and Grease shall also be implemented by all Food Service Establishments.
- (g) The Sewerage & Water Board's Chief Plumbing Inspector reserves the right to make determination of grease retention unit adequacy and need based on review of all relevant information regarding grease retention performance, maintenance, and facility site and building plan review to require repairs to, modification, or replacement of such retention units.

B. Definitions

- (1) **Best Management Practices (BMPs)** - Methods, tools, and techniques that have been determined to be the most effective and practical means of preventing or reducing pollution, including documentation of employee training, documentation of grease interceptor/grease trap cleaning, removal and disposal of grease.
- (2) **Chief of Environmental Affairs** - (COEA)
- (3) **City** - City of New Orleans
- (4) **Decision or Order** - means an administrative act of the hearing officer under the authority of this article.
- (5) **Director** - means the Executive Director of the Sewerage and Water Board of New Orleans.
- (6) **Fats, Oils, and Greases (FOG)** - Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Substances that solidify or become viscous at temperatures between 32° F - 150° F, (0° C - 65° C) be referred to as FOG. Commonly these substances are byproducts generated by the practice of cooking or preparing food. They are also found in such food substances as salad dressings, sauces and marinades, and baking oils and butter products.

- (7) **FOG Coordinator** - The Sewerage & Water Board's Enforcement Official designated by the Chief of Environmental Affairs of the Sewerage & Water Board to implement the Fats, Oils and Grease Control Ordinance.
- (8) **FOG Discharge Permit** – A permit issued by SWBNO to Food Service Establishments and/or Food Processing Establishments for discharges into the POTW from grease traps and/or grease interceptors.
- (9) **FOG Enforcement Response Plan** – The plan that contains detailed procedures indicating how the SWBNO will investigate and respond to instances of noncompliance with the FOG Ordinance.
- (10) **Food Processing Establishments (FPE)** - A food processing establishment or establishments, which are any commercial establishments in which food for human consumption is manufactured or packaged.
- (11) **Food Service Establishments(FSE)** – Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption food items and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. Those establishments that engage in the preparation of precooked and frozen food materials and meat cutting preparation and applicable to all “Food Service Establishments” that discharge wastewater containing oil and grease to the Sewerage & Water Board's Sanitary Sewer System including but not limited to the following: restaurants, grocery stores, meat markets, hotels, factory and office building cafeterias, public and private schools, hospitals, nursing homes, commercial day care centers, churches, and catering services.
- (12) **Force Account** – All costs incurred by the SWBNO for the clean-up, removal, and/or decontamination of a site after discharge of substances into the sanitary sewer, storm sewer and/or to the environment that caused interference, pass-through, a sanitary sewer blockage, or sanitary sewer overflow. This includes inspection and analytical costs, clean up and decontamination of all structures/areas including residential, commercial, surface waters and the environment, and enforcement actions and proceedings.
- (13) **Grease Retention Unit** - A device utilized to affect the separation of grease and oils in wastewater effluent from a Food Preparation Establishment prior to the wastewater entering the sanitary sewer collection and treatment system.
- (14) **Grease Interceptor** - Interceptors are grease retention units of the outdoor or underground type and normally consist of a 40 pound capacity or more.
- (15) **Grease Trap** - Traps are typically in- floor recessed grease retention units, which are normally not less than 125 gallons capacity. Some older existing traps may be an under the sink or above-floor design.
- (16) **Interceptor** - A device for collecting, containing, or removing food wastes or fats, oils, or grease from a waste stream before entering the POTW.
- (17) **Interference** - A discharge, which alone or in conjunction with a discharge or discharges from other sources, both: inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause or contributes to, a violation of any requirement of the POTW's LPDES permit (including an increase in

the magnitude or duration of a violation) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, 40 CFR Part 503 [Standards for the Use of Disposal of Sewage Sludge], the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of sludge disposal employed by the POTW

