

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY REENACTING PART NINE – STREETS, UTILITIES, AND PUBLIC SERVICE CODE - ARTICLE 928, ENTITLED FATS, OILS, AND GREASE (FOG) CONTROL PROGRAM.

ARTICLE 928
Fats, Oils, and Grease (FOG) Control Program

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928.01 GENERAL PROVISIONS.

This article establishes the City of Wheeling’s Fats, Oils, and Grease (FOG) Control Program and shall apply to all Food Service Establishments (FSE’s) and commercial facilities within the city’s jurisdiction and to all users, and entities outside of the city’s jurisdiction who are, by permit, contract, or agreement with the city, users of the city’s Publicly Owned Treatment Works (POTW). This article authorizes the issuance of FSE FOG Wastewater Discharge permits and Grease Waste Hauler permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

- (a) **Background.** Wastewater, laden with FOG discharged from FSE’s, commercial facilities, and residential users interfere with the operation of the POTW by causing buildup. This buildup decreases line sizes, restricts flow, plugs sewer lines and lift stations, and has caused and continues to cause unpermitted Combined Sewer and Sanitary Sewer Overflows.
- (b) **Purpose and Policy.** This article sets forth the city’s requirements to aid in the prevention of sewer blockages, obstructions, and overflows due to the contribution and accumulation of FOG into the city’s POTW from commercial, industrial, and institutional food service establishments. This article will aid in the city’s ability to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code

subsection 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this article are:

- (1) To limit the introduction of wastewater containing FOG in amounts which may cause blockages or obstruction of flow, or in any other way prevent or inhibit operation of the POTW, which includes the Combined Sewer System (CSS) and Wastewater Treatment Plant (WWTP).
 - (2) To limit the buildup of FOG in the collection system.
 - (3) To protect the water quality of streams, creeks, and rivers.
 - (4) To limit and prevent any unpermitted Combined Sewer Overflow or Sanitary Sewer Overflow event.
 - (5) To enable the city to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, and any other State or Federal laws to which the POTW is subject.
 - (6) To protect the environment and the health, safety, and welfare of the public by regulating the pretreatment, transport, and disposal of liquid wastes.
- (c) Administration. Except as otherwise provided herein, the Superintendent shall designate the FOG Control Program Coordinator to administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the FOG Control Program Coordinator are delegated by the Superintendent.
- (d) City's Right of Revision. The city reserves the right to establish by ordinance, individual permits, or Best Management Practices (BMP's), more stringent standards or requirements on equipment and practices required to pretreat discharges to the POTW.

(e) Abbreviations and Acronyms.

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| (1) BMP | Best Management Practice |
| (2) BOD | Biological Oxygen Demand |
| (3) CFR | Code of Federal Regulations |
| (4) CSO | Combined Sewer Overflow |
| (5) CSS | Combined Sewer System |
| (6) DEP | West Virginia Department of Environmental Protection |
| (7) EPA | United States Environmental Protection Agency |
| (8) FOG | Fats, Oils and Grease |
| (9) FSE | Food Service Establishment |
| (10) GCE | Grease Control Equipment |
| (11) GGI | Gravity Grease Interceptor |
| (12) gpd | Gallons per day |
| (13) gpm | Gallons per minute |
| (14) GRD | Grease Removal Device |
| (15) HGI | Hydromechanical Grease Interceptor |
| (16) mg/L | Milligrams per liter |
| (17) NAICS | North American Industry Classification System |
| (18) NOV | Notice of Violation |
| (19) NPDES | National Pollutant Discharge Elimination System |
| (20) PDI | Plumbing and Drainage Institute |
| (21) POTW | Publicly Owned Treatment Works |
| (22) SIC | Standard Industrial Classification |
| (23) SNC | Significant Noncompliance |
| (24) SSO | Sanitary Sewer Overflow |
| (25) TSS | Total Suspended Solids |
| (26) U.S.C. | United States Code |
| (27) WPCD | Water Pollution Control Division |
| (28) WWTP | Wastewater Treatment Plant |

(f) Definitions.

- (1) Act or the Act: The Federal Water Pollution Control Act, also known as the Clean Water Act (33 United States Code subsection 1251 et seq.)

- (2) Additives: Enzymes, bacteria, chemicals, and/or other products designed to emulsify FOG and/or biologically treat FOG for grease remediation.
- (3) Appurtenance: A manufactured device, or a prefabricated assembly, or an on-the-job assembly of component parts, and which is an adjunct to the basic piping system and plumbing fixtures.
- (4) Authorized representative of the FSE or Facility: Must be designated in writing by the owner and shall authorize a specific individual or position responsible for the overall operation of the facility from which the discharge originates. The written authorization is part of the "FOG Inquiry form" submitted to the city. If the user is a Federal, State, or local government facility the Authorized representative must be director or the highest official appointed or designated to oversee the operation and performance of activities of the facility, or their designee.
- (5) Best Management Practice (BMP): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in this article and 40 CFR 403. BMPs include requirements, operating procedures, and practices to control the introduction of FOG laden material into the POTW, prevent spillage or leaks from storage containers, and sludge or waste disposal.
- (6) Biological Oxygen Demand (BOD): The quantity of oxygen utilized in the oxidation of organic matter under standard laboratory procedures for five (5) days, expressed as a concentration in mg/l.
- (7) Brown Grease: Spent fats, oils and greases retained by food service GCE and generated from the cleaning of equipment and utensils used in the preparation and serving of food. This material is considered adulterated and not fit for recycling.
- (8) Certified: Having met the city's requirements regarding grease waste hauler certification and authorized by the city to pump out grease control equipment and haul waste.
- (9) City: The City of Wheeling, West Virginia.
- (10) Control Authority: Superintendent, City of Wheeling Water Pollution Control Division.
- (11) Customer: An individual, tenant, property owner, corporation, partnership, association, or group utilizing POTW services furnished by the city to a property.
- (12) Combined Sewer System: Designed to collect stormwater runoff, domestic sewage, and industrial wastewater into one pipe. Under normal conditions, it transports all the wastewater it collects to a wastewater treatment plant for treatment, then discharges to a receiving stream.
- (13) Combined Sewer Overflow (CSO): Is the untreated discharge from a combined sewer system (CSS) that is caused by snowmelt, stormwater runoff, domestic sewage, and industrial wastewater exceeding the capacity of the CSS or wastewater treatment plant.
- (14) Commissary: The central location from which a mobile food vendor is serviced; usually a commercial kitchen that mobile food vendors report to daily for all food, supplies, cleaning, servicing, and waste disposal. A single-family residence may be considered a Commissary under this ordinance if it services a mobile food vendor.
- (15) Fats, Oils, and Grease (FOG): Any fats, oils and grease generated from the food preparation process as identified by the most current EPA method listed in 40 CFR 136.6. Organic non-polar compounds derived from animal and/or vegetable or plant sources. For the purposes of this article, the terms "grease" and greases may be used in lieu of FOG, and vice versa.
- (16) Flow Control Device: An integral part of a hydro-mechanical grease interceptor (HGI) installed on the inlet side that controls the wastewater flow through the HGI.
- (17) FOG Control Program Coordinator: Person employed by the city and designated by the WPCD Superintendent; charged with the responsibility of administering the provisions of the FOG Control Program and to ensure compliance by users with applicable laws, rules, regulations, policies, and ordinances.
- (18) Food Waste Disposal Unit / Garbage Disposal: Any device installed in the plumbing or sewer system for the purpose of grinding food waste or food preparation by-products for the purpose of disposing of it in the sewer system.
- (19) Food Service Establishment (FSE): Defined in WV Legislative Rule 64CSR17. Any establishment, business, or facility engaged in preparing, serving, or making food available for consumption. Single

family residences (refer to sections 928.01(f)(14) and 928.14) and multi-residential facilities, such as high-rises and apartment buildings, although not normally a FSE may be considered a FSE at the discretion of the Superintendent, FOG Control Program Coordinator, Building Code Official, or Health Department; also any other facility that in the Superintendent's opinion would require Grease Control Equipment (GCE). Food service establishments will be classified by the city's FOG Control Program as follows:

- a. Class 1: No frying or grilling on site. This is the minimum classification depending on menus, food preparation, culinary cleaning, and number of meals served. Utilization of disposable serving ware with very limited culinary washing. Examples of Class 1 FSE's may include: Beverage bars, doughnut and bagel shops, cookie shops with on-premises baking, coffee shops with on-premises brewing, ice cream parlors, meat markets, day care facilities, and mobile food vendors.
 - b. Class 2: Limited service restaurants are establishments primarily engaged in providing food services where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customer's location. Examples of Class 2 FSE's may include: Delicatessen, pizza shops, family restaurants, takeout eating places, fast-food restaurants, fast casual restaurants, takeout sandwich shops.
 - c. Class 3: Full-service restaurants are establishments primarily engaged in providing food services to patrons who order and are served while seated (i.e., waiter/waitress service) and pay after eating.
 - d. Class 4: Buffet and cafeteria facilities are establishments, known as cafeterias, grill buffets, or buffets, primarily engaged in preparing and serving meals for immediate consumption using cafeteria-style or buffet serving equipment, such as steam tables, refrigerated areas, display grills, and self-service beverage dispensing equipment.
 - e. Class 5: Institutions may include schools, hospitals, nursing homes, prisons, etc.
 - f. The city will use the most recent version of the North American Industry Classification System (NAICS) as well as menus, type of food preparation, culinary cleaning, and number of meals served in determining FSE Class.
- (20) Garbage: Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage, and sale of produce.
- (21) Governing Body: The mayor and council, together, who are charged with the responsibility of enacting ordinances and determining the public policy for the city.
- (22) Grease Control Equipment (GCE): In general, any grease interceptor, grease trap or other mechanism, device, or process which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system. In this article GCE shall be synonymous with GGI, HGI, Grease Interceptor, Grease Trap, or any other device used for controlling grease; and may be used interchangeably throughout. The general term GCE shall be utilized throughout this article unless a specific type is referenced.
- (23) Grease Interceptor or Gravity Grease Interceptor (GGI): Grease Control Equipment usually located underground and outside between a Food Service Establishment and the connection to the sewer system, designed to collect, contain, and remove food wastes and grease from the process waste stream while allowing the remaining wastewater to be discharged to the collection system by gravity. GGI and grease interceptor shall be interchangeable and have the same meaning throughout this article.
- (24) Grease Trap or Hydromechanical Grease Interceptor (HGI): Grease Control Equipment usually located inside the building and under a sink of an FSE, designed to collect, contain, and remove food wastes and grease from the process waste stream while allowing the remaining wastewater to be discharged to the collection system by gravity. HGI and grease trap shall be interchangeable and have the same meaning throughout this article.
- (25) Hot Spots: Areas in the combined sewer collection system that have experienced sewer overflows or that must be cleaned or maintained frequently to avoid blockages or overflows of the sewer system.
- (26) Licensed Plumber shall mean a Journeyman or Master plumber licensed in the State of West Virginia.

- (27) Mobile Food Vendors / Trucks: Establishments primarily engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles or nonmotorized carts.
- (28) NAICS: North American Industry Classification System, using 2017 (or latest) classifications. The website is found at <http://www.census.gov/epcd/www/naics.html> .
- (29) Notice of Violation (NOV): A notice issued by the city’s FOG Control Program Coordinator, informing a FSE that it is in violation of the city’s FOG Control Ordinance. The NOV is issued for any identified problems with GCE, operation, maintenance, components, or BMP’s. The specific issue will be noted and require correction.
- (30) Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW.
- (31) Pretreatment Requirements: Any substantive or procedural requirement related to pretreatment imposed on a user.
- (32) Publicly Owned Treatment Works (POTW): A “treatment works,” which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (33) Sanitary Sewer Overflow: Sanitary sewer overflow is a condition in which untreated sewage is discharged from a sanitary sewer into the environment (basement, street, etc.) prior to reaching wastewater treatment facilities.
- (34) Solids Interceptor/Strainer/Separator: Designed to catch solid waste, for removal, prior to entering the sewer system or GCE.
- (35) Standard Industrial Classification (SIC) Code: A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget. This is slowly being phased out and replaced with NAICS (North American Industry Classification System).
- (36) Storm water: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (37) Superintendent: The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article, or a duly authorized representative.
- (38) Suspended solids: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (39) Twenty-five percent (25%) Rule: Requirement for Grease Control Equipment to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the designed hydraulic depth of the device. This ensures the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively separate and retain FOG prior to discharge to the sewer system.

$$25\% \text{ Rule} = [(\text{inlet grease layer} + \text{inlet solids layer}) / \text{total water depth}] \times 100.$$
Any value over 25 breaks this rule.
- (40) User: Any “customer (residential or commercial)” of the POTW permitted to discharge wastewater, into the collection system.
- (41) Wastewater: Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (42) Wastewater Treatment Plant or Treatment Plant: That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- (43) Yellow Grease / Cooking Oil: The inedible and unadulterated spent fats, oils and greases resulting from the preparation of food typically generated from bulk deep-fryer operations and water/oil separator units. This material is typically recycled for reuse in some form.

928.02 FOG CONTROL LIMITATIONS AND PROHIBITIONS.

- (a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These limitations, prohibitions, and requirements

apply to all users of the POTW whether they are subject to any other pretreatment standards as set forth in the city's Sewer Use Ordinance, Article 927, or any Federal, State, or local treatment standards or requirements.

