

1 **HAMPTON ROADS FOG MODEL ORDINANCE**

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

5 **SECTION 1. PURPOSE AND APPLICABILITY**

- 6 i. The purpose of this Division is to aid in preventing the introduction and accumulation of
- 7 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 Division. This Division
- 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 Division and other applicable requirements of the City/County/Town of \_\_\_\_.
- 14 ii. The provisions of this Division 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 *Brown Grease* shall mean floatable fats, oils, grease and settled solids produced during food

19 preparation that are recovered from grease control devices.

21 *Enforcement Response Plan* shall mean a system that sets forth the process and procedures for

22 enforcement of this section by the City/County/Town of \_\_\_\_.

23 *Fats, Oils, and Grease (FOG)* shall mean material, either liquid or solid, composed of fats, oils or

24 grease from animal or vegetable sources. Examples of FOG include, but are not limited to, kitchen

25 cooking grease, vegetable oil, bacon grease and organic polar compounds derived from animal

26 and/or plant sources that contain multiple carbon triglyceride molecules. These substances are

27 detectable and measurable using analytical test procedures established in the United States Code of

28 Federal Regulations at 40 CFR Part 136, as may be amended from time to time. FOG may be

29 referred to herein as "grease" or "greases".

31 *Food Service Establishment (FSE)* shall mean any commercial, industrial, institutional, or food

32 processing facility discharging kitchen or food preparation wastewaters including, but not limited

33 to, restaurants, commercial kitchens, caterers, motels, hotels, cafeterias, correctional facilities,

34 prisons or jails, cafeterias, care institutions, hospitals, schools, bars and churches. Any

35 establishment engaged in preparing, serving or otherwise making food available for consumption

36 by the public shall be included. Such establishments use one or more of the following preparation

37 activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie

38 cooking, broiling, boiling, blanching, roasting, toasting, or poaching. Also included are infrared

39 heating, searing, barbecuing, and other food preparation activity that produces a hot, non-drinkable

40 food product in or on a receptacle that requires washing.

44 *Grease Control Device (GCD)* shall mean a device used to collect, contain, or remove food waste  
45 and grease from the wastewater while allowing the remaining wastewater to be discharged to the  
46 City/County/Town's sanitary sewer system by gravity. Devices include hydromechanical grease  
47 interceptors, ~~grease traps~~, automatic grease removal devices or other devices approved by the  
48 Director of Public Utilities.

49 *Gravity Grease Interceptor (GGI)* shall mean a plumbing appurtenance of not less than 500  
50 gallons (1893 L) capacity that are installed in the sanitary drainage system to intercept free-  
51 floating fats, oils and grease from waste water discharge. Separation is accomplished by gravity  
52 during a retention time of not less than 30 minutes. Unless otherwise approved, GGIs shall not be  
53 installed.

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56 *Grease Hauler* shall mean a contractor who collects the contents of a grease interceptor or trap and  
57 transports it to an approved recycling or disposal facility. A grease hauler may also provide other  
58 services related to grease interceptor maintenance for a FSE.

59  
60 ~~*Grease Interceptor* shall mean a structure or device, usually located underground and outside a~~  
61 ~~FSE, designed to collect, separate and contain food waste and grease while allowing the~~  
62 ~~wastewater to be discharged to the City/County/Town's sanitary sewer system by gravity.~~

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64 *Grease Removal Device (GRD)* shall mean an active, automatic device that separates and removes  
65 FOG from effluent discharge and that cleans itself of accumulated FOG at least once every twenty-  
66 four hours utilizing electromechanical apparatus. Unless otherwise approved, GRDs shall not be  
67 installed.

68  
69 ~~*Grease Trap* shall mean a device typically located indoors and under the sink or in the floor,~~  
70 ~~designed for separating and containing grease prior to the wastewater exiting the trap and entering~~  
71 ~~the sanitary sewer system. Such devices are typically passive (gravity fed) and compact with~~  
72 ~~removable baffles.~~

73  
74 *Hydromechanical Grease Interceptor (HGI)* shall mean a plumbing appurtenance that are installed  
75 in the sanitary drainage system to intercept free floating fats, oils and grease from waste water  
76 discharge. Continuous separation is accomplished by air entrainment, buoyancy, interior baffling  
77 in combination or separately, and one of the following:

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- 78 (1) Units directly connected, with an external flow control, with an air intake (vent)  
79 (2) Units directly connected, with an external flow control, without an air intake (vent)  
80 (3) Units directly connected, without an external flow control, with or without internal flow  
81 control  
82 (4) Units indirectly connected, without an external flow control, with or without internal flow  
83 control

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85 *Renderable FOG Container* shall mean a closed, leak-proof container for the collection and  
86 storage of yellow grease.

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88 *Yellow Grease* shall mean FOG used in food preparation that have not been in contact or  
89 contaminated with other sources such as water, wastewater or solid waste. An example of yellow

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90 grease is fryer oil, which can be recycled into products such as animal feed, cosmetics and  
91 alternative fuel. Yellow grease is also referred to as renderable FOG.

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94 **SECTION 3. REGISTRATION REQUIREMENTS**

95 All FSEs shall be required to register their establishment and GCDs with the FOG discharge  
96 management department. Registrations shall be on forms provided by the Department of Public  
97 Utilities to ensure that the establishment understands its compliance responsibilities, that their such  
98 devices-GCDs are properly sized and maintained, as well as to facilitate inspection in accordance  
99 with the requirements established by the Department of Public Utilities.

100 a) Registration of FSEs with the FOG discharge management department is required before a  
101 business license will be issued.

102 ~~a)b)~~ Existing FSEs shall register all GCDs within ninety (90) days of the adoption of this  
103 ordinance. New establishments shall register when setting up their water and sewer service  
104 or prior to obtaining a certificate of occupancy.

105 ~~b)c)~~ All grease haulers, owners, or employees servicing GCDs for FSEs within the  
106 City/County/Town shall be required to obtain a certification to service GCDs from the  
107 Hampton Roads FOG regionally-approved training program provided by the HRPDC.

108 ~~e)d)~~ All grease haulers shall comply with the requirements of the Hampton Roads Regional  
109 Pumper Management Program and obtain the required permits, certifications and or  
110 approvals from the facility in which waste will be disposed of. Grease haulers discharging to  
111 a Hampton Roads Sanitation District (HRSD) treatment plant shall be approved through the  
112 HRSD Indirect Wastewater Discharge Permit.

113 ~~e)e)~~ FSEs shall have a current employee who has successfully completed the Hampton Roads  
114 FOG regionally-approved Best Management Practices training program provided by the  
115 HRPDC.

116 **SECTION 4. DISCHARGE LIMITS**

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

122  
123 **SECTION 5. GREASE CONTROL DEVICES**

124 i. *Requirements.* All FSEs shall have a GCD(s) meeting all applicable requirements for  
125 testing and certification of the International Plumbing Code or its successors ASME  
126 A112.14.3, ASME A112.14.4, or CSA B481. The GCD(s) shall be designed in  
127 accordance with the Hampton Roads Regional ~~Grease Control Device Design Standards~~  
128 Technical Standard for Grease Control Devices.

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129 1) *New Establishments* – Except as provided in subdivision (a) (2), FSEs shall be  
130 required to install, operate, and maintain a GCD in compliance with the  
131 requirements contained in this Division Section. GCDs shall be installed and  
132 registered prior to the issuance of a certificate of occupancy.

**Commented [KL1]:** I don't like the use of the term Division used like this. Section is preferred.

133 2) *Existing Establishments* – Existing FSEs in operation as of the effective date of  
134 this Division Ordinance shall be allowed to operate and maintain their existing  
135 GCDs, provided such GCDs are in proper operating condition and not found to be  
136 contributing FOG in quantities sufficient to cause line stoppages or to necessitate  
137 increased maintenance of the sanitary sewer system. If its GCD is determined to  
138 be contributing FOG in quantities sufficient to cause line stoppages or to  
139 necessitate increased maintenance of the sanitary sewer system, an existing FSE  
140 shall comply with the requirements of this Section. Existing FSEs that are  
141 renovated or expanded shall install a GCD meeting the requirements of this  
142 Division Section. GCDs shall be installed, inspected and registered as a condition  
143 of final approval of such renovation or expansion.

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

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148 ii. *Installation of Grease Control Devices*

149 1) GCDs shall be installed by a plumber licensed in the Commonwealth of Virginia.  
150 Every GCD shall be installed and connected so that it may be readily accessible  
151 for inspection, cleaning, and removal of the intercepted food waste and grease at  
152 any time. Installation shall be in compliance with the International Plumbing  
153 Code, the Hampton Roads Regional Technical Standard for Grease Control  
154 Devices, and the manufacturer's instructions.

155 2) GCD covers shall meet the following load rating requirements:

- 156 i. Indoor, foot traffic only, minimum 300 pounds
- 157 ii. Indoor, pallet jack or fork lift traffic, minimum 2000 pounds
- 158 iii. Outdoor, non-vehicular traffic, minimum 2000 pounds
- 159 iv. Outdoor, vehicular traffic, minimum AASHTO M306 H20/HS20

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160 3) GCD's shall have their manhole covers secured at all times with bolts, or locking  
161 mechanisms, or shall be of sufficient weight to prevent unauthorized access, or  
162 shall have a safety apparatus secured in place under the cover to prevent  
163 accidental entry if the cover is not secured in place.

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**Commented [KL4]:** There have been several instances in the last few years of children falling into outdoor grease interceptors and we need to put in language to prevent or significantly reduce the opportunities for that to happen.

166 iii. *Maintenance of Grease Control Devices*

167 1) All GCDs shall be maintained at the owner's expense. Maintenance shall include  
168 the complete removal of all contents, including floating material, wastewater and

169 settled solids. Decanting or discharging of removed waste back into the grease  
170 interceptor or private sewer line or into any portion of the City/County/Town's or  
171 HRSD's sanitary sewer system is prohibited. Unless otherwise approved, GCDs  
172 shall be maintained by a Grease Hauler that is certified by the Hampton Roads  
173 FOG regionally-approved training program provided by the HRPDC

174 2) Gravity Grease Interceptors shall be pumped out completely when the total  
175 accumulation of FOG, including floating solids and settled solids, reaches twenty-  
176 five percent (25%) of the overall liquid volume. At no time shall a GICD be  
177 cleaned less frequently than once every three (3) months ~~unless allowed by the~~  
178 ~~Director of Public Utilities for good cause shown. Approval will be granted on a~~  
179 ~~case by case basis upon submittal of a request by the FSE, documenting reasons~~  
180 ~~for the proposed frequency variance.~~

**Commented [KL5]:** The biology of any grease interceptor grows increasingly hostile to collection and treatment systems over time. 90 days should be the maximum allowable interval between cleanings, regardless of the

181 3) ~~Grease traps and Grease Removal Devices~~ shall be opened, inspected and  
182 completely cleaned of food solids and FOG a minimum of once per week, ~~unless~~  
183 ~~allowed by the Director of Public Utilities for good cause shown. Approval will~~  
184 ~~be granted on a case by case basis upon submittal of a request by the FSE~~  
185 ~~documenting reasons for the proposed frequency variance.~~ In no event shall the  
186 content of food solids and FOG exceed twenty-five percent (25%) of the overall  
187 liquid depth of the device.

**Commented [KL6]:** GRDs are not properly maintained on a routine basis. Allowing them to be maintained less often than once per week will invite bypass and non-compliance.

188 4) Hydromechanical Grease Interceptors shall be cleaned before their maximum  
189 capacity is reached as established by the manufacturer in accordance with third  
190 party validated test reports. The maintenance frequency shall be determined in  
191 accordance with the sizing and selection requirements for HGIs in the Hampton  
192 Roads Regional Technical Standard for Grease Control Devices. At no time shall  
193 a HGI be cleaned less frequently than once every three (3) months.

194 4)5) The Director of Public Utilities may establish a more frequent cleaning  
195 schedule if the FSE is found to be contributing FOG in quantities sufficient to  
196 cause line stoppages or to necessitate increased maintenance of the sanitary sewer  
197 system.

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198 iv. *Use of Additives*

199 The use of additives by FSEs including, but not limited to, products that contain  
200 solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria are prohibited  
201 for use as grease management control; provided, however, that additives may be  
202 used to clean the FSE drain lines so long as the usage of such additives will not  
203 cause FOG to be discharged from the grease control device to the sanitary sewer  
204 system. The use of additives shall not be substituted for the maintenance  
205 procedures required by this Section.

206 v. *Waste Disposal*

~~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)1) Waste removed from a ~~Grease Control Device 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/County/Town's or HRSD's sanitary sewer system

2)2) FSEs shall dispose of yellow grease in a renderable FOG container, where contents will not be discharged to the environment. Yellow grease shall not be poured or discharged into the City/County/Town's or HRSD's sanitary sewer system. Renderable FOG containers shall be labeled with the following information:

- 3)j. Name of company supplying the container(s)
- 3)ii. Phone number of company supplying the container(s)
- 3)iii. Name of the FSE where the container has been placed

vi. Inspection of Grease Control Devices

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

vii. Record Keeping

- 1) FSEs shall retain and make available for inspection and copying records of all cleaning and maintenance for the previous three (3) years for all GCDs. Cleaning and maintenance records shall include, at a minimum, the dates of cleaning/maintenance records, 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 immediately available to any employee of the Department of Public Utilities upon request.
- 2) FSEs 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 immediately available to any employee of Department of Public Utilities upon request.

**Commented [KL7]:** Edits to the ordinance are removing references to "traps" throughout. All grease interceptors, regardless of type should have their contents disposed of at a facility permitted to receive such waste and NOT to landfill. The new Greasezilla system the HRSD is putting in, is just such a place.

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**Commented [KL8]:** Section is the appropriate term.

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246 **SECTION 6. GREASE HAULER REQUIREMENTS**

- 247 i. Any person collecting, pumping or hauling waste from GCDs located within the  
248 municipal boundaries of the City/County/Town shall be certified by the Hampton Roads  
249 FOG regionally-approved training program provided by the HRPDC, and shall comply  
250 with the requirements of the Hampton Roads Pumper Management Program.
- 251 ii. The grease hauler shall notify the locality within twenty-four (24) hours of any incident  
252 required to be reported to the Virginia Department of Environmental Quality.
- 253 iii. Grease haulers shall retain and make available for inspection and copying, all records  
254 related to grease interceptor pumping and waste disposal from businesses located in the  
255 City/County/Town's wastewater service area. Records shall include waste manifests that,  
256 at a minimum, include time, date and volume of waste removed from the device and the  
257 time, date, volume and destination of the waste disposed. These records shall remain  
258 available for a period of at least three (3) years. The City/County/Town may require  
259 additional record keeping and reporting, as necessary, to ensure compliance with the  
260 terms of this Division.

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261 **SECTION 7. FEES**

- 262 i. Fees provided for in this Division are separate and distinct from all other fees chargeable  
263 by the City/County/Town. Fees applicable to this Division are as follows:
  - 264 1) FSE registration fees shall be in the amount of \_\_\_\_\_ and shall be  
265 payable at the time of submittal of the registration
  - 266 2) FSE inspection and re-inspection fees shall be in the amount of \_\_\_\_\_  
267 and shall be due upon invoice by the City/County/Town. Such fees may be added  
268 to the FSE's public service bill.

269 **SECTION 8. COMPLIANCE**

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

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272 **SECTION 10. VIOLATIONS & PENALTIES**

- 275 a) Any person who, intentionally or otherwise, commits any of the acts prohibited by this  
276 ordinance shall be liable to the City/County/Town for all costs of containment, cleanup, abatement,  
277 removal and disposal of any substance unlawfully discharged into the sanitary sewer system, as  
278 well as the costs of any damages or regulatory fines, that are proximately caused by such  
279 violations.
- 280 b) Any person who, intentionally or otherwise, commits any of the acts prohibited by this  
281 Division shall be subject to a fine in an amount not to exceed one thousand dollars (\$1,000.00) per

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282 violation. The court assessing such fines may, at its discretion, order such fines to be paid into the  
283 treasury of the **City/County/Town** for the purpose of abating, preventing or mitigating  
284 environmental pollution.

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285 c) Enforcement will be in accordance with the associated Enforcement Response Plan  
286 (NOTE: Some jurisdictions may want to incorporate the ERP into the ordinance while others may  
287 adopt the ERP administratively). The **City/County/Town** may revoke the FSEs business license,  
288 withhold reissuance of a business license, or terminate water and/or sewer services for continuing  
289 violations of this ~~Division~~Ordinance.

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290 d) In addition to any other remedy for the violation of this Division, the **Director** may bring  
291 legal action to enjoin the continuing violation of this ordinance, and the existence of any other  
292 remedy, at law or in equity, shall be no defense to any such action.

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

296 **SECTION 11 EFFECTIVE DATE**

297 This Division shall become effective on \_\_\_\_\_.