



City of Hampton, Virginia

Ordinance - Coded

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 10-0016

Enactment Number: 10-0001

Ordinance to amend and reenact Chapter 30 of the Code of the City of Hampton by adding thereto a new Article V, entitled “Fats, Oils and Grease (FOG)” to implement and enforce the city’s plan to prevent introduction and buildup of these substances in the public sewer system.

ARTICLE V. FATS, OILS AND GREASE (FOG)

Sec. 30-76. Purpose and Applicability.

(a) Purpose. The purpose of this Article is to aid in preventing the introduction and accumulation of fats, oils, and grease, into the City’s public sewer system that may contribute to sanitary sewer blockages and obstructions.

(b) Applicability. The provisions of this Article shall apply to all food service establishments defined herein, within the City that are required under the Virginia Uniform Statewide Building Code or applicable regulations of the Hampton Roads Sanitation District to have grease control devices and to all grease haulers providing service to any such food service establishment.

Sec. 30-77. Definitions.

The following words and terms used in this Article shall have the following meanings, unless the context clearly indicates otherwise:

Building Code Administrator means the City's Building Code Administrator or his or her authorized designee. The Building Code Administrator is referred to in the Virginia Uniform Statewide Building Code as the Building Official.

Director means the City's Director of Public Works or his or her authorized designee.

Fats, oils, and grease (FOG) means material, either liquid or solid, composed of fats, oils or grease from animal or vegetable sources. Examples of FOG include, but are not limited to, kitchen cooking grease, vegetable oil, bacon grease and organic polar compounds derived from animal or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the Title 40, Part 135 of the Code of Federal Regulations (40 CFR 136), as may be amended from time to time.

Food service establishment means any commercial, institutional, or food processing facility that discharges kitchen or food preparation wastewaters and that is required to have a grease control device under the Virginia Uniform Building Code or applicable regulations of the Hampton Roads Sanitation District.

Grease control device means a device used to collect, contain, and remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the City's wastewater collection system by gravity. Devices include grease interceptors, grease traps, automatic grease removal devices or other devices approved by the Director.

Grease hauler means a contractor who collects the contents of a grease interceptor or trap and transports it to a recycling or disposal facility. A grease hauler may also provide other services related to grease interceptor maintenance for a food service establishment.

Grease interceptor means a structure or device, usually located underground and outside of a food service establishment, designed to collect, contain and remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the City's wastewater collection system by gravity.

Grease removal device means an active, automatic device that separates and removes FOG from effluent discharge and that cleans itself of accumulated FOG at least once every twenty-four hours utilizing electromechanical apparatus.

Grease trap means a device typically located indoors and under the sink, designed for separating and retaining grease prior to the wastewater exiting the trap and entering the wastewater collection system. Such devices are typically passive (gravity fed) and compact with removable baffles.

Public sewer system includes the pipelines or conduits, pumping stations, force mains, and all other construction, devices, and appliances appurtenant thereto, located within the City of Hampton and used for the conveyance of residential, commercial or industrial sewage or wastewater or other wastes to the Hampton Roads Sanitation District.

Renderable FOG container means a closed, leak-proof container for the collection and storage of yellow grease.

Virginia Uniform Statewide Building Code includes the model codes incorporated by reference therein, including, specifically, the International Plumbing Code.

Yellow grease means FOG used in food preparation that have not been in contact or contaminated with other sources such as water, wastewater or solid waste. An example of yellow grease is fryer oil, which can be recycled into products such as animal feed, cosmetics and alternative fuel. Yellow grease is also referred to as renderable FOG.

Sec. 30-78. Registration requirements.

All food service establishments shall be required to register their grease control devices. Registrations shall be on forms provided by the Director to ensure that such devices are properly sized and maintained and to facilitate inspection in accordance with the requirements established by the Director.

- (a) Existing food service establishments shall register all grease control devices within ninety (90) days after the effective date of this Article. New establishments shall register such devices when requesting their water and sewer service, applying for a business license, or prior to obtaining a certificate of occupancy, whichever is later.
- (b) All grease haulers servicing grease control devices for food service establishments within the City shall be required to obtain a certification to service grease control devices from the City or the Hampton Roads Planning District Commission no later than ninety (90) days after the effective date of this Article and shall comply with all applicable provisions of this Article.
- (c) All grease haulers shall obtain the required permits, certifications or approvals from the facility in which waste will be disposed. Grease haulers discharging to a Hampton Roads Sanitation District treatment plant shall be approved through a Hampton Roads Sanitation District Indirect Wastewater Discharge Permit.
- (d) At least one current employee of a food service establishment shall have completed a training program concerning the operation and maintenance of grease control devices, provided by the City, no later than ninety (90) days after the effective date of this Article.

Sec. 30-79. Discharge limits.

No person shall discharge or cause to be discharged from any food service establishment any wastewater with FOG or other substances harmful or hazardous to the public sewer system, the regional sanitary sewer system, or sewage treatment plant or processes, as determined by Section 301 (d) of the Hampton Roads Sanitation District's Industrial Wastewater Discharge Regulations or any successor regulation.

Sec. 30-80. Grease Control Devices.

(a) Requirements. All food service establishments shall have a grease control device or devices which have been approved by the Director, and which meet all applicable requirements of the Virginia Uniform Statewide Building Code, as determined by the Building Code Administrator. Notwithstanding the foregoing, any grease control device sized in accordance with the "Hampton Roads Regional Technical Standards, Sizing of Grease Control Devices" shall be deemed to meet the requirements of the section.

- (1) New establishments. Except as provided in subsection (a) (2), food service establishments shall be required to install, operate, and maintain a grease control device in compliance with the requirements of the Virginia Uniform Statewide Building Code.

Grease control devices shall be installed and registered in accordance with section 30-78 prior to the issuance of a certificate of occupancy.

- (2) Existing establishments. Food services establishments in operation as of the effective date of this Article may continue to operate and maintain their existing grease control devices, provided such grease control devices are in proper operating condition and are not found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system. An existing food service establishment shall install a new grease control device that complies with the requirements of the Virginia Uniform Statewide Building Code if its grease control device is determined by the Director not to be in proper operating condition or if is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system.
- (3) Renovations or expansions. Food service establishments that are renovated or expanded shall, if required by the Virginia Uniform Statewide Building Code, install new grease control devices meeting the requirements of such Code.
- (4) Retrofitting. Existing establishments lacking approved grease control devices by reason of having been grandfathered from such requirement under the Virginia Uniform Statewide Building Code shall, if required by the Hampton Roads Sanitation District, install grease control devices in accordance with the regulations of the District. Such grease control devices shall be registered within thirty (30) days of their installation.

(b) Installation. Grease control devices shall be installed by a plumber licensed in the Commonwealth of Virginia. Every grease control device shall be installed and connected so that it may be readily accessible for inspection, cleaning, and removal of the intercepted food waste and grease at any time.

(c) Maintenance. Grease control devices shall be maintained as follows:

- (1) Grease control devices shall be properly maintained at all times. Maintenance shall include the complete removal of all contents, including floating material, wastewater and settled solids. Decanting or discharging of removed waste back into the grease interceptor or private sewer line or into any portion of the City's or Hampton Roads Sanitation District's wastewater collection system is prohibited.
- (2) Grease interceptors shall be pumped out completely when the total accumulation of surface fats, oils and grease, including floating solids and settled solids, reaches twenty-five percent (25%) of the overall liquid volume. At no time shall a grease

control device be cleaned less frequently than once every three (3) months unless allowed by the Director for good cause shown. Such approval will be granted on a case-by-case basis upon submittal of a request by the food service establishment documenting reasons for the proposed frequency variance. The Director shall not approve any request unless the applicant demonstrates that the frequency variance will not result in the introduction of any greater quantities of FOG into the public sewer system than would otherwise be introduced.

- (3) Grease traps and grease removal devices shall be opened, inspected and completely cleaned of food solids and fats, oils and grease a minimum of once per week, unless allowed by the Director for good cause shown. Such approval will be granted on a case-by-case basis upon submittal of a request by the food service establishment documenting reasons for the proposed frequency variance. The Director shall not approve any request unless the applicant demonstrates that the frequency variance will not result in the introduction of any greater quantities of FOG into the public sewer system than would otherwise be introduced, and in no event shall the content of food solids and fats, oils, and grease exceed twenty-five percent (25%) of the overall liquid depth of the device.
- (4) The Director may establish a more frequent cleaning schedule if the food service establishment is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the wastewater collection system.
- (5) Unless authorized by the Director, the use of additives including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria are prohibited for use as grease management control; provided, however, that additives may be used to clean the food service establishment drain lines so long as the usage of such additives will not cause FOG to be discharged from the grease control device to the sanitary sewer system. The use of additives shall not be substituted for the maintenance procedures required by this Section. The Director shall not approve the use of any additives unless he is satisfied that such use will have no adverse effects upon the public sewer system.

(d) Waste Disposal. Waste material from grease control devices shall be disposed of as follows:

- (1) Waste removed from a grease trap shall be disposed of in the solid waste disposal system or by a grease hauler certified by the Hampton Roads Planning District Commission.
- (2) Waste removed from a grease interceptor shall be disposed of at a facility permitted to receive such wastes. No materials removed

from interceptors shall be returned to any grease interceptor, private sewer line or into any portion of the City's or Hampton Roads Sanitation District's wastewater collection system.

- (3) Yellow grease shall be disposed of in a renderable FOG container in which contents will not be discharged to the environment. Yellow grease shall not be poured or discharged into the City's or Hampton Roads Sanitation District's wastewater collection system.

(e) Inspection, modification and repair. The Director shall have the authority to make such inspections as are authorized by law during reasonable hours for the purpose of inspecting, observing, taking measurement, sampling, testing or reviewing the records of the wastewater collection system and grease control devices installed in a food service establishment to ensure that such food service establishment is in compliance with this Article. Operational changes, maintenance and repairs required by the Director shall be implemented as noted in the written notice issued to the food service establishment by the Director. The owner or occupant of such food service establishment, or his or her designee, shall be entitled to accompany the Director during such inspection. The Director may require existing food service establishments to modify or repair any noncompliant grease control device and appurtenances within thirty (30) calendar days of written notification by the Director. The Director may grant extensions for good cause shown.

(f) Recordkeeping. Food service establishments shall maintain records meeting the following requirements:

- (1) Food service establishments shall retain and make available for inspection and copying records of all cleaning and maintenance for the previous three (3) years for all grease control devices. Cleaning and maintenance records shall include, at a minimum, the dates of cleaning/maintenance, the names and business addresses of the company or person performing each cleaning/maintenance and the volume of waste removed in each cleaning. Such records shall be kept on site and shall be made available to the Director upon request.
- (2) Food service establishments shall retain and make available for inspection and copying records of yellow grease disposal for the previous three (3) years. Yellow grease disposal logs shall include, at a minimum, the dates of disposal, name and business address of the company or person performing the disposal and the volume of yellow grease removed in each cleaning. Such records shall be kept on site and shall be made available to the Director upon request.
- (3) Food service establishments shall retain and make available for inspection and copying records of weekly inspections and cleaning pursuant to (c)(3) of this section for the previous three (3) years.

Sec. 30-81. Grease haulers.

(a) Any person collecting, pumping or hauling waste from grease control devices within the City shall be certified under the Regional Grease Hauler Program of the Hampton Roads Planning District Commission and shall be approved through a Hampton Roads Sanitation District Indirect Wastewater Discharge Permit.

(b) Grease haulers shall notify the Director within twenty-four (24) hours of any incident required to be reported to the Virginia Department of Environmental Quality.

(c) Grease haulers shall retain and make available for inspection and copying by the Director, for a period of at least three (3) years, all records related to grease interceptor pumping and waste disposal from businesses located in the City's wastewater service area. The Director may require additional record keeping and reporting, as necessary, to ensure compliance with the terms of this Article.

Sec. 30-82. Violations and penalties.

(a) Any intentional or willful act or omission to act in violation of any of the provisions of this Article shall be punishable by a fine in an amount not to exceed One Thousand Dollars (\$1,000.00) per violation. Each day that a continuing violation exists shall constitute a separate offense. The court assessing such fines may, at its discretion, order such fines to be paid into the treasury of the City for the purpose of abating, preventing or mitigating environmental pollution.

(b) Any person who, intentionally or otherwise, commits any of the acts prohibited by this Article or who fails to perform any of the acts required by this Article shall be liable to the City in an action at law for all costs of containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the wastewater collection system, as well as the costs of any damages or regulatory fines imposed upon the City, that are proximately caused by such violations. Such costs shall be collectible by the City in accordance with the provisions of Section 15.2-2119 of the Code of Virginia.

(c) In addition to any other remedy for the violation of this Article, the City may bring legal action to enjoin the continuing violation of this Article, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.

(d) The remedies set forth in this section are cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on January 13, 2010.

Signed by _____
Molly Joseph Ward, Mayor

Date _____

Attested by _____
Katherine K. Glass
Clerk of the Council

Date _____

