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Form and Correctness Approval

By [Signature]
Office of the City Attorney

Contents Approved

By [Signature]
DEPT UTILITIES

NORFOLK, VIRGINIA

ORDINANCE No. 44,838

R-2

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 39.1 OF THE NORFOLK CITY CODE, 1979, **SO AS TO** ADD NEW DEFINITIONS AND A NEW ARTICLE TO PROVIDE REGULATIONS FOR FATS, OILS AND GREASE (FOG) DISCHARGES FROM FOOD SERVICE ESTABLISHMENTS TO THE SEWER SYSTEM.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1.- That Chapter 39 1 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

ARTICLE I GENERAL PROVISIONS

Sec 39 1-1 Purpose.

The purpose of this chapter is to prevent the introduction of pollutants and wastes into the City's public sewerage system which will interfere with the operation of the system or contaminate the receiving waters or the atmosphere or otherwise be incompatible with the system

This chapter provides for the regulation of direct and indirect contributors to the City's public sewerage system and shall apply to the City of Norfolk and to persons outside the City who are, by contract or agreement with the City, users of the City's public sewerage system. Except as otherwise provided herein, the Department of Utilities of the City of Norfolk shall administer, implement, and enforce the provisions of this chapter.

Sec 39.1-2 Definitions.

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

- (a) Act shall mean the Federal Clean Water Act

(b) Approval authority means the Director of the Department of Utilities.

(c) BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C, expressed in milligrams per liter.

(d) Brown Grease shall mean floatable fats, oils, grease and settled solids produced during food preparation that are recovered from grease control devices.

(e) Categorical pretreatment standard or categorical standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(a) and 307(c) of the Act, which apply to specific categories of industrial users which appear in 40 CFR chapter I, subchapter N, parts 405--471.

(f) Day shall mean the twenty-four-hour period beginning at 12 01 a.m.

(g) Director shall mean the Director of the Department of Utilities or an authorized designee.

(h) Discharger shall mean person or persons, firm, company, industry or other similar sources of wastewater who introduce into the Publicly-Owned Treatment Works (POTW).

(i) EPA shall mean the United States Environmental Protection Agency.

(j) Fats, Oils, and Grease (FOG) shall mean 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 and/or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations at 40 CFR Part 136, as may be amended from time to time. FOG may be referred to herein as "grease" or "greases".

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

(l) Garbage shall mean the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving foods.

(m) Grease Control Device (GCD) shall mean a device used to collect, contain, or remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the City of Norfolk's sanitary sewer system by gravity. Devices include grease interceptors, grease traps, automatic grease removal devices or other devices approved by the Director.

(n) Grease Hauler shall mean a contractor who collects the contents of a grease control device and transports it to an approved recycling or disposal facility. A grease hauler may also provide other services related to grease control devices for a FSE, including but not limited to, transport of grease for renderization or for donation.

(o) Grease interceptor shall mean a structure or device, usually located underground and outside a Food Service Establishment, designed to collect, separate and contain food waste and grease while allowing the wastewater to be discharged to the City of Norfolk's sanitary sewer system by gravity

(p) Grease Removal Device shall mean 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.

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

(r) Hampton Roads Sanitation District (HRSD) means a political subdivision of the Commonwealth of Virginia for the specific purpose of water pollution abatement in Hampton Roads by providing a system of interceptor mains and wastewater treatment plants. The district's boundaries encompass the cities of Norfolk, Chesapeake, Portsmouth, Virginia Beach, Suffolk, Hampton, Newport News, Poquoson and Williamsburg, and the counties of Gloucester, Isle of Wight, James City, and York.

(s) Hazardous wastes shall mean types of waste that pose threats to human health or the environment, and which require special disposal techniques to make them harmless or less dangerous.

(t) Industrial user or significant discharger means a source or indirect discharge, or nondomestic discharge to a treatment works.

(u) Interference shall mean an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes which clearly causes, in whole or in part, a violation of any requirement of the POTW's VPDES permit, including those discharges that prevent the use of disposal of sludge by the POTW in accordance with any federal or state laws, regulations, permits or sludge management plans.

