

ORD-3067

1 AN ORDINANCE TO AMEND CHAPTER 28 OF THE CITY
2 CODE BY ADDING A NEW ARTICLE IV, ENTITLED "USE
3 OF THE PUBLIC SEWER SYSTEM," AND ESTABLISHING
4 REGULATIONS PERTAINING TO DISCHARGES OF FATS,
5 OILS AND GREASE AND OTHER SUBSTANCES TO THE
6 PUBLIC SEWER SYSTEM
7

8 Sections Added: City Code Sections 28-64 through 28-82

9 **Chapter 28. SEWERS AND SEWAGE DISPOSAL**

10

11
12 **Article IV. Use of the Public Sewer System**

13
14 **Division 1. Sewer Use**

15
16 **Sec. 28-64. Purpose and intent.**

17
18 (a) Purpose. The purpose of this division is to prevent the introduction of
19 pollutants and wastes into the City's public sewer system that will interfere with the
20 operation of the system and with the wastewater system of the Hampton Roads
21 Sanitation District (the "District"), contaminate the receiving waters of the system, or
22 otherwise be incompatible with the system; to protect the wastewater facilities of the
23 City of Virginia Beach and those of the District; and to ensure that the City and the users
24 of the public sewer system comply with federal and state mandates under the Clean
25 Water Act and all other applicable laws, rules and regulations.

26
27 (b) The provisions of this division are intended to comply with provisions of
28 the Virginia Department of Environmental Quality (DEQ) and the Special Order by
29 Consent issued to the Cities of Virginia Beach, Chesapeake, Hampton, Newport News,
30 Poquoson, Portsmouth, Suffolk and Williamsburg; the Counties of Gloucester, Isle of
31 Wight and York; the Town of Smithfield; the Hampton Roads Sanitation District and the
32 James City Service Authority, effective September 26, 2007.

33
34 **Sec. 28-65. Definitions.**

35
36 The following words and terms used in this division shall have the following
37 meanings, unless the context clearly indicates otherwise:

38
39 Day means the 24-hour period beginning at 12:01 a.m.

40
41 Director means the Director of Public Utilities or the authorized designee of the
42 Director of Public Utilities

43

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

49
50 Regional Consent Order or Special Order by Consent means the regulatory order
51 between the Virginia Department of Environmental Quality and localities within the
52 Hampton Roads region, including the City of Virginia Beach, effective September 26,
53 2007.

54
55 Storm sewer system means the system of roads, streets, catch basins, curbs,
56 gutters, ditches, pipes, lakes, ponds, channels, storm drains and other facilities located
57 within the City of Virginia Beach that are designed or used for collecting, storing or
58 conveying stormwater or through which stormwater is collected, stored or conveyed.

59
60 User means any person who contributes, causes, or permits the contribution or
61 discharge of wastewater into the City's wastewater collection system within the City's
62 boundaries, including any person who contributes such wastewater from mobile
63 sources, such as one who discharges hauled wastewater.

64
65 Wastewater means a combination of liquid and water-carried wastes from the
66 sanitary conveniences of residences, commercial buildings, industries, or institutions.

67
68
69 **Sec. 28-66. Prohibited discharges.**

70
71 No person shall discharge or cause to be discharged into any portion of the
72 public sewer system, directly or indirectly, any wastes which may violate any law or
73 governmental regulation or have an adverse or harmful effect on the public sewer
74 system, maintenance personnel, processes, or equipment, or which may otherwise
75 endanger the public or create a nuisance. The following discharges are prohibited:

76
77 (a) Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid, or
78 gas that may cause flammable or explosive conditions, including, but not limited to,
79 waste streams with a closed cup flashpoint of less than 140° F (60° C) using test
80 methods specified in Title 40, Part 261.21 of the Code of Federal Regulations (40 CFR
81 Part 261.21) or any successor regulation.

82
83 (b) Any toxic or poisonous solids, liquids or gases in such quantities that,
84 alone or in combination with other wastewater constituents, may interfere with the
85 sewage treatment process of the Hampton Roads Sanitation District or biosolids use or
86 disposal, cause acute worker or public health and safety problems, materially increase
87 the cost of treatment, or constitute a hazard to any beneficial stream use, including
88 recreation, ascribed to the receiving waters of the effluent from the sewage treatment
89 plant.

91 (c) Any waste having a pH in violation of requirements as provided in Title 40,
92 Part 403 of the Code of Federal Regulations (40 CFR Part 403) or any successor
93 regulation or having any detrimental characteristics that may cause injury or damage to
94 persons or property.

