

391-3-6-.24 Regulation of Commercial Waste Originators, Pumpers, Transporters, Processors, and Disposal Facilities

- 1) **Purpose.** The purpose of Paragraph 391-3-6-.24 is to provide minimum uniform statewide regulations for the purpose of regulating transporters that collect and/or dispose of commercial waste; to prevent the improper disposal of commercial wastes; to provide a commercial waste transporter permit that is accepted statewide; and to provide for fees for the cost of permitting and inspecting transporter vehicles.
- 2) **Definitions.** All terms used in this Paragraph shall be interpreted in accordance with the definitions as set forth in this Paragraph, or in any other Paragraph of these Rules:
 - a) "Commercial facilities" means a facility constructed and intended to produce commercial, domestic, or industrial wastewaters, including facilities intended to collect, transport, and treat storm water runoff.
 - b) "Commercial Wastes" means:
 - i) Non-toxic, non-hazardous liquid wastewater from commercial facilities;
 - ii) Grease interceptor contents generated by a commercial food operation or institutional food preparation facility, including without limitation, fats, grease, and food scraps; or
 - iii) Any oil waste residue produced from vehicle maintenance or washing that discharge to an oil-water separator or sand trap;
 - c) "Commercial Waste Transporter Permit" is a permit issued by a local governing authority for an individual tank truck.
 - d) "FOG" means fats, oils, and grease.
 - e) "Hazardous Waste" means any solid waste that has been defined as a hazardous waste in regulation promulgated by the Board of Natural Resources, Chapter 391-3-11.
 - f) "Grease interceptor" means a structure or device designed to collect and retain oils, grease, and fatty substances usually found in kitchen or similar wastes.
 - g) "Grit Trap" means a structure or device designed primarily for the accumulation and removal of grit.
 - h) "LGA" means local governing authority.
 - i) "Local Governing Authority" means the governing authority of a county or municipality, or the designee of any county or municipality in this state. The local governing authority for a county would typically be the County Board of Commissioners and for a municipality would typically be the City Council.
 - j) "Oil-water separator" means a structure or device designed primarily to collect and retain oily substances.
 - k) "On-site Sewage Management System" means any system that has been permitted by the local county board of health under rules promulgated by the Department of Human Resources.
 - l) "Originator" means the owner or operator of the grease interceptor, grit trap, oil-water separator, or sand trap from which commercial wastes are removed.
 - m) "Registration" means acceptance by the Division of a transporter.
 - n) "Registered Commercial Waste Transporter" is a business/owner registered by the Division and whose tank trucks are permitted by a local governing authority.
 - o) "Sand Trap" means a receptacle designed for the accumulation and removal of sand, grit, rocks and other similar debris.
 - p) "Septic Wastes" means the contents of a septic tank.
 - q) "Transporter" means any person or firm, which owns or operates one or more waste tank trucks that receive or dispose of commercial waste in this state.
 - r) "Tank truck" means any vehicle that removes and transports commercial wastes.
- 3) **Coverage.**
 - a) **This Paragraph applies to any facility that generates commercial wastes, to any person who removes commercial wastes, to any person who processes commercial wastes, and to any person who accepts commercial wastes for final disposal.**

b) This Paragraph applies only within the geographical boundaries of the State of Georgia. However, any transporter or disposal site operator within the State of Georgia, who receives commercial wastes (whether such wastes originate within or outside the State), must still comply with the registration, permitting, and manifest requirements.

4) Registration Required.

- a) Any transporter, owning or operating one or more waste tank trucks that receive or dispose of commercial waste in this state, must submit a registration form to the Division for the purposes of receiving a registration number. Such registration number shall be prefaced with FOG.
- b) This registration number shall be part of the commercial waste transporter permit number issued by the local governing authority.
- c) The registration form shall be on a standard form prescribed by the Division.