- (18) **Ordinance** – The SWBNO FOG Ordinance
- (19) **Pass Through** - A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the Sewerage & Water Board of New Orleans LPDES permit, including an increase in the magnitude or duration of a violation.
- (20) **Permit or license violation** - Means any permit or license issued by the Sewerage and Water Board of New Orleans on the basis of incorrect, inaccurate, or incomplete information, or based upon any false or fraudulent statement or misrepresentation.
- (21) **Person** - An individual, partnership, joint venture, firm, company, corporation, association, joint stock company, governmental entity, trust, estate, sole proprietorship, or legal entity of any kind or character.
- (22) **POTW** - Publicly Owned Treatment Works as defined by Section 212 of the Act. (33 U.S.C. 1292) which is owned by the Sewerage & Water Board of New Orleans. This definition includes any devices or system used in the collection, storage, treatment, recycling and reclamation of municipal sewage (wastewater) or industrial wastes of a liquid or solid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant.
- (23) **Property owner and/or FSE owner** - Property owner and/or FSE owner shall mean individual, firm, company, corporation, or group upon whose property the building or structure is located or will be constructed.
- (24) **Property owner and/or FSE operator** - Any person, business, or organization, including those located outside of the jurisdictional limits of the City, who contributes, causes, or permits the contribution or discharge of wastewater into the POTW.
- (25) **Respondent or alleged violator** - Means any person, including any landowner or any tenant, any representative and/or any authorized agent of a landowner who has been given a notice of violation under this section.
- (26) **Sanitary Sewer** - A public sewer controlled by a governmental agency or entity including the Sewerage & Water Board of New Orleans that carries liquid and waterborne waste from residences, commercial buildings, industrial plants or institutions; together with minor quantities of ground or surface waters that are not intentionally admitted.
- (27) **Sewer** - A pipe or conduit for carrying wastewater.
- (28) **SWBNO** – Sewerage & Water Board of New Orleans
- (29) **Storm Sewer or Storm Drain** - A sewer or drain designed, constructed and intended to carry storm and surface waters and drainage, but NOT wastewater.
- (30) **Surface Waters** – SWBNO canals, streams, lakes or other bodies of water.
- (31) **Variance for Cause Request** - Submittal provided by a Food Service Establishment to provide site-specific technical information to demonstrate why a grease interceptor is not feasible, practicable, and/or necessary for a particular use, activity and/or structure.

- (32) **Violator** - Means a person who has been found liable for a violation or ordered to correct a violation in an order issued under this section.
- (33) **Waste** - Shall mean the liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities and institutions, whether treated or untreated. The term's "sewage" and "wastewater" shall be deemed as waste by definition.
- (34) **Waste Hauler Permit** - A permit issued by SWBNO to grease trap cleaning companies servicing food service establishments and/or food processing establishments in Orleans Parish.

C. Prohibited Discharges and Violations

- (1) No property owner and/or FSE shall contribute or cause to be contributed into the sanitary sewer system the following:
 - (a) Hot water running continuously through a grease retention unit.
 - (b) Discharge of concentrated alkaline or acidic solutions into a grease retention unit.
 - (c) Discharge of concentrated detergents into a grease retention unit.
 - (d) Discharge of fats, oils, and grease into the sanitary sewer system greater than 100 mg/l per day.
- (2) It shall be a violation of this Section 16.5 and the Sewerage & Water Board of New Orleans Sewer Use and Pretreatment Ordinance for any person or property owner and/or FSE owner to:
 - (a) Modify a grease retention unit structure without consent from the Sewerage & Water Board of New Orleans Plumbing Department.
 - (b) Provide falsified data and/or information to the Sewerage & Water Board of New Orleans Chief of Environmental Affairs, including but not limited to grease retention unit maintenance and/or cleaning records.
 - (c) Violate or fail to comply with any applicable section or provision of this Section 16.5.

This Section 16.5 is applicable to all “Food Service Establishments” that discharge wastewater containing fats, oils and grease to the Sewerage & Water Board’s sanitary sewer system including but not limited to the following: restaurants, grocery stores, meat markets, hotels, factory and office building cafeterias, public and private schools, hospitals, nursing homes, commercial day care centers, churches, and catering services.

D. Grease Retention Unit Construction Standards

All new grease interceptors shall be designed and constructed in accordance with the requirements of the International Plumbing Code.

- (1) General Design Requirements for all Food Service Establishments
 - (a) The SWBNO’s Plumbing Department must approve grease retention unit design prior to installation by the Food Service Establishment.