95
96 (d) Any solids or viscous substances that may cause obstruction to flow or be
97 detrimental to sewerage system operations. These objectionable substances include,
98 but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial
99 process shavings, metals, glass, rags, feathers, tar, plastics, wood, whole blood,
100 paunch manure, bones, hair and fleshings, entrails, paper dishes, paper cups, milk
101 containers, or other similar paper products, either whole or ground.

102
103 (e) Any significant quantities of unpolluted water such as rainwater,
104 stormwater, groundwater, street drainage, yard drainage, water from yard fountains,
105 ponds or lawn sprays.

106
107 (f) Any water added for the purpose of diluting wastes which would otherwise
108 exceed applicable limitations for any wastewater constituent.

109
110 (g) Any petroleum or mineral-based oils (non-saponifiable) and/or any animal
111 or vegetable based oils, fats, or greases which in excess concentrations would tend to
112 cause interference, pass-through, or adverse effects on the sewerage system, as
113 determined by HRSD. No visible free non-saponifiable oil shall be present in the
114 discharged waste stream.

115
116 (h) Any wastes with excessively high chemical oxygen demand (COD),
117 biological oxygen demand (BOD), or decomposable organic content or any significant
118 quantities of wastewater with a COD to BOD ratio exceeding six to one (6:1). COD to
119 BOD ratio criteria are shown on Hampton Roads Sanitation District's list entitled
120 "Wastewater Discharge Authorization Criteria COD/BOD Ratio," as amended from time
121 to time.

122
123 (i) Any significantly odorous wastes or waste tending to create odors.

124
125 (j) Any waste containing dissolved sulfides in amounts which would be
126 hazardous, cause damage to the sewerage system, or create a public nuisance.

127
128 (k) Any substance promoting or causing the promotion of toxic gases.

129
130 (l) Any wastes that will increase the temperature of the treatment plant
131 influent to greater than 104° F (40° C).

132
133 (m) Any wastes requiring the introduction of an excessive quantity of chlorine
134 or any other compound for sewage treatment purposes.

136 (n) Any significant amounts of deionized water, distilled water, steam
137 condensate, cooling water, or discharges from heat pumps.

138
139 (o) Any waste producing significant discoloration of wastewater or treatment
140 plant influent.

141
142 (p) Any waste containing substances that may precipitate, solidify, or become
143 viscous at temperatures between 50° F (10° C) and 100° F (38° C).

144
145 (g) Any significant quantities of solid waste material that is not ground
146 sufficiently to pass through a 3/8 inch screen.

147
148 (r) Any significant quantity of blown-down or bleed water from cooling towers
149 or other evaporative coolers.

150
151 (s) Any quantities of radioactive material wastes which are in violation of
152 applicable local, State, and Federal regulations.

153
154 (t) Any significant quantities of inorganic material.

155
156 (u) Any discharge of any pollutant released at a flow rate and/or pollutant
157 concentration that would result in interference, cause adverse effects or pass through at
158 the treatment plant.

159
160 (v) Any significant quantity of wastewater in which the Toxic Organics (TO)
161 concentration exceeds 2.13 milligrams per liter (mg/l), or in which any one toxic organic
162 compound exceeds 1.0 mg/l, or in which the BTEX (Benzene, Toluene, Ethylbenzene
163 and Xylene) concentration exceeds 1.0 mg/l).

164
165
166 **Sec. 28-67. Discharges of stormwater or surface water.**

167 (a) No person shall connect roof, foundation, areaway, parking lot, roadway,
168 or other surface runoff or groundwater drains to any sewer connected to any portion of
169 the City's wastewater collection system unless such connection is authorized in writing,
170 for good cause, by the Director.

171 (b) All discharges of stormwater, surface water, groundwater, roof runoff,
172 subsurface drainage, or other similar discharges of storm water shall be made to
173 discharge to storm sewers or natural outlets designed for such discharges, except as
174 authorized under this section. No person shall construct or use any connection, drain,
175 or arrangement which will permit any such waters to enter the public sewer system.

