

ARTICLE V. - FATS, OILS AND GREASE (FOG)

**ARTICLE V. - FATS, OILS AND GREASE (FOG)** <sup>[2]</sup>

**Sec. 30-76. - Purpose and applicability.**

- (a) *Purpose.* The purpose of this article is to aid in preventing the introduction and accumulation of fats, oils, and grease, into the city's public sewer system that may contribute to sanitary sewer blockages and obstructions.
- (b) *Applicability.* The provisions of this article shall apply to all food service establishments defined herein, within the city that are required under the Virginia Uniform Statewide Building Code, City Code, or applicable regulations of the Hampton Roads Sanitation District (HRSD) to have grease control devices and to all grease haulers providing service to any such food service establishment.

(Ord. No. 12-0037, 10-10-12)

**Sec. 30-77. - Definitions.**

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

*Building code administrator* means the city's building code administrator or his or her authorized designee. The building code administrator is referred to in the Virginia Uniform Statewide Building Code as the building official.

*Director* means the city's director of public works or his or her authorized designee.

*Fats, oils, and grease (FOG)* means 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 or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in [Title 40](#), Part 135 of the Code of Federal Regulations (40 CFR 136), as may be amended from time to time.

*Food service establishment* means any commercial, institutional, or food processing facility that discharges kitchen or food preparation wastewaters and that is required to have a grease control device under the Virginia Uniform Building Code or applicable regulations of HRSD.

*Grease control device* means a device used to collect, contain, and remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the city's wastewater collection system by gravity. Devices include grease interceptors, grease traps, automatic grease removal devices or other devices approved by the director.

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

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

*Grease removal device* means 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 (24) hours utilizing electromechanical apparatus.

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

*Public sewer system* includes the pipelines or conduits, pumping stations, force mains, and all other construction, devices, and appliances appurtenant thereto, located within the City of Hampton and used for the conveyance of residential, commercial or industrial sewage or wastewater or other wastes to (HRSD).

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

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

*Yellow grease* means 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.

(Ord. No. 12-0037, 10-10-12)

**Sec. 30-78. - Grease control devices.**

- (a) *Requirements.* All food service establishments shall have a grease control device or devices which have been approved by the director, and which meet all applicable requirements of the Virginia Uniform Statewide Building Code, as determined by the building code administrator. Notwithstanding the foregoing, any grease control device sized in accordance with the "Hampton Roads Regional Technical Standards, Sizing of Grease Control Devices" shall be deemed to meet the requirements of the section.
  - (1) *New establishments.* Except as provided in subsection (a)(2), new food service establishments, including those operated by a new owner or for a different use, shall be required to install, operate, and maintain a grease control device in compliance with the requirements of the Virginia Uniform Statewide Building Code. Grease control devices shall be installed