



Wastewater Hearing Authority Minutes
Meeting: June 13, 2019

Attendees: Dr. Edward Thackston, Chairperson, Dr. Robert Wingfield (WWHA), Mr. David Gilles (WWHA), Mr. Jay Tadd (WWHA), Tara Ladd, Metro Legal Attorney, Jim Snyder (MWS), Ted Taylor (MWS), Andy Welch (MWS), John Honeysucker (MWS), James A. Pogue (MWS), Oscar Berrios (Tennessee Language Center-Spanish Translator), Matt Campobasso, Dunkin Donuts, Steve Calalano (Dunkin Donuts), Roy Williams (E+H Architects), Mike Zumbahlen (KFC/Long John Silver's), Shameca Harris, KFC/Long John Silver's), Faustino Olea (El Jaliciense), Carlos Olea (El Jaliciense), Sherhan Al-Nemri (Property Owner-El Jaliciense), Jenn Harrman, (MWS), (Teresa Lyons-Oten (MWS), Susan D. Murillo (Court Reporter)

- I. **Meeting Called to order at 1:35 p.m.** – Dr. Edward Thackston, Chairperson, MWS Wastewater Hearing Authority. Introductions of the MWS Wastewater Hearing Authority for the purpose of the visitors.

- II. **Review and Approval of MWS Wastewater Hearing Authority Minutes-March 21, 2019.** Dr. Thackston noted a minor typo-type correction, and corrections to be made by Teresa-Lyons-Oten (MWS). Minutes were unanimously approved. **Presenter: Dr. Edward Thackston, MWS WWHA Chairperson**

- III. **Show Cause Hearings: Presenter:**
 - a. **Permit #2287 El Jaliciense** - Dr. Thackston called this hearing to order, and requested the MWS staff to present the facts as they see them, and the defendant would be allowed to come and offer evidence showing why the permit should not be suspended or revoked, and why the restaurant should not be required to pay the penalties that have been assessed. Andy Welch, MWS, presented the facts and stated the following issues:

Issues:

 - MWS has had compliance issues with establishment since 2012. Lack of communication with MWS.
 - In 2015, the establishment's grease trap was replaced, but was installed incorrectly.
 - Establishment's mop sink was not connected to the grease trap.
 - Establishment has never provided required annual surveillance certification form that the grease trap was in good working order.



- Establishment has never submitted records showing that they have maintained their grease trap.
- To determine if MWS should assess a civil penalty for being out of compliance.

According to Andy Welch, the establishment submitted a passing grease trap certification form today to MWS. Andy Welch, MWS, stated the remaining issue is that the floor drain still is not connected to a grease trap, and it either needs to be connected to the trap or needs to be taken out of service. Also, he requested that some kind of promise in writing from the owner of business that he understands that they are required to maintain records of the maintenance of the grease trap, and have available to MWS for submittal.

Mr. Faustino Olea, owner of the establishment, was asked to speak and answer questions regarding this matter. Also, present was the owner of the property, Mr. Al Nemri. Mr. Olea was asked why he has not responded over the last five years, and what he has done to come into compliance. He stated it was unknown to him the rules, and agreed he has made some changes. Mr. Olea stated that due to his limited knowledge how to write English, he has not responded in writing. He agreed that he has received information, but did not respond in writing as requested, and he do not know he was supposed to respond in writing.

Mr. Al Nemri, owner of building was present, and agreed that he did receive the certified letter to appear before MWS Wastewater Hearing Authority regarding this matter. He stated he was not aware of the issue(s). Mr. Nemri is the party that provided MWS with a copy of the certification previously requested from owner of restaurant. Tara Ladd, Metro Attorney, asked Mr. Nemri does he understand that the notice of compliance sent to Mr. Olea is the same as notice to him. He agreed.

After discussions between Dr. Thackston, MWS WWHA, and Andy Welch, MWS, it is agreed that when a noncompliance notice escalates to an NOV that the property management or ownership will be notified.

In the future, if there is a language barrier, MWS employee(s) will reach out to resources available within Metro to assist with translation. Customer Service provides such, and a member of MWS, Leoncio Dominguez, can also assist with Spanish translation.