176
177 **Sec. 28-68. Damage to the wastewater collection system.**

178 (a) It shall be unlawful for any person to willfully damage, obstruct, introduce
179 materials harmful to the collection system that would cause or contribute to sanitary
180 sewer overflows, or tamper with any part of the public sewer system, including any
181 manholes, cleanouts, plugs, pipes, pumping station, valves, apparatus, tools or fixtures.
182 No person other than authorized agents or employees of the City, shall uncover any
183 public sewer lines, operate any public fire hydrant or operate any valves connected with
184 the public water and sanitary sewer systems without first obtaining express approval
185 from the Director of Public Utilities, unless such use is necessary for emergencies.

186 (b) Any person causing damage to or obstruction of the public sewer system
187 shall be liable to the City for the cost of repairing such damage or obstruction.

188
189 **Sec. 28-69. Inspections.**

190
191 (a) The Director shall have authority to make such lawful inspections during
192 reasonable hours for the purpose of observing, measuring, sampling, testing or
193 reviewing records of the wastewater collection system installed in any building or
194 structure as may be necessary or appropriate, including inspections performed for the
195 purpose of ensuring that discharge to the City's public sanitary sewer system from such
196 building or structure is not in violation of this Division. The owner or occupant of such
197 building or structure, or his or her designee, shall be entitled to accompany the Director
198 during such inspection.

199
200 **Sec. 28-70. Violations and penalties.**

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

207 (b) Any person who, intentionally or otherwise, commits any of the acts
208 prohibited by this Division or who fails to perform any of the acts required by this
209 Division shall be liable to the City in an action at law for all costs of containment,
210 cleanup, abatement, removal and disposal of any substance unlawfully discharged into
211 the wastewater collection system, as well as the costs of any damages or regulatory
212 finances imposed upon the City, that are proximately caused by such violations. Such
213 costs shall be collectible by the City in accordance with the provisions of Sections 28-29
214 and 28-30.

215 (c) The City may bring legal action to enjoin the continuing violation of this
216 division, and the existence of any other remedy, at law or in equity, shall be no defense
217 to any such action.

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

221 **Sec. 28-71. Variances.**

222
223 The Director may authorize a variance from the provisions of Section 28-67 or
224 28-68 in any case in which a property owner or other person demonstrates that strict
225 compliance with the provision from which a variance is sought would cause undue
226 hardship or extraordinary expense and the Director is satisfied that the authorization of
227 the variance will not adversely affect the public sewer system. In such cases, the
228 Director shall impose such reasonable conditions as will ensure, to the extent possible,
229 that the variance does not adversely affect the public sewer system.

230
231 **Sec. 28-72. Severability.**

232
233 The provisions of this Division shall be severable, it being the intention of the City
234 Council that in the event one (1) or more of the provisions of this Division are adjudged
235 to be invalid or unenforceable, the validity and enforceability of the remaining provisions
236 shall be unaffected by such adjudication.

237

238 **Division 2. Fats, Oils, and Grease (FOG)**

239

240 **Sec. 28-73. Purpose; findings.**

241

242 (a) Purpose. The purpose of this Division is to aid in preventing the
243 introduction and accumulation of fats, oils, and grease (FOG), which cause or tend to
244 cause or contribute to sanitary sewer blockages and obstructions, into the municipal
245 wastewater system. This Division requires that grease control devices be installed,
246 implemented, and maintained by food service establishments in accordance with the
247 provisions hereof.

248 (b) Findings. The City Council hereby finds that:

249 (1) Grease buildup in the public sewer system occurs when FOG from
250 cooking is allowed to be introduced into the system. FOG washed
251 down sinks and floor drains builds up over time and eventually
252 creates backups in the public sewer system which may result in
253 sanitary sewer overflows (SSOs). SSOs constitute significant
254 public health hazards, expose the city to costly environmental
255 penalties, and are prohibited under the federal Clean Water Act. In
256 2008, thirty-eight (38) SSOs within the City were caused by
257 accumulations of FOG in the public sewer system.

258 (2) The accumulation of FOG in the public sewer system leads to
259 increased costs for maintaining sewers and wastewater treatment
260 plants and cleaning blockages out of public and private property.
261 During 2008, the Department of Public Utilities responded to 3,105
262 sewer blockages caused by accumulations of FOG in the public
263 sewer system.

264 (3) FOG from food service establishments is a major source of FOG in
265 the public sewer system. The use of properly sized, installed and
266 maintained grease control devices in food service establishments,
267 however, minimizes the introduction of FOG into the system.

