

# Exhibit M. CSX Almonaster Site Wastewater Infrastructure Map

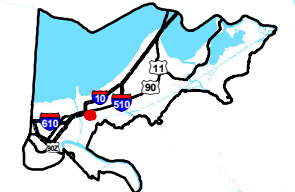
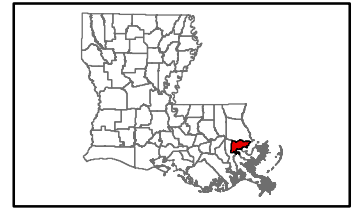


**GREATER NEW ORLEANS**  
INC  
REGIONAL ECONOMIC DEVELOPMENT

# CSX Almonaster Site Wastewater Infrastructure Map

CSX Almonaster Site  
Orleans Parish, LA

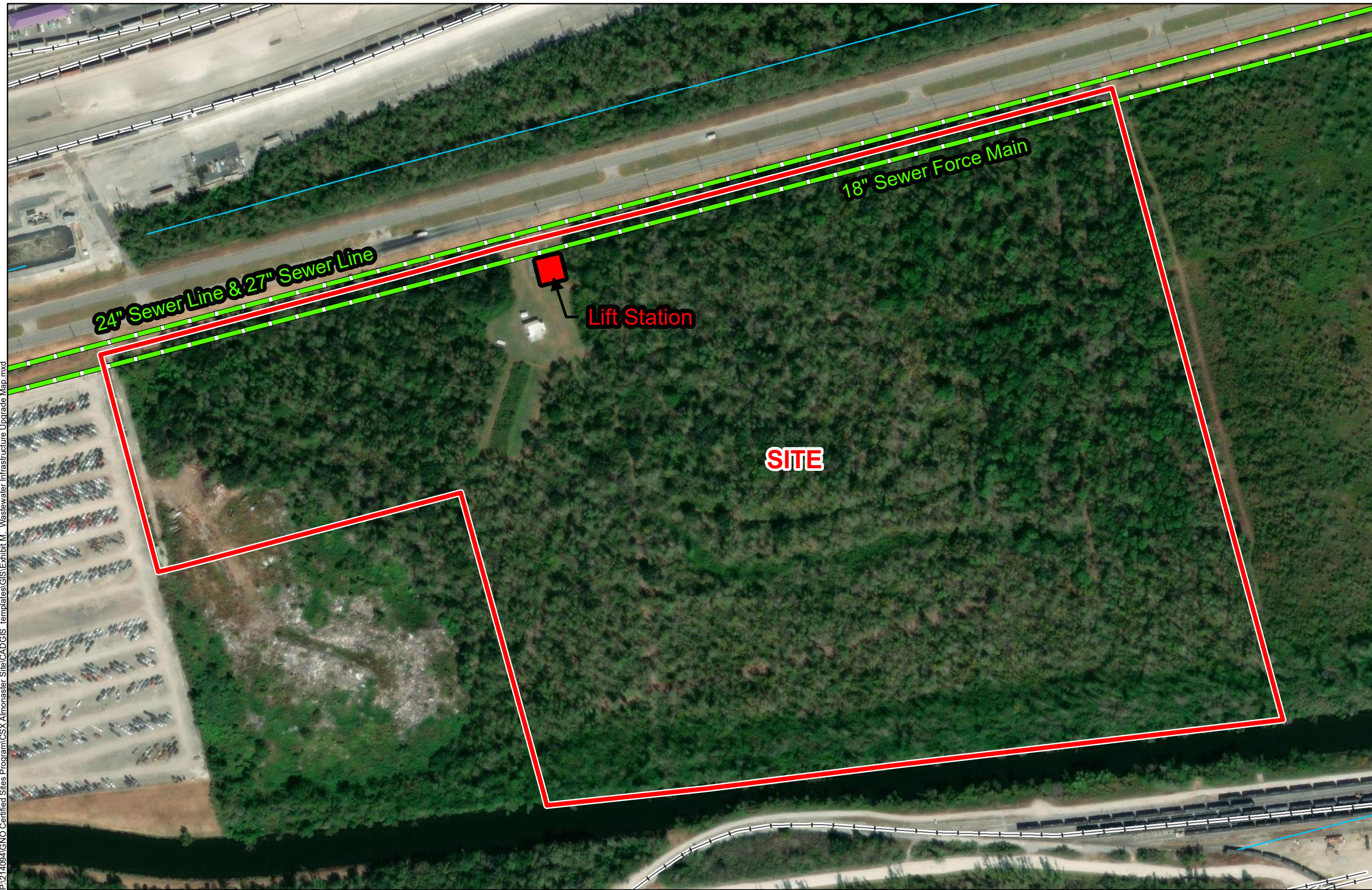
GNO



Orleans Parish

## LEGEND

- Site Boundary (73.23± ac.)
- Sewerage & Water Board of
- 18in Sewerage & Water Board of New Orleans Sewer Force Main
- 24in & 27in Sewerage & Water Board of New Orleans Sewer Line
- Stream
- Railroad



P:\214094\GNO Certified Sites Program\CSX Almonaster Site\CAD\GIS templates\GIS\Exhibit M - Wastewater Infrastructure Upgrade Map.mxd

### General Notes:

1. No attempt has been made by CSRS, Inc. to verify site boundary, title, actual legal ownership, deed restrictions, servitudes, easements, or other burdens on the property, other than that furnished by the client or his representative.
2. Transportation data from 2013 TIGER datasets via U.S. Census Bureau at <ftp://ftp2.census.gov/geo/tiger/TIGER2013>.
3. Utility information from visual inspection and/or the individual utility operators. Exact field location has not been determined by survey. The lines shown are an approximate representation only and may have been offset for depiction purposes.
4. 2015 aerial imagery from USDA-APFO National Agricultural Inventory Project (NAIP) and may not reflect current ground conditions.



Scale 1:3,000  
0 160 320 Feet



|                 |           |
|-----------------|-----------|
| Date:           | 4/22/2024 |
| Project Number: | 214094    |
| Drawn By:       | BMS       |
| Checked By:     | EEB       |



# CSX Almonaster Site

## Wastewater Infrastructure Map & Pretreatment Ordinances

### Section 16

#### Section 16.1 Rules Governing Discharges into the Public Storm Drain System MS4

##### A. General

- (1) The public storm water drainage system exists primarily to allow the removal of storm water runoff from public and private land surfaces, and will be referred to herein as the "storm water drainage system." The storm water drainage system is also referred to as the Municipal Separate Storm Sewer System (MS4). Preventing runoff pollution from entering Lake Pontchartrain and adjacent receiving water is manifestly in the public interest.
- (2) The rules contained in this Section relating to discharges and runoff into the public storm water drainage system of Orleans Parish are supplemental to all other rules and regulations of the Sewerage and Water Board of New Orleans (SWBNO) and the City of New Orleans governing said storm water drainage system, runoff, discharges and tie-ins thereto. Additionally, all discharges shall conform to regulations as set forth by the Louisiana State Department of Health and Hospitals (LADHH), the Louisiana Department of Environmental Quality (LADEQ), the City Board of Health, and the United States Environmental Protection Agency (USEPA).
- (3) This section applies to all discharges and runoff within Orleans Parish including those areas:
  - a) within the levee system that are drained and pumped by the Sewerage and Water Board
  - b) inside or outside of the levee system under the control of the City of New Orleans
  - c) outside of the levee system under the control of the Orleans Levee District
  - d) outside of the levee system under the control of the Board of Commissioners of the Port of New Orleans
  - e) inside or outside of the levee system under the control of the Department of Transportation and Development.
- (4) Definitions
  - a) "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
  - b) "CWA" or "The Act" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act

Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

- c) "Control Measure" as used in this code, refers to any BMPs or other method used to prevent or reduce the discharge of pollutants to waters of the state.
- d) "Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System.
- e) "Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer system.
- f) "Illicit discharge" is any discharge to a municipal separate storm sewer system that is not composed entirely of storm water.
- g) "LPDES" means Louisiana Pollutant Discharge Elimination System.
- h) "MEP" or "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by CWA §402(p). Section 402(p)(3)(B)(iii) of the Federal Clean Water Act requires "controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants." MEP is defined as a standard for water quality that applies to all MS4 operators regulated under the LPDES Storm Water Program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop, implement and refine their program.
- i) "MS4" or Municipal Separate Storm Sewer refers to a publicly-owned conveyance or system of conveyances that discharges to waters of the U.S. and is designed or used for collecting or conveying storm water, is not a combined sewer, and is not part of a publicly-owned treatment works (POTW). (See LAC 33:IX.2511.B.8 for a complete definition.)
- j) "Storm sewer" unless otherwise indicated, refers to a municipal separate storm sewer.
- k) "Storm Water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.
- l) "Storm Water Discharge Associated with Industrial Activity" is defined at LAC33:IX.2511.B.14.

