

1 **HAMPTON ROADS FOG MODEL ORDINANCE**

2
3 **FATS, OILS, AND GREASE (FOG)**

4
5 **SECTION 1. PURPOSE AND APPLICABILITY**

- 6 a. The purpose of this Ordinance is to aid in preventing the introduction and accumulation
7 of fats, oils, and grease into the City/County/Town's sanitary sewer system that may
8 contribute to sanitary sewer blockages and obstructions. Food service establishments,
9 grease haulers and other industrial or commercial establishments generating or collecting
10 wastewater containing fats, oils, and grease are subject to this Ordinance. This Ordinance
11 regulates such users by requiring that grease control devices and other approved strategies
12 be installed, implemented and maintained in accordance with the provisions of this
13 Ordinance and other applicable requirements of the City/County/Town of _____.
- 14 b. The provisions of this Ordinance shall apply to all food service establishments within the
15 City/County/Town of _____ and to all grease haulers providing service to any such food
16 service establishment.

17 **SECTION 2. DEFINITIONS**

18
19 *Automatic Grease Removal Device (AGRD)* shall mean an active, automatic device that separates
20 and removes FOG from effluent discharge and cleans itself of accumulated FOG at least once
21 every twenty-four hours utilizing electromechanical apparatus. Unless otherwise approved,
22 AGRDs shall not be installed.

23
24 *Brown Grease* shall mean floatable fats, oils, grease and settled solids produced during food
25 preparation that are recovered from grease control devices.

26
27 *Commissary* shall mean a catering establishment, food service establishment, or any other place in
28 which food, food containers, or supplies are kept, handled, prepared, packaged, or stored for
29 distribution to satellite operations.

30
31 *Core Sampler* shall mean a sampling tool, i.e. Sludge Judge, Dipstick Pro or equivalent, designed
32 to take accurate readings of settleable solids, in a variety of liquids, to any depth.

33
34 *Decanting* shall mean discharging of removed wastewater back into the grease control device, for
35 the purpose of reducing the volume to be hauled or for recharging the grease control device.

36
37 *Enforcement Response Plan* shall mean a system that sets forth the process and procedures for
38 enforcement of this section by the City/County/Town of _____.

39
40 *Fats, Oils, and Grease (FOG)* shall mean material, either liquid or solid, composed of fats, oils or
41 grease from animal or vegetable sources. Examples of FOG include, but are not limited to, kitchen
42 cooking grease, vegetable oil, bacon grease and organic polar compounds derived from animal
43 and/or plant sources that contain multiple carbon triglyceride molecules. These substances are

44 detectable and measurable using analytical test procedures established in the United States Code of
45 Federal Regulations at 40 CFR Part 136, as may be amended from time to time. FOG may be
46 referred to herein as “grease” or “greases”.

47
48 *Food Service Establishment (FSE)* shall mean any commercial, industrial, institutional, or food
49 processing facility discharging kitchen or food preparation wastewaters including, but not limited
50 to, restaurants, commercial kitchens, caterers, motels, hotels, cafeterias, correctional facilities,
51 prisons or jails, cafeterias, care institutions, hospitals, schools, bars, churches, commissaries, and
52 mobile food units. Any establishment engaged in preparing, serving or otherwise making food
53 available for consumption by the public shall be included. Such establishments use one or more of
54 the following preparation activities: cooking by frying (all methods), baking (all methods), grilling,
55 sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, or poaching. Also
56 included are infrared heating, searing, barbecuing, and other food preparation activity that
57 produces a hot, non-drinkable food product in or on a receptacle that requires washing.

58
59 *Grease Control Device (GCD)* shall mean a device used to collect, contain, or remove food waste
60 and grease from the wastewater while allowing the remaining wastewater to be discharged to the
61 City/County/Town’s sanitary sewer system by gravity. Devices include hydromechanical grease
62 interceptors, automatic grease removal devices, gravity grease interceptors, or other devices
63 approved by the Director of Public Utilities.

64
65 *Gravity Grease Interceptor (GGI)* shall mean a plumbing appurtenance of not less than 250
66 gallons (946 L) capacity that is installed to intercept free-floating fats, oils and grease from
67 wastewater discharge. Separation is accomplished by gravity during a retention time of not less
68 than 30 minutes. Unless otherwise approved, GGIs shall not be installed.