(v) Municipality shall mean a city, county, town, district association, authority or other public body created under the law and having jurisdiction over disposal of sewage, industrial, or other wastes.

(w) New source shall have the same meaning as provided in 40 CFR part 403.3(m) (2006).

(x) Person shall mean any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency or group.

(y) pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by Standard Methods.

(z) Pollutant shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radio active material, heat wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste, and certain characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

(aa) POTW, publicly owned treatment works shall mean any sewage treatment works that is owned by a state, regional authority, or municipality. Sewers, pipes, or other conveyances are included in this definition only if they convey wastewater to POTW providing treatment.

(bb) Premises means a building under one roof occupied as one residence or business, a combination of buildings in one common enclosure and occupied by one or more than one family or business or each division of a double or tenement house having a vertical partition or wall, a building of more than one apartment and having one or more entrances, or a building having a number of apartments or offices or both and having one or more entrances.

(cc) Pretreatment Standard means any regulation containing pollutant discharge limits as defined by the Hampton Roads Sanitation District regulations.

(dd) Public sewerage system means pipelines or conduits, pumping stations, force mains, and all other construction, devices, and appliances appurtenant thereto, used for transference of residential, commercial or industrial sewage or wastewater or other wastes to the Hampton Roads Sanitation District.

(ee) Public sewerage system user means any uses falling under classifications of residential, commercial and industrial use as defined by the Hampton Roads Sanitation District regulations.

(ff) Renderable FOG Container shall mean a closed, leak-proof container for the collection and storage of yellow grease.

(gg) Slug discharge shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standard in sections 39.1-4 and 39.1-23 or any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

(hh) Sewer Code Enforcement Official means the deputized special officer(s) who have the right to enter FSEs for the purpose of inspecting for compliance with the sewer ordinance.

(ii) State shall mean the Commonwealth of Virginia

(jj) Standard Methods shall mean the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

(kk) Storm sewer shall mean a sewer for conveying storm, surface, and other waters, which is not intended to be transported to a treatment works.

(ll) Surface water shall mean.

(i) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide,

(ii) All interstate waters, including interstate "wetlands",

(iii) All other waters, such as inter/intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(i) are or could be used by interstate or foreign travelers for recreational or other purposes;

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(iii) Which are used or could be used for industrial purposes by industries in interstate commerce.

(iv) All impoundments of waters otherwise defined as surface waters under this definition,

(v) Tributaries of waters identified in subsections (i) through (iii);

(vi) The territorial sea; and

(vii) "Wetlands" adjacent to waters other than waters that are themselves wetlands, identified in subsection (iii).

(mm) Treatment facility shall mean only those mechanical power-driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations, unit treatment processes).

(nn) Treatment works shall mean any devices and systems used for the storage, treatment, recycling and/or reclamation of sewage or liquid industrial waste, or other waste necessary to recycle or reuse water, including interception sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances, extensions, improvements, remodeling, additions, or alterations, and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment, or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.

(oo) VPDES shall mean Virginia Pollutant Discharge Elimination System permit program, as administered by the commonwealth.

(pp) Wastewater shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or storm water that may be present.

(qq) Yellow Grease shall mean 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. 39.1-3. Violations of chapter generally.

(a) Any person who violates this chapter, notwithstanding any other provision to the contrary, shall, upon conviction, be guilty of a class 1 misdemeanor. Each day's continuance of such violation shall constitute a separate offense. In addition to any penalty imposed for each violation, a judge hearing the case may direct the person responsible for the violation to correct such violation and each day's default in such correction shall constitute a violation of a separate offense under this section.

(b) Notwithstanding any other provision to the contrary, the discharging of sewage, industrial waste, or other waste into the City's public sewerage system, contrary to the provisions of this chapter, federal, state or Hampton Roads Sanitation District pretreatment requirements, or any order of the Director of Utilities, shall constitute a public nuisance. The City may commence an action for appropriate removal or legal and/or equitable relief to assure the abatement of such nuisance. Any such person shall furthermore be liable for all damage, removal, loss and expense suffered or incurred by the City as a result of such violation.