- m) "SWBNO" or Sewerage & Water Board of New Orleans.
- n) "SWPPP" or Storm Water Pollution Prevention Plan. The SWPPP has three basic components: an Erosion and Sediment Control Plan for the temporary construction period, a Water Quality Control Plan describing the permanent water treatment measures, and a Water Quantity Control Plan describing the permanent peak flow and volume control measures.
- o) User – Any person who directly or indirectly discharges, causes or permits the discharge of storm water and/or wastewater into the storm drainage system.
- p) "Waters of the State" is defined as both surface and underground waters within the state of Louisiana including all rivers, streams, lakes, estuaries, ground waters and all other watercourses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico. "Waters of the State" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251, *et seq.*

## **B. Prohibited Discharges**

### (1) General Prohibitions

Discharge or runoff to the Storm Water Drainage system shall not contain:

- a) toxins in toxic amounts.(See B.3.m. below).
- b) pollutants in quantities that would cause a violation of State water quality standards.
- c) floatable debris, oils, scum, foam, or grease in other than trace amounts.
- d) non-storm water discharges except in accordance with these rules and regulations.
- e) pollutants, water, or wastes which results in the degradation or loss of State-designated beneficial uses of receiving waters except when authorized by the State.
- f) material which will interfere with the operation or performance of the stormwater drainage system and the ability to transport, convey, move, pump, or discharge storm water.
- g) any intentional disposal of grass clippings, leaves or other vegetation into any gutter, street, sidewalk, or other drainage device that connects with or drains into the MS4.
- h) offensive odors.
- i) significant coloration.
- j) objectionable coatings on the sides or deposits on the bottoms of any conveyance, such as, but not limited to dirt, sand, oil, grease, tar, or wax.
- k) wastes which contain phenols or other taste or odor producing substances that may affect the taste or odor of the receiving stream.

- l) wastes which contain foaming or frothing agents of a persistent nature.
- m) wastes which contain pathogenic bacteria or the indicator organisms of pathogenic bacteria in quantities greater than the densities prescribed by other agencies as the maximum limit for safe recreational contact waters.
- n) wastes which contain radioactive materials exceeding the standards of the Nuclear Regulatory Commission.
- o) wastes which contain unusual concentrations of total dissolved solids (such as sodium chloride or sodium sulfate).
- p) discharge of culinary waste, catering, crawfish boils.
- q) wastes which contain any substance considered or found to be toxic to aquatic life, such as but not limited to hydrocarbons such as gasoline, kerosene, and mineral spirits.
- r) discharge which contains oil or grease.
- s) wastes which contain litter or garbage or the runoff from garbage collection and waste cooking oil containers or areas.
- t) discharge from motor homes, trailers, or portable toilets.
- u) discharge from washing machines, and all gray water.
- v) discharge containing motor vehicle fluids such as from radiator flushing or engine cleaning.
- w) discharge containing sand, cement, gravel, or mortar from transit mix trucks or portable mixers or other material associated with clearing, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the Maximum Extent Practicable.
- x) discharge containing paint, oil based or water based.
- y) discharge containing animal feces of any kind.
- z) discharge from commercial car/truck washing.

(2) Prohibitions of Pesticides, Herbicides, and Fertilizer.

Person shall not use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

Person shall not dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

(3) Prohibitions with Numerical Limits

Discharge shall not exceed:

- a) Biological Oxygen Demand (B.O.D.) of 45 milligram per liter (mg/l) in concentration.
- b) Total Suspended Solids (TSS) of 45 mg/l in concentration
- c) Total Dissolved Solids (TDS) of 500 mg/l.
- d) Maximum pH of 9.0.
- e) Minimum pH of 6.0.
- f) Oil and Grease level of 15 mg/l.
- g) 3 °C or 5 °F above the ambient temperature of the receiving canal.
- h) Chemical Oxygen Demand (COD) of 30 mg/l in concentration.
- i) Dissolved Oxygen : 4 mg/l (Minimum).
- j) Turbidity of 280 NTUs.
- k) Fecal Coliform of 400 colonies/100 ml

**C. Provisional Discharges**

(1) General

Non – Storm Water discharges may be allowed to enter the storm water drainage system provided that the discharge is permitted or approved by a State or Federal Authority or provided the discharge is adjudged by the General Superintendent or his designee to be necessary to prevent the public sewerage system from being unnecessarily or excessively burdened.

It shall be expressly understood that permission for a provisional discharge may be revoked, the connection to the storm water drainage system terminated, the water service terminated, and/or any action taken to cease or terminate any discharge at any time the General Superintendent or his designee adjudges that such action is necessary to protect the receiving stream or the storm water drainage system as described in this Section.

(2) Construction and construction area discharges and runoff are provisionally allowed:

- a) From freshly tarred roofs or freshly tackcoated asphalt pavements
- b) From areas of excavation, filling, grubbing, pile driving, or drilling provided:
  - i. One acre to less than five acres is covered automatically under LPDES Storm Water permit with appropriate SWPPP and BMPs in place.
  - ii. Areas five acres and greater be covered through a LPDES Storm Water Permit for Construction Activities by submitting a Notice of Intent (NOI) with appropriate SWPPP and BMPs in place.

- iii. All construction activities less than one acre shall provide with the use of BMPs what is necessary to protect the environment /storm drains and streets from pollution of any kind.
- (3) State or Federal Permitted or Approved discharges allowed to the Storm Water Drainage System:
  - a) United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) permitted discharge or NPDES Multi Sector Storm Water General Permit (MSGP) or a Permit for a discharge associated with Industrial activity or Construction activity.
  - b) Louisiana Department of Environmental Quality (DEQ) Louisiana Pollutant Discharge Elimination System (LPDES) permitted discharge including but not limited to an industrial process discharge, a discharge associated with a packaged treatment plant or oxidation pond, or ground water remediation discharge.
  - c) Louisiana Department of Health and Hospitals (DHH) approved or permitted discharge including but not limited to septic tank or percolation field runoff.
  - d) Runoff from firefighting activities or hazardous material spill clean up activities as allowed or approved by the New Orleans Fire Department, State of Louisiana Fire Marshall, LA State Police, and /or the office of Emergency Management.
- (4) Other Non – Storm Water Discharges Provisionally Allowed:
  - a) Potable water only discharges including:
    - i. Fire hydrant or water line flushing.
    - ii. Fire sprinkler systems testing.
    - iii. Water main chlorinating and testing.
    - iv. Drainage system structures maintenance flushing.
    - v. Vacuum producing aspirator water provided no pollutant is present.
    - vi. Carbon Tower Filter backwash.
    - vii. Tennis court watering.
    - viii. Outside swimming pool water and filter backwash (see Section 15.5 of the Plumbing Code)
    - ix. Building surface rinse (water only).
    - x. Display fountain drift and runoff.
    - xi. Dye testing of the sewerage and/or drainage systems.
    - xii. Charity car wash with proper BMPs in place. (Must protect the nearest storm drain).



b) Natural waters provisionally allowed:

- i. Lagoon or lake runoff.
- ii. Swamp, riparian habitat, or wetlands runoff.
- iii. Foundation, footing, weep-hole, or sump groundwater.
- iv. Communication or electrical manhole or vault discharge

c) Irrigation water provisionally allowed:

- i. Lawn and garden runoff.
- ii. Nursery runoff.
- iii. Landscape runoff.

d) Cooling, Heating, and Condensate waters provisionally allowed when the discharge contains potable water only and no chemical treatment has occurred. The discharge shall be free of pollutants:

- i. Air Conditioning cooling tower or condenser bleed-off, drift, and pan cleaning discharges.
- ii. Air Conditioning chiller bleed-off.
- iii. Compressor condensate.
- iv. Steam boiler blow-down.
- v. Hot Water heater discharge.
- vi. Pasteurization water.
- vii. Air Conditioning condensate.
- viii. Dehumidifier condensate.
- ix. Well water used for cooling, pasteurization, or other commercial or industrial process provided the discharge is permitted by the USEPA or LADEQ.

e) Residential motor vehicle washwater allowed provided:

The vehicle is a privately owned and operated; and washed on the owners residential property on a pervious surface, like grass or rocks that does not allow any water to enter the storm drain system.

f) Wash water from concrete or pavement curing or grouting. No solids or concrete can enter the drainage system.

g) Wash water from performed dye testing for sewer and drainage maintenance and operation.

#### **D. Submission of Plans, Specifications, and Data**

(1) The Chief of Environmental Affairs or designee may require any or all plans, specifications, laboratory analyses, or other pertinent information relating to the

discharge (proposed or existing) of non-storm water or storm water runoff, treatment or processing facilities, flow monitoring facilities, etc.

- (2) All such requested information must be provided by an authorized representative of the discharger and include the following statement:

*'I certify under penalty of law that the information and all attachments provided were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the 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.'*

- (3) The analytical procedures, where applicable, shall follow those procedures set forth in Standard Methods for the Examination of Water and Wastewater, latest edition, or EPA regulation 40 CFR part 136, as amended, or as set forth by the Chief of Environmental Affairs.
- (4) All information submitted will, by nature of the administering agency, become public record. Information which is considered to constitute trade secrets or information of confidential nature must be so identified to receive confidential treatment. However, in no case will confidential information be construed to include any and all information as to the contents of the connection discharge, or runoff.
- (5) All reports submitted in reference to this section shall be signed as follows: By a responsible corporate officer, if the discharger submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy, or decisions-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents had been assigned or delegated to the manager in accordance with corporation procedures.
- (6) Anyone subject to reporting requirements shall maintain records of all information resulting from any monitoring activities by this section. Such records shall include for all samples:
- a) The date, exact place, method, and time of sampling and the names of
  - b) The person or persons taking the samples:
  - c) The dates analyses were performed;

- d) Who performed the analyses;
  - e) The analytical techniques/methods used; and
  - f) The results of such analyses.
  - g) Assurance that test procedures for the analysis of pollutants conform to procedures required pursuant to 304 (h) of The Clean Water Act and EPA regulation 40 CFR part 136 as amended
- (7) Anyone subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records or monitoring activities and results and shall make such records available for inspection and copying by the SWBNO. This period of retention shall be extended during the course of any unresolved litigation.