69
70 *Grease Hauler* shall mean a contractor who collects the contents of a grease control device or
71 yellow grease storage container and transports it to an approved recycling or disposal facility. A
72 grease hauler may also provide other services related to grease control device maintenance for a
73 food service establishment. A certified grease hauler has been certified through the HR FOG
74 Program.

75
76 *Hampton Roads Regional Technical Standards for Grease Control Devices* shall mean a set of
77 regionally-approved standards required to properly size and select grease control devices.

78
79 *HR FOG Program* shall mean the regionally-approved Hampton Roads FOG education, training,
80 and certification programs for food service establishment employees and grease haulers
81 administered by the Hampton Roads Planning District Commission (HRPDC).

82
83 *Hydromechanical Grease Interceptor (HGI)* shall mean a plumbing appurtenance that is installed
84 in the sanitary sewer system to intercept free-floating fats, oils and grease from wastewater
85 discharge. Continuous separation is accomplished by air entrainment, buoyancy, interior baffling
86 in combination or separately, and one of the following:

- 87 (1) Units directly connected, with an external flow control, with an air intake (vent)
88 (2) Units directly connected, with an external flow control, without an air intake (vent)

- 89 (3) Units directly connected, without an external flow control, with or without internal flow
90 control
91 (4) Units indirectly connected, without an external flow control, with or without internal flow
92 control

93
94 *Mobile Food Unit* shall mean a food service establishment that is readily moveable from place to
95 place at all times during operation and shall include but not limited to pushcarts, trailers, trucks,
96 vans, or boats.

97
98 *Renderable Yellow Grease Container* shall mean a closed, leak-proof container for the collection
99 and storage of yellow grease only.

100
101 *Sanitary Sewer System* shall mean a system of underground pipes that carries wastewater from
102 bathrooms, sinks, kitchens, and other plumbing components to a wastewater treatment plant where
103 it is filtered, treated and discharged.

104
105 *Stormwater System* shall mean a network of structures, channels and underground pipes designed
106 to carry stormwater (rainwater) to ponds, lakes, streams, rivers and other surface waters.

107
108 *Yellow Grease* shall mean renderable FOG used in food preparation that has not been in contact or
109 contaminated with other sources such as water, wastewater, or solid waste. An example of yellow
110 grease is fryer oil, which can be recycled into products such as animal feed, cosmetics, and
111 alternative fuel.

112
113
114 **SECTION 3. REGISTRATION REQUIREMENTS**

115 All FSEs shall be required to register their establishment and GCDs with the **FOG discharge**
116 **management department**. Registrations shall be on forms provided by the **Department of Public**
117 **Utilities** to ensure that the establishment understands its compliance responsibilities, that their
118 GCDs are properly sized and maintained, as well as to facilitate inspection in accordance with the
119 requirements established by the **Department of Public Utilities**.

- 120 a. Registration of FSEs with the **FOG discharge management department** is required before a
121 business license will be issued.
- 122 b. Existing FSEs shall register all GCDs within ninety (90) days of the adoption of this
123 ordinance. New establishments shall register when setting up their water and sewer service
124 or prior to obtaining a certificate of occupancy and/or business license.
- 125 c. All grease haulers, owners, and employees servicing GCDs for FSEs within the
126 **City/County/Town** shall be required to obtain a certification from the HR FOG Program.
- 127 d. All grease haulers shall obtain the required permits, certifications and/or approvals from the
128 facility in which waste will be disposed. Grease haulers discharging to a Hampton Roads
129 Sanitation District (HRSD) treatment plant must obtain an HRSD Indirect Wastewater
130 Discharge Permit.

131 e. FSEs shall have a current employee who has successfully been certified through the HR
132 FOG Program on site at all times.

133 **SECTION 4. DISCHARGE LIMITS**

134
135 No person shall discharge or cause to be discharged from any FSE any wastewater with
136 FOG in concentrations or quantities that will damage the sewers or sanitary sewer system, as
137 determined by Section 301 D. of the Hampton Roads Sanitation District’s Industrial Wastewater
138 Discharge Regulations.