(c) Failure to install or maintain wastewater utilities as shown on an approved site plan where the wastewater utilities have been reviewed and approved by the Director as part of the site plan review process pursuant to the zoning ordinance shall be a violation of this chapter. Each day of violation shall constitute a separate offense.

(d) Any City law enforcement officer, duly designated sworn special police officer, the director of utilities, the director of public health or his designee, or the fire marshal or any of his assistants, is authorized and shall have authority to enforce all provisions of this chapter.

Sec. 39.1-4. Unlawful sewer deposits generally.

(a) It shall be unlawful for any person to place or deposit any article or substance in a plumbing system that impedes or interferes with the free flow of sewage and other wastes.

(b) No discharge of any nature shall be made into the public sewerage system except through authorized connections as set forth herein or by special permit from the Department of Utilities.

(c) It shall be unlawful under state and federal law to discharge without a VPDES permit to any natural outlet within the City or in any area under its jurisdiction. Wastewater discharges to the City's public sewage system are not authorized unless permitted by the Director of Utilities in accordance with the provisions of this chapter.

(d) Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(e) All discharges of storm water, surface water, groundwater, roof runoff, subsurface drainage, or other waters shall be made to storm sewers or natural outlets designed for such discharges. Any connection, drain, or arrangement which will permit any such waters to enter the sanitary sewer shall be deemed to be a violation of this section and this chapter.

ARTICLE II. MANDATORY SEWER CONNECTIONS

Sec. 39.1-5. Mandatory sewer connections

(a) The owner of any premises or other building in which human beings live or congregate shall, when a public sewerage system is made available by the City, connect such premises or building with such public sewer line, within five (5) years after such line becomes available; provided, however, that the Director of Health may require connection within sixty (60) days if, in his opinion, a health hazard exists. The date of availability shall be that on which notice is given by publication or by mailing or delivering notice to the affected property owner that public sewers are accessible within two hundred (200) feet of the property line.

(b) If, within the five (5) years after notification to connect to the public sewerage system, the property owner sells the property, an escrow account shall be established by the seller, in an amount

as determined by the Director in accordance with section 39 1-7, for the connection of the property to the public sanitary sewer within sixty (60) days of the transfer of the property.

(c) After connection to the public sewerage system as required by this section, it shall be unlawful, unless permitted by the state or other appropriate regulatory agency, for any person to empty any sewage or residential, commercial or industrial waste into any well, septic tank, open stream or waterway, upon any other land or water or into any noncertified sewer service at any time.

(d) It shall be unlawful for any person to occupy, lease or rent any premises, unless the same is connected to the public sewerage system, if such connection is required by this section.

Sec. 39.1-6. Sewer connections outside city limits.

The Director is hereby authorized, in his discretion, to permit premises or buildings located outside of and adjacent to the City limits to connect directly with the public sewerage system of the City, subject to the following provisions.

(1) That sewer service is not available from the adjacent locality and that the locality's Director of Utilities, or his designee, petition the Norfolk Department of Utilities to allow said premises to be connected to the Norfolk Public Sewerage System;

(2) That the existing Norfolk Public Sewerage Service to which such connection is proposed is of ample capacity to meet the present and future needs therefore;

(3) That such connection shall be made at no cost to the City of Norfolk and in a manner approved by the Norfolk Director of Utilities;

(4) That, for each single-family dwelling connected directly with the public sewerage system, the owner shall pay the City of Norfolk in advance the usual tap fee required, and will pay an assessed sewer maintenance fee the same as that fee charged to residents of Norfolk;

(5) That, in the event the aforesaid sums are not paid for any premises when and as due, or in the event the Norfolk Director of

Utilities deems it necessary to protect the interests of the City, he shall have the right to disconnect such premises from the City sewer system if fees are not paid as prescribed by section 46-77 of the City Code; and

(6) All discharges by such customers not residing in Norfolk shall be made in compliance with HRSD requirements and the requirements of this chapter.