**E. Requirements to Develop SWPPP or Slug/Spill Prevention Plans**

SWBNO may sample and analyze the discharge or runoff and conduct surveillance activities in order to identify noncompliance with standards. Additionally, SWBNO may evaluate whether a discharger needs a plan to control pollution in their discharges. For purposes of this subsection, a slug loading is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch

discharge. If SWBNO decides that a pollution control plan or SWPPP is needed, the plan shall contain, at a minimum, the following elements:

- a) Description of discharge practices, including non-routine batch discharges;
- b) Description of stored chemicals;
- c) Procedures for immediately notifying the Sewerage & Water Board of New Orleans of slug discharges, with procedures for follow-up written notification within five days; and
- d) Procedures to prevent adverse impact from accidental spills including:
  - i. inspection and maintenance of storage areas;
  - ii. handling transfer, loading and unloading operations,
  - iii. control of plant site-run-off;
  - iv. worker training;
  - v. building of containment structures or equipment;
  - vi. measures for containing toxic organic pollutants (including solvents);
  - vii. measures and equipment for emergency response.

**F. Notice of Potential Problems, Including Slug Loading**

All dischargers shall notify the SWBNO Environmental Affairs Office immediately of all discharges that could cause problems to the MS4, including any slug loadings.

## **G. Penalty for Violation of Rules**

### (1) General

The Chief of Environmental Affairs or his designee shall lay before the Special Counsel of the Board any cases of the violation of these or other rules that may be herein provided, and the Special Counsel may cause the proper charges to be made and vigorously prosecute the offenders in such cases to the full extent of the law.

In addition to the legal sanctions as specified at Section 16 of the Plumbing Code, which can result in, a) the termination of water service, b) closure of connection or discharge into the public receiving stream or c) the modification, suspension or revocation of a discharge permit, the SWBNO can also invoke the provisions of 19 U.S.C. Section 1001 relating to false statements and Section 309 (C) (2) of the Clean Water Act governing false statements, representations or certifications in reports required under the Act.

The SWBNO will use the Storm Water Enforcement Response plan to enforce Section 16.1.

### (2) Civil Penalties

In addition to any other remedy provided for by law or by this Code, any one who is found to have violated or who willfully or negligently failed to comply with a provision of this section, and the orders, rules, regulations and permits issued hereunder, shall be fined in an amount not to exceed One Thousand Dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, SWBNO may recover reasonable Attorney's fees, court costs, court reporters fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Code or the orders, rules, regulations, and permits issued hereunder. In addition to Storm Water Enforcement plan other remedy provided for by law is as follows:

New Orleans City Code Sections.

Sec. 54-154.1. Obstruction of catch basins or other elements of the drainage system at construction or demolition sites.

Sec. 66-282. - Littering, dumping, and dumping of specific materials. Sec. 66-285. - Dumping refuse, etc., in yards, etc

Sec. 66-287. - Sweeping from premises and sidewalks to be taken up.

Sec. 66-287.1. - Use of leaf blowers to transfer or direct debris to public drains prohibited.

### (3) FALSIFYING INFORMATION

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this section, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code, shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two (2) years, or by both. See Section 309 of the Clean Water Act.

### **H. Power and Authority of Enforcement**

(1) The SWBNO's duly authorized Environmental Affairs staff, bearing identification and credentials, shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, to

determine compliance to the provisions of this Code. Should a violation of this Code be found, the polluter shall be served with written notice stating the nature of such violation and providing a time limit for the satisfactory correction thereof.

(2) Where an actual or potential threat to health or welfare exists, SWBNO shall immediately and effectively halt all discharges. The Sewerage and Water Board shall have the authority to take the same action against anyone who shall continue to be in non-compliance beyond the prescribed time limit. Anyone in violation of this Code shall become liable to the Sewerage and Water Board by reason of such violation.

### **I. Administration Enforcement Remedies**

#### **1. Notice of Violation**

When the Chief of Environmental Affairs finds that a user has violated, or continues to violate, any provision of these rules and regulations, or order issued hereunder, or any other storm water standard or requirement, the Chief of Environmental Affairs may institute an administrative adjudication proceeding against said user according to the policy of the Sewerage and Water Board, subjecting the user to fines, penalties or other sanctions as may be applicable. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

The administrative adjudication proceedings as set forth in the policy of the Sewerage and Water Board, including the appeals therefrom, will be held in compliance with the Louisiana Administrative Procedure Act.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user. Additionally, nothing in this Section shall limit the authority of the Chief of Environmental Affairs to take any action,

including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

## **2. Consent Orders**

The Chief of Environmental Affairs may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document.

## **3. Emergency Suspensions**

The General Superintendent may deem it necessary to take emergency action, which includes, but is not limited to, interruption or termination of service without notice, to stop or prevent any discharge which presents or may present an imminent threat to the health or welfare of humans, which reasonably appears to threaten the environment. However, an administrative hearing shall be held within five (5) days of the emergency action taken.

## **4. Compliance Orders**

When the Chief of Environmental Affairs Division finds that a user has violated, or continues to violate, any provision of these rules and regulations, or order issued hereinunder, or any other storm water standard or requirement, the Chief of Environmental Affairs Division may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified period of time. Compliance orders also may contain other requirements to address the noncompliance, including additional management practices designed to minimize the amount of pollutants discharged to the storm drainage system. A compliance order may not extend the deadline for compliance established for a storm water standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for taking any other action against the user.

## **5. Cease and Desist Orders**

When the General Superintendent finds that a user has violated, or continues to violate, any provision of these rules and regulations, or order issued hereunder, or any other storm water standard or requirement, or that the user's past violations are likely to recur, the General Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- a. Immediately comply with all requirements; and

- b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- c. A hearing shall be held within fifteen (15) days of the General Superintendent's issuance of a cease and desist order.

#### **J. Stormwater Charges and Fees.**

The Sewerage & Water Board of New Orleans may adopt charges and fees which include:

- (1) Fees for reimbursement of costs of setting up and operating the Sewerage & Water Board of New Orleans MS4 Stormwater program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures;
- (4) Fees for stormwater permit applications;
- (5) Fees for filing appeals;
- (6) Fees for removal (by the Sewerage & Water Board of New Orleans) of pollutants otherwise subject to federal Clean Water Act standards;
- (7) Fees for stormwater discharge permit; a. Based on sampling and analytical cost.
- (8) Fees for construction inspections

## **Section 16.2 Rules Governing Discharges into the Public Sanitary Sewerage System**

### **A. General**

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.

It is in the public interest that sanitary sewage be treated to remove pollutants, to the degree established by those agencies having jurisdiction, prior to discharge into a receiving stream.

The rules and regulations contained in this Section 16.2 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.

In the event such tie-in is not practicable, discharges shall conform to regulations for waste disposal as set forth by the Louisiana State Department of Health, the Louisiana Department of Environmental Quality, the City Board of Health and the United States Environmental Protection Agency.

User charges as set forth in the published rate schedule shall be reviewed annually and revised periodically as necessary to reflect actual Operations and Maintenance costs.

### **B. Definition of Abbreviations**

The following abbreviations, when used in this code, shall have the designated meanings:

|       |   |
|-------|---|
| BOD   | Biochemical Oxygen Demand                       |
| BMP   | Best Management Practices                       |
| BMR   | Baseline Monitoring Report                      |
| CFR   | Code of Federal Regulations                     |
| CIU   | Categorical Industrial User                     |
| EPA   | U.S. Environmental Protection Agency            |
| gpd   | gallons per day                                 |
| IU    | Industrial User                                 |
| mg/l  | milligrams per liter                            |
| NAICS | North American Industrial Classification System |
| NPDES | National Pollutant Discharge Elimination System |
| NSCIU | Non-Significant Categorical Industrial User     |



|        |   |
|--------|---|
| POTW   | Publicly Owned Treatment Works          |
| RCRA   | Resource Conservation and Recovery Act  |
| SIU    | Significant Industrial User             |
| SNC    | Significant Noncompliance               |
| SWBNO  | Sewerage and Water Board of New Orleans |
| TSS    | Total Suspended Solids                  |
| U.S.C. | United States Code                      |

### **C. Prohibited Discharges: Sanitary Sewer System**

No User shall contribute any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standard of any other National, State, or Local Pretreatment Standards or requirements. The discharge of any of the following liquid wastes into the public sanitary sewerage system is prohibited:

1. Any storm water, surface water, ground water, roof runoff, subsurface drainage, non-contaminated cooling water, or unpolluted industrial process water. These waters shall be discharged into the public storm drainage system, as they would constitute an unnecessary burden upon the sanitary sewerage system.
2. Any liquid or vapor having a temperature greater than 140<sup>0</sup>F at the point of discharge or which will cause the treatment plant's influent to exceed 140<sup>0</sup>F.
3. Any water or wastes which contain wax, grease or oil, plastic or other substance that will solidify or become discernibly viscous.
4. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides; and any substances with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees centigrade, or any other substance which the SWBNO, the State or EPA has notified the User is a fire hazard or a hazard to the system.
5. Any liquid wastes containing solid or viscous substances in quantities adjudged by the General Superintendent or his designee to be capable of

causing obstruction or retardation to flow in sewers, or other interference with the proper operation of the sewerage collection and/or treatment system, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshing, entrails, lime slurry, lime residue, slops, chemical residues, paint residues, fiberglass, bulk solids, pulped or shredded paper, etc.