Next, the issues of maintaining and providing records of the grease trap maintenance. It was determined no written records are available. Mr. Olea stated that he has cleaned the grease trap, but does not have records of when it has been



done. Andy Welch, MWS, stated that the department is indifferent to whether the grease trap is cleaned by the restaurant or by an outside vendor, as long as records are kept that it is being cleaned. Also, the certification form that is required must be completed by someone that MWS has trained. The restaurant owner can designate an employee to attend the training, or he may use an outside vendor to facilitate this requirement.

After much discussion by the Authority, it was decided to hold this matter open, and the restaurant will come back before the Authority in three months (September 2019) meeting, and if not in full compliance, a vote will be taken to revoke **Permit #2287 El Jaliciense**.

The MWS Wastewater Hearing Authority voted unanimously to impose the \$500 penalty for noncompliance.

- b. Permit #1485 Kentucky Fried Chicken/Long John Silver's** – Dr. Thackston called this hearing to order. It is a case of the restaurant's failure to respond to three notices of noncompliance issued in 2013, 2017, and 2018. Andy Welch, MWS and Chase Block, MWS presented the facts and stated the following issues:

Issues:

- Missing Tee at one point.
- Lack of communication from the restaurant owner.
- Deterioration of the Interceptor, which is severe.

According to Andy Welch, MWS, the history with this restaurant is such that we have not received any written response from this restaurant at any point along the way. When communicating with them in person, there is always a pointing of fingers as well, such as you need to talk to the general manager, or talk with the area manager. Andy Welch noted that paperwork sent to them, a statement was received that paperwork was being mailed to the wrong address. Mr. Welch stated that everything is delivered to the store's physical address. The restaurant now is requesting that all communication be sent to the corporate address, which is what they are now implying.

Mr. Mike Zumbalhlen, representative of KFC, stated that the management company, Savage, Savage & Brown have not been receiving any notices from the store. Thus, KFC management has not received any notices of noncompliance.



He stated that he has met with Chase Block, MWS, KFC's area coach, and DAR PRO, which cleans out the grease trap and inspects it. DAR PRO stated that the grease trap, as of January, was inspected and it was okay. He stated that DAR PRO keeps the logs, and they stated the logs have been sent to MWS, which MWS have no documentation of such.

Mr. Zumbahlen stated that the company has received a quote to replace the grease interceptor with a 1500 gallon tank, and the work will be completed by June 26, 2019.

The MWS WWHA unanimously decided to defer suspending or revoking permit for three months. The issue will be addressed at the next meeting.

After much discussion by the Authority, it was decided to hold this matter open, and the restaurant will come back before the Authority in three months (September 2019) meeting, and if not in full compliance, a vote will be taken to revoke **Permit #1485**.

A vote was taken, and MWS WWHA, unanimously agreed to assess a civil penalty of \$500 for noncompliance.

IV. Review of Request-Grease Interceptor – 5101 Harding Pike, Nashville, Tennessee - Dr. Thackston called this hearing to order. Andy Welch, MWS, presented the issue(s) regarding this matter.

Issues:

- To determine if the current grease interceptor is adequate due to the age of system (16+years old), or should it be replaced with a new system.
- The design of the current grease interceptor no longer meets MWS requirements. This issue relates to the design of the baffle wall. Having a full baffle wall is needed because engineers that have studied this have determined that the open hanging baffle design allows much quicker flow through, causing less retention time. Due to diminished retention time, the design is no longer acceptable by MWS.

Roy Williams, DNH Architects and Steve Catalano, franchisee, Dunkin' Donuts, presented their position regarding this matter. Mr. Williams explained to the Authority that this project location as being a ready-made restaurant building that was functioning, and had two previous restaurants at this location in the past. He stated that the grease output would be minimal, all products will be brought in daily with delivery truck, and



no products will be made in-house. According to Mr. Williams, virtually nothing will go down the drain as far as this project goes. From their perspective, the cost for a new system of between \$15,000 and \$17,000 is an expense that should not be incurred at this time, especially since the current system has been certified. They understand it is an older design, but it has been inspected, and certified as being in proper working condition. Mr. Catalano, franchisee, stated he can guarantee the MWS WWHA there will be no washing of racks, with the exception of rinsing out of the containers that hold the cream.

After additional questions from members of the MWS WWHA, Andy Welch, MWS, stated that although very little grease will be generated, the existing grease trap will require maintaining and continue to service the tank quarterly.

Vote was taken with the MWS WWHA and unanimously approved to allow restaurant to keep the existing system, and service as required.