- (b) All grease retention units, whether singular or tanks in series, must have each chamber directly accessible from the surface to provide means for servicing and maintaining the retention unit in efficient working and operating condition.
 - (c) All grease retention units shall be designed and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and viewing and sampling of the effluent wastewater discharged to the sanitary sewer system.
 - (d) A basket, screen, or other intercepting device shall prevent passage into the drainage system of solids ½ inch or larger in size. The basket or device shall be placed in all food preparation sinks and must be removable for cleaning purposes.
 - (e) Drainage systems conveying sanitary waste (toilets, lavatories, etc.) shall not be connected to the influent side of the grease retention unit.
 - (f) Where food waste grinders are installed, the waste from those units shall discharge directly into a grease vault as prescribed by SWBNO Plumbing Code. All other fixtures and drains receiving kitchen or food preparation wastewater shall pass through a grease retention unit.
 - (g) Dishwashers equipped with booster heaters and/or using water in excess of 140° F shall not pass through any grease retention unit with lesser than a 1000-gallon capacity.
- (2) New Food Service Establishments in New Buildings
- (a) All new Food Service Establishments shall be required to install grease interceptor, unless granted a Variance for Cause by the Sewerage & Water Board Plumbing Department. Any Food Service Establishment wishing to seek a Variance for Cause must submit a Variance for Cause Request to the SWBNO Chief Plumbing Inspector.
 - (b) Grease Retention Units shall be sized in accordance with the International Plumbing Code.
 - (c) No new Food Service Establishments will be allowed to initiate operations until a grease retention unit is installed and approved by the Sewerage & Water Board's Plumbing Department.
 - (d) Site plans must be submitted for all new Food Service Establishments to Sewerage & Water Board's Plumbing Department. Site plans must be signed and sealed by a Louisiana licensed professional engineer to certify the plan meets all requirements of this Section 16.5.
- (3) New Buildings (Strip Centers) with Potential for Food Service Establishments
- (a) All new buildings or strip centers containing sections designated for commercial enterprise of the strip center may be required to provide a stub-out for a separate waste line for future grease interceptor installation; all plans are subject to approval by the Sewerage & Water Board of New Orleans Plumbing Department.
 - (b) The property owner and/or FSE owner of a new strip center shall consider suitable physical property space and sewer gradient that will be conducive for the installation of an exterior, in ground grease interceptor(s) for any flex space contained within the strip center.
- (4) Existing Food Service Establishments with a Grease Retention Unit
- (a) All existing Food Service Establishments with a grease retention unit shall operate and maintain such units in compliance with this section and shall comply with the Best Management Practices.

- (b) In the event an existing Food Preparation Establishment's grease retention unit is either under-designed or substandard in accordance with this section, the property owner and/or FSE will be notified in writing of the deficiencies and required improvements and given a compliance deadline to conform to the requirements of this section. For cases in which outdoor type grease interceptors are infeasible to install, existing Food Service Establishments will be required to install adequate and approved inside grease traps for use on individual fixtures including sinks and other potentially grease containing drains pending prior approval from the Sewerage & Water Board's Plumbing Department.
 - (c) Site plans must be submitted for additions and renovations made to existing facilities. Site plans for additions must be signed and sealed by a Louisiana professional engineer. Site plans for renovations must be signed and sealed by a Louisiana professional architect to ensure the plan meets all requirements of this section. Improvements made to existing facilities will be evaluated to determine their impact on the grease retention unit. Establishments will be required to install a larger sized unit if the potential daily grease production is significantly increased; all plans are subject to approval by the Sewerage & Water Board of New Orleans Plumbing Department.
- (5) Existing Food Service Establishments without a Grease Retention Unit
- (a) If excessive grease buildup is noted in the collection system and/or excessive collection system maintenance is required in the collection system and/or sanitary sewer blockages occur in the sanitary sewer system below a Food Service Establishment without a Grease Retention Unit the SWBNO reserves the right to require the FSE to install a Grease Retention Unit.
- (6) New Food Service Establishments in Existing Buildings
- (a) Where practical, FSE's locating in existing buildings will be required to comply with the requirements applicable to new construction.
 - (b) Where it is physically impossible to install outdoor interceptors and grease traps, inside grease traps may be allowed provided prior approval of unit type, size, location, etc. is obtained from the S&WBNO's Chief Plumbing Inspector.
- (7) Construction Standards Exceptions
- (a) Under certain circumstances, the grease retention unit size and location may necessitate special exceptions to this section.
 - (b) If the SWBNO determines that an exception to this section is necessary, the property owner and/or FSE owner must first demonstrate that the proposed size and location will not result in noncompliance with the intent and discharge requirements of this section.
 - (c) The facility shall then submit appropriate site plans for any additions or renovations to the SWBNO Plumbing Department.