6. Any waters or wastes containing noxious or malodorous substances which can form a gas, which either singularly or by interaction with other wastes, is capable of causing objectionable odors or hazard to life and property, which forms solids in concentration exceeding limits established herein or creates any other condition deleterious to structures or treatment processes; or requires unusual facilities, attention or expense to handle such materials.
7. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and/or safety problems; to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in the National Categorical Pretreatment Standards. A toxic pollutant shall include but not be limited to any pollutant identified by the EPA.
8. Any waters or wastes containing oil and grease exceeding, on analysis, of 100 mg/l per day.
9. Any waters or wastes containing free or emulsified oil and grease when, in the opinion of the General Superintendent, it appears probable that such wastes:
  - a. Can deposit oil or grease in the sewer lines in such manner as to clog the sewers or impede the flow.
  - b. Can overload the sewage treatment facilities skimming and grease handling equipment.
  - c. Are not amenable to biological oxidation and will therefore pass to the receiving stream without being affected by the normal sewage treatment process.

- d. Can have deleterious effects on the sewage treatment process due to excessive quantities or concentrations.
- 10. Any waters or wastes which attack or corrode sewers and sewage disposal equipment.
- 11. Any waters or wastes having a pH higher than 11.0 or lower than 5.0.
- 12. Any waters or wastes containing heavy metals or salts of the heavy metals, in solution or suspension, in concentrations which, in the opinion of the General Superintendent, will interfere with the operation of the POTW.
- 13. Any waters or wastes containing cyanides or cyanogen compounds capable of liberating hydrocyanic acid gas on acidification in excess of one (1) mg/l as CN, in the discharges waters or wastes.
- 14. Any waters or wastes containing radioactive materials exceeding the existing standards of the Louisiana Department of Environmental Quality, Office of Environmental Affairs, nuclear Division.
- 15. Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations as to affect the taste or odor of the receiving stream after passage through the sewage treatment process.
- 16. Any waters or wastes containing unusual concentration of solids, either suspended or dissolved; as for example, in total suspended solids or inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride or sodium sulfate).
- 17. Any waters or wastes causing excessive discoloration not readily removable by the normal sewage treatment process.
- 18. Any waters or wastes with excessive B.O.D. or an immediate dissolved oxygen demand.
- 19. Any waters or wastes with excessive C.O.D.
- 20. Any waters or wastes with excessive hydrogen sulfide concentration.
- 21. Any waters or wastes with excessive flow and concentration of any substance resulting in excessive loading of the sewerage system.
- 22. Substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the

requirements of other agencies having jurisdiction over discharge to the receiving system.

23. Any waters or wastes containing pesticides, herbicides, or fungicides.
24. Any substance which may cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations, affecting sludge use or disposal developed pursuant to State or Federal Regulations.
25. Any substance which will cause the POTW to violate its NPDES permit.
26. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

#### **D. Provisional Discharges: Sanitary Sewerage System**

Liquid Waters or wastes, having a B.O.D. greater than 285 mg/l, having suspended solids greater than 395 mg/l, or having a C.O.D. greater than 400 mg/l, or having combinations thereof, may be allowed discharge into the sanitary sewerage system provided:

1. Payment is rendered (where applicable) in accordance with the “excessive strength formula”, and provided; the waste is proven and continues to prove amenable to treatment by the particular treatment process which will serve the waste. Any waste that requires pretreatment in order to attain the limits for admission to the public sanitary sewerage system will be considered a provisional discharge.
2. It shall be expressly understood that the permit for a provisional discharge may be revoked, and the permitted connection to the sanitary sewer terminated, at any time the General Superintendent adjudges that such revocation is necessary to protect the sewage treatment process.

## **E. Excessive Strength Surcharges**

Any water or waste discharge greater than 10,000 gallons per day shall be subject to an “Excessive Strength Surcharges” computed on excessive B.O.D. and excessive Suspended Solids by the following formula:

$$S = V_s \times 8.34 [\text{BOD Unit Charge (BOD-285)} + \text{SS Unit Charge (SS-395)}]$$

S = Surcharge in dollars

$V_s$  = Sewage volume in million gallons

8.34 = Pounds per gallon of water

BOD = Strength index in milligrams per liter

285 = Allowed BOD strength in milligrams per liter

SS = Suspended solids strength index in milligrams per liter

395 = Allowed SS strength in milligrams per liter

Unit Charge = Unit charge in dollars per pound for BOD and SS

BOD Unit charge is 0.29\*

SS Unit charge is 0.17\*

\*BOD and SS Unit charge are evaluated on annual basis.

## **Section 16.3 Rules Governing the Pretreatment of Liquid Waste Discharges into the Public Sanitary Sewerage System.**

### **A. General**

The pretreatment of liquid waste to attain the limits for admission to the public sanitary sewerage system, may be required.

### **B. Federal Pretreatment Requirements**

Industrial Users shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations specified by the Federal Pretreatment regulations. Any User required to pretreat wastewater to a level acceptable to the S&WB shall provide, operate and maintain the pretreatment facilities at the User's expense.

### **C. Submission of Plans, Specifications and Data of Pretreatment Process**

In the event pretreatment of waters and wastes is required, then all plans, specifications and any other pertinent information relating to proposed treatment, processing facilities or flow equalization facilities, etc., shall be submitted for approval by the Deputy Director prior to the start of construction, if the effluent from such facilities is to be discharged into the public sanitary sewerage system. All such plans shall be prepared by a Registered Professional Engineers and shall bear his signature and seal. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the S&WB prior to the User's initiation of the changes.

### **D. Compliance Schedule and Report**

Industrial Users that need additional pretreatment and/or operation and maintenance to meet pretreatment requirements will supply a schedule providing the earliest completion date as to when the Industrial User will be in compliance. A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and requirements must be submitted. The schedule will also contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable pretreatment requirements. No increment in schedule will exceed nine (9) months. The completion date of this schedule will not exceed the compliance dates established by the EPA where applicable. Within two (2) weeks following each date on the schedule, the Industrial User will submit a progress report. The report shall include a minimum, whether or not the Industrial User complied with the increment of progress to be met on such date and, if not, the date on which it

expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. Within 90 days following the date for final compliance with the applicable pretreatment requirements, the Industrial User will also submit a report indicating the nature and concentration of all pollutants in the discharge and the average and maximum daily flows for the discharge. After the compliance date, the Industrial User shall also supply semi-annually, a report indicating the nature and concentration of pollutants in the discharge and a record of all daily flows which exceeded the average daily flow previously supplied.

#### **E. Monitoring Facilities**

The Sewerage and Water Board may require monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the Industrial User's premises.

#### **F. Public Participation Requirements**

To comply with the public participation requirements of 40 CFR Part 25 in the National Pretreatment Standards, the Sewerage and Water Board shall annually publish in the newspaper with the largest circulation a list of the Industrial Users which are significantly violating National Categorical Pretreatment requirements or standards. The notification shall also summarize any enforcement actions taken against the Industrial User(s) during the same 12 months.

#### **G. Dilution Not Acceptable**

The alteration of the characteristics of a polluted liquid waste, to attain the limits for admission to either the public sanitary sewerage system or the public storm drainage system (as the case may be), by means of diluting, will not be allowed as an acceptable pretreatment process. The objective of an acceptable pretreatment process shall be the removal of the pollutant from the liquid waste.

#### **H. Minimum Standards**

Should there be a difference in requirements and limitations on discharges set by the Sewerage and Water Board, the State or Federal agencies, the most stringent standards shall apply.

## **Section 16.4 Rules Governing Permits for Discharges into the Public Sanitary Sewerage System**

### **A. General**

A connection permit must be obtained from the Sewerage and Water Board for any connection to the POTW (See Section 15)

### **B. Significant Industrial Wastewater Discharge Permit**

In addition to the regular connection permit required by Section 15, any person, partnership or corporation desiring discharge of an industrial waste or a combination of Industrial waste with sanitary sewage, shall apply for a specific “Significant Industrial Wastewater Discharge Permit” prior to discharge into the POTW. If the Industrial User qualifies as a Significant Industrial User then a permit will be issued for a specified time period, not to exceed five (5) years. The Significant Industrial User shall apply for a permit re-issuance a minimum of 180 days prior to the expiration of the existing permit. Where Louisiana Department of Environmental Quality or U.S. Environmental Protection Agency requirements apply, all necessary permits must be obtained from these agencies.

Permission for connection to the POTW will not be granted until industry has filed application furnishing an analysis characterizing their waste. A User must submit information on the nature and characteristic of its wastewater within thirty (30) days of the request.

Any person submitting the application shall make the following certification:

*“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 the 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.”*

The analytical procedures, where applicable, shall follow those procedures set forth in **Standard Methods for the Examination of Water Wastewater**, APHA, AWWA, WPCF, latest edition, or the EPA publication, **Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants**. The application shall also



include pertinent information relating to average flows, peak flows, average loadings, peak loading, etc.