5) **Commercial Waste Transporter Permit Required.**

- a) The requirements in this Paragraph shall be implemented through a commercial waste transporter permit issued to a transporter by a local governing authority in which such tank truck receives or disposes of such wastes.
- b) The local governing authority shall inspect each tank truck prior to the issuance of a commercial waste transporter permit. Such inspection shall verify that the tank truck is substantially leak proof, durable, of easily cleaned construction, and is maintained in good repair. The local governing authority shall maintain records of each inspection.
- c) No commercial waste transporter permit shall be issued except on a form prescribed by the Division. The transporter shall include the location of the disposal site(s) on the commercial waste transporter permit application.
- d) No commercial waste transporter permit shall be issued if the owner of the tank truck(s) is not registered with the Division.
- e) A commercial waste transporter permit shall be required for each individual tank truck owned and operated by a transporter.
- f) The local governing authority shall charge a fee in the amount of \$250.00 for the first tank truck and \$100.00 for each additional tank truck.
- g) Any commercial waste transporter permit issued by a local governing authority for operation of a tank truck shall be valid throughout the state.
- h) A transporter, who has trucks permitted by a local governing authority, and who decides to have additional trucks permitted by another local governing authority, must provide copies of the current commercial waste transporter permits with the new commercial waste transporter permit application.
- i) A transporter cannot have two tank trucks permitted with the same commercial waste transporter permit number.
- j) A LGA may adopt a standard in their local ordinance defining reasons for declining to issue or reissue a commercial waste transporter permit.
- k) A LGA shall issue or deny a request for a commercial waste transporter permit within 30 days of receipt of the initial permit application.

6) **Transporters.**

- a) No transporter shall pump grease interceptors, grit traps, sand traps, or oil-water separators, which are not connected to an on-site sewage management system, without a valid commercial waste transporter permit issued by a local governing authority.
- b) A transporter must remove the entire contents of any tank that is serviced and dispose of such contents, unmingled with hazardous wastes or septic wastes, only at a facility authorized to receive and process such waste.
- c) A transporter of commercial waste shall maintain copies of all manifests of tank pumping at their principal place of business for a period of three (3) years; except that the transporters manifest (or a copy thereof) covering not less than the immediately preceding 30 day period

for a particular tank truck shall be kept in the transporter's tank truck. All such records shall be available for inspection.

- d) A transporter shall provide a copy of the commercial waste transporter permit for the tank truck to each disposal site where the transporter disposes of commercial wastes.

7) **Originators**

- a) An originator of commercial waste shall have such waste removed from their facility only by a transporter who holds a valid commercial waste transporter permit.
- b) An originator of commercial waste shall maintain copies of all manifests of tank pumping at their principal place of business for a period of three (3) years and make such records available for inspection.

8) **Approved Commercial Waste Processing and Disposal Facilities. The following types of processing and disposal operations are approved to accept commercial wastes.**

- a) All facilities that have been issued an NPDES, LAS, or industrial pretreatment permit by the Division, and those who have been issued an industrial pretreatment permit by a delegated pretreatment authority, are approved to accept commercial wastes.
- b) All facilities permitted under the Solid Waste Management Rules are approved for processing and disposal operations.
- c) All facilities that are not covered by any of the above shall request approval from the Division on a case-by-case basis. Such approval shall be in the form of a letter authorizing the facility to accept such wastes and shall be signed by the Director or his/her representative.
- d) The above approval does not require any such facility to accept such commercial wastes. The facility must be willing to accept the commercial wastes, be capable of receiving the commercial wastes in a sanitary manner, and have the appropriate technology to treat the commercial wastes.
- e) A receiver of commercial waste shall maintain copies of all manifests of tank pumping at their principal place of business for a period of three (3) years and make such records available for inspection.