E. Power and Authority of Enforcement

(1) Right of Entry

- (a) Access to premises: Employees of SWBNO or its authorized agents upon presentation of proper credentials shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, records examination and copying, and

the performance of any other duties which reasonably deems necessary to determine compliance with this section.

- (b) Where security measures are in place which require proper identification and clearance before entry into the premises, the property owner and/ or FSE owner shall make necessary arrangements with its security guards so that, upon presentation of proper credentials, the SWBNO and/or its designees will be permitted to enter without delay for the purposes of inspecting the site and investigating any complaints or alleged violations of this section.
- (c) The SWBNO and/ or its authorized agents shall have the right to set up on the property such devices as are necessary to conduct sampling and/or metering and shall have the power to require written statements, certificates, certifications, or the filing of reports relating to complaints or alleged violations of this section.
- (d) All grease retention units shall be easily accessible and shall not be obstructed by landscaping, parked cars, or other obstructions. Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the responsible party at the written or verbal request of the SWBNO or its authorized agents. The costs of clearing such access shall be borne by the responsible party.
- (e) The SWBNO and/or its authorized agents also may monitor and inspect any business using or selling cooking oil, any person removing and transporting commercial cooking oil waste or commercial FOG waste and any recycling facility converting commercial cooking oil waste or commercial FOG waste into a marketable product.

F. Best Management Practices

- (1) FOG can be managed effectively in the food service industry to minimize the discharge to the sewer system and decrease the required maintenance of grease retention units. Best Management Practices are kitchen cleaning and grease-handling techniques used throughout the industry, and have proven effective when implemented properly and consistently.
- (2) All Food Service Establishments shall implement the BMPs through the proper training of all employees (see Section 16.5 2b).
- (3) Documentation of BMP employee training shall be maintained on-site and readily available upon request.
- (4) Use of Enzymes, Emulsifiers or Other Biological Additives
 - (a) The use of any enzymes, grease solvents, thermal sources, emulsifiers, etc. are not considered acceptable grease trap/interceptor maintenance practices and shall not be used as an alternative to the pumping of a grease retention unit, nor as the sole source of grease retention unit maintenance.
- (5) Interceptor pumping and evacuation
 - (a) Each interceptor shall be continuously maintained in effective operational condition by and at the expense of the FSE or FPE that is required by this section to utilize or install the interceptor.
 - (b) Frequency. Each FSE and FPE that is required by this section to utilize or install an interceptor shall evacuate accumulated solids, fats, oils, grease and all other material(s) from each interceptor at a frequency not less often than every ninety (90) days and within two (2) working days whenever twenty-five (25) percent or more of

- the design capacity of the interceptor, measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, fats, oils, or grease.
- (c) FSEs or FPEs that conduct operations for less than one hundred and twenty (120) days in a calendar year may submit a written request to SWBNO to be permitted to evacuate interceptors at a frequency less often than every ninety (90) days. The FSE or FPE submitting the request shall comply with Section 16.5 of the Sewerage and Water Board of New Orleans Plumbing Code unless SWBNO provides written approval of a different frequency for the evacuation of the interceptors that are the subject of the request. Any revised frequency approved by SWBNO for the evacuation of an interceptor shall not affect the requirement that an FSE or FPE shall evacuate an interceptor within two (2) working days whenever twenty-five (25) percent or more of an interceptor contains materials as required by of Section 16.5 of the Sewerage and Water Board of New Orleans Plumbing Code.
 - (d) For each interceptor that has a capacity greater than one hundred (100) gallons, FSEs and FPEs shall use a liquid waste hauler that is permitted by SWBNO to collect, transport and dispose of liquid waste pursuant to the Sewerage and Water Board of New Orleans Plumbing Code to evacuate an interceptor. FSEs and FPEs shall cause the wastes in an interceptor to be completely evacuated by a waste hauler at the time of each interceptor evacuation that is required by this section. Interceptor waste shall be disposed of only at a facility that is authorized and permitted by applicable law to receive such waste for disposal.
 - (e) Cleaning/pumping shall include the complete removal of all contents, including floatable materials, wastewater, sludge and solids. Separation, decanting or back flushing of the grease interceptor or its wastes into a grease interceptor is prohibited.
 - (f) The property owner and/or FSE shall be responsible for ensuring that no waste or wastewater pumped from the grease retention unit is reintroduced back into the collection system, into the environment, or is otherwise improperly disposed of.
 - (g) All property owners and/or FSE's shall maintain cleaning and pumping receipt records that include: date and time grease interceptor was cleaned, quantity of grease and materials removed, company or qualified agent providing services.
 - (h) Cleaning records shall be maintained on-site for a continuous period of three years. Copies of cleaning records shall be submitted by the grease trap cleaning company (or the FSE if a permitted liquid waste hauler is not used to evacuate an interceptor) monthly to:

Sewerage & Water Board of New Orleans
 Environmental Affairs
 2900 Peoples Avenue Room 215
 New Orleans, LA 70122
 (504) 942-3858 Fax

- (i) Reports shall be due by the 15th day of the previous calendar month. The submittal can be by fax, or US mail.
- (6) Interceptor inspection.
- (a) Not less frequently than once per calendar year, each FSE and FPE shall obtain a licensed plumber or other qualified professional approved by SWBNO to inspect each interceptor. After evacuation of the interceptor, the licensed plumber or other

qualified professional approved by SWBNO shall make a visual observation of and shall photograph all inlet and outlet fittings, internal baffles, walls, floor and all other internal structures. Each FSE and FPE shall require the licensed plumber or other qualified professional approved by SWBNO Plumbing Department conducting the inspection to provide a written report of the inspection to the FSE or FPE that includes the photographs that are required by this section and that provides the name, address and telephone number of the licensed plumber or other qualified professional approved by SWBNO Plumbing Department conducting the inspection, the date of the inspection, and a description of any defects observed during the inspection. A copy of this report must be sent to:

Sewerage & Water Board of New Orleans
Environmental Affairs
2900 Peoples Avenue Room 215
New Orleans, LA 70122

All defects shall be corrected by each FSE or FPE within ninety (90) days of each inspection. After which, a follow-up final inspection will be performed by the SWBNO Plumbing Department and /or Environmental Affairs Office.

- (7) Notification of Change in Property ownership or Closure of a Food Service Establishment
- (a) A change in property ownership and/or FSE ownership shall be reported to the SWBNO Plumbing and Environmental Affairs Departments in writing within thirty (30) days of the property ownership and/or FSE change.
 - (b) Any Food Service Establishment that goes out of business shall report such closure to the SWBNO Plumbing and Environmental Affairs Departments in writing within thirty (30) days of closure and shall ensure that any grease trap and/or interceptor shall be cleaned and pumped before the building is vacated.

G. Compliance

- (1) All Food Service Establishments who are implementing and documenting the BMPs [including employee training and kitchen procedures] and performing and documenting grease retention unit cleaning at the required frequency will be considered to be in full compliance with this FOG Ordinance.

When an obstruction and/or sanitary sewer overflow occur, the records of all Food Service Establishments that discharge to the affected sanitary sewer line may be reviewed in order to determine the responsible party. Any Food Service Establishment found to be in noncompliance with the required grease retention unit cleaning frequency shall be deemed a responsible party for Force Account. Payment of cost recovery does not preclude further enforcement actions for noncompliance as per the FOG Ordinance and Enforcement Response Plan.

H. Enforcement

- (1) Enforcement Response Plan
- (a) Enforcement of Section 16.5 shall be in accordance with the provisions of Section 16.5 of Sewerage & Water Board of New Orleans Plumbing Code. Failure to comply

with any provision of the FOG Ordinance may be grounds for civil penalty imposition and/or discontinuance of sanitary sewer and/ or water service.

- (b) The Chief of Environmental Affairs shall develop and implement an Enforcement Response Plan for the Sewerage & Water Board's FOG section. The plan shall contain detailed procedures indicating how the Chief of Environmental Affairs and/or their designees will investigate and respond to instances of non-compliance with this section.
- (c) The Enforcement Response Plan is a statement of policy by the Sewerage & Water Board of New Orleans. It is not a regulation, code or statute and the Chief of Environmental Affairs or their designee has the authority to amend the Policy at any time in order to more effectively implement this section.
- (d) No enforcement procedure is contingent upon the completion of any lesser activity.
- (e) Nothing in the Enforcement Response Plan shall limit the authority of the Chief of Environmental Affairs to take any action, including severance of sanitary sewer and/or water service without first issuing a Notice of Violation or other less severe action.