All Users required to obtain a wastewater discharge permit must submit a permit application. All Users shall submit as part of an application the following information:

1. All information required by Section 6.1 (B) of this code;
2. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally be, discharged to the POTW;
3. Number and type of employees, hours of operation, and proposed or actual hours of operation;
4. Each product produced by type, amount, process or processes, and rate of production;
5. Type and amount of raw materials processed (average and maximum per day);
6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, the location for monitoring all wastes, and all points of discharge;
7. Time and duration of discharges; and
8. Any other information as may be deemed necessary by the Chief of Environmental Affairs Division to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

All information submitted in reference to this application will, by nature of the administering agency, become public records. Information which is considered by the applicant to constitute trade secrets or information of confidential nature must be so identified should the applicant wish such information to receive confidential treatment. However, in no case will confidential information be construed to include any and all information as to the contents of the waste connection and/or discharge.

### **Signatory Requirements for Industrial User Reports**

All reports submitted in reference to this application shall be signed as follows: By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means (i)

a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy, or decisions-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1990 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporation procedures.

### **Record Keeping Requirements**

Any Industrial User and POTW subject to reporting requirements shall maintain records of all information resulting from any monitoring activities by this section. Such records shall include for all samples:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
2. The dates analyses were performed;
3. Who performed the analysis;
4. The analytical techniques/methods use; and
5. The results of such analyses.

Any Industrial User or POTW subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records or monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the POTW. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW. Records shall include, but not limited to, all monitoring information, including all calibration and maintenance records and all original strip chart recording for continuous monitoring instrumentation, copies of all reports required by the SIU Wastewater Discharge Permit, records of all data used to complete the application for the SIU Wastewater Discharge Permit, and documentation associated with Best Management Practices under Part 1.C. of the SIU Wastewater Discharge Permit.

### **Requirements to Develop Slug/Spill Prevention Plans**

The POTW will randomly sample and analyze the effluent from significant Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by significant Industrial Users, occasional and continuing noncompliance with pretreatment standards; inspect and sample the effluent from each Significant Industrial

User at least once a year; evaluate at least once whether each such Significant Industrial User needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of such activities shall be available upon request, if the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of discharge practices; including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
4. If necessary procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage area, handling inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

#### **Notice of Potential Problems, Including Slug Loading**

All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by 40 CFR 403.5(b), by the Industrial User. The immediate notification shall be followed up with a written notification within five (5) days.

#### **Notification of Changed Discharge**

All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).

#### **Notification of Hazardous Waste Discharge**

The Industrial User shall notify the POTW, the EPA and Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms

of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months. Industrial Users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

### **Significant Industrial Wastewater Discharge Permit Decisions**

The Chief of the Environmental Affairs Division will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Chief of the Environmental Affairs Division will determine whether or not to issue a wastewater permit. The Chief of the Environmental Affairs Division may deny any application for a wastewater discharge permit.

In any case where final determination has been made denying a permit to discharge industrial waste, either after an appeal or because a timely appeal has not been taken, it shall be unlawful for any person so denied a permit to discharge industrial waste into a sanitary sewer.

### **Significant Industrial Wastewater Discharge Permit Contents**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Chief of Environmental Affairs Division to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Wastewater discharge permits must contain:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the Sewerage and Water Board of New Orleans in accordance with Section 16.4D of this Code, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

3. Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling frequency, and sample type based on federal, state, and local law; and
5. Requirements to control slug discharge, if determined by the Chief of Environmental Affairs Division to be necessary.
6. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
6. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
7. Other conditions as deemed appropriate by the Chief of Environmental Affairs Division to ensure compliance with this code, state and federal laws, and/or rules and regulations.

## **Significant Industrial Wastewater Discharge Permit Appeals**

The Chief of Environmental Affairs Division shall provide the User with a draft of the proposed wastewater discharge permit. The User may petition the Chief of Environmental Affairs Division to reconsider the terms of the proposed wastewater discharge permit within thirty (30) days of the issuance of the draft permit.

Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

In its appeal, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

If the Chief of Environmental Affairs Division fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

## **Significant Industrial Wastewater Discharge Modification**

The Chief of Environmental Affairs Division may modify a wastewater discharge permit for the good cause including, but not limited to, the following reasons:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the SWBNO's POTW, SWBNO personnel, or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of, or a grant of, variance from categorical pretreatment standards

pursuant to 40 CFR 403.13.

8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

### **C. Existing Industrial Waste Connections**

Existing connection to the POTW, which would be classified under the provisions of this Section 16 as “Industrial Waste Connection,” are not exempt from securing the required permits and must file application for said permit.

### **D. Significant Industrial Wastewater Discharge Permit Transfer**

Significant Industrial Wastewater Discharge Permits are issued to a specific Industrial User for a specific operation. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Chief of Environmental Affairs Division and the Chief of Environmental Affairs Division approves the wastewater discharge permit transfer. The notice to the Chief of Environmental Affairs Division must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

### **E. Significant Industrial Wastewater Discharge Permit Revocation**

The Chief of Environmental Affairs may institute an administrative adjudication proceeding pursuant to the policy of the Sewerage and Water Board, to revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the Chief of Environmental Affairs of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the Chief of Environmental Affairs

of changed conditions pursuant to Section 16.4 (H)(5) of this Code;

3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application and/or any reports required under this code;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow the Environmental Affairs Division personnel timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this code; or
14. Material or substantial alterations or additions to the discharger's operation that adversely impact the wastewater discharge, and which were not in existence as of the date of the issued permit.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User.

#### **F. Wastewater Discharge Permit Reissuance**

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with Section 16.4B(3) of this Code, a minimum of ninety (90) days prior to the expiration of the User's existing wastewater discharge permit.



## **G. Reporting Requirements**

Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), existing categorical Users currently discharging to, or scheduled to discharge to the POTW, shall submit to the Chief of Environmental Affairs Division a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical Users, subsequent to the promulgation of an applicable categorical standard, shall submit to the Chief of Environmental Affairs Division a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the following information:

1. The name and address of the industrial User, including the name of the operator and owners.
2. A list of any environmental control permits held by, or for, the industrial User.
3. A brief description of the nature, average rate of production, and the North American Industrial Classification System Classification (NAICS) of the operation(s) carried out by such industrial User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes and the location for monitoring wastes.
4. Information showing the measured average daily and maximum daily flow, in gallons per day, of the discharge from such industrial User to the treatment works from each of the following:
  - a. Regulated process streams; and
  - b. Other streams as necessary to allow use of the combined wastestream formula.
5. Measurement of pollutants.
  - a. The categorical pretreatment standards applicable to each regulated process, and any new categorically regulated processes for existing sources.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by a standard or by the Chief

of Environmental Affairs Division, of regulated pollutants in the discharge from each regulated process.

- c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR Part 136. Where the standard requires compliance with a BMP or pollution prevention alternative, the industrial User shall submit documentation, as required by the Chief of Environmental Affairs Division, or the applicable standards to determine compliance with the standard.
  - e. All sampling and analysis must be performed in accordance with procedures set out in 40 CFR Part 136.
6. A statement reviewed by an authorized representative of the industrial User and certified by a qualified professional, indicating whether pretreatment standards are being met consistently and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards.
  7. If additional pretreatment or operations and maintenance will be required to meet the pretreatment standards, then the report shall contain the shortest schedule by which the industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
  8. All baseline monitoring reports must be signed and certified in accordance with Section 16.4(B)(5) of this Code.

## **H. Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 16.4(H)(1)(7) of this Code:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
2. No increment referred to above shall exceed nine (9) months;

3. The User shall submit a progress report to the Chief of Environmental Affairs Division no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the User to return to the established schedule; and
4. In no event shall more than nine (9) months elapse between such progress reports to the Chief of Environmental Affairs Division.

### **I. Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such pretreatment standards and requirements shall submit to the Chief of Environmental Affairs Division a report containing the information described in Section 16.4(1)(B)(4-6) of this Code. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 16.4(B)(5) of this Code.

### **J. Periodic Compliance Reports**

All significant industrial Users shall, at a frequency determined by the Chief of Environmental Affairs, but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 16.4(B)(5) of this Code.

All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

If a User, subject to the reporting requirement in this Section, monitors any pollutant more frequently than required by the Chief of Environmental Affairs Division, using the procedures prescribed 40 CFR Part 136, the results of this monitoring shall be included in the report.

At its discretion, the Sewerage and Water Board of New Orleans Environmental Affairs Division may sample and analyze User discharges in lieu of requiring the Users to

conduct sampling and analysis.

#### **K. Reports of Changed Conditions**

Each User must notify the Chief of Environmental Affairs Division of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

The Chief of Environmental Affairs Division may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 16.4(B)(3) of this Code.

The Chief of Environmental Affairs Division may issue a wastewater discharge permit under Section 16.4(B)(11) and (12) of this Code, or modify an existing wastewater discharge permit under Section 16.4(B)(14) of this Code, in response to changed conditions or anticipated changed conditions.

For purposes of this requirement significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

#### **L. Reports of Potential Problems**

In the case of any discharge, including but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Chief of Environmental Affairs Division of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

Within five (5) days following such discharge, the User shall, unless waived by the Chief of Environmental Affairs Division, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this code.

A notice shall be permanently posted on the User's bulletin board, or other prominent place, advising employees or its agents who to call in the event of a discharge described in paragraph A, above. Users shall insure that all employees and/or agents who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

### **M. Reports from Unpermitted Users**

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Environmental Affairs Division as the Chief of Environmental Affairs Division may require.