268 (4) The Special Order by Consent issued to the City of Virginia Beach
269 and other localities and service providers within Hampton Roads,
270 which became effective on September 26, 2007, requires the City,
271 among other things, to develop and submit to the Virginia
272 Department of Environmental Quality (DEQ) a Maintenance,
273 Operations and Management (MOM) Plan that documents the
274 MOM Plan elements used to manage the City's sewer system and
275 minimize SSOs.

276

277 **Sec. 28-74. Applicability.**

278 The provisions of this Division shall apply to all food service establishments, as
279 defined herein, within the City that are required under the Virginia Uniform Statewide
280 Building Code or applicable regulations of the Hampton Roads Sanitation District to
281 have grease control devices and to all grease haulers providing service to any such
282 food service establishment.

283

284 **Sec. 28-75. Definitions.**

285

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

288

289 *Brown grease* means floatable fats, oils, grease and settled solids produced
290 during food preparation that are recovered from grease control devices.

291

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

295

296 *Director* means the City's Director of Public Utilities or his or her authorized
297 designee.

298
299 Enforcement Response Plan means a system that sets forth the process and
300 procedures for enforcement of this section by the City

301
302 Fats, oils, and grease (FOG) means material, either liquid or solid, composed of
303 fats, oils or grease from animal or vegetable sources. Examples of FOG include, but
304 are not limited to, kitchen cooking grease, vegetable oil, bacon grease and organic polar
305 compounds derived from animal or plant sources that contain multiple carbon
306 triglyceride molecules. These substances are detectable and measurable using
307 analytical test procedures established in the Title 40, Part 135 of the Code of Federal
308 Regulations (40 CFR 136), as may be amended from time to time.

309
310 Food service establishment (FSE) means any commercial, institutional, or food
311 processing facility that discharges kitchen or food preparation wastewaters and that is
312 required to have a grease control device under the Virginia Uniform Building Code or
313 applicable regulations of the Hampton Roads Sanitation District.

314
315 Grease control device means a device used to collect, contain, and remove food
316 waste and grease from the wastewater while allowing the remaining wastewater to be
317 discharged to the City's wastewater collection system by gravity. Devices include
318 grease interceptors, grease traps, automatic grease removal devices or other devices
319 approved by the Director.

320
321 Grease hauler means a contractor who collects the contents of a grease
322 interceptor or trap and transports it to a recycling or disposal facility. A grease hauler
323 may also provide other services related to grease interceptor maintenance for a Food
324 service establishment.

325
326 Grease interceptor means a structure or device, usually located underground and
327 outside of a Food service establishment, designed to collect, contain and remove food
328 waste and grease from the wastewater while allowing the remaining wastewater to be
329 discharged to the City's wastewater collection system by gravity.

330
331 Grease removal device means an active, automatic device that separates and
332 removes fats, oils and grease from effluent discharge and that cleans itself of
333 accumulated FOG at least once every twenty-four hours utilizing electromechanical
334 apparatus.

335
336 Grease trap means a device typically located indoors and under the sink,
337 designed for separating and retaining grease prior to the wastewater exiting the trap
338 and entering the wastewater collection system. Such devices are typically passive
339 (gravity fed) and compact with removable baffles.

340
341 Public sewer system includes the pipelines or conduits, pumping stations, force
342 mains, and all other construction, devices, and appliances appurtenant thereto, located
343 within the City of Virginia Beach and used for the conveyance of residential, commercial

344 or industrial sewage or wastewater or other wastes to the Hampton Roads Sanitation
345 District.

346
347 Renderable FOG container means a closed, leak-proof container for the
348 collection and storage of yellow grease.

349
350 Virginia Uniform Statewide Building Code includes the model codes incorporated
351 by reference therein, including, specifically, the International Plumbing Code.

352
353 Yellow grease means fats, oils, and grease used in food preparation that have
354 not been in contact or contaminated with other sources such as water, wastewater or
355 solid waste. An example of yellow grease is fryer oil, which can be recycled into
356 products such as animal feed, cosmetics and alternative fuel. Yellow grease is also
357 referred to as renderable FOG.

358
359
360 **Sec. 28-76. Registration requirements.**

361
362 All food service establishments shall be required to register their grease control
363 devices. Registrations shall be on forms provided by the Director to ensure that such
364 devices are properly sized and maintained and to facilitate inspection in accordance
365 with the requirements established by the Director.

366
367 (a) Existing food service establishments shall register all grease control
368 devices within ninety (90) days after the effective date of this Division;
369 provided. New establishments shall register such devices when
370 requesting their water and sewer service, applying for a business license,
371 or prior to obtaining a certificate of occupancy, whichever is later.