- (b) Specific prohibitions. The following prohibitions shall apply to all FSE's and commercial facilities:
- (1) Discharge of fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l is prohibited.
 - (2) Food Waste Disposal Units / Garbage Disposals shall not be connected to the sanitary sewer without an approved solids interceptor installed.
 - (3) Food Waste Disposal Units / Garbage Disposals shall not be connected to GCE.
 - (4) Solid food waste products, unused portions, or scraps are not intended for treatment by the POTW and shall be disposed of through standard solid waste disposal means to a landfill by means of a trash hauler.
 - (5) Produce preparation sinks shall not discharge into GCE.
 - (6) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.
 - (7) Introduction of any additives into a FSE's wastewater system, prior to any GCE, for the purpose of emulsifying FOG or biologically/chemically treating FOG for grease remediation or as a supplement to GCE maintenance is prohibited.
 - (8) Disposal of yellow grease / waste cooking oil into any sanitary or storm sewer system or GCE is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels, drums, or bins for recycling or other acceptable disposal method. The FSE is responsible for ensuring the receptacles are properly maintained in accordance with section 928.03(f).
 - (9) Discharge of any waste including FOG and solid materials removed from GCE's or solids interceptors to the sewer system is prohibited. Solids and / or FOG removed from solids interceptors or GCE's shall be disposed of according to all applicable regulations as part of the operation and maintenance requirements for GCE's. Disposal shall be properly documented in accordance with this article.
 - (10) Operation of GCE's with FOG and solids accumulation exceeding 25% of the designed hydraulic depth of the GCE is prohibited (refer to section 928.01(f)(39)).
 - (11) Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into GCE. These flows shall be conveyed separately to the sanitary sewer lateral and shall not be connected prior to the GCE.
 - (12) Commercial dishwashers shall not be connected to GCE without a variance / waiver from the FOG Program Coordinator. If the dishwasher must be connected to the GCE, the GCE must be sized accordingly to allow enough detention time for the water to cool and the grease to separate before discharging to the POTW. No dishwasher shall be connected to a HGI unless it has been specifically sized and approved by the FOG Control Program. HGIs approved for dishwasher connection must have a properly sized flow control device installed to the inlet side of the HGI.
 - (13) Commercial dishwashers must have an approved solids interceptor installed prior to discharge to the sanitary sewer or GCE.
- (c) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW including storm drains (refer to sections 928.03(g) and (h)).

928.03 GENERAL FOG CONTROL REQUIREMENTS.

- (a) All existing and proposed FSE's are required to have GCE installed, maintained, and operating properly, in accordance with this ordinance.
- (1) Existing FSE's in operation prior to adoption of this ordinance are required to have GCE properly installed and operating in accordance with this ordinance within 180 days. FSE's may request an extension in accordance with section 928.19.
 - (2) New construction FSE's are required to have GCE installed, maintained, and operating prior to operations as of the adoption of this ordinance.
 - (3) After adoption of this ordinance, any change of ownership of an existing FSE or FSE applying for a new business license having existing GCE or required by the city to have GCE and not meeting the

requirements of this article, must comply immediately or rebuild/modify the existing GCE to comply with this ordinance.

- (b) FSEs shall maintain records of cleaning and maintenance of GCE. GCE maintenance records will be maintained on-site of the FSE and include, at a minimum, the date of cleaning/maintenance, company or person conducting the cleaning/maintenance, volume (in gallons) of grease wastewater removed and the final disposal location. In addition, grease waste haulers shall comply with the city's manifest documentation requirements for all disposal of FOG waste.
- (c) GCE maintenance records shall be available at the FSE premises and available for inspection by the city's FOG Control Program personnel or their representative, and/or the health department. The FSE shall maintain GCE maintenance records for a minimum of three (3) years. Up to date drawings and GCE manuals should be available for inspection and remain on premises for the life of the GCE at the FSE.
- (d) Owners of commercial property containing a FSE will be held responsible for installation of GCE and shall ensure that lease agreements identify the responsible party for proper maintenance to control wastewater discharges from their property. A copy of the responsible party information shall be provided to the FOG Control Program coordinator via the FOG Inquiry Form.
- (e) Grease control equipment certification requirement: FSE's must have their GCE inspected and certified at least annually by a "certified" grease waste hauler or licensed plumber. Annually is defined as a period from January 1 through December 31, and not less than 10 months or more than 14 months between certifications.
 - (1) There must be a minimum time of 10 months between certifications unless the FSE changes ownership within that time frame.
 - (2) GCE certification requirements shall commence the following calendar year the FOG wastewater discharge permit is issued. Any FSE that does not provide an annual grease control certification by December 31 of each year following their FOG permit issuance will be in noncompliance.
 - (3) If the GCE "passes" the certification requirement proceed to section 928.03(e)(5).
 - (4) If the GCE "fails" the certification requirement, a corrective action response is required from the FSE or authorized representative, to the FOG Control Program (refer to section 928.03(e)(6)).
 - (5) Certification forms (GGI or HGI certification form) must be completed and signed by the "certified" grease waste hauler or licensed plumber, signed by the FSE owner or authorized representative, and submitted to the FOG Control Program at the following address or emailed to wpcdpt@wheelingwv.gov.

Water Pollution Control Division
Attn. FOG Program
2516 Main Street
P.O. Box 6348
Wheeling, WV 26003-0613

- (6) Failure of a GCE certification: The FSE owner or authorized representative is responsible for including detailed "corrective actions" information on the grease control equipment certification form that is submitted to the WPCD. If necessary, additional pages may be attached to the certification form. At a minimum, the corrective action information must include the reason for the failed certification, what corrective action will be taken, and the date the corrective action will be completed. The FSE user/owner or authorized representative shall notify the FOG Control Program by phone or email within one business day (Monday-Friday) of failing the certification. Any additional enforcement action will utilize the city's FOG Enforcement Response Guide.
- (f) FSEs shall dispose of yellow grease / cooking oil in an approved container or recycle container/bin; the contents shall not be discharged into any GCE, sanitary sewer line, storm sewer line, drain, plumbing fixture, or into the environment. Yellow grease and oils disposed of in any manner other than an approved container or recycle container/bin is a violation of this ordinance.
 - (1) Lids must remain closed and locked on any outdoor grease recycle bin/container.

- (2) Recycling container / bin must have a secondary containment spill pad and shall be covered with a canopy or roof to prevent overflows.
- (3) Ensure spills around recycling container / bin are contained and cleaned immediately.
- (g) It shall be a violation of this ordinance to pump, flush, or dump any contents removed during GCE cleaning or maintenance into any sanitary or storm sewer.
- (h) The FSE or authorized representative shall notify the FOG Control Program by phone or email within one business day (Monday-Friday) of any noted deficiencies encountered while performing GCE pumping, cleaning, or maintenance, including annual GCE certification