### **N. Notice of Violation/Repeat Sampling**

If sampling performed by a User indicates a violation, the User must notify the Chief of Environmental Affairs Division within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis, and submit the results of the repeat analysis to the Chief of Environmental Affairs Division within thirty (30) days after becoming aware of the violation.

### **O. Penalty for Violation of Rules**

Notwithstanding the Administrative Enforcement Remedies as outlined herein, the General Superintendent shall lay before the Special Counsel of the Board any cases of the violation of these or other rules that may be herein provided, and the Special Counsel may cause the proper charges to be made and vigorously prosecute the offenders in such cases to the full extent of the law as he deems appropriate.

### **P. Penalties**

In addition to any other remedy provided for by law or by this Code, any User who is found to have violated or who willfully or negligently failed to comply with an provision of this Section 16, and the orders, rules, regulations and permits issued hereunder, shall be fined in an amount not to exceed One Thousand Dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Sewerage and Water Board of New Orleans may recover reasonable Attorney's fees, court costs, court reporters fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Code or the orders, rules, regulations, and permits issued hereunder.

### **Q. Falsifying Information**

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Section, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code, shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two (2) years, or by both, pursuant to Section 309 of the Clean Water Act.

## **R. Powers and Authorities of Enforcement**

The Sewerage and Water Board's duly authorized agent bearing identification and credentials shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurements, sampling, and testing, to determine compliance to the provisions of this Code. Should a violation of this Code be found, the industry shall be served with written notice stating nature of such violation and providing a time limit for the satisfactory correction thereof.

Where an actual or potential threat to health or welfare exists, the Sewerage and Water Board shall immediately and effectively halt all discharges by closing off the water supply and/or terminating the connection receiving the discharge. The Sewerage and Water Board shall have the authority to take the same action against any industry who shall continue to be in non-compliance beyond the prescribed time limit. Any industry in violation of this Code shall become liable to the Sewerage and Water Board by reason of such violation.

## **S. Administration Enforcement Remedies**

### **Notice of Violation**

When the Chief of Environmental Affairs finds that a User has violated, or continues to violate, any provision of these rules and regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Chief of Environmental Affairs may institute an administrative adjudication proceeding against said User according to the policy of the Sewerage and Water Board, subjecting the User to fines, penalties, a remediation plan or other sanctions as may be applicable. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

The administrative adjudication proceedings as set forth in the policy of the Sewerage and Water Board, including the appeals therefrom, will be held in compliance with the Louisiana Administrative Procedure Act.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User. Additionally, nothing in this Section shall limit the authority of the Chief of Environmental Affairs to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **Consent Orders**

The Chief of Environmental Affairs may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be

taken by the User to correct the noncompliance within a time period specified by the document.

### **Emergency Suspensions**

The General Superintendent may deem it necessary to take emergency action, which includes, but is not limited to, interruption or termination of service without notice, to stop or prevent any discharge which presents or may present, an imminent threat to the health or welfare of humans, which reasonably appears to threaten environment, which threatens to cause interference, pass through, or sludge contamination and/or which presents substantial endangerment to the SWBNO's treatment works. However, an administrative hearing shall be held within five (5) days of the emergency action taken.

### **Compliance Orders**

When the Chief of Environmental Affairs Division finds that a User has violated, or continues to violate, any provision of these rules and regulations, an individual wastewater discharge permit or order issued hereinunder, or any other pretreatment standard or requirement, the Chief of Environmental Affairs Division may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified period of time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for taking any other action against the User.

### **Cease and Desist Orders**

When the General Superintendent finds that a User has violated, or continues to violate, any provision of these rules and regulations, an individual wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the General Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

1. Immediately comply with all requirements; and
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

3. A hearing shall be held within fifteen (15) days of the General Superintendent's issuance of a cease and desist order.

### **Termination of Discharge**

In addition to the provision in Section 16.4(B)(14) of this Code, any User who violates the following conditions is subject to discharge termination:

1. Violation of individual wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
5. Violation of the pretreatment standards in Section 16.2 C and 16.4(B)(12)(c)(1) of this Code.

The Superintendent or his representative may institute an administrative adjudication proceeding against the User, pursuant to Sewerage and Water Board policy, who violates the above conditions seeking the termination of said User's discharge capabilities and privileges, or other sanctions as may be appropriate. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.



## 1.2 Definition of Terms

40 CFR 403 – Part 403 of Title 40 of the Code of Federal Regulations, entitled, “General Pretreatment Regulations for Existing and New Sources of Pollution.”

Act or the Act – The Federal Water Pollution Control Act, also known as the Clean Water Act.

Administrative Authority – The administrative authority is the Sewerage and Water Board of New Orleans and its duly authorized representatives.

Air Gap – An air gap in a water-supply system or waste system is the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

Anchors – See supports.

Apprentice Plumber (helper) – An apprentice plumber is a natural person properly identified as such who is undergoing an apprenticeship or course of training for the purpose of learning the trade of plumbing.

Approval Authority – means the Director in an NPDES state with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES or NPDES-State without an approved State Pretreatment program.

Approved – Approved means accepted or acceptable under an applicable specification stated or cited in this code, or accepted as suitable for the proposed use under procedures and powers of the Administrative Authority.

Authorized Representative of Industrial User – An authorized representative of an Industrial User may be:

- 1) A principal executive officer of at least the level of vice-president, if the industrial User is a corporation; 2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; 3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Backflow – Backflow if the flow of water and other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. (See Back Siphonage-Cross Connection).

Backflow Connection – Backflow connection or condition is any arrangement whereby backflow can occur.

Backflow Preventer – A backflow preventer is a device or means to prevent backflow into the potable water system.

Back-siphonage – Back-siphonage is the flowing back of used, contaminated or polluted water from a plumbing fixture or vessel, into a water-supply pipe due to a negative pressure in such pipe. (See Backflow-Cross Connection).

Battery of Fixtures – A battery of fixtures is any group of two or more similar adjacent fixtures which discharge into a common horizontal waste or soil branch.

Best Management Practices, (BMPs) – means schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 16.2 C of the Plumbing Code and Part 4 A12 of the SIU Wastewater Discharge Permit. BMPs include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

B.O.D. (Biochemical Oxygen Demand) – The quantity of oxygen consumed in the biochemical oxidation of available organic nutrient under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.

Boiler Blow-off – A boiler blow-off is an outlet on a boiler to permit emptying or discharge of sediment.

Branch – A branch is any part of the piping system other than a main riser or stack.

Branch Fixture – See Fixture Branch.

Branch Horizontal – See Horizontal Branch.

Branch Interval – A branch interval is a length of soil or waste stack corresponding in general to a story height, but in no case less than 8 feet within which the horizontal branches from one floor or stock of a building are connected to the stack.

Branch Vent – A branch vent is a vent connecting one or more individual vents with a vent stack or stack vent.

Building – A building is a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals or property of any kind.

Building Sewer – The building (house) sewer is that part of the lowest piping of a sewer system which receives the discharge from soil, waste, and other sewer pipes inside the walls of the building and conveys it to a public sewer, private sewer, individual sewage-disposal system, or other points of disposal.

Building Site – Land occupied or which may hereafter be occupied by a building and its accessory buildings, together with such open spaces as are required by the New Orleans Building Code, and having its principal frontage upon a street or officially approved place.

Building Sub-Sewer – A building (house) sub-sewer is that portion of a sewer system which cannot drain by gravity into the building sewer, or public sewer.

Bypass – The intentional diversion of wastewater streams from any portion of an industrial User's treatment facility.

Categorical Industrial User – Any industrial User which is subject to a National Categorical Pretreatment Standard.

C.O.D. (Chemical Oxygen Demand) – The quantity of oxygen consumed in the chemical oxidation of oxidizable material in a sample, under standard laboratory procedure, expressed in milligram per liter.

Color – The true color of the light transmitted through waste solution after removing suspended material, including the pseudo colloidal particles.

Combination Fixture – A combination fixture is a fixture combining one sink and tray, or a two or three compartment sink or tray in one unit, or two, three or more approved plumbing fixtures manufactured as a single unit.

Combination Waste and Vent System – A combination waste and vent system is a specially designated system of waste piping embodying the horizontal wet venting of one or more fixture drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the flow line of the sewer.

Common Vent – A Common vent is a vent connecting at the junction of two fixture drains and serving as a vent for both fixtures.

Composite Sample – A sample collected over time, formed either by continuous sampling or by mixing discrete samples.

Continuous Vent – A continuous vent is a vertical vent that is a continuation of the sewer to which it connects.

Continuous Waste – A continuous waste is a sewer pipe from two or three fixtures connected to a single trap.

Cooling Water – The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Control Authority – Shall mean, for the purpose of this provision, the Sewerage and Water Board of New Orleans.

Cross Connection – A cross-connection is any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. (See Back-Siphonage-Backflow).

Daily Maximum Limits - The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Dead End – A dead end is a branch leading from a soil, waste or vent pipe, or building sewer which is terminated at a developed distance of 2 feet or more by means of a plug or other closed fitting.

Department – The Environmental Affairs Division of the Sewerage and Water Board of New Orleans.

Developed Length – The developed length of a pipe is its length along the center line of the pipe fittings.

Diameter – Unless specifically stated, the term “diameter” is the nominal diameter as designated commercially.

Discharge – See Indirect Discharge.

Domestic Sewage – Same as Sanitary Sewage.

Double Offset – A double offset is two changes of direction installed in succession or series in continuous pipe.