372
373 (b) All grease haulers servicing grease control devices for food service
374 establishments within the City shall be required to obtain a certification to
375 service grease control devices from the City or the Hampton Roads
376 Planning District Commission no later than ninety (90) days after the
377 effective date of this Division.

378
379 (c) All grease haulers shall obtain the required permits, certifications or
380 approvals from the facility in which waste will be disposed of. Grease
381 haulers discharging to a Hampton Roads Sanitation District treatment
382 plant shall be approved through a Hampton Roads Sanitation District
383 Indirect Wastewater Discharge Permit.

384
385 (d) At least one employee of a food service establishment shall have
386 completed a training program concerning the operation and maintenance
387 of grease control devices, provided by the City, no later than ninety (90)
388 days after the effective date of this Division.

389

390 **Sec. 28-77. Discharge limits.**
391

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

398
399
400 **Sec. 28-78. Grease Control Devices.**

401 (a) Requirements. All food service establishments shall have a grease
402 control device or devices meeting all applicable requirements of the Virginia Uniform
403 Statewide Building Code, as determined by the Building Code Administrator. Any
404 grease control device sized in accordance with the "Hampton Roads Regional
405 Technical Standards, Sizing of Grease Control Devices" shall be deemed to meet the
406 requirements of the section.

407 (1) New establishments. Except as provided in subdivision (a)(2), food
408 service establishments shall be required to install, operate, and
409 maintain a grease control device in compliance with the
410 requirements of the Virginia Uniform Statewide Building Code.
411 Grease control devices shall be installed and registered prior to the
412 issuance of a certificate of occupancy.

413
414 (2) Existing establishments. Food services establishments in operation
415 as of the effective date of this Division may continue to operate and
416 maintain their existing grease control devices, provided such
417 grease control devices are in proper operating condition and are
418 not found to be contributing FOG in quantities sufficient to cause
419 line stoppages or to necessitate increased maintenance of the
420 sanitary sewer system. An existing food service establishment
421 shall install a new grease control device that complies with the
422 requirements of the Uniform Statewide Building Code if its grease
423 control device is determined by the Director not to be in proper
424 operating condition or if is found to be contributing FOG in
425 quantities sufficient to cause line stoppages or to necessitate
426 increased maintenance of the sanitary sewer system.

427
428 (3) Renovations or expansions. Food service establishments that are
429 renovated or expanded shall, if required by the Virginia Uniform
430 Statewide Building Code, install new grease control devices
431 meeting the requirements of such Code.

432
433 (4) Retrofitting. Existing establishments lacking approved grease
434 control devices by reason of having been grandfathered from such

435 requirement under the Virginia Uniform Statewide Building Code
436 shall, if required by the Hampton Roads Sanitation District, install
437 grease control devices in accordance with the regulations of the
438 District. Such grease control devices shall be registered within
439 thirty (30) days of their installation.

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

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

445 (1) Grease control devices shall be properly maintained at all times.
446 Maintenance shall include the complete removal of all contents,
447 including floating material, wastewater and settled solids.
448 Decanting or discharging of removed waste back into the grease
449 interceptor or private sewer line or into any portion of the City's or
450 HRSD's wastewater collection system is prohibited.
451

452 (2) Grease interceptors shall be pumped out completely when the total
453 accumulation of surface fats, oils and grease, including floating
454 solids and settled solids, reaches twenty-five percent (25%) of the
455 overall liquid volume. At no time shall a grease control device be
456 cleaned less frequently than once every three (3) months unless
457 allowed by the Director for good cause shown. Approval will be
458 granted on a case-by-case basis upon submittal of a request by the
459 food service establishment documenting reasons for the proposed
460 frequency variance. The Director shall not approve any request
461 unless the applicant demonstrates that the frequency variance will
462 not result in the introduction of any greater quantities of FOG into
463 the public sewer system than would otherwise be introduced.
464

465 (3) Grease traps and grease removal devices shall be opened,
466 inspected and completely cleaned of food solids and fats, oils and
467 grease a minimum of once per week, unless allowed by the
468 Director for good cause shown. Approval will be granted on a
469 case-by-case basis upon submittal of a request by the food service
470 establishment documenting reasons for the proposed frequency
471 variance. The Director shall not approve any request unless the
472 applicant demonstrates that the frequency variance will not result in
473 the introduction of any greater quantities of FOG into the public
474 sewer system than would otherwise be introduced, and in no event
475 shall the content of food solids and fats, oils, and grease exceed
476 twenty-five percent (25%) of the overall liquid depth of the device.
477

478 (4) The Director of Public Utilities may establish a more frequent
479 cleaning schedule if the food service establishment is found to be
480 contributing FOG in quantities sufficient to cause line stoppages or
481 to necessitate increased maintenance of the wastewater collection
482 system.