140 **SECTION 5. GREASE CONTROL DEVICES**

141 a. *Requirements.* All FSEs shall have a GCD(s) meeting all applicable requirements for
142 testing and certification of ASME A112.14.3, ASME A112.14.4, CSA B481, or PDI
143 G101. The GCD(s) shall be sized and selected in accordance with the Hampton Roads
144 Regional Technical Standards for Grease Control Devices.

145 1) *New Establishments* – Except as provided in subsection (a) (2), FSEs shall be
146 required to install, operate, and maintain a GCD in compliance with the
147 requirements contained in this Section. GCDs shall be installed and registered
148 prior to the issuance of a certificate of occupancy and/or business license.

149 2) *Existing Establishments* – Existing FSEs in operation as of the effective date of
150 this Ordinance shall be allowed to operate and maintain their existing GCD(s),
151 provided such GCD(s) are in proper operating condition and not found to be
152 contributing FOG in quantities sufficient to cause line stoppages or to necessitate
153 increased maintenance of the sanitary sewer system. If the FSE is determined to
154 be contributing FOG by the sanitary sewer system owner and/or HRSD, the FSE
155 shall comply with the requirements of this Section. Existing FSEs that are
156 renovated, altered, or expanded shall install a GCD(s) meeting the requirements of
157 this Section. GCDs shall be sized and selected in accordance with the Hampton
158 Roads Regional Technical Standards for Grease Control Devices, permitted,
159 registered, installed and inspected as a condition of final approval of such
160 renovation, alteration, or expansion.

161 3) *Retrofit* - Any existing FSE may be required to install or upgrade a GCD if such
162 FSE is contributing FOG to the sanitary sewer system, as determined by the
163 sanitary system owner and/or HRSD. Such devices shall be registered with the
164 locality within 30 days of installation and shall comply with the requirements of
165 this Section.

166 b. *Installation of Grease Control Devices*

167 1) GCDs shall be installed by a plumber licensed in the Commonwealth of Virginia.
168 Every GCD shall be installed and connected so that it is readily accessible for
169 inspection, cleaning, and removal of the intercepted waste at any time. Installation

170 shall be in compliance with the Virginia Plumbing Code and the manufacturer's
171 instructions.

- 172 2) GCD covers shall meet the following load rating requirements:
173
174 i. Indoor, foot traffic only, minimum 300 pounds
175 ii. Indoor, pallet jack or forklift traffic, minimum 2000 pounds
176 iii. Outdoor, non-vehicular traffic, minimum 2000 pounds
177 iv. Outdoor, vehicular traffic, minimum AASHTO M306 H20/HS20
178
- 179 3) GCD's shall have their manhole covers secured at all times with bolts, or locking
180 mechanisms, or shall be of sufficient weight to prevent unauthorized access, or
181 shall have a safety apparatus secured in place under the cover to prevent
182 accidental entry if the cover is not secured in place.

183 c. *Maintenance of Grease Control Devices*

- 184 1) All GCDs shall be maintained at the FSE's and/or owner's expense. Maintenance
185 shall include the complete removal of all contents, including floating material,
186 wastewater and settled solids. Decanting or discharging of removed waste back
187 into the GCD, private sewer line or into any portion of the City/County/Town's or
188 HRSD's sanitary sewer system is prohibited. GCDs shall be maintained by a
189 certified grease hauler unless otherwise approved (see Hampton Roads Regional
190 Technical Standards for Grease Control Devices Appendix C).
- 191 2) Gravity Grease Interceptors shall be pumped out completely when the total
192 accumulation of FOG, including floating solids and settled solids, reaches twenty-
193 five percent (25%) of the overall liquid volume. At no time shall a GGI be cleaned
194 less frequently than once every 90 days unless approved by the Director of Public
195 Utilities.
- 196 3) Automatic Grease Removal Devices shall be (1) opened and inspected for food
197 solids, FOG buildup, and functionality of all parts, at a minimum, once every two
198 weeks by the FSE; (2) the food solids collection basket and the grease collection
199 bucket shall be emptied of their contents, at a minimum, once per day by the FSE;
200 (3) the device shall be inspected and completely cleaned, at a minimum, every 90
201 days by a certified grease hauler, unless otherwise allowed by the Director of
202 Public Utilities. In no event shall the content of food solids and FOG exceed
203 twenty-five percent (25%) of the overall liquid depth of the device.
- 204 4) Hydromechanical Grease Interceptors shall be cleaned before their maximum
205 capacity is reached as established by the manufacturer in accordance with third-
206 party validated test reports. The maintenance frequency shall be determined in
207 accordance with the sizing and selection requirements for HGIs in the Hampton
208 Roads Regional Technical Standards for Grease Control Devices. At no time shall
209 an HGI be cleaned less frequently than once every 90 days, or as approved by the
210 Director of Public Utilities.

211 5) The **Director of Public Utilities** may establish a more frequent cleaning schedule if
212 the FSE is found to be contributing FOG to the sanitary sewer system.

213 d. *Use of Additives*

214 1) The use of additives (including, but not limited to, products that contain solvents,
215 emulsifiers, surfactants, caustics, acids, enzymes or bacteria) by FSEs is
216 prohibited as grease management control. However, additives may be used to
217 clean the FSE drain lines so long as the usage of such additives will not cause
218 FOG to be discharged from the grease control device to the sanitary sewer system.
219 The use of additives shall not be substituted for the maintenance procedures
220 required by this Section.

221 e. *Waste Disposal*

222 1) Waste removed from a grease control device shall be disposed of at a facility
223 permitted to receive such wastes. Waste material removed from GCD(s) shall not
224 be discharged directly or indirectly into any portion of the sanitary sewer system,
225 private sewer line, stormwater system, or returned to any GCD.

226 i. FSEs approved for self-cleaning shall dispose of the waste in accordance
227 with the requirements contained in the Hampton Roads Regional Technical
228 Standards for Grease Control Devices Appendix C.

229 2) FSEs shall dispose of yellow grease in a renderable yellow grease container,
230 where contents will not be discharged to the environment. Yellow grease shall not
231 be poured or discharged into the **City/County/Town's** or HRSD's sanitary sewer
232 system.

233 f. *Inspection of Grease Control Devices*

234 1) The **Director of Public Utilities** or his designee shall have the right of entry into
235 any FSE, during reasonable hours, for the purpose of making inspections,
236 observation, measurements, sampling, testing or records review of the sanitary
237 sewer system and GCDs installed in such building or premises to ensure that the
238 FSE is in compliance with this Section. The owner or occupant may accompany
239 the **Director** or his designee. Operational changes, maintenance and repairs
240 required by the **Director** or his designee shall be implemented as noted in the
241 written notice received by the FSE.

242 g. *Record Keeping*

243 1) FSEs shall retain and make available for inspection and copying records of all
244 cleaning and maintenance for the previous three (3) years for all GCDs. FSEs
245 utilizing a certified grease hauler shall provide cleaning and maintenance records
246 meeting the requirements as outlined in Section 6. Where approved, FSEs
247 performing GCD cleaning and waste disposal shall provide cleaning and
248 maintenance records as required by the **Director of Public Utilities** or his designee.

249 Such records shall be kept on site and shall be made immediately available to any
250 employee of the Department of Public Utilities upon request.

- 251 2) FSEs shall retain and make available for inspection and copying records of yellow
252 grease disposal for the previous three (3) years. FSEs utilizing professional yellow
253 grease rendering services shall provide service records meeting the requirements
254 as outlined in Section 6. Such records shall be kept on site and shall be made
255 immediately available to any employee of Department of Public Utilities upon
256 request.