928.04 GREASE CONTROL EQUIPMENT DESIGN AND SIZING CRITERIA.

- (a) Minimum acceptable size of grease control equipment for each FSE classification is as follows (refer to section 928.01(f)(19) for class details):
 - (1) Class 1: 50-gpm/100-pound grease trap (hydro-mechanical grease interceptor or HGI) (Must be PDI certified).
 - (2) Class 2: 1,000-gallon gravity grease interceptor (GGI)
 - (3) Class 3: 1,500-gallon gravity grease interceptor (GGI)
 - (4) Class 4: 2,000-gallon gravity grease interceptor (GGI)
 - (5) Class 5: 2,000-gallon gravity grease interceptor (GGI)
 - (6) A size waiver may be granted depending on menus, food preparation, culinary cleaning, and number of meals served. Refer to section 928.19 for submitting waiver.
- (b) GCE shall be sized, designed, constructed, and installed in accordance with all applicable standards and codes of the FOG Control Program, all local building codes and requirements, and the State of West Virginia.
 - (1) The city requires all HGIs be sized and installed in accordance with International Plumbing Code 2015 (or the most recent plumbing code adopted by the city). (Ord. 14865. Passed 9-20-16.) HGIs must be PDI (Plumbing and Drainage Institute) certified.
 - (2) The city requires all GGIs be designed, constructed, and installed in accordance with specifications available from the FOG Control Program Office, as well as the International Plumbing Code 2015 (or most recent plumbing code adopted by the city).
 - (3) Design drawings must be submitted to the FOG Control Program Coordinator and Building Code officials for approval.
 - (4) Existing FSE's with GCE already installed may submit a waiver, in writing, to the FOG Control Program (refer to section 928.19).
- (c) All grease removal devices (GRD) shall be subject to the written approval of the FOG Control Program. Such approval shall be based on the demonstrated removal efficiencies of the proposed devices.
- (d) GCE shall be located to allow access for maintenance and inspection.
- (e) GCE shall be installed an adequate distance from sinks and dishwashers to allow for adequate cooling of the wastewater. Wastewater temperatures shall not exceed 120 degrees where entering the GCE.
- (f) GCE installed in areas that will allow vehicle traffic over the interceptor shall be designed to have adequate load-bearing capacity.
- (g) GCE shall have only one inlet and one outlet connection.
- (h) To calculate the appropriate size GCE, the FSEs engineer, architect, licensed plumber, or contractor should use a formula that considers all kitchen plumbing fixture units, the discharge plumbing pipe diameter for each fixture unit, storage capacity, type of facility, and an adequate retention time (1 minute drainage period shall be used in calculations). Minimum acceptable sizes must be met in accordance with section 928.04(a)(1)-(5).
- (i) The city will review information received from the completed "FOG Inquiry Form" and either approve, or require additional GCE volume, based on the type of FSE, the number of fixture units, additional calculations, and considerations.
- (j) Each GGI tank capacity shall not exceed 2,000 gallons. If the calculated capacity exceeds 2,000 gallons, the FSE shall install additional GGIs of the appropriate size in series.

- (k) GGI installed in series shall be installed so that the inlet invert of each successive tank shall be a minimum of two inches below the outlet invert of the preceding tank or a one percent downstream slope, whichever is greater.
- (l) GCE must remove fats, oils, and grease at or below the city's local limit of 100 mg/L established in section 928.02(b)(1).
- (m) Due to the 100-year flood plain rule and FEMA requirements, many FSE's may not be able to install GCE in a typical location. The Flood Plain Manager, Building Code Official, and the FOG Control Program Coordinator shall be consulted prior to design and installation. Consultation may include a site walkthrough.

928.05 EXISTING GRAVITY GREASE INTERCEPTOR (GGI) REQUIREMENTS

- (a) Any existing FSE, upgrade of an existing FSE, change of ownership of existing FSE or FSE applying for a business license, having an existing GGI, shall be required to have the interceptor completely pumped and inspected by the FOG Control Program.
 - (1) The pump-out inspection will be waived if the existing GGI passed a certification in compliance with section 928.03(e) within the previous 10-month time period.
 - (2) Existing GGIs installed prior to the adoption of this ordinance not in compliance with section 928.04 shall meet the requirements of section 928.05(b)(1) through (7) or may be modified in accordance with section 928.05(b)(8). Submit waiver in accordance with section 928.19.
 - (3) FSEs required to have a GGI but having none, or an interceptor deemed insufficient and not allowed to be rebuilt/modified in place, shall meet the requirements of section 928.04.
 - (4) Under certain circumstances the required interceptor size and location may necessitate special exceptions. A variance / waiver for alternative GCE may be requested in accordance with section 928.19.
 - (5) Any GGI installed after the adoption of the FOG ordinance shall comply with design and installation requirements of section 928.04.
- (b) Criteria for consideration by the city as an acceptable GGI existing or installed prior to adoption of this ordinance and not meeting the requirements of section 928.04 of this ordinance is as follows:
 - (1) Capacity and condition. Existing GGIs installed prior to the adoption of this ordinance shall have a minimum of 1,000 gallons capacity and shall be in proper working order as determined by the city's FOG Control Program. Any existing GGI in this category not meeting these conditions shall require the installation of a GGI meeting the requirements of section 928.04.
 - (2) Piping.
 - a. The inlet piping shall enter the receiving chamber a minimum of 2½ inches above the invert of the outlet piping.
 - b. On the inlet pipe inside the receiving chamber, a sanitary tee of the same size pipe in the vertical position with the top unplugged shall be provided as a turndown. A pipe (nipple) of the same size as the tee shall be installed in the top of the tee with the top of the nipple open. A pipe installed in the bottom of the tee shall extend to a point of two-thirds the depth of the water level. The inlet tee shall be made of Schedule 40 PVC or equivalent material.
 - c. The outlet piping shall be no smaller than the inlet piping, but in no case smaller than four inches diameter.
 - d. The outlet piping shall contain a tee installed vertically with a pipe (nipple) installed in the top of the tee, with the top of the nipple open. A pipe installed in the bottom of the tee shall be made of a non-collapsible material and extend to 12 inches above the tank floor. Minimum materials requirement for the outlet piping is Schedule 40 PVC.
 - (3) Baffles.
 - a. The interceptor shall have a non-flexing (i.e. concrete, steel, etc.) baffle extending from the floor to a level above of the outlet piping. An existing GGI having no baffle(s) present or hanging baffle(s) that are open or baffle(s) not attached at the bottom will not be acceptable.
 - b. If inverted 90-degree sweeps or tees are used to convey liquid from the inlet to outlet side of the interceptor, the baffle shall have an inverted 90-degree sweep(s), or schedule 40 PVC tee(s), fitting at least equal in diameter size to the inlet piping, but in no case less than four inches. The

bottom of the sweep(s) or tee(s) shall be placed in the vertical position of the inlet compartment 12 inches above the floor. If a tee is used in lieu of a sweep, a pipe nipple of the same size as the tee shall be installed in the top of the tee and extend to the same height reached by the top nipple installed on the inlet and outlet tee. The nipple shall remain open. A pipe installed in the bottom of the tee shall extend to 12 inches above the tank floor.

- c. In lieu of a sweep or tee through the baffle, slotted designs will be acceptable for existing GGIs to convey liquid from the inlet to outlet side of the interceptor.
- (4) The inlet compartment shall be two-thirds of the total liquid capacity with the outlet compartment at one-third liquid capacity of the interceptor.
- (5) Access openings (manholes).
 - a. Access to GGIs shall be provided by a minimum of one manhole per interceptor division (baffle chamber/compartment) and be of 24-inch minimum dimension terminating one inch above finished grade with cast iron frame and cover.
 - b. One manhole shall be located above the inlet tee hatch and the other manhole shall be located above the outlet tee hatch.
 - c. A minimum of 24 inches of clear opening above each manhole access shall be maintained to facilitate maintenance, cleaning, pumping, and inspections.
 - d. Access openings shall be mechanically sealed and gas tight to contain odors and bacteria, to exclude vermin and ground water, and in a manner that permits regular reuses.
 - e. The manholes shall be accessible for inspection by the city.
- (6) Location: GGIs shall be located to be easily accessible for cleaning, maintenance, and inspections. They should be located close to the fixture(s) discharging to the interceptor. Access manholes shall never be paved over, covered by landscaping, or have any other hindrances not allowing access.
- (7) Construction material: GGIs shall be constructed of sound durable materials, not subject to excessive corrosion/decay, and shall be water and gas tight.
- (8) Rebuilding/modifying in place.
 - a. An existing GGI having a minimum of 1,000 gallons capacity and found by the city's FOG Control Program to be functional, but having unacceptable access openings, baffle configuration, or plumbing, may be modified in place to an acceptable configuration as outlined in section 928.05(b)(2) through (5) by rebuilding/modifying it in-place as set forth in this section. The FOG Control Program reserves the right to require additional GGI capacity and/or the installation of a GGI meeting the requirements of section 928.04.
 - b. If the GGI's baffle is not acceptable (no baffle or hanging baffle), the baffle may be modified in-place to an acceptable configuration, generally as given in section 928.05(b)(3) or a GGI meeting the requirements of section 928.04 shall be installed. The baffle shall extend above level of the outlet pipe.
 - c. If the GGI does not have compliant access openings over each compartment, these shall be added in accordance with section 928.05(b)(5) and (6).
- (9) New FSEs in existing buildings applying for a business license and having an existing GGI shall meet the requirements of section 928.04 or section 928.05(a) and (b) as required by the city prior to securing the signature of the FOG Control Program coordinator for issuance of a business license.

928.06 EXISTING HYDRO-MECHANICAL GREASE INTERCEPTOR (HGI) REQUIREMENTS.

- (a) Any existing FSE, upgrade of an existing FSE, change of ownership of existing FSE, or FSE applying for a business license, having an existing HGI, shall be required to have the HGI completely cleaned followed by inspection from the city's FOG Control Program.
- (b) The inspection shall be a determination for proper size, acceptable functional installation including a properly sized/installed flow control device, and proper access to the HGI. Existing HGIs installed prior to the adoption of this ordinance must meet the requirements of section 928.04 or request a waiver from the city in accordance with sections 928.04(b)(4) and 928.19.

- (c) FSEs with an existing HGI installed prior to the adoption of this article may request a waiver from the design requirements in section 928.04. The existing HGI must control FOG discharges from the FSE and be maintained as outlined in this ordinance. Any alternative grease control equipment must be approved by the FOG Control Program.
- (d) If the current HGI is not adequate or approved, a HGI meeting the requirements of sections 928.04 shall be installed. The city reserves the right to require the installation of a GGI if the FSE is not a Class 1 facility and/or there have been known FOG problems in the sewer lines.
- (e) All new FSEs in existing buildings required to have a HGI and having an existing HGI shall meet the requirements of sections 928.04 as required by the city prior to securing the signature of the FOG Control Program coordinator on a business license application.

928.07 NEW CONSTRUCTION GREASE CONTROL EQUIPMENT

- (a) New FSEs will be required to install and maintain GCE in accordance with section 928.04. A "FOG Inquiry Form" must be submitted to the FOG Control Program for review; this form will also serve as the application for the FOG Wastewater Discharge Permit.
- (b) The "FOG Inquiry Form" will be reviewed and approve or recommend changes as necessary.
- (c) Proposed GCE shall meet the requirements of this ordinance prior to installation.
- (d) Internal plumbing shall be installed to separate sanitary flow from kitchen process flow. Sanitary flow and kitchen process flows shall be reviewed separately. Kitchen process lines and sanitary lines may combine prior to entering the public sewer; however, the lines cannot combine until after the GCE. No sanitary wastewater or storm water shall be plumbed to the GCE.
- (e) GCE shall be installed to be easily accessible for inspection, cleaning, and removal of grease at any time.
- (f) New multi-unit (strip mall) facilities: New strip malls or strip centers must have two separate sewer line connections at each unit within the strip mall or strip center. One sewer line will be for sanitary flow and one grease waste line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or potential kitchen area, grease waste line will be connected to floor drains in the specified kitchen area, and will connect, or be able to connect, to other kitchen fixtures and appliances, such as but not limited to: three-compartment sink, pre-rinse sink, mop sink, dishwasher, and hand wash sink.
 - (1) New multi-unit facility, or new "strip mall" facility, owners shall contact the FOG Control Program prior to conducting private plumbing work at the multi-unit facility site. Multi-unit facility owners, or their designated contractor, shall have plans for separate private grease wastewater lines for kitchen and sanitary flows for each "individual" unit. In addition, the plans shall identify "stub-out" locations to accommodate a minimum 1,000-gallon GGI for each unit of the multi-unit facility or provide a larger capacity grease interceptor that could be shared by multiple FSEs in the strip mall. Proposals for multiple FSEs connected to one GGI or series of GGIs must be approved by the FOG Control Program prior to construction. A copy of the maintenance agreement shall be filed with the FOG coordinator for any GCE that isn't owned and operated by the same entity. New multi-unit facility, or new "strip mall" facility owners shall consider suitable physical property space and sewer gradient that will be conducive to the installation of an exterior, in-ground GGI when determining the building location.
 - (2) FSEs located in a new multi-unit facility shall have a minimum of a 1,000-gallon GGI installed, unless that FSE is identified as a Class 1 facility.
- (g) Alternative grease control equipment will not be considered for new building construction.
- (h) Final approval of grease control equipment: New FSEs and FSEs that have upgraded their facilities must contact the city for final approval of the GCE. This will include onsite inspection by the FOG Control Program and building code officials. No work shall be hidden or covered prior to approval by the FOG Control Program.

928.08 GRAVITY GREASE INTERCEPTOR (GGI) MAINTENANCE AND INSPECTION

- (a) Partial pumping or on-site pump and treatment of GGI contents is not authorized.
- (b) GGI's must be pumped-in-full at a minimum of once every 90 days and/or total volume of captured grease and solid material displaces more than twenty-five percent (25%) of the total volume of the unit. Some FSEs

may need to consider a more frequent pumping schedule to meet this requirement. Refer to section 928.01(f)(39) for the 25% Rule.

- (c) At no time shall the cleaning frequency exceed 90 days unless approved in writing by the city. Failure to meet these requirements shall result in enforcement action. A waiver must be requested in accordance with section 928.19. Approval may be granted with documented proof that a reduced cleaning frequency will meet the requirements of this FOG ordinance. A FSE GGI self-monitoring checklist shall be maintained onsite and provided to the city upon request. These documents need to be provided to the city for review before consideration for approval can be granted for a cleaning frequency to exceed 90 days.
- (d) The GGI's influent tee and effluent tee will be inspected during cleaning and maintenance and the condition noted by the grease waste hauler company or licensed plumber. Influent and effluent tees that are loose, defective, or not attached must be repaired or replaced. Any repairs shall be documented and kept on file at the FSE.
- (e) GGIs must have access manholes over the influent tee and effluent tee for inspection and ease of cleaning/maintenance. Access manholes will be provided for all separate compartments of interceptors for complete cleaning.
- (f) GGI waste must be hauled offsite and disposed of, processed, or recycled at an approved location in accordance with applicable laws and this ordinance.
- (g) GGIs must be "certified" annually by a certified grease waste hauler or licensed plumber. A "GGI certification form" must be completed and submitted to the city annually in accordance with section 928.03(e).
- (h) The city may require the FSE to contact the city's FOG Control Program by telephone or email at least 24 hours prior to any cleaning, pumping, maintenance, inspection, or certification of the GGI. The city reserves the right to be present to inspect all maintenance.
- (i) Responsibility: Maintaining the GGI, including complete pumping of contents at the required frequency and ensuring proper components are installed, is the responsibility of the user/owner. Commercial property owners shall ensure that lease agreements identify the responsible party for proper maintenance to control wastewater discharged from their property.
- (j) A representative of the FSE must be present for all maintenance, cleaning, and inspections.

928.09 HYDRO-MECHANICAL GREASE INTERCEPTOR (HGI) INSTALLATION AND MAINTENANCE

- (a) HGIs shall have a properly sized, installed, and vented flow control device. Failure to have the flow control device and venting will be considered a violation. The flow control device shall be installed in such a manner whereas to remain visible for future inspections and servicing.
- (b) The flow control device orifice(s) shall not be removed, enlarged, or modified.
- (c) HGI's must have a Plumbing and Drainage Institute (PDI) certification and be installed per manufacturer's specifications and this ordinance.
- (d) An HGI's minimum size requirement is 50-gpm/100-pound capacity.
- (e) Alternative grease control equipment may be considered for installation; however, a variance / waiver must be requested in accordance with section 928.19.
- (f) Commercial dishwashers shall not be connected to an HGI without a variance / waiver from the FOG Program Coordinator. If a dishwasher must be connected to an HGI, the HGI must be sized accordingly to allow enough detention time for the water to cool and the grease to separate before discharging to the POTW; sizing may include a 30% capacity increase. No dishwasher shall be connected to an HGI unless it has been specifically sized and approved by the FOG Control Program.
- (g) A single HGI may be required for each significant kitchen fixture unit (i.e. each 3-compartment sink). The FOG Control Program coordinator will make the final decision regarding number of HGI's and connections allowed for each HGI.
- (h) HGIs must be pumped-in-full at a minimum of once every 30 days and/or total volume of captured grease and solid material displaces more than twenty-five percent (25%) of the total volume of the unit. Some FSEs may need to consider a more frequent pumping schedule to meet this requirement. Refer to section 928.01(f)(39)

for the 25% Rule. A written record of HGI cleaning and maintenance shall be maintained onsite at the FSE and provided to the city upon request.

- (i) HGI waste shall be sealed or placed in a container to prevent leakage, and disposed of in the solid waste or hauled offsite by a grease waste hauler to an approved disposal location. In no way shall the pumped material be returned to any sanitary or storm sewer or disposed of in the environment.
- (j) HGI waste shall not be mixed with yellow grease / oil in the grease recycle container.
- (k) HGI's must be "certified" annually in accordance with section 928.03(e).
- (l) The city may require the FSE to contact the FOG Control Program by telephone or email at least 24 hours prior to any cleaning, pumping, maintenance, inspection, or certification of the grease interceptor. The city reserves the right to be present to inspect all maintenance.
- (m) A representative of the FSE must be present for all maintenance, cleaning, and inspections.

928.10 IN GROUND GREASE INTERCEPTOR ABANDONMENT

The property owner or authorized representative of a building utilizing an in-ground GGI or hydro-mechanical grease interceptor shall notify the FOG Control Program within 30 days whenever a FSE meets the criteria for temporary or permanent abandonment of said interceptor as set forth in this section.

(a) Temporary abandonment.

- (1) An in-ground grease interceptor is considered temporarily abandoned if a FSE temporarily closes for business and the property owner intends to utilize the interceptor for another FSE in the same location.
- (2) At the property owner's expense, the interceptor shall be completely pumped, and the grease waste properly disposed of by a certified grease waste hauler.
- (3) Once conditions of section 928.10(a)(1) and (2) have been met, the FSE shall contact the FOG Control Program to complete a pumping inspection for the temporary abandonment of an in-ground interceptor. The completed grease waste hauler's manifest shall be available onsite for verification during the pumping inspection.
- (4) Any noted noncompliant functional or plumbing components shall be repaired or replaced, followed by re-inspection from the FOG Control Program.
- (5) Once the in-ground grease interceptor has passed inspection, it shall be filled with water to prevent possible floatation.

(b) Permanent abandonment.

- (1) An in ground grease interceptor is considered to be permanently abandoned when the building is remodeled such that the grease interceptor will not be used; or the building is replaced with a type of business that will not be required to utilize the grease interceptor; or when the property is condemned. An in-ground grease interceptor considered to be permanently abandoned, shall be removed in accordance with section 928.10(b)(2), or demolished in place in accordance with section 928.10(b)(3).
- (2) The in-ground grease interceptor may be removed. Prior to removal, the interceptor shall be completely pumped, and the waste properly disposed of by a certified grease waste hauler. Once the interceptor has been completely pumped, the FSE shall contact the FOG Control Program to complete a pumping inspection verification inspection. The grease waste hauler's manifest shall be available onsite for verification during the verification inspection. Service components remaining in place are not exempt from meeting all plumbing codes.
 - a. After the interceptor has passed the pumping verification inspection, if no replacement is intended, the interceptor may be removed, and the hole backfilled.
 - b. Once back fill requirements have been met, the FOG Control Program shall be contacted to complete an in-ground grease interceptor abandonment final inspection.
- (3) In lieu of removal, the interceptor may be demolished in place. The interceptor shall be completely pumped, and the waste properly disposed of by a certified grease waste hauler. Once the interceptor has been completely pumped, the FOG Control Program shall be contacted for an in-ground grease interceptor pumping verification inspection. The grease waste hauler's manifest shall be made available onsite during the pumping verification inspection. Demolition of the interceptor shall not commence until the interceptor has passed the pumping verification inspection. The top cover over the interceptor shall

then be crushed into the empty tank or removed. The bottom of the tank shall be ruptured. The sides of the interceptor shall then be crushed into the tank. The inlet and outlet plumbing shall be disconnected, and the lines capped if not to be used.

- a. Upon completion of crushing the interceptor in place, the FOG Control Program shall be contacted for an abandonment semifinal inspection.
- b. After passing the abandonment semifinal inspection, the interceptor shall be back filled with suitable fill material.
- c. Once backfill requirements have been met, the FOG Control Program shall be contacted for an abandonment final inspection.

928.11 GREASE CONTROL EQUIPMENT MAINTENANCE AND MONITORING

(a) Maintenance:

- (3) The FSE at their expense shall maintain the GCE to ensure proper operation and efficiency. Maintenance of the GCE shall include the removal of all contents, including floating material, wastewater, and sludge/solids. Removal shall be performed by a Certified Waste Hauler or in the case of small HGI's, the FSE may conduct its own cleaning in accordance with all provisions of this ordinance.
- (4) Decanting or discharging of removed waste back into the interceptor or any other interceptor, for the purpose of reducing the volume to be disposed, is prohibited.
- (5) Cleaning shall include the practice of scraping solids from the walls, floors, baffles, and all pipework.
- (6) The GCE shall be thoroughly inspected after each pumping/cleaning. Any deficiencies shall be recorded in a maintenance log and repairs made at the user's expense. A report of any maintenance or repairs shall be submitted to the FOG Control Program at the conclusion of the event.
- (7) Pumping/cleaning frequency shall be performed when the total volume of captured grease and solid material displaces more than twenty-five percent (25%) of the total volume of the unit or once every 30 days for HGI's and 90 days for GGI's, or as often as necessary, to prevent pass-through of grease into the sanitary sewer system. Refer to section 928.01(f)(39) for the 25% Rule.
- (8) All waste removed from the GCE must be disposed of in accordance with Local, State, and Federal regulations. All waste material must be tracked with a manifest, which confirms pumping, hauling and disposal of the material. The FSE must obtain and retain a copy of the original manifest from the hauler.
- (9) The FSE shall maintain a GCE Maintenance Log for each separate piece of GCE indicating all pumping, cleaning, and repairs. This log shall include no less than the following information: date, time, volume of waste pumped, hauler and disposal site. This log shall be kept in an accessible location and made available to FOG Control Program, Health Department, and Building Code personnel upon request. Logs shall be maintained for a period of three (3) years.

(b) Monitoring: FSEs shall allow city personnel, or their authorized representative, full access to all parts of the premises for the purpose of inspection, monitoring, and/or records examination. Unreasonable delays in allowing access to the FSE premises shall be a violation of this ordinance.

- (1) FOG Control Program personnel will perform periodic inspections of these facilities and shall notify the user of any additional maintenance required. The FSE is required to perform the maintenance specified within seven (7) calendar days of written notification from the FOG Control Program. Following inspection, the FSE may be required to install, at their expense, additional controls to prevent undesirable materials from reaching the wastewater collection system.
- (2) GCE shall be subject to review, evaluation, and inspection by the city or their authorized representative. The city may require, at the property owner's expense, a video inspection of the inside of any interceptor. Inspections will determine proper maintenance, changes in operation, proper records and files, ability of the GCE to prevent FOG from entering the sewer system, and any other factors pertaining to the control of grease discharges to the sewer system. The city may require notification of the FOG Control Program by phone 24 hours prior to any pumping, cleaning, maintenance, or certification of the GCE so the city can do a visual inspection of the total GCE. The city may require the FSE to schedule pumping of their interceptor, at the FSE's expense, if it is determined that the interceptor may be defective or there is chronic FOG obstruction in the downstream sewer from the FSE. The FOG Control Program will

determine the GCE condition, and adequacy based on review of all information regarding the GCE's performance; and can require increased cleaning frequency, additional maintenance, modification, or replacement of the GCE. All records shall be available on site for review by city personnel, or their authorized representative, for a period of three (3) years. Copies shall be provided upon request from the city.

928.12 FOG WASTEWATER DISCHARGE PERMIT AND FEES

- (1) The city will issue FOG Wastewater Discharge Permits for food service establishments. All FSEs shall complete and submit the "FSE FOG Inquiry Form" which will serve as the FSE's FOG Wastewater Discharge Permit application. FOG Wastewater Discharge Permits shall be issued for a period of five years.
 - (2) A fee of \$10.00 is required for the permit.
 - (3) The permit is non-transferrable in the event the establishment changes ownership or the service activities are changed from the information provided in the application.
 - (4) The terms and conditions of the permit are subject to modification by the FOG Control Program if limitations or requirements in this program are modified. The user shall be notified at least sixty (60) calendar days prior to the effective date of the change. Any change shall include a reasonable schedule for achieving compliance by the user.
 - (5) An incomplete "FSE FOG Inquiry Form" will be returned and not considered until all required information is included.
- (a) The city may charge inspection, monitoring, assessment, and impact fees to share the cost for the FOG Control Program and/or POTW impact costs.
 - (b) A monthly FOG Control Program surcharge fee will be added to each FSEs sewer service bill. The FOG Control surcharge fee will be based on the FSE classification. FSE classification is not based on the type of GCE, but on the NAICS classification, menu, culinary cleaning, number of meals served, and food preparation. The surcharge fees are as follows:
 - (1) Class 1: \$20.00 per month
 - (2) Class 2: \$30.00 per month
 - (3) Class 3: \$40.00 per month
 - (4) Class 4 and 5: \$50.00 per month
 - (c) The city reserves the right to adjust surcharge fees depending on the cost to maintain the FOG Control Program and the POTW for FOG related expenses.
 - (d) An additional compliance inspection fee of \$200.00 will be charged to FSE's due to re-inspections resulting from noncompliance issues.

928.13 FESTIVALS, FAIRS, AND SPECIAL EVENTS.

- (a) Food vendors participating in any festival or fair within the city's POTW jurisdiction shall follow all applicable requirements and prohibitions in sections 928.02 and 928.03(g).
- (b) Nothing shall be disposed of into any sanitary or storm sewer at any event. All surrounding areas must be kept clean and free of debris and spills.
- (c) Event Coordinators and organizers of each event shall be responsible for ensuring Food vendors comply with this section.
- (d) Event Coordinators and organizers shall contract a cooking oil removal / recycling company if any vendor uses cooking oil.
- (e) Event Coordinators and organizers of each event shall be held responsible for any violation of this ordinance.

928.14 MOBILE FOOD VENDORS AND COMMISSARIES

- (a) The commissary is the central location from which the mobile food vendor is serviced, not each vehicle or cart. Each commissary shall be treated at a minimum classification of a Class 1 FSE if located within the city's POTW jurisdiction.

- (b) Mobile food vendor commissaries shall maintain a yellow grease / cooking oil recycling bin in accordance with sections 928.02(b)(8)(14) and 928.03(g) if required.
- (c) The mobile food vendor commissary shall require all permitting in accordance with section 928.12.
- (d) Mobile food vendors shall comply with all applicable requirements and prohibitions in sections 928.02 and 928.03(g).
- (e) Mobile food vendors shall not discharge any grease-laden waste into the sanitary or storm sewer system.

928.15 APPROVED GREASE WASTE HAULERS / LICENSED PLUMBERS

- (a) To ensure proper maintenance of GCE and proper disposal of the FOG waste, the city will maintain an "approved grease waste haulers list." Within six months of the effective date of this article, FSEs shall only utilize city certified grease waste haulers or WV Licensed Plumbers (see section 928.01(f)(26)) to perform any GCE pumping, cleaning, maintenance, and GCE certification. Criteria for the grease waste hauler company to be placed on the "approved grease waste haulers list" include, but are not limited to the following:
- (b) Grease waste hauler company's performing any GCE pumping, cleaning, maintenance, or certifications within the city, must ensure all employees working within the city's POTW jurisdiction complete a Grease Control Equipment Certification Class (available as a downloadable presentation at www.wheelingwv.gov). Upon completing the GCE certification class, the grease waste hauler company will be issued a "Grease Waste Hauler Permit" and sign a Grease Waste Hauler agreement with the city.
- (c) Any work performed on GCE shall be completed by a licensed plumber (see section 928.01(f)(26)) or certified grease waste hauler.
- (d) Grease waste haulers and plumbers that pump GCE must comply with all requirements of this ordinance.
- (e) The city maintains the right to modify the grease waste hauler agreement.
- (f) Any grease waste hauler, plumber, or contractor that cleans FOG from a food service establishment's private sewer lines must ensure that the FOG and other debris cleaned from these sewer lines does not cause an obstruction or blockage in the sewer system. FOG or other debris cleaned from the private sewer line should be pumped out and removed.
- (g) The grease waste hauler, plumber, or contractor shall immediately contact the city if FOG is "pushed" or "jetted" into the POTW to ensure the city is aware of the FOG and debris at the specific location.
- (h) The Grease waste hauler must ensure a FSE representative is present while conducting any type of cleaning or maintenance.
- (i) FSE's may use any licensed plumber for plumbing work not related to GCE.

928.16 BEST MANAGEMENT PRACTICES

FSE's and commercial facilities shall implement Best Management Practices (BMP's) to minimize the discharge of FOG into the sewer system. Detailed BMP's are specified in this article, in the FSE FOG Permit, and explained further in WPCD educational material found at <http://www.wheelingwv.gov>. BMP's may include, but are not limited to, kitchen practices, employee training programs, equipment installation and maintenance procedures, and / or any other measures determined by the FOG Control Program. Residential users of the POTW are encouraged to utilize BMP's to limit the discharge of FOG.

- (a) Recycle waste cooking oil; dispose in grease recycle bin or container. Do not pour any grease into sinks, floor drains, mop sinks, lavatories, or environment.
- (b) Post "no grease" signs above all kitchen sinks and dishwashers.
- (c) "Dry wipe," scraping into a trash container as much food particles and grease residue from pots, pans, and plates, etc., as possible.
- (d) Use strainers in sink drains and floor drains to prevent large food particles and other materials from going into the sewer line.
- (e) If an oil or grease spill occurs, clean up using "dry" oil absorbent material or use ice to make grease solidify. Scoop up material and dispose of it into a trash container. Do not wash oil or grease into drains!
- (f) Dispose of food items in the trash. Food waste disposal / garbage disposal use is prohibited in wastewater discharging to grease control equipment due to buildup of solids.

- (g) Post "BMPs signs" in the kitchen areas, educate, and train all employees on grease control and preventing sewer pipe clogs and sewer overflows.
- (h) Additives. The use of enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils and grease is prohibited for use in GCE's, and shall in no way be considered as a substitution for the standard maintenance of pumping and hauling waste material.
 - (1) Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes, chemicals, hot water, and bacteria.
 - (2) This ordinance prohibits the use of additives (including automatic drip or feed systems) to cause FOG to pass through the user's plumbing and reform in the city's wastewater collection and conveyance system. The use of additives in an FSE will not be a substitute for regular cleaning or pumping of GCE as required in this ordinance.
 - (3) Chemical Treatment. Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the GCE.
- (i) Pre-flush / pre-scraping sinks that serve commercial dishwashing machines must be connected to GCE. A solids interceptor must be approved and installed prior to the GCE.

928.17 FOG PREVENTATIVE MAINTENANCE AND OVERFLOW PREVENTION PROGRAM

The WPCD crews respond to trouble calls concerning collection system blockages, obstructions, or overflows. If FOG is determined to be a contributor of the blockage, obstruction, or overflow, that area will be placed on the Preventative Maintenance list. Once on the list, the line will be jetted or pumped every 45 days to ensure a blockage does not cause an unpermitted CSO or SSO. If FOG buildup is caused by a structural defect in the line, the defect will be fixed if possible. WPCD will attempt to trace the FOG back to the source, and if necessary, remediate using the Enforcement Response Plan or other means.

- (a) If FOG is in a residential only area; flyers may be posted in mailboxes, or mailers placed in utility bill to inform residents.
- (b) Residential users of the POTW are encouraged to follow all BMP's listed in this ordinance as well as utilizing the FOG educational resources on the city's webpage at www.wheelingwv.gov.

928.18 ALTERATION OF CONTROL METHODS.

The city reserves the right to request additional control measures if existing controls are shown to be insufficient to protect the POTW from interference due to the discharge of FOG.

928.19 VARIANCE OR WAIVER.

The city reserves the right to issue a waiver or variance to the requirements of this article as may be deemed applicable by the FOG Control Program Coordinator. FSE's may request a waiver if unable to comply with criteria set forth in this ordinance.

- (a) In order to receive a waiver, the FSE must submit a request to the FOG Control Program. A waiver request must include a current and complete GGI or HGI Certification Form, reason for inability to comply with this ordinance, and a control plan to ensure all other requirements of this ordinance are met.
- (b) If a waiver is granted, the city reserves the right to inspect the FSE and all GCE to ensure compliance.
- (c) If requirements of this ordinance are not met the waiver will be revoked and the FSE will be forced to comply fully with this ordinance.
- (d) A waiver must also be requested for inability to meet any deadlines set forth in this ordinance.

928.99 VIOLATIONS AND ENFORCEMENT

- (a) Enforcement action may result from, but is not limited to, failure to clean or pump GCE, failure to maintain GCE including installation of a properly functioning influent/effluent tees and baffle(s), failure to install GCE, failure to control FOG discharge from the FSE, failure to certify the GCE, FSE responsible for sewer line obstruction, FSE responsible for a sewer overflow, and FSE use of additives so that FOG is diluted and pushed downstream of the FSE. A notice of violation (NOV) may be issued stating the nature of the violation(s) and timeframe for corrective action.

- (b) Failure to initiate corrective action in response to an NOV will result in a second notice to be issued, and additional fees assessed. Fees may include compliance inspection and re-inspection fees, costs associated with service calls for sewer line blockages, line cleaning, camera trucks, line and pump repairs, including all labor, material, and equipment. Further noncompliance will result in escalation in enforcement action.
- (c) Immediate discontinuance of Wheeling Utility services may be issued if the facility presents an imminent endangerment to the health, welfare of person or to the environment, causes stoppages or excessive maintenance of the collection system, causes significant interference with the wastewater treatment plant, or causes the city to violate any condition of its NPDES permit. Service shall be reinstated when such conditions have been eliminated and after payment of reconnection fees or other assessed fees.
- (d) In addition to any inspection or violation fees, any user who is found to have violated this shall be fined not less than \$100.00 or more than \$1,000.00 for each offense. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense. In addition to the penalties provided in this subsection, the city may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations and permits issued under this article.
- (e) If inspections and field investigations determine that any fats, oils, and grease interference or blockage in the POTW (including the sewer system, a sewage pumping station, or the wastewater treatment plant) is caused by a particular user, or food service establishment, then that user, or FSE, may be required to reimburse the city for all labor, equipment, supplies and disposal costs incurred by city to clean the interference or blockage. The charges will be added to the user's or FSE's utility bill. Failure to reimburse the city may result in termination of utility services.
- (f) For all other violations not specifically mentioned above, the city will use the Enforcement Response Plan as a guide for enforcement action.
- (g) Any person, individual or user violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation.
- (h) Fines and costs imposed under provision of this article shall be enforceable and recoverable in the manner provided by applicable law.