Drainage System – A storm drainage-system (drainage piping) includes all the piping within public or private premises, which conveys rain water, or other permitted liquid wastes to a legal point of disposal, but does not include the main of a public sewer system or a private or public sewage-treatment or disposal plant.

Dual Vent – See Common Vent.

Durham System – Durham system is a term used to describe soil or waste systems where all piping is of threaded pipe, tubing, or other such rigid construction, using recessed drainage fitting to correspond to the types of piping.

Effective Opening – The effective opening is the minimum cross-sectional area at the point of water-supply discharge, measured or expressed in terms of (1) diameter of a circle, (2) if the opening is not circular, the diameter of a circle of equivalent cross-sectional area. (This is applicable to air gap).

Environmental Protection Agency, or EPA – The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Existing Source - Any source of discharge, the construction or operation of which commenced prior to the publication by the Federal Environmental Protection Agency of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Clean Water Act (“Act”).

Existing Work – Existing work is a plumbing system or any part thereof which has been installed prior to the effective date of this code.

Fire Resistance Rating – The time in hours that the material or construction will withstand that standard fire exposure as determined by a fire test made in conformity with the “Standard Methods of Fire Tests of Building Construction and Materials,” (ASTM E 119)

Fixture Branch – A fixture branch is a horizontal pipe connecting several fixtures.

Fixture Drain – A fixture drain is the discharge pipe from the trap of a fixture to the junction of that pipe with any other soil or waste pipe.

Fixture Water Supply – A fixture supply is a water-supply pipe connecting the fixture with the fixture branch or water service pipe.

Fixture Unit – A fixture unit is a quantity in terms of which the load-producing effects on the plumbing system of different kinds of plumbing fixtures are expressed on some arbitrarily chosen scale.

Fixture-Unit Flow Rate – Fixture-unit flow rate is the total discharge flow in g.p.m. of a single fixture divided by 7.5 which provides the flow rate of that particular plumbing fixture as a unit of flow. Fixtures are rated as multiples of this unit of flow.

Flood Level – See Flooded.

Flood Level Rim – The flood-level rim is the top edge of the receptacle from which water overflows.

Flooded – A fixture is flooded when the liquid therein rises to the flood-level rim.

Floor Drain – A floor drain is a drain set level with the floor designated to receive the accumulated waste in a roof covered or enclosed area which is subject to being contaminated.

Flush Valve – A flush valve is a device located at the bottom of the tank for the purpose of flushing water closets and similar fixtures.

Flushometer Valve – A flushometer valve is a device which discharges a predetermined quantity of water to fixtures for flushing purposes and is actuated by direct water pressure.

Garbage – Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food products.

General Superintendent – The General Superintendent of the Sewerage and Water Board of New Orleans or his duly authorized designees, including the Environmental Affairs Chief.

Grab Sample - A single "dip and take" sample collected at a representative point in the discharge system.

Grade – Grade is the slope of fall of a line of pipe in reference to a horizontal plane. In drainage or sewerage it is usually expressed as the fall in a fraction of an inch per foot length of pipe.

Grease Interceptor – See Interceptor.

Grease Trap – See Interceptor.

Hangers – See Supports.

Holding Tank Waste – Any waste from holding tanks such as chemical toilets, campers, trailers, and vacuum-pump tank trucks.

Horizontal Branch – A horizontal branch is a drain pipe extending laterally from a soil or waste stack or building sewer, with or without vertical sections or branches, which receives the discharge from one or more fixture drains and conducts it to the soil or waste stack or the building (house) sewer.

Horizontal Pipe – A horizontal pipe is any pipe or fitting which is installed in a horizontal position or which makes an angle of less than 45° with the horizontal.

House Sewer – See Building Sewer.

Hub Drain – A hub drain is a drain designed to receive the waste from a boiler, air-conditioning or refrigeration unit, drinking fountain, swimming pool, etc., which is not subject to being contaminated. A hub drain is a drain, the flood level rim of which is above floor level.

Indirect Discharge – The introduction of pollutants into a POTW from any non-domestic source.

Indirect Waste – An indirect waste is a pipe that does not connect directly with the sewer system but conveys liquid wastes by discharging into a plumbing fixture or receptacle which is directly connected to the sewer system.

Individual Vent – An individual vent is a pipe installed to vent a fixture trap and which connects with the vent system above the highest fixture or terminates in the open air above the roof.

Industrial User – Any User which contributes liquid wastes from any industrial process, trade, or business as distinct from sanitary sewage.

Industrial Wastes – The liquid wastes from any industrial manufacturing process, trade or business, as distinct from domestic sanitary sewage.

Industry – Any individual, partnership or corporation doing business within Orleans Parish or any such establishment outside the limits of Orleans Parish, whose discharges flow into Orleans Parish.

Insanitary – Contrary to sanitary principles-injurious to health.

Interceptor – An interceptor is a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the disposal terminal by gravity.

Instantaneous Limit - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the

duration of the sampling event.

Interference – A discharge which, alone or in conjunction with a discharge or discharges from other sources both:

- 1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal: and
- 2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulation): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (Including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protections, Research and Sanctuaries Act.

Journeyman Plumber – A journeyman plumber is a natural person who possesses the necessary qualifications and knowledge to install, alter and/or repair plumbing systems and is licensed as such by the Louisiana State Board of Examiners of Journeyman Plumbers.

Liquid Waste – Liquid waste is the discharge from any fixture, device, appliance or appurtenance which flows into either the public storm drainage system or the public sanitary sewerage system, whichever is proper.

Load Factor – Load factor is the percentage of the total connected fixture unit flow rate which is likely to occur at any point in the sewer system. It varies with the type of occupancy, the total flow unit above this point being considered, and with the probability factor of simultaneous use.

Local Ventilating Pipe – A local ventilating pipe is a pipe on the fixture side of the trap through which vapor or foul air is removed from a room or fixture.

Loop Vent – A loop vent is the same as a circuit vent except that it loops back and connects with a stack vent instead of a vent stack.

Main – The main of any system of continuous piping is the principal artery of the system, to which branches may be connected.



Main Sewer – See Public Sewer.

Main Vent – The main vent is the principal artery of the venting system to which vent branches may be connected.

Major Industrial User – See Significant Industrial User.

Master Plumber – A master plumber is a natural person who possesses the necessary qualifications and knowledge to plan, lay out and supervise the installation, alteration and/or repair of plumbing systems and is licensed as such in accordance with the requirements of this code.

May – The work “may” is a permissive term.

Monthly average - The average results of all sampling, either grab samples or 24-hour composite samples, taken during a calendar month.

National Categorical Pretreatment Standards – Any regulation containing pollutant discharge limits promulgated by the EPA which apply to specific categories of Industrial Users that discharge to the POTW.

NPDES Permit – A permit issued to a POTW pursuant to Section 402 of the Act.

National Pretreatment Standard – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to Section 403.5 of the Act.

New Source – Any building structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307 (c) of the Clean Water Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- 1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- 2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- 3) The production or wastewater generating processes of the building, structure, or facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new

facility is integrated with the existing plant, and the same extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of items 2) or 3) above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- 1) Begun, or caused to begin as part of a continuous on-site construction program:
  - a) Any placement, assembly, or installation of facilities or equipment;  
or
  - b) Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- 2) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-Contact Cooling Water - Water used for cooling, which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. The only pollutant contributed from the discharge is heat.

Non-Significant Categorical Industrial User, (NSCIU) - an industrial User that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and;

- (1) Has consistently complied with all applicable categorical pretreatment standards and requirements;

(1) Never discharges any untreated categorical process wastewater.

Normal Strength - A wastewater strength determined by the Department to be typical for domestic Users.

North American Industrial Classification System (NAICS) - Industry coding system designed to facilitate the collection, analysis, and presentation of economic data in the United States (U.S.), Canada, and Mexico, which are all member nations of the North America Free Trade Agreement (NAFTA). First implemented in 1997, as amended or supplemented, by the U.S. Office of Management and Budget (OMB), it is the successor to the Standard Industrial Classification (SIC) system.

Offset – An offset in a line of piping is a combination of elbows or bends which brings one section of the pipe out of line but into a line parallel with the other section.

Pass Through – A discharge which exits the POTW into the waters of the United State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit – See NPDES Permit.

Person – Person is a natural person, his heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, its or their successors or assigns. Singular includes plural; male includes female.

pH – The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

Pitch – See Grade.

Plumber – See Apprentice Plumber, Journeyman Plumber or Master Plumber.

Plumbing – Plumbing is the work or business of installing in buildings and on premises the pipes, fixtures, and other apparatus for supplying water and for removing liquid and water-borne wastes. The term is also used to denote the installed fixtures, sewer, vents and water distribution systems of buildings and premises. The term does not include public supply, public sewer or public drainage systems.

Plumbing Fixtures – Plumbing fixtures are installed receptacles, devices, or appliances which are supplied with water, or which receive or discharge liquids or liquid-borne wastes, with or without discharge into the sewer system with which they may be directly or indirectly connected.

Plumbing Inspector – See Administrative Authority.

Plumbing System – The plumbing system includes the sewer and vent system; the water supply distributing pipes and the fixtures and fixture traps; with their devices, appurtenances and connections. The term does not include the public water supply distributing pipes, or sewer or drainage systems.

Pollutant – Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water.

Pollution – The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pool – A pool is a water receptacle used for swimming or as a plunge or other bath, designed to accommodate more than one bather at a time.