257 **SECTION 6. GREASE HAULER REQUIREMENTS**

- 258 a. Any person collecting, pumping or hauling waste from GCDs or renderable yellow grease
259 containers located within the municipal boundaries of the City/County/Town shall be
260 certified by the HR FOG Program and hold all required waste hauling permits.
- 261 b. The grease hauler shall notify the locality within twenty-four (24) hours of any incident
262 required to be reported to the Virginia Department of Environmental Quality.
- 263 c. Grease haulers shall retain and make available for inspection and copying, all records
264 related to grease control device pumping and waste disposal from businesses located in
265 the City/County/Town's wastewater service area. Records shall include, at a minimum,
266 the dates of cleaning/maintenance, the name and business address of the company
267 providing the service, the name of the technician(s) performing the service and their
268 associated HR FOG Program certification number(s), the condition of the GCD, the
269 volume of waste removed in the cleaning, and the following sludge judge measurements
270 (in inches): total depth, depth of solids, and depth of grease, and anticipated destination of
271 waste disposal. Photos of the GCD before and after cleaning are recommended. These
272 records shall remain available for a period of at least three (3) years. The
273 City/County/Town may require additional record keeping and reporting, as necessary, to
274 ensure compliance with the terms of this Ordinance.
- 275 d. Yellow grease rendering companies shall retain and make available for inspection and
276 copying, all records related to yellow grease collected from businesses located in the
277 City/County/Town's wastewater service area. Yellow grease disposal logs shall include,
278 at a minimum, the dates of pickup, name and business address of the company and person
279 performing the pickup, the volume of yellow grease removed, and anticipated destination
280 of the yellow grease.
- 281 e. Submission of all reporting shall be as follows:
- 282 1) Name of form by mail, email or fax
- 283 2) Approved electronic method
- 284 f. Renderable yellow grease containers shall be labeled with the following information:
- 285 1) Name of company supplying the container(s)

- 286 2) Phone number of company supplying the container(s)
287 3) Name and/or address (including unit number) of the FSE where the container has
288 been placed
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290 **SECTION 7. FEES**

- 291 a. Fees provided for in this Ordinance are separate and distinct from all other fees
292 chargeable by the City/County/Town. Fees applicable to this Ordinance are as follows:

293 1) FSE registration fees shall be in the amount of [redacted] and shall be
294 payable at the time of submittal of the registration

295 2) FSE inspection and re-inspection fees shall be in the amount of [redacted]
296 and shall be due upon invoice by the City/County/Town. Such fees may be added
297 to the FSE's public utility bill.

298 **SECTION 8. COMPLIANCE**

- 299 a. The City/County/Town may require existing FSEs to modify or repair any noncompliant
300 GCD and appurtenances as noted in the written notice received by the FSE.

- 301 b. The City/County/Town may require grease haulers to take corrective action as noted in
302 the written notice received by the hauler.

303 **SECTION 9. VIOLATIONS & PENALTIES**
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- 306 a. Any person who, intentionally or otherwise, commits any of the acts prohibited by this
307 ordinance shall be liable to the City/County/Town for all costs of containment, cleanup,
308 abatement, removal and disposal of any substance unlawfully discharged into the sanitary
309 sewer system, as well as the costs of any damages or regulatory fines, that are
310 proximately caused by such violations.

- 311 b. Any person who, intentionally or otherwise, commits any of the acts prohibited by this
312 Ordinance shall be subject to a fine in an amount not to exceed one thousand dollars
313 (\$1,000.00) per violation. Each day of failure to comply with a requirement of this
314 Ordinance shall constitute a separate violation. The court assessing such fines may, at its
315 discretion, order such fines to be paid into the treasury of the City/County/Town for the
316 purpose of abating, preventing or mitigating environmental pollution.

- 317 c. Enforcement will be in accordance with the associated Enforcement Response Plan
318 (NOTE: Some jurisdictions may want to incorporate the ERP into the ordinance while
319 others may adopt the ERP administratively). The City/County/Town may revoke the
320 FSEs business license, withhold reissuance of a business license, or terminate water
321 and/or sewer services for violations of this Ordinance. The City/County/Town may
322 revoke the grease hauler's HR FOG Program certification or withhold reissuance of the
323 HR FOG Program certification for violations of this Ordinance.

324 d. In addition to any other remedy for the violation of this Ordinance, the **Director** may
325 bring legal action to enjoin the violation of this ordinance, and the existence of any other
326 remedy, at law or in equity, shall be no defense to any such action.

327 e. The remedies set forth in this section are cumulative, not exclusive; and it may not be a
328 defense to any action, civil or criminal, that one (1) or more of the remedies set forth
329 herein has been sought or granted.

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331 **SECTION 10 EFFECTIVE DATE**
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333 This Ordinance shall become effective on _____.