9) **Manifest Record Keeping.** All originators, transporters, and disposal site operators in this state, involved in the removal, transport, and final disposal, of commercial wastes shall participate in the proper maintenance of manifests. A manifest shall be used as follows:

- a) A transporter shall utilize a manifest for each location being serviced.
- b) A manifest shall consist of an originator section, a receiver section, and the transporter section.
- c) The transporter shall sign the transporter portion of the manifest and shall present the manifest to the disposal operator to complete and sign the receiver section, and shall leave one copy of the manifest with the disposal site operator.
- d) The transporter shall send a copy of the manifest to the originator with the signature of the disposal site operator within 30 days. The originator will sign the received manifest form and maintain such record for a period of three years.
- e) The transporter shall keep one copy of the completed manifest form demonstrating delivery to the disposal site operator for their records and shall maintain such records for a period of three years.

10) **Manifest Contents.** A commercial waste transporter shall ensure that the manifest contains all the information required on the manifest form prescribed and furnished from time to time by the Division.

11) **Inspection.**

- a) Representatives of the Division or a local governing authority, after proper identification, shall be permitted to enter the premises of any originator, transporter, processor, or disposal site at any reasonable time for the purpose of making inspections to determine compliance with this Paragraph or the commercial waste transporter permit.
- b) Representatives of the Division, or a local governing authority, during inspections of the originator, transporter, processor, and the disposal site operator, may review records to determine compliance with provisions of these regulations.

12) Application for a Commercial Waste Transporter Permit.

- a) Applications for a commercial waste transporter permit shall be on forms prescribed and furnished from time to time by the Division.
- b) Applications shall be accompanied by all pertinent information as the Division may require.
- c) Materials submitted shall be complete and accurate.
- d) Any commercial waste transporter permit application form or any other form submitted to the local governing authority shall be signed as follows in accordance with the following:
 - (1) For a corporation, by a responsible corporate officer. For this subparagraph a responsible corporate officer means 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 decision-making functions for the corporation, or
 - (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 - (3) For a municipality, county, authority, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.
- e) All other reports or requests for information required by the local governing authority shall be signed by a person designated in (d) above or a duly authorized representative of such person, if:
 - i) The representative so authorized is responsible for the overall operation of the facility, e.g., a manager, superintendent or person of equivalent responsibility; and
 - ii) The authorization is made by the person designated under (d) above and written authorization of such is submitted to the Director.
- f) Any changes in the written authorization submitted to the local governing authority under (e) above which occur after the issuance of a commercial waste transporter permit shall be reported to the local governing authority by submitting a copy of a new written authorization which meets the requirements of (e) above
- g) Any person signing any document under (d) or (e) above shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under 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."

13) Duration, Transferability, and Reissuance of Commercial Waste Transporter Permits.

- a) Any commercial waste transporter permit issued shall have a fixed term not to exceed one year.
- b) Upon expiration of such commercial waste transporter permit a new commercial waste transporter permit may be issued by the local governing authority, provided that an application for renewal is filed with the local governing authority at least 60 days prior to the expiration date of the existing commercial waste transporter permit. A LGA shall reissue or deny a request for a commercial waste transporter permit within 30 days of the permit application.

14) Local Ordinance

- a) A local governing authority may enact and enforce any local ordinance to regulate the removal, transport, and disposal of commercial wastes, as long as such local ordinance is not in conflict with these rules and O.C.G.A. 12-15-21 thru 12-15-24.
- b) A local governing authority adopting such a local ordinance shall be required to provide timely written notice to the division of any enforcement action taken pursuant to such an ordinance against an operator permitted under this article who is alleged to be in violation of

such local ordinance. The division shall be notified of the initiation of any such local enforcement action and of the final conclusions or ultimate outcome of any such action.

15) Enforcement.

- a) The respective local governing authority is authorized to enforce these rules.
- b) Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule of compliance or other requirement contained in a commercial waste transporter permit issued pursuant to the Act shall be subject to enforcement proceedings by the local governing authority pursuant to the Act.
- c) Notwithstanding any other provision of law, or any municipal charter to the contrary, municipal courts shall have jurisdiction in cases of violations committed within municipalities, and magistrate courts shall have jurisdiction in cases of violations within unincorporated areas of counties. Either court shall be authorized to impose a civil penalty not to exceed \$2500.00 for each violation.

16) **Effective Date.** This Paragraph shall become effective on June 1, 2005.