V. MWS Semi-Annual Report 67 – October 1, 2018-March 31, 2019 – Marty Mast, MWS

Marty Mast, MWS, stated that minimal numbers of violations were issued to industries. There were a total of three that had any significant noncompliance.

- Combs had a rare creosal violation, and that put them in significant noncompliance.
- United Record Pressing had one (1) zinc that was a monthly average that put them out.
- Music City Processing-late report.
- Dr. Thackston asked the question regarding, “What kind of leachate is Ford Motor Company discharging that they can discharge to the river?” In summary, Marty Mast, MWS, stated they have a discharge permit to go the river, and in the past they had taken the discharge underground, the leachate from the landfill, pumped that to MWS. Over the last five to ten years it has gradually gotten clearer and no pH issues, no solids. They have determined that they can directly discharge to the river, rather than paying us to treat it. The State of TENNESSEE has given them a permit, and the state will be doing the testing and be responsible for any issues. According to the State, this company has met the standards so they have a permit to go to the river directly instead of discharge through MWS. **Presenter: Marty Mast, MWS**



VI. 2018 Metro Water Services Annual FOG Report Final-April 16, 2019

Andy Welch, MWS, stated that the MWS WWHA has not received this type of report in the past, but will be preparing such report to present to the Authority at future meetings. Dr. Thackston noted that it was an interesting report, and if any questions or concerns he would address at the next meeting or by email. Andy Welch, MWS, stated full credit should be given to the company that we have a contract with, Monitoring and Management Services. This report was provided for information purposes, and does not require any action on the part of the Authority. **Presenter: Andy Welch, MWS and Chase Block, MWS**

VII. Updated FOG Enforcement Report

Andy Welch, MWS, noted that with the help of Chase Block, MWS, MWS is now going back and addressing the oldest NCNs. Chase is prioritizing based on how long ago the NCN was, and taking into account geographic oldest open NCNs. With new NCN, MWS is making sure that they do not get old. Any NCN that has been issued in 2019, once it's 60 days old without any response, there is a follow-up visit.

Updated FOG Enforcement Report-The following facilities have been resolved:

- Logan Roadhouse– 1500 gallon GI installed – OK
- Olive Garden - Resolved
- Richland Country Club-1500 gallon GI installed-OK
- China Spring-1000 gallon GI installed-OK
- Miss Saigon-Resolved (*see Lucky Bamboo*)
- K & S World Market -Resolved (*see Lucky Bamboo*)
- Las Cazuelas Mexican Grill-Resolved-OK
- Kroger-143 McGavock Pike- Resolved-OK
- Sub Depot-Resolved-Installation now correct-OK
- John A'se-Resolved-certification received-OK
- Lucky Bamboo -Resolved-OK
- Best Wok Chinese-GI installed-OK
- South Street-Shut down indefinitely. Will need to achieve compliance to reopen.
- Sonobana Japanese Restaurant-1500 gallon GI installed.
- Ed's Fish & Pizza House-New grease trap approved.
- Double Tree Hotel-New grease interceptor installed.

The following facilities have open NCNs to be resolved:

- Sperry's Restaurant-Required to connect mop sink to grease trap. Compliance pending.



- Dragon Phoenix-New grease interceptor installed 5/19/19.
- Marco Polo's Pizza & Burger-Show cause pending.
- Pie Wagon-No longer in business. MWS is working with owner of property. Going through reopening as a pizza place. Installed three new grease traps. Awaiting certification on the existing grease trap.
- Midtown Café-Promised to install new 1000 gallon GI by July 2019.
- Athens Family Restaurant-Request MWS clean and camera line. We will monitor condition.
- Cock of the Walk-Pending replacement of interceptor with either 2000 gallon GI or two 1500 GI in series. Contract is out for bid.
- Scoreboard Bar & Grill-Certification submitted and failed. New NOV issued.
- Calypso Café-New grease trap to be required.
- KFC & Long John Silvers-Show Cause.
- Wendell Smith's Restaurant-GI to be installed this summer. Date TBD
- Union Station Hotel Banquet Kitchen- Turns out no new traps. All existing traps are good but one new trap installation is pending.
- La Hacienda Taqueria-Q& A pending.
- Pfunky Griddle-Installed new grease trap but connected dishwasher. Repair has been made. Final inspection pending. **Presenter: Andy Welch, MWS**

c. **Meeting was adjourned at 3:40 p.m.**