483
484 (5) Unless authorized by the Director, the use of additives including,
485 but not limited to, products that contain solvents, emulsifiers,
486 surfactants, caustics, acids, enzymes or bacteria are prohibited for
487 use as grease management control; provided, however, that
488 additives may be used to clean the FSE drain lines so long as the
489 usage of such additives will not cause FOG to be discharged from
490 the grease control device to the sanitary sewer system. The use of
491 additives shall not be substituted for the maintenance procedures
492 required by this Section. The Director shall not approve the use of
493 any additives unless he is satisfied that such use will have no
494 adverse effects upon the public sewer system.

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

497 (1) Waste removed from a grease trap shall be disposed of in the solid
498 waste disposal system or by a grease hauler certified by the
499 Hampton Roads Planning District Commission.

500
501 (2) Waste removed from a grease interceptor shall be disposed of at a
502 facility permitted to receive such wastes. No materials removed
503 from interceptors shall be returned to any grease interceptor,
504 private sewer line or into any portion of the City's or HRSD's
505 wastewater collection system.

506
507 (3) Yellow grease shall be disposed of in a renderable FOG container
508 in which contents will not be discharged to the environment. Yellow
509 grease shall not be poured or discharged into the City's or HRSD's
510 wastewater collection system.

511 (e) Inspection. The Director shall have the authority to make such lawful
512 inspections as are authorized by law during reasonable hours for the purpose of
513 inspecting, observing, taking measurement, sampling, testing or reviewing the records
514 of the wastewater collection system and grease control devices installed in a food
515 service establishment to ensure that such food service establishment is compliance
516 with this Division. Operational changes, maintenance and repairs required by the
517 Director shall be implemented as noted in the written notice received by the food
518 service establishment. The owner or occupant of such food service establishment, or
519 his or her designee, shall be entitled to accompany the Director during such inspection.

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

522 (1) Food service establishments shall retain and make available for
523 inspection and copying records of all cleaning and maintenance for
524 the previous three (3) years for all grease control devices.
525 Cleaning and maintenance records shall include, at a minimum, the
526 dates of cleaning/maintenance, the names and business addresses
527 of the company or person performing each cleaning/maintenance
528 and the volume of waste removed in each cleaning. Such records
529 shall be kept on site and shall be made available to the Director
530 upon request.

531
532 (2) Food service establishments shall retain and make available for
533 inspection and copying records of yellow grease disposal for the
534 previous three (3) years. Yellow grease disposal logs shall include,
535 at a minimum, the dates of disposal, name and business address of
536 the company or person performing the disposal and the volume of
537 yellow grease removed in each cleaning. Such records shall be
538 kept on site and shall be made available to the Director upon
539 request.

540
541
542 **Sec. 28-79. Grease haulers.**

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

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

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

555
556 **Sec. 28-80. Modification and repair.**

557 (a) The Director may require existing food service establishments to modify or
558 repair any noncompliant grease control device and appurtenances within thirty (30)
559 calendar days of written notification by the Director. The Director may grant extensions
560 for good cause shown.

561 **Sec. 28-81. Violations and penalties.**

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

568 (b) Any person who, intentionally or otherwise, commits any of the acts
569 prohibited by this Division or who fails to perform any of the acts required by this
570 Division shall be liable to the City in an action at law for all costs of containment,
571 cleanup, abatement, removal and disposal of any substance unlawfully discharged into
572 the wastewater collection system, as well as the costs of any damages or regulatory
573 finances imposed upon the City, that are proximately caused by such violations. Such
574 costs shall be collectible by the City in accordance with the provisions of Sections 28-29
575 and 28-30.

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

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

583
584 **Sec. 28-82. Severability.**

585
586 The provisions of this Division shall be severable, it being the intention of the City
587 Council that in the event one (1) or more of the provisions of this Division are adjudged
588 to be invalid or unenforceable, the validity and enforceability of the remaining provisions
589 shall be unaffected by such adjudication.

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591
592 Adopted by the Council of the City of Virginia Beach, Virginia, on this 24th day of
593 February, 2009.