Grease Control Legal Support Program
Including Enforcement Response Guide


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

Date

11.10.2011
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.

<table>
<thead>
<tr>
<th>Deliverable Requirement</th>
<th>Document Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Process that a customer must follow to request a waiver of any obligations imposed by the Grease Control Program and the Rules and Regulations</td>
<td>See Rules and Regulations Section XV, detailing the appeals process for customers</td>
</tr>
<tr>
<td>Process KUB will use to consider granting and revoking such waivers</td>
<td>See Rules and Regulations Section XV.1.B, detailing the process for the Appeals Board to grant exceptions</td>
</tr>
<tr>
<td>Maintain records of all decisions to grant or revoke such waivers and the basis for the decision</td>
<td>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.</td>
</tr>
<tr>
<td>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</td>
<td>See Enforcement Response Guide – Grease Control Program</td>
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<tr>
<td>Description of notice KUB provides to customers who are found to be in violation</td>
<td>See Enforcement Response Guide – Grease Control Program</td>
</tr>
<tr>
<td>Process a customer must follow to challenge the issuance of a penalty or termination of service</td>
<td>See Enforcement Response Guide – Grease Control Program and Sections XIV and XV of the Rules and Regulations</td>
</tr>
</tbody>
</table>
## Appendix D. Enforcement Response Guide – Grease Control Program

<table>
<thead>
<tr>
<th>NONCOMPLIANCE</th>
<th>NATURE OF VIOLATION</th>
<th>ENFORCEMENT RESPONSES</th>
<th>PERSONNEL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NO PERMIT (Unauthorized Discharges)</strong></td>
<td></td>
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</tr>
<tr>
<td>1. FSF has no permit; unpermitted grease discharge</td>
<td>FSF unaware of requirement; No harm to POTW/ environment/property</td>
<td>Phone call&lt;br&gt;Inspector visit&lt;br&gt;Program notification letter</td>
<td>PC&lt;br&gt;I&lt;br&gt;PC</td>
</tr>
<tr>
<td></td>
<td>FSF unaware of requirement; The discharge is causing limited harm to POTW/ environment/property</td>
<td>Phone call&lt;br&gt;Inspector visit&lt;br&gt;Program notification letter&lt;br&gt;NONC&lt;br&gt;NOV&lt;br&gt;Publish&lt;br&gt;AO- Show cause&lt;br&gt;Schedule SRH&lt;br&gt;Civil Penalty</td>
<td>PC&lt;br&gt;I&lt;br&gt;PC&lt;br&gt;I, PC&lt;br&gt;PC&lt;br&gt;PC&lt;br&gt;COO&lt;br&gt;PC&lt;br&gt;COO</td>
</tr>
<tr>
<td></td>
<td>FSF unaware of requirement; The discharge is causing major harm to POTW/environment/property</td>
<td>Terminate Service(s)&lt;br&gt;Schedule SRH&lt;br&gt;AO- Show cause&lt;br&gt;Civil Penalty&lt;br&gt;Damage Assessment</td>
<td>COO&lt;br&gt;PC, M/VP&lt;br&gt;PC, M/VP&lt;br&gt;COO&lt;br&gt;COO</td>
</tr>
<tr>
<td>2. FSF failure to pay permit fee</td>
<td>FSF does not submit payment of permit fee within 10 days of due date</td>
<td>Phone call&lt;br&gt;Notification letter</td>
<td>I, PC&lt;br&gt;PC</td>
</tr>
<tr>
<td></td>
<td>FSF does not submit payment within 30 days of due date</td>
<td>NONC</td>
<td>I, PC</td>
</tr>
<tr>
<td></td>
<td>FSF does not submit payment within 60 days of due date</td>
<td>NOV&lt;br&gt;AO-Show cause&lt;br&gt;Terminate Service(s)&lt;br&gt;Schedule SRH&lt;br&gt;Civil Penalty</td>
<td>I, PC&lt;br&gt;PC&lt;br&gt;COO&lt;br&gt;PC&lt;br&gt;COO</td>
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### GREASE CONTROL EQUIPMENT

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1. Failure to install grease trap/interceptor to meet KUB guidelines for grease trap/interceptor design and installation</td>
<td>No grease trap/interceptor; Inadequate/improper grease trap design and/or installation</td>
<td>Inspector visit&lt;br&gt;NONC&lt;br&gt;NOV&lt;br&gt;Publish&lt;br&gt;AO- Show Cause&lt;br&gt;Terminate Service(s)&lt;br&gt;Schedule SRH&lt;br&gt;Civil Penalty&lt;br&gt;Damage Assessment</td>
<td>I&lt;br&gt;I, PC&lt;br&gt;I, PC&lt;br&gt;PC&lt;br&gt;PC&lt;br&gt;COO&lt;br&gt;PC&lt;br&gt;COO&lt;br&gt;COO</td>
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<tr>
<td>2. Grease trap/interceptor structural failure</td>
<td>Failure or malfunction of components (baffle, walls, tees, etc.)</td>
<td>Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment</td>
<td>I PC PC, M/VP COO</td>
</tr>
<tr>
<td></td>
<td>No or impeded access to structure inspection and/or cleanout openings</td>
<td>Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment</td>
<td>I PC PC, M/VP COO</td>
</tr>
<tr>
<td>3. Inadequate maintenance of trap</td>
<td>Failure to perform scheduled and/or required cleaning/pumping</td>
<td>Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment</td>
<td>I PC PC, M/VP COO</td>
</tr>
<tr>
<td></td>
<td>Failure to keep solids less than or equal to 25% by volume in external grease trap/interceptor structure</td>
<td>Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment</td>
<td>I PC PC, M/VP COO</td>
</tr>
<tr>
<td></td>
<td>Failure to clean internal traps minimum every two weeks, or as needed/required to control grease discharge</td>
<td>Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment</td>
<td>I PC PC, M/VP COO</td>
</tr>
<tr>
<td>REPORTING</td>
<td></td>
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</tr>
<tr>
<td>1. Trap/Interceptor pumping records not maintained</td>
<td>Failure to maintain proper pumping records onsite for a minimum of 24 months from previous inspection</td>
<td>Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty</td>
<td>I PC PC, M/VP COO</td>
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| 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  
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<td><strong>Other</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1. Failure to respond to KUB enforcement action</td>
<td>General failure to respond, within specified time periods, to KUB enforcement and related actions</td>
<td>AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty</td>
<td>PC, M/VP COO PC, M/VP COO</td>
</tr>
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**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