(2) Administrative Enforcement Activities

The Sewerage & Water Board of New Orleans is authorized to take the following actions in response to noncompliance with Section 16.5 and/or the Sewer Use and Pretreatment Ordinance:

- (a) Notice of Violation [NOV]
- (b) Administrative Hearing [AH]
- (c) Enforcement Meeting
- (d) Force Account [FA]
- (e) Termination of (Sewer and/or Water) Service [TOS]
- (f) Civil Penalty [from \$1-\$1,000] per violation

I. Emergency Actions and Procedures

- (1) The SWBNO Chief Plumbing Inspector is authorized to take all necessary actions to immediately and effectively halt or prevent any fats, oils and grease discharge to the sanitary sewer system, storm water drains and on the ground.
- (2) Any property owner and/or FSE owner with grease retention unit maintenance problems or other situations resulting in the discharge of Fats, Oils, and Grease to surface waters must halt discharge immediately. Immediately is defined as within 15 minutes of becoming aware of the problem. Any repairs to the system must be completed at the expense of the Food Service Establishment, property owner or leaseholder.

J. Administrative Hearing Procedure Sought by FSE's and FPE's:

- (1) The sewerage and/or water service will not be terminated until a hearing is held before the Administrative Hearing Officer where the FSE/FPE is given an opportunity for an impartial evidentiary hearing to present their side of the dispute. For a FSE/FPE to request an administrative review of termination of services, a force account dispute, or any other matter under which the Hearing Officer has authority, he must:
 - (a) For Administrative review of reasons for termination of services:

File a Request for Administrative Review within 10 days of the date of the Termination of Services Notice that was sent by the Sewerage and Water Board.

- (b) For Administrative review of a force account dispute, or any other matter under which the Hearing Officer has authority.

File a Request for Administrative Review within 10 days of when FSE/FPE has reasonable notice of the issue or dispute.

- (2) The Request for Administrative Review requested by the FSE/FPE shall:

- (a) Be in writing;
- (b) Provide the municipal address of the property at issue;
- (c) Provide the date when you had reasonable notice of the issue or dispute;
- (d) Provide sufficient facts of the issue to be reviewed and action sought;
- (e) Provide the mailing address and telephone number of the FSE/FPE.

K. Administrative Hearing Procedure Sought by Sewerage and Water Board

- (1) Whenever the Sewerage and Water Board determines that a violation of its policies, procedures, rules or codes exists, or orders issued thereunder, such as plumbing or environmental code violations, or any other matter under which the Hearing Officer has authority, it must issue Notice of Violation to the customer/user

- (2) The notice shall:

- (a) Be in writing;
- (b) Provide the municipal address of the cited property;
- (c) Provide the date of the inspection/delinquency;
- (d) Provide notice of the alleged violations at the cited property;
- (e) Provide the mailing address and telephone number of the Sewerage and Water Board;
- (f) Provide the time, date, and location of the administrative hearing whereby the alleged violations shall be adjudicated;
- (g) Provide notice that the failure to appear at the hearing shall be considered an admission of liability for the charged violation(s);
- (h) Provide the risk of fees, penalties, costs, and liens that may be imposed for continued violation(s); and
- (i) Provide the risk of remedial measures that may be ordered by a hearing officer to correct or abate the violation(s).

L. Procedure for hearing

- (1) Prior to holding an administrative hearing pursuant to this Policy, the FSE, FPE, User, or alleged violator shall be notified at least 30 days in advance of the date that such a hearing is scheduled, unless otherwise provided. Notice shall be personally served or sent to the alleged violator by regular, certified, or registered U.S. Mail at either the address listed in the assessor's office of the parish, or in the case of a FSE, or FPE

requested administrative hearing, at the address listed on the Notice for Administrative Review. The date of the postmark shall be deemed to be the date of delivery. Any notification so sent and returned by the U.S. Post Office shall be considered as having fulfilled the notification requirement. Proof of notification and attempts at service shall be entered in the record for each case prior to the hearing.

- (2) Any FSE, FPE, or alleged violator may present any relevant evidence and testimony at this hearing and may be represented. A FSE, FPE, or alleged violator's physical presence shall not be required at the hearing if documentary evidence, duly verified by such person, is submitted to the Administrative Hearing Officer, prior to the date of the hearing. Nothing contained herein shall be construed to limit the authority or the ability of a hearing officer to determine one's liability or guilt based solely upon submitted documentary evidence.
- (3) Any order compelling the attendance of witnesses or the production of documents may be enforced by the municipal court or by any other court of competent jurisdiction.
- (4) A continuance may be granted upon request, with good cause shown.
- (5) Any administrative adjudication hearing held under the provisions of this policy shall be conducted in accordance with the rules of evidence of the Administrative Procedure Act, R.S. 49:950. Et. seq. Testimony of any person shall be taken under oath and shall be recorded.
- (6) Interlocutory orders shall be served in the manner provided by any specifically applicable state law or, if no other law applies, by a duly commissioned peace officer by personal or domiciliary service provided that interlocutory orders may be served by mail on a respondent who has actually been served with a notice of violation or who has made an appearance.
- (7) The Hearing Officer shall issue a final order, judgment, or notice of judgment within 30 days of the hearing, excluding holidays. A copy of the final order, judgment, or notice of judgment may be personally served or shall be sent to the FSE, FPE, or violator and his attorney, if any, by regular, certified, or registered U.S. Mail within 14 days of issuance. The order, judgment, or notice of judgment shall:
 - (a) Be signed by the Hearing Officer;
 - (b) State whether or not the alleged violator is guilty or liable of each violation and any specific determinations thereto, if applicable;
 - (c) Provide the reasons for the decision and the evidence relied upon;
 - (d) Provide the amount of fees, costs, and penalties assessed for each violation, if applicable;
 - (e) Provide the defects to be corrected and the extent by which each violation shall be corrected, repaired, and/or abated, if applicable;
 - (f) Provide the reasonable period of time by which each violation shall be corrected, repaired, and/or abated, if applicable;
 - (g) Notify the violator(s) of their right to appeal; and

- (h) Notify the violator(s) that the Sewerage and Water Board may act to abate violation(s) if the violator fails to act in accordance with the order, judgment, or notice of judgment, where applicable.

M. Rehearing

- (1) A decision or order in a case of adjudication shall be subject to rehearing, reopening or reconsideration within 10 days from the date of its entry. The grounds for such action shall be either that:
 - (a) The decision or order is clearly contrary to the law and the evidence;
 - (b) The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;
 - (c) There is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter; or
 - (d) There is other good ground for further consideration of the issues and the evidence in the public interest.
- (2) The petition of a party for rehearing, reconsideration or review, and the order of the Administrative Hearing Officer granting it, shall set forth the grounds which justify such action. Nothing in this procedure shall prevent rehearing, reopening or reconsideration of a matter by the Sewerage and Water Board in accordance with other statutory provisions applicable, or, at any time, on the ground of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence. On reconsideration, reopening or rehearing, the matter may be heard by the Administrative Hearing Officer, or it may be referred to a subordinate deciding officer. The hearing shall be confined to those grounds upon which the reconsideration, reopening or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

N. Appeals

Any final order of the hearing officer may be appealed to the Civil District Court for the Parish of Orleans. Such appeal shall be instituted by filing, within 30 days of the hearing officer's order, a petition with the clerk of the Civil District Court along with payment of such reasonable costs as may be required by the Clerk of Court. On the same day as the petition for appeal is filed, the FSE, FPE, or violator shall serve a copy on the Executive Director and a copy on the Special Counsel of the Sewerage and Water Board. After the petition for appeal has been filed, the Clerk of Court shall schedule a hearing and notify all parties of the date, time and place of such hearing. Service of notice of appeal under this subsection shall not stay the enforcement and/or collection of the order or judgment unless the person, prior to filing notice of appeal in the Civil District Court, furnishes to the Executive Director, Sewerage and Water Board, security sufficient to assure satisfaction of the finding of the hearing officer relative to the fine, fee, penalty, costs of the hearing and costs, if any, of correcting the violation.

O. Procedure not Exclusive

The regulations, procedures, and remedies established by this policy shall not be deemed exclusive and may be employed in the civil enforcement of a city code or Board rules and/or regulations before, during or after the employment of any other civil or criminal enforcement mechanism.