ARTICLE III. RATES, CHARGES AND FEES

Sec 39 1-7. Sewer connection charges.

(a) The following charges shall be made for sewer connections, from the main line to the customer's cleanout at the property line:

(1) For reconnection to a sewer service in existence and which is serviceable as determined by the Director and previously in use the charge shall be two hundred fifty dollars (\$250.00);

(2) For connection to a sewer service in existence but not previously in use at the time of adoption of this chapter and determined serviceable by the Director, the charge shall be two hundred fifty dollars (\$250.00);

(3) For a sewer installed by a developer after the adoption of this chapter, the connection charge shall be two hundred fifty dollars (\$250.00),

(4) Where there is no existing sewer service connection or where any existing connection is found to be unusable, the sewer service connection charge shall be the actual cost of the connection; and

(5) For assessment connections to sewer service, the charge shall be one-half of the actual cost of construction of the gravity sewer system divided by the number of platted lots at the time of construction.

(b) Prior to the installation of any new sewer service connection, or connection to an existing sewer service, the costs as defined in subsection (a)(1) through (4) above shall be deposited with the Department of Utilities. No sewer connections shall be

made until all utilities charges and HRSD fees are paid, and the work is authorized by the Department of Utilities.

Sec. 39.1-8. Fees for maintenance of city sewers--Established.

(a) The fee for maintenance of city sewers, which shall also be known as the charge for wastewater, shall be two dollars seventy-eight cents (\$2.78) per one hundred (100) cubic feet for all water consumption during the period from July 1, 2007, through June 30, 2008, with annual increases of four (4) percent over the previous year's wastewater rate beginning July 1, 2007, and each July 1 thereafter, until amended.

(b) The basis for measurement shall be a sewer effluent meter, if available; if not available, the City water consumption shall be the basis for measurement.

(c) The basis for measurement for residential dwelling units that do not have a sewer effluent meter or a city water meter but who are serviced by city sewers will be a flat monthly fee equal to the annual wastewater rate multiplied by household consumption of six hundred (600) cubic feet. Each account shall also pay published service charges and utility taxes.

Sec. 39.1-9. Collection of rates, charges and fees.

The fee for sewer maintenance shall be placed on the public service bill. If the monies received in payment of the public service bill are not sufficient to cover that bill in total then service may be terminated upon delinquency.

Sec. 39.1-10. Responsibility for payment.

Payment of the fees for the maintenance of the City's public sewerage system shall be the responsibility of the person responsible for the water account.

Sec. 39.1-11. Billing.

(a) The Director is hereby authorized to bill each customer for charges due the City under this article. Charges provided for by

this article to customers receiving water service from the City will be included in the public service bill.

(b) The Director shall mail or deliver all bills for charges prescribed by this article, but failure to receive such bills shall not prevent the discontinuation of service if the amount due is not paid within the time limits set forth in this article.

Sec. 39.1-12. When due and payable; notice of delinquency.

All bills for charges prescribed by this article shall be due and payable in accordance with the provisions of section 46.1-37 of the City Code and shall be deemed delinquent when not paid by the prescribed due date

Sec 39 1-13. Discontinuing service for failure to pay.

(a) If, within two (2) months of the due date of a bill, all fees, charges and interest are not paid in accordance with this article of the City Code, the water supply to the premises, if furnished by the City, and/or the sewer service to the premises shall be disconnected. Such unpaid fees and charges and the penalty and interest thereon shall constitute a lien against the property, ranking on par with liens for unpaid taxes. If service is disconnected, arrearages, the cost of disconnection, all costs incurred in collecting the delinquent bill and a reconnection fee shall be paid prior to reestablishment of service.

(b) In the case of a premises outside the City of Norfolk connected to the Norfolk Public Sewerage System but not supplied water by Norfolk, if within two (2) months of the due date of a bill all fees, charges and interest are not paid in accordance with this article of the City Code, the sewer service to the premises shall be disconnected. If sewer service is so disconnected, arrearages, all costs incurred in collecting the delinquent bill and a reconnection fee shall be paid prior to reestablishment of service.

Sec. 39.1-14. Additional fees and charges; fees for removal of obstructions.

If the drainage or discharge from any establishment or premises causes a deposit, obstruction, or damage to any of the City's public sewerage system facilities, which includes but is not limited to manholes, sewer lines and pump stations, and the surfaces including streets and rights-of-way above, below and around such facilities, the Director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost of such work, including materials, labor, overhead and supervision, whether such work is performed by the City or by an outside contractor, shall be paid by such person causing or contributing to such deposit, obstruction, or damage, or by the owner of the premises which causes such deposit, obstruction, or damage. Payment of such cost does not relieve that person from criminal prosecution or other liability that may be imposed by this chapter or other applicable law.

ARTICLE IV. CONDITIONS OF USE OF THE PUBLIC SEWERAGE SYSTEM

Sec. 39.1-15. Application for sewer connections.

Whenever a service connection with the City's public sewerage system is required, the owner, tenant or agent of the property to be connected with such system shall be required to make application on forms provided by the Department of Utilities before such service connection is made. The owner, tenant or agent must provide the location and character of the premises for which the service is to be rendered.

Sec. 39.1-16. Service agreement.

(a) Whenever public sewerage service is required or requested, an application must be submitted for service with the Department of Utilities which shall set forth the service and billing address.

(b) The owner of unimproved property who elected to pay the connection fees as set forth in section 39.1-7(a) shall be required to pay the minimum fees as set forth in section 39.1-8, as long as the property remains unimproved.

Sec. 39.1-17. Inspections and repairs.

(a) The Director, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purposes of inspection, observation, measurement and sampling and/or copying records of the wastewater discharge to ensure that discharge to the City's public sewerage system is in accordance with the provisions of this chapter.

(b) While performing the necessary work on private properties referred to in subsection (a) above, the Director shall observe all city safety rules and special safety requirements as established by the owner or occupant of the property and applicable to the premises.

Sec. 39.1-18. Sewer cleanout requirements.

(a) For each connection with the City's public sewerage lines, there will be a sewer cleanout required. Sewer cleanouts are to be installed by persons with an authorized plumbing permit issued by the City's Code Official. In the judgment of the Director, multiple connections may be allowed for a premises. No sewer service shall be allowed to serve more than one platted parcel of property.

(b) The location of cleanouts shall be installed and maintained at grade and shall be in front of the premises to be served, at the property line, unless the premises is bordered by City public sewerage lines other than in front of the lot or premises in which case the location shall be determined by the Director.

(c) Whenever a building or premises is demolished, torn down or removed, the owner of the building or premises, at his expense, shall be required to obtain a demolition permit. The owner is responsible for all permits, capping and required inspection, by the City's Code Official, of the sanitary sewer lateral at the property line.

(d) It shall be the responsibility of the property owner to install and maintain said cleanout.

Sec. 39.1-19. Restriction on interconnection with city's utility systems; cross connection prohibited.

(a) It shall be unlawful for any opening to be left in a private sanitary sewer, or for any connection to be made with such sewer, whereby rainwater can enter, either from the building or the premises. All discharges of storm water, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in a treatment facility shall be made to storm sewers or natural outlets designed for such discharges. Any connection, drain or arrangement which will permit any such waters to enter the public sewerage system shall be deemed to be a violation of this article. Connection between water-to-air heat pumps and sanitary sewer lines is prohibited.

(b) It shall be unlawful for any person to connect any privy or flush toilet with any storm water drainpipes, or to cause or permit any excrementitious matter to flow therein.

(c) The provisions of this section shall be administered and enforced by the City's Code Official

Sec. 39.1-20. Authorized work related to service connections.

No person, except those duly authorized by the Department of Utilities, shall make any connection with any sanitary sewer lines. Those extending an existing sewer service to a premises shall obtain a plumbing permit from the City's Code Official.

Sec. 39.1-21. Protection of city's utilities.

(a) It shall be unlawful for any person in any manner to damage or obstruct or interfere with the operation of any part of the City's water or public sewerage system including any pipes, pumping station, apparatus, tools or fixtures. Only a representative of the Department of Utilities shall operate any valves connected with its sewer systems.

(b) If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the City's sewerage facilities, the Director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision shall be borne by the person causing such deposit, obstruction, or damage.

(c) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the City's public sewerage system.

Sec. 39.1-22. Liability of city for restricting water and sewer service.

The City shall not be liable for any damage resulting from the bursting of any water main, service pipe or cock, from the cutting off of water for repairs, extensions or connections, or from the accidental failure of the water supply from any cause whatsoever. Neither shall the City be liable for any damage resulting from the restriction of sewage flows due to sewer stoppage or any other failure of the system components such as pumping stations, manholes or collection lines. In cases of emergency, the City shall have the right to restrict the use of public sewerage facilities in any reasonable manner for the protection of the citizenry, water supply and utility systems.

Sec. 39.1-23. Restricted discharges.

(a) No person shall discharge or cause to be discharged to any city's public sewerage system substances subject to an applicable categorical pretreatment standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards. Compliance with such applicable pretreatment standards shall be within three (3) years of the date the standard is promulgated, provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon commencement of discharge to the public sewage system.

(b) No person shall discharge trucked hazardous wastes to the City's public sewage system.

(c) No person shall discharge or cause to be discharged to any of the City's public sewerage system any substances, materials, waters or wastes in such quantities or concentrations contrary to the regulations of the Hampton Roads Sanitation District which do or are likely to:

(i) Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other

flammable or explosive liquid, solid, or gas; waste stream with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using test methods specified in 40 CFR 261.21,

(ii) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, having a PH lower than 5.0 or greater than 11.0;

(iii) Cause obstruction to the flow in sewers, or other interference with the operation of treatment facilities due to accumulation of solid or viscous materials;

(iv) Constitute a rate of discharge or substantial deviation from normal rates of discharge, ("slug discharge"), sufficient to cause interference in the operation and performance of the public sewerage system and/or treatment facilities;

(v) Contain heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the public sewerage system and/or treatment works or inhibit biological activity in the treatment facilities, but in no case shall the discharge of heat cause the temperature in the City's wastewater sewer to exceed sixty-five (65) degrees C (one hundred fifty (150) degrees F) or the temperature of the influent to the treatment facilities to exceed forty (40) degrees C (one hundred four (104) degrees F) unless the facilities can accommodate such heat and the City has obtained prior approval from the Hampton Roads Sanitation District;

(vi) Contain more than one hundred (100) milligrams per liter of non-biodegradable oils of mineral or petroleum origin;

(vii) Contains oils, fat, or grease;

(viii) Contain noxious gases, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human or safety problems;

(ix) Contain radioactive wastes in harmful quantities as defined by applicable state and federal regulations;

(x) Contain any garbage that has not been properly shredded to pass through a 3/8 inch screen or sieve;

(xi) Contain any odor- or color-producing substances exceeding concentration limits which may be established by the Director of Utilities.

(xii) Contain petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(xiii) Contain any trucked or hauled pollutants except at designated discharge points;

(d) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to this chapter, the Director of Utilities establishes concentration limits to be met by a user, the Director of Utilities in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user. Upon approval by the state, such limits should become pretreatment standards.

Sec 39.1-24. Industrial discharges.

(a) The Department of Utilities shall approve the amount of discharge allowable by industrial users by issuance of a permit. The discharge shall also meet the requirements of the Hampton Roads Sanitation District industrial discharge regulations

(b) The Industrial discharger shall submit a spill prevention plan to the Department of Utilities to prevent or mitigate spills or overflows caused by an industrial discharge. The spill prevention plan shall contain the following items:

(i) Measurement of pollutants in the waste stream,

(ii) Standard operating procedure to prevent an industrial spill, slug discharge, or overflow,

(iii) Standard operating procedure to respond to an industrial spill, slug discharge, or overflow,

(iv) Twenty-four-hour, three-hundred-sixty-five-day-a-year responder contact and number, and

(v) Listing of equipment or contractors who will respond to a spill, slug discharge, or overflow.

(c) All compliance reports, testing and schedules furnished in accordance with the Hampton Roads Sanitation District industrial discharge regulations shall also be provided to the Department of Utilities for review.

(d) The Department of Utilities reserves the right to fine, restrict, condition, or deny industrial discharges if the discharger is found not to be in compliance with the requirements of the HRSD industrial discharge regulations.

(e) The Department of Utilities reserves the right to sample any industrial discharges and shall be permitted on the industrial users' property for the purpose of taking industrial waste samples

(f) Pretreatment of industrial wastes shall be as required by the HRSD industrial discharge regulations and any further requirements as determined by the Department of Utilities to control fats, oils and grease.

Sec. 39.1-25. Violations of industrial discharges.

Violators of section 39.1-24 shall be subject to penalties as outlined in section 39.1-3 including termination of water and wastewater services.

Section 2:- That Chapter 39.1 of the Norfolk City Code, 1979, is hereby amended and reordained by adding one new Chapter numbered and reading as follows:

ARTICLE V. FATS, OILS, AND GREASE (FOG),
FOG MANAGEMENT PROGRAM

Sec. 39.1-26. Purpose

The purpose of this article is to aid in preventing the introduction and accumulation of fats, oils, and grease into the City's sanitary sewer system that may contribute to sanitary sewer blockages and obstructions. Food service establishments, grease haulers and other industrial or commercial establishments generating or collecting wastewater containing fats, oils, and grease are subject to this chapter. This article regulates such users by requiring that grease control devices and other approved strategies be installed, implemented and maintained in accordance with the provisions of this article and other applicable requirements of the City of Norfolk.

Sec. 39.1-27. Application

The FOG management program shall apply to all food service establishments within the City of Norfolk and to all grease haulers providing services to any such food service establishment.

Sec. 39.1-28. FOG Discharge Limitations

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

Sec. 39.1-29. Grease Control Devices

Except as provided in Section 39.1-30 through 39.1-32 of this chapter, food service establishments shall be required to install, operate and maintain all grease control devices in compliance with this article, Virginia Uniform Statewide Building Code or its successors, and the Norfolk Technical Standards for Sizing of Grease Control Devices. Grease control devices shall be installed and registered prior to the issuance of a certificate of occupancy.

Sec. 39.1-30 Existing Establishments

Existing Food Service Establishments in operation as of the effective date of this article shall be allowed to operate and maintain their existing grease control devices, provided such grease control devices are in proper operating condition and not found to be contributing FOG. If its grease control device is determined to be contributing FOG into the sanitary sewer system, the offending food service establishment shall comply with the requirements of Section 39.1-29 of this article.

Sec. 39.1-31. Retrofitting

Existing food service establishment may be required to install or upgrade a grease control device if such food service establishment is contributing FOG to the sanitary sewer system, as determined by the City of Norfolk and/or the Hampton Roads Sanitation District. The installation or upgrade of grease control devices shall meet the requirements of Section 39.1-29 of this article. Such devices shall be registered with the municipality within 30 days of installation.

Sec 39.1-32. Installation of Grease Control Devices

Grease control devices shall be installed by a plumber licensed in the Commonwealth of Virginia. Prior to installation of grease control devices a permit is required to be obtained in accordance with the Virginia Uniform Statewide Building Code or its successor and the Norfolk Technical Standards for Sizing of Grease Control Devices. 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.

Sec. 39.1-33. Registration, Waste Manifest, Requirements and Notification

(a) All food service establishments shall be required to complete the grease control device registration form. Registrations shall be on forms provided by the Department of Utilities to ensure that such devices are properly sized and maintained, as well as to facilitate inspection in accordance with the requirements established herein.

(b) Existing food services establishments shall complete the grease control device registration form within ninety (90) days of the

adoption of this chapter. New establishments shall register when setting up their water and sewer service or prior to obtaining a certificate of occupancy.

(c) All grease haulers, owners, or employees servicing grease control devices for food services establishments within the City of Norfolk shall be required to obtain a certification to service grease control devices from the Hampton Roads FOG regionally-approved training program provided by the Hampton Roads Planning District Commission (HRPDC).

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

(e) Food service establishments shall have a current employee/staff/volunteer that has successfully completed the Hampton Roads FOG regionally-approved Best Management Practices training program provided by the Hampton Roads Planning District Commission.

(f) All food service establishments shall be required to maintain on site and make available for copying all waste manifests associated with the disposal of grease to the Department of Utilities. These records shall remain available for a period of at least three (3) years

(g) Grease haulers shall retain and make available for inspection and copying, all records related to grease interceptor pumping and waste disposal from businesses located in the City of Norfolk wastewater service area. Records shall include waste manifests that, at a minimum, include time, date and volume of waste removed from the device and the time, date, volume and destination of the waste disposed. These records shall remain available for a period of at least three (3) years.

(h) All grease haulers shall notify the City of Norfolk within twenty-four (24) hours of any incident, within the limits of the City of

Norfolk, required to be reported to the Virginia Department of Environmental Quality.

Sec. 39.1-34. Maintenance of Grease Control Devices

(a) All grease control devices shall be maintained at the owner's expense. 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 of Norfolk or Hampton Roads Sanitation District's sanitary sewer system is prohibited.

(b) Grease interceptors shall be pumped out completely when the total accumulation of FOG, 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. 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.

(c) Grease traps and grease removal devices shall be opened, inspected and completely cleaned of food solids and FOG a minimum of once per week, unless allowed by the Director for good cause shown. 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. In no event shall the content of food solids and FOG exceed twenty-five percent (25%) of the overall liquid depth of the device.

(d) The Director of Utilities 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 sanitary sewer system.

(e) The use of additives by food service establishment 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 chapter.

Sec. 39.1-35 Inspection of Grease Control Devices

The Director shall have the right of entry into any food service establishment for the purpose of making inspections, observation, measurements, sampling, testing or records review of the sanitary sewer system and grease control devices installed in such building or premise to ensure that the food service establishment is in compliance with this Article. The owner or occupant may accompany the Director. Operational changes, maintenance and repairs required by the Director shall be implemented as noted in the written notice received by the food service establishment.

Sec. 39.1-36 Recordkeeping

(a) Food service establishments shall retain and make available for inspection and copying records of all cleaning, maintenance and disposal (waste manifests) 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, the volume of waste removed in each cleaning, the transporter and the disposal site. Such records shall be kept on site and shall be made immediately available to the sewer code enforcement official of the Department of Utilities upon request. This includes grease that is donated, sent for recycling or any other form of disposal.

(b) 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 immediately available to the sewer code enforcement official. This includes grease that is donated, sent for recycling or any other form of disposal.

Sec 39 1-37 FOG Program Compliance

Compliance with the requirements of the FOG program is mandatory for all food service establishments within the City of Norfolk and may require existing food service establishments to modify or repair any noncompliant grease control device and appurtenances as noted in the written notice received by the food service establishment

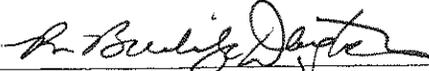
Sec 39 1-38 Fees

Fees provided for in this Article are separate and distinct from all other fees chargeable by the City of Norfolk. There will be no initial inspection fee Re-inspection fees shall be established by the city manager and revised from time to time upon recommendation by the director of utilities. The current fees shall be made available upon request from the Department of Utilities. Such fees shall be due upon invoice by the City of Norfolk and payable to the city treasurer

Section 3 - That this ordinance shall be in effect from and after its date of adoption

Adopted by Council September 11, 2012
Effective September 11, 2012

TRUE COPY
TESTE:



R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK