



# Georgia General Assembly

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04 SB568/AP

Senate Bill 568

By: Senators Balfour of the 9th, Collins of the 6th, Shafer of the 48th, Brush of the 24th, Hall of the 22nd and others

**AS PASSED**

AN ACT

To amend Chapter 15 of Title 12 of the Official Code of Georgia Annotated, relating to sewage holding tanks, so as to provide for regulation of removal, transport, and disposal of certain waste removed from grease interceptors, sand traps, oil-water separators, or grit traps that are not connected to on-site sewage management systems; to define certain terms; to provide for rules and regulations; to provide for enforcement; to provide penalties for violations; to provide for more restrictive local ordinances; to provide for related editorial revisions; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

## **SECTION 1.**

Chapter 15 of Title 12 of the Official Code of Georgia Annotated, relating to sewage holding tanks, is amended by designating the existing provisions of said chapter as Article 1 of said chapter.

## **SECTION 2.**

Said chapter is further amended by striking the word "chapter" and inserting in lieu thereof "article" wherever the former term appears in:

- (1) Code Section 12-15-1, relating to a short title;
- (2) Code Section 12-15-2, relating to legislative findings;
- (3) Code Section 12-15-3, relating to definitions;
- (4) Code Section 12-15-6, relating to responsibility for ensuring compliance with said chapter;
- (5) Code Section 12-15-7, relating to enforcement of compliance with said chapter; and
- (6) Code Section 12-15-8, relating to violations.

## **SECTION 3.**

Said chapter is further amended by adding a new article to read as follows:

"ARTICLE 2

12-15-20.

As used in this article, the term:

(1) 'Commercial waste' means:

(A) Nontoxic, nonhazardous liquid waste water from commercial facilities;

(B) Grease interceptor contents generated by a commercial food operation or institutional food preparation facility including without limitation fats, oil, grease, and food scraps; or

(C) Any oil waste residue produced from vehicle maintenance or washing that discharges to an oil-water separator or sand trap.

(2) 'Department' means the Department of Natural Resources.

(3) 'Division' means the Environmental Protection Division of the department.

(4) 'Local governing authority' means the governing authority of a county or municipality.

(5) 'Transporter' means any person or firm which owns or operates one or more waste tank trucks which receive or dispose of commercial waste in this state.

12-15-21.

(a)(1) Removal of commercial waste from any grease interceptor, sand trap, oil-water separator, or grit trap that is not connected to an on-site sewage management system for the purpose of transporting such waste to a disposal site shall be accomplished in a clean and sanitary manner by means of a vacuum hose or pump that shall remove the entire contents of the holding tank or pretreatment system being serviced; and such waste removed shall be received, unmingled with any hazardous waste or septic waste, into a leakproof tank truck approved and permitted for such service as provided by paragraph (2) of this subsection.

Any commercial waste spilled, leaked, discharged, or otherwise released or removed from a grease interceptor, sand trap, oil-water separator, or grit trap that is not connected to an on-site sewage management system to any location other than a licensed leakproof tank truck shall be deemed a violation of this Code section.

(2) Any transporter shall register with the division or the local governing authority or its designee of any county or municipality in this state in which the transporter receives or disposes of commercial waste, and registration with the division or any such local governing authority shall be valid for operation throughout the state. Such registration shall be made on a standard form prescribed by rule or regulation of the department.

(3) Any commercial waste tank truck which receives or disposes of commercial waste in this state shall be inspected and permitted annually for purposes of compliance with the requirements of this subsection by the local governing authority or its designee of any county or municipality in this state in which the tank truck receives or disposes of commercial waste, and a single permit issued by any such local governing authority shall be valid for operation of such truck throughout the state. Such permit shall be on a standard form prescribed by rule or regulation of the department. The permit applicant shall be required to identify the facilities at which waste carried by such truck will be disposed, and such facilities shall be identified on and be a condition of such permit. For any transporter, the amount of such annual permit fee shall be \$250.00 for the first truck and \$100.00 for each additional truck.

(b) Commercial waste vacuumed or pumped from any grease interceptor, sand trap, oil-water separator, or grit trap that is not connected to an on-site sewage management system and which waste is carried by tank trucks and disposed therefrom in this state shall be

disposed only at a facility which is authorized by law to receive and process such waste. No person shall dispose of commercial waste from a tank truck at any location in this state other than the place inside the property boundaries designated for such waste by the authorized facility's owner.

(c) Any originator in this state, transporter, or disposal site operator in this state of any load of commercial waste vacuumed or pumped from any grease interceptor, sand trap, oil-water separator, or grit trap that is not connected to an on-site sewage management system shall be each responsible for maintaining a manifest system for such load of commercial waste, and the transporter shall certify on its manifest that such load of commercial waste is disposed in accordance with subsection (b) of this Code section or in accordance with the law of such other state in which it is disposed. The forms for such manifests shall be prescribed by rule or regulation of the department. Such manifests shall be maintained at the principal places of business of the originator, transporter, and disposal site operator for not less than three years from the date of waste removal, transport, or disposal; except that the transporter's manifests covering not less than the immediately preceding 30 day period for a particular truck shall be kept in the transporter's tank truck at all times when operating in this state. Such manifests shall be made available at any time for inspection by the division or any local governing authority or the designee thereof.

(d) Any person who violates any provision of this article, the rules and regulations adopted pursuant to this article, or any permit condition or limitation established pursuant to this article shall be liable for a civil penalty not to exceed \$2,500.00 per violation. For the purpose of enforcing the provisions of this article, notwithstanding any provision in Code Section 36-35-6, 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 shall be authorized to impose a civil penalty not to exceed \$2,500.00 for each violation. Magistrate courts shall have jurisdiction in cases of violations of this article committed within unincorporated areas of counties and shall be authorized to impose a civil penalty not to exceed \$2,500.00 for each violation.

12-15-22.

The department shall promulgate such rules and regulations as are reasonable and necessary for purposes of enforcement of this article not later than December 31, 2004.

12-15-23.

The respective local governing authorities and their duly authorized agents are authorized to enforce compliance with this article and rules and regulations promulgated and adopted pursuant to this article.

12-15-24.

This article shall be cumulative and shall not prohibit the enactment and enforcement of local ordinances by the governing authority of a county or municipality on this subject which are not in conflict with this article; provided, however, that such local governing authority 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."

**SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.