POTW – Publicly Owned Treatment Works.

POTW Treatment Plant – That portion of a POTW which is designated to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Potable Water - Potable water is water which is satisfactory for drinking, culinary and domestic purposes, and meets the requirements of the health authority having jurisdiction.

Pretreatment – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction of alteration may be obtained by physical, chemical or biological processes, process changes or by names, except as prohibited by Section 403.6(d) of the Act.

Pretreatment Requirements – Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

Pretreatment Standard – See National Pretreatment Standard.

Private or Private Use – In the classification of plumbing fixtures, private applies to fixtures in residences and apartments and to fixtures in private bath rooms of hotels and similar installations where the fixtures are intended for the use of a family or an individual.

Private Sewer – A private sewer is a sewer privately owned and not directly controlled by public authority.

Prohibited Discharge Standards or prohibited discharges - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 16.2C of this Code.

Properly Shredded Garbage – Garbage that has been shredded to such a degree that all particles will be carried freely in the public sanitary sewer under the flow conditions normally prevailing, with no particle greater than one-fourth (1/4) inch in any dimension.

Public or Public Use – In the classification of plumbing fixtures, public applies to fixtures in general toilet rooms of school, gymnasiums, hotels, railroad stations, public buildings, bars, public comfort stations, or places to which the public is invited or which are frequented by the public without special invitation, and other installations (whether pay or free) where a number of fixtures are installed so that their use is similarly unrestricted.

Public Sewer – A public sewer is a common sewer directly controlled by the Sewerage and Water Board.

Publicly Owned Treatment Works – A treatment works as defined by Section 2.12 of the Act, which is owned by a State or municipality (as defined by Section 502(4) of the Act). 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 as defined in Section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment work.

Receiving Stream – Any stream, river, pond, lake or estuary into a liquid waste ultimately flow, irrespective of intervening treatment or conveyance processes.

Relief Vent – A relief vent is a vent the primary function of which is to provide circulation of air between sewer and vent systems.

Return Offset – A return offset is a double offset installed so as to return the pipe to its original alignment.

Revent Pipe – A revent pipe (sometimes called an individual vent) is that part of a vent pipe line which connects directly with an individual waste or group of wastes, underneath or back of the fixture, and extends either to the main or branch vent pipe.

Rim – A rim is the unobstructed open upper edge of a fixture.

Riser – A riser is a water-supply pipe which extends vertically one full story or more to connect to branches or fixtures.

Roughing- In – Roughing-in is the installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes sewer, water-supply and vent piping, and the necessary fixture supports.

Sand Interceptor – See Interceptor.

Sanitary Sewage – The liquid wastes consisting of discharges from sinks, lavatories, water closets, bathtubs, washing machines, dishwashers, residential garbage grinders, etc. Also, called Domestic Sewage.

Sanitary Sewerage System – All facilities for collecting, pumping treating and disposing of sanitary sewage.

Sanitary Sewer – A sanitary sewer is a pipe which carries sewage and excludes storm, surface and groundwater.

Secondhand – Secondhand as applied to material or plumbing equipment is that which has been installed and has been used, removed, and passed to another ownership or possession.

Separator – See Interceptor.

Septic Tank – A septic tank is a water-tight receptacle which receives the discharge of a soil or waste systems, or part thereof, and is designed and constructed so as to separate solids from the liquid, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through a system of open-joint or perforated piping, or disposal pit.

Sewage – Sewage is any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

Sewer – A sewer is any pipe which carries wastewater or water-borne waste into a building sewer system.

Sewer System – A public sewer owned or operated by the Sewerage and Water Board of New Orleans that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions to either the East Bank Wastewater Treatment Plant or the West Bank Wastewater Treatment Plant.

Shall – The work “shall” is a mandatory term.

Side Vent – A side vent is a vent connecting to the sewer pipe through a fitting or an angle not greater than 45<sup>0</sup> to the vertical.

Significant Industrial User – Significant Industrial Users include:

- 1.) All Categorical Industrial Users; and
- 2.) Any Noncategorical Industrial User which
  - a.) discharges 25,000 gallons per day or more of process wastewater, or
  - b.) contributes a process wastewater which makes up 5-percent or more of the average dry weather hydraulic or organic capacity of a POTW, or
  - c.) has a reasonable potential in the opinion of the Administrative Authority to adversely affect the POTW Treatment Plant by causing inhibition, pass through, sludge contamination or endangerment of POTW workers.

Significant Industrial User (SIU) Wastewater Discharge Permit – Permit issued to Significant Industrial Users by the Sewerage and Water Board of New Orleans Environmental Affairs Division to discharge process wastewater to the sanitary sewer system. The permits specify monitoring requirements for SIUs to demonstrate compliance with applicable local, state and federal regulations. If a SIU is required to meet BMPs, Best Management Practices, as required by Pretreatment Standard, state or local law, the following items will be included in the control mechanism, i.e. SIU Wastewater Discharge Permit: Definition of BMP, Effluent Limitation Based on BMP, Periodic Compliance Reports requiring BMP reporting and Recordkeeping of BMPs.

Significant Noncompliance - The criteria for determining significant noncompliance by an industrial User are:

For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(c), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

- (A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the Measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, inference or pass through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi) (B) of this section to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self – monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

Size of Pipe and Tubing - See Diameter.

Slug Discharge – means any discharge of a non-routine, or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the Sewerage & Water Board of New Orleans Plumbing Code, or permit conditions.

Slope – See Grade.

Soil Pipe - A soil pipe is any pipe which conveys the discharge of water closets, urinals, or fixtures having similar function, with or without the discharge from other fixtures, to the building sewer.

Soil Vent - See Stack Vent.

Special Waste Pipe – See Section 12.1.



Stack – A stack is the vertical main of a system of soil, waste or vent piping.

Stack Group – Stack group is a term applied to the location of a fixture in relation to the stack so that by means of proper fittings, vents may be reduced to a minimum.

Stack Vent - A stack vent (sometimes called a waste vent or soil vent) is the extension of a soil or waste stack above the highest horizontal sewer connected to the stack.

Stack Venting - Stack venting is a method of venting a fixture or fixtures through the soil or waste stack.

Standard – See National Pretreatment Standard.

State – State of Louisiana.

Storm Water - Any flow occurring during or following any form of natural precipitations and resulting therefrom.

Sump - A sump is a tank or pit which receives sewage or liquid waste, located below the normal grade of the gravity system and which must be emptied by mechanical means.

Supports - Supports, hangers, and anchors are devices for supporting and securing pipe and fixtures to walls, ceilings, floors, or structural members.

Suspended Solids - Those solids in suspension in a waste stream which are removable by normal laboratory filtration procedures, expressed in milligrams per liter.

Toxic Pollutant - Any pollutant or combination of pollutants listed as toxic, including but not limited to those, in regulations promulgated by the Administrator of the Environmental Protection Agency.

Trap - A trap is a fitting or device so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage or wastewater through it.

Trap Seal - The trap seal is the maximum vertical depth of liquid that a trap will retain, measured between the crown weir and the top of the dip of the trap.

United States Code (U.S.C.) - The compilation and codification of the general and permanent federal laws of the United States. The U.S.C. is published by the office of the Law Revision Counsel of the U.S. House of Representatives. There are two (2) leading annotated versions of the United States Code published by

competing private companies, namely the United States Code Annotated (U.S.C.A.) and the United States Code Service (U.S.C.S.)

User – Any person who directly or indirectly discharges, causes or permits the discharge of wastewater into the POTW.

Vacuum Breaker - A vacuum breaker is a device with a vent opening that is normally opened to atmosphere, installed above overflow level and used to protect the water supply should the water supply develop a sub-atmospheric “siphonage” condition.

Vent Pipe - See Vent System.

Vent Stack - A vent stack is a vertical vent pipe installed primarily for the purpose of providing circulation of air to and from any part of the sewer system.

Vent System - A vent system is a pipe or pipes installed to provide a flow of air within such system to protect trap seals from siphonage and back pressure.

Vertical Pipe - A vertical pipe is any pipe or fitting which is installed in a vertical position or which make an angle of not more than 45<sup>0</sup> with the vertical.

Waste - See Liquid Waste and Industrial Wastes.

Waste Pipe - A waste pipe is a pipe which conveys liquid wastes to either the public storm drainage system or the public sanitary sewerage system, whichever is proper.

Water-distributing Pipe - A water distributing pipe in a building or premises is a pipe which conveys water from the water-service pipe to the plumbing fixtures and other waste outlets.

Water Main - The water (street) main is a water-supply pipe for public or community use.

Water Outlet - A water outlet, as used in connection with the water distribution system, is the discharge opening for the water (1) to a fixture; (2) to atmospheric pressure (except into an open tank which is part of the water supply system); (3) to a boiler or heating system; (4) to any water-operated device or equipment requiring water to operate, but not a part of the plumbing system.

Water Riser Pipe - See Riser.

Water-Service Pipe - The water-service pipe is the pipe from the water main or other source of water supply to the building served.

Water-Supply System - The water-supply system of a building or premises consists of the water-service pipe, the water-distributing pipes, and the necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

Wet Vent - A wet vent which received the discharge from wastes other than water closets.

Yoke Vent - A yoke vent is a pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the stacks.

## **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<sup>0</sup> F - 150<sup>0</sup> F, (0<sup>0</sup> C - 65<sup>0</sup> 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.