

ORDINANCE NO. 5304

AN ORDINANCE to amend Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended by adding new Division 4 (FATS, OILS, AND GREASE (FOG), FOG MANAGEMENT PROGRAM).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 6 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Division 4 as follows:

Division 4 - FATS, OILS, AND GREASE (FOG), FOG MANAGEMENT PROGRAM

Sec. 5-6-226 - Purpose.

The purpose of this division is to aid in preventing the introduction and accumulation of fats, oils and grease into the City's sanitary sewer collection system that may cause or contribute to sanitary sewer blockages, obstructions, and sanitary sewer overflows. All new and existing food service establishments and other industrial or commercial establishments generating wastewater containing fats, oils, and grease are subject to this section.

Sec. 5-6-227 - Application.

The FOG management program shall apply to all new and existing food service establishments and other industrial or commercial establishments generating wastewater containing fats, oils, and grease within the City of Alexandria.

Sec. 5-6-228 - Definitions.

(a) *Fats, oils, and grease (FOG)* shall mean any 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, cooking oil, shortening, fat from meats, dairy products, oily sauces, and any organic polar compounds derived from animal and/or plant sources that contain multiple carbon triglyceride molecules. FOG may be referred to herein as "grease" or "greases".

(b) *Food service establishments (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, hotels, cafeterias, prisons or jails, care institutions, hospitals, schools, and churches.

(c) *FOG Best management practices (BMPs)* shall mean a collection of industry accepted practices for handling and disposing of FOG laden wastewaters. Examples include, but are not limited to: prohibiting pouring or scraping FOG wastes down the drain; wiping grease out of

pots, pans and plates prior to washing; posting “No Grease” signs; retaining operation and maintenance records; and related training of kitchen staff.

(d) *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 sanitary sewer collection system. Devices include, but are not limited to grease interceptors, grease traps, grease recovery devices, and other devices approved by the Director ~~automatic grease removal devices.~~

(e) Grease interceptor shall mean a structure or device, usually located underground and outside of a food service establishment, designed to collect, contain, and remove FOG from the wastewater while allowing the remaining wastewater to be discharged to the City’s sanitary sewer collection system by gravity.

(f) Grease recovery device shall mean an active, automatic device that separates and removes FOG from the wastewater and cleans itself of accumulated FOG at least once every twenty-four (24) hours.

(g) Grease trap shall mean a device, typically located indoors and under the sink, designed for separating and retaining FOG prior to the wastewater exiting the trap and entering the City’s sanitary sewer collection system. Such devices are typically passive and compact with removable baffles.

(h) ~~(e)~~ Director shall mean director of the department of transportation and environmental services or an authorized designee.

(i) ~~(f)~~ City’s sanitary sewer collection system shall mean the sanitary sewers owned, maintained, and operated by the City of Alexandria.

Sec. 5-6-229 - FOG discharge limitations.

No person shall discharge or cause to be discharged from any food service establishment any wastewater with FOG unless it employs a passive or active system as proscribed in this division.

Under no circumstances shall any food service establishment use the City’s sanitary sewer collection system for disposal of FOG, including, but not limited to, discharging undiluted FOG or FOG that is not contained in wastewater into the City’s sanitary sewer collection system.

Sec. 5-6-229.1- Passive system requirements.

(a) Grease traps. A grease trap shall be sized and engineered based upon the anticipated load and/or conditions of actual use and must be approved by an official designated by the City. A grease trap shall receive grease laden waste discharge from major point sources. A floor drain shall not be considered a major point source.

~~The size, type, and location of each grease trap must be approved by an official designated by the city. Grease traps of pre-cast or poured in-place concrete shall be constructed of sound durable material, not be subjected to excessive corrosion or decay, and shall be water and gas tight.~~

(b) *Grease interceptor.* The size, type, and location of each grease interceptor must be approved by an official designated by the City. Grease interceptors of pre-cast or poured in-place concrete shall be constructed of sound durable material, not be subjected to excessive corrosion or decay, and shall be water and gas tight.

~~A grease interceptor shall be sized and engineered based upon the anticipated load and/or conditions of actual use and must be approved by an official designated by the city. A grease interceptor shall receive grease laden waste discharge from major point sources. A floor drain shall not be considered a major point source.~~

Sec. 5-6-229.2 - Active system requirements.

(a) *Grease recovery devices.* Grease recovery devices shall be permitted in lieu of grease interceptors or grease traps as approved by an official designated by the City and in accordance with the following requirements:

(1) *Location.* Grease recovery devices shall receive all grease laden waste discharge from the major point sources. A floor drain shall not be considered a major point source.

(2) *Sizing.* Grease recovery devices shall be sized based upon the anticipated load and/or conditions of actual use.

Sec. 5-6-229.3- Installation of Active and Passive systems

Food service establishments shall be required to install, operate, and maintain all active or passive systems in compliance with this division and the Virginia Plumbing Code or its successors, if applicable, and any other applicable laws. Grease control devices shall be installed prior to the issuance of a certificate of occupancy.

Active and passive systems shall be installed by a plumber licensed in the Commonwealth of Virginia. Prior to installation of grease control devices, any permits required to be obtained in accordance with the Virginia Plumbing Code or its successor must be secured. All systems 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.

Under no circumstances shall wastewater containing FOG be directly discharged into the City's sanitary sewer collection system in a manner that circumvents an installed active or passive system.

Sec. 5-6-229.4- Existing establishments.

Existing food service establishments in operation as of the effective date of this division 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 inadequately sized or maintained and is contributing FOG into the City's sanitary sewer collection system, the offending food service establishment shall comply with the requirements of this division.

Sec. 5-6-229.5- Retrofitting and renovations by existing establishments.

- (a) Existing food service establishments may be required to install or upgrade their active or passive system in accordance with this division if such food service establishment is contributing FOG to the sanitary sewer system, as determined by the City of Alexandria.
- (b) Food service establishments that are renovated or expanded shall, if required by the Virginia Plumbing Code, install new grease control devices meeting the requirements of such Code.

Sec. 5-6-229.6 - Maintenance of active and passive systems.

- (a) All systems 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 Alexandria sanitary sewer collection system is prohibited.
- (b) Grease interceptors shall be pumped out completely when the total accumulation of FOG, including floating solids and settled solids, exceeds twenty-five percent (25%) of the overall liquid volume. At no time shall a grease control device be cleaned less frequently than once every 3 months unless allowed by the director for good cause shown. Approval may be granted at the director's discretion on a case-by-case basis upon submittal of a request by the food service establishments, documenting reasons for the proposed frequency variance. The director shall not approve any request unless the applicant demonstrates that the frequency will not result in the introduction of any greater quantities of FOG into the City's sanitary sewer collection system than would otherwise be introduced.
- (c) All other grease control devices ~~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 may be granted at the director's discretion on a case-by-case basis upon submittal of a request by the food service establishments documenting reasons for the proposed frequency variance. The director shall not approve any request unless the applicant demonstrates that the frequency will not result in the introduction of any greater quantities of FOG into the City's sanitary sewer collection system than would otherwise be introduced. 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 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 collection system.
- (e) The use of additives 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 section.

(f) No materials removed from grease control devices shall be returned into any portion of the City's sanitary sewer collection system.

Sec. 5-6-229.7 - Record Keeping

Food service establishments shall retain and make available for inspection, records of all cleaning, maintenance, and disposal (waste manifests) for the previous 18 months for all grease control devices. Cleaning and maintenance records shall include, at a minimum, the dates of cleaning or maintenance, the names and business address of the company or person performing each cleaning or 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 director or his or her designee. This includes grease that is donated, sent for recycling, or any other form of disposal

Sec. 5-6-229.8 - Inspection of grease control devices.

The director, or his or her designee, shall have the right of entry into any food service establishments for the purpose of making inspections, observation, measurements, sampling, testing or records review of the sanitary sewer collection system and active or passive systems installed in such building or premise to ensure that the food service establishment is in compliance with this division. The owner or occupant may accompany the director or his or her designee. Operational changes, maintenance, and repairs required by the director shall be implemented as noted in the written notice received by the food service establishments.

Sec. 5-6-229.9~~10~~ - FOG program compliance.

Compliance with the requirements of the FOG program is mandatory for all food service establishments within the City of Alexandria and may require existing food service establishments to modify or repair any noncompliant active or passive systems and appurtenances as noted in the written notice received by the food service establishments.

If a food service establishment receives written notice requiring installation of an active or passive system, the food service establishment shall install such necessary grease interceptors within 120 days of receipt of the written notification or grease traps within 90 days of receipt of written notification.

Sec. 5-6-229.10~~11~~ - Penalties

(a) It shall be unlawful for any food service establishment to fail to comply with any provision of this division that applies to it. The owner of any such food service establishment that fails to comply with any applicable provision shall be in violation of this division.

(b) Violations of this division shall be addressed, and penalties shall be issued in accordance with City Code 1-1-11. For each violation, the owner shall be liable for a class four civil violation.

(c) Each day that a violation exists or persists shall constitute a separate violation of this chapter.

(d) The remedies provided in this section are cumulative and not exclusive. The designation of a violation of this chapter as a civil violation shall not be construed as prohibiting initiation of

appropriate administrative or civil procedures pursuant to city, state, or federal law to prevent, correct, restrain, or abate violations of the chapter, including injunctive relief.

Section 2. That Chapter 6 of Title 5 is amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 3. That this ordinance shall become effective July 1, 2021. ~~upon the date and at the time of its final passage.~~

JUSTIN M. WILSON
Mayor

Introduction: October 6, 2020
First Reading: October 6, 2020
Publication:
Public Hearing: October 17, 202
Second Reading: October 27, 2020
Final Passage: October 27, 2020