

MEMORANDUM OF AGREEMENT BETWEEN THE HAMPTON ROADS SANITATION DISTRICT AND THE CITIES OF VIRGINIA BEACH, NORFOLK, CHESAPEAKE, SUFFOLK, HAMPTON, NEWPORT NEWS, PORTSMOUTH, WILLIAMSBURG AND POQUOSON, THE TOWN OF SMITHFIELD, THE COUNTIES OF ISLE OF WIGHT, JAMES CITY, GLOUCESTER, AND YORK PERTAINING TO MUTUAL COOPERATION IN THE RETROFIT ENFORCEMENT OF GREASE CONTROL DEVICES

This Memorandum of Agreement, dated this ____ day of _____, 2019, by and between the Cities of Virginia Beach, Norfolk, Chesapeake, Suffolk, Hampton, Newport News, Portsmouth, Williamsburg, Poquoson, the Town of Smithfield, the Counties of Isle of Wight, James City, Gloucester, and York (collectively, the "Hampton Roads Localities") and the Hampton Roads Sanitation District (HRSD),

WITNESSETH:

WHEREAS, the Special Order by Consent dated September 26, 2007 and other Consent Orders (the "Consent Orders") entered into by the Hampton Roads Localities with the Virginia Department of Environmental Quality (VDEQ) require each of the Hampton Roads Localities to implement Maintenance, Operations and Management (MOM) programs to minimize sanitary sewer overflows; and

WHEREAS, in order to minimize the number of sanitary sewer overflows, it is necessary and appropriate that each of the Hampton Roads Localities develop and implement affirmative measures as a component of their respective MOM Programs to reduce the impact of discharges of fats, oils, and grease (FOG) to the sanitary sewer system of each locality and HRSD; and.

WHEREAS, the Hampton Roads Localities, together with the HRSD, have developed a model FOG Ordinance, Enforcement Response Plan, and the Hampton Roads Regional Technical Standards for the Sizing of Grease Control Devices to be used as templates for each locality's MOM Program; and

WHEREAS, it is anticipated, **however not mandated**, that each of the Hampton Roads Localities will adopt a FOG Ordinance, Enforcement Response Plan and Design Standards; and

WHEREAS, FOG discharged into the sanitary sewer system from Food Service Establishments (FSEs) are known to cause or contribute to sanitary sewer blockages and to cause or contribute to a significant percentage of all overflows in the sanitary sewer systems of the Hampton Roads Localities and HRSD; and

WHEREAS, the installation and proper maintenance of grease control devices (GCDs) in FSEs is necessary to aid in preventing the introduction and accumulation of FOG into the sanitary sewer system that may contribute to sanitary sewer blockages and obstructions; and

WHEREAS, within each of the Hampton Roads Localities, there are FSEs that were constructed prior to the adoption of the Virginia Uniform Statewide Building Code (VUSBC) provision requiring a GCD; and

WHEREAS, Chapter 66 of the 1960 Acts of Assembly, as amended from time to time, and Section 301 (d) of HRSD's Industrial Wastewater Discharge Regulations provide HRSD with the legal authority to require existing FSEs that are grandfathered from the requirements of the Virginia Uniform Statewide Building Code pertaining to GCDs to retrofit such establishments with GCDs meeting the requirements of the VUSBC; and

WHEREAS, by entering into this Memorandum of Agreement, the parties seek to establish a procedure by which Hampton Roads Localities and HRSD mutually cooperate in ensuring the installation or upgrade of GCDs in FSEs requiring such devices;

NOW, THEREFORE, THE PARTIES DO HEREBY MUTUALLY AGREE AS FOLLOWS:

1. The City or County shall:
 - (a) **As necessary**, determine if a FSE is contributing FOG to the sanitary sewer system;
 - (b) In the event the City or County is unable to secure compliance by such means as it deems appropriate, notify HRSD of enforcement actions

taken to date and request HRSD, ~~in writing,~~ to inspect the FSE and to proceed with action to cause compliance;

(c) Be responsible for issuance of any required building permits and performing future inspections of GCDs as part of its FOG control program; and

~~(d) Notify HRSD of enforcement actions taken by the City or County within a reasonable time after commencement of such action.~~

2. HRSD shall:

(a) Perform an inspection of the FSE within a reasonable time of the date such inspection was requested by the City or County;

(b) Initiate appropriate enforcement action in accordance with the HRSD Enforcement Response Plan and send an electronic copy of the enforcement action to the City or County;

(c) Require the installation or upgrade of a GCD if a FSE is determined to be contributing FOG to the sanitary sewer system.

3. The parties hereby also agree as follows:

(a) The effective date of this Memorandum of Agreement between HRSD and the individual County or City shall be the date on which the latter of the parties executes this Memorandum of Agreement;

(b) This Memorandum of Agreement contains the whole of the terms governing the matters referred to in this Memorandum of Agreement;

(c) The parties shall not be bound by any terms written or stated prior to the creation of this Memorandum of Agreement and not expressly incorporated into this Memorandum of Agreement; and

(d) Any party hereto may withdraw from this Memorandum of Agreement, either wholly or as to any other party, at any time upon

written notice to all other parties, and shall thereafter incur no further obligations hereunder.

**[SIGNATURE PAGES TO BE INDIVIDUAL USING CONSENT ORDER
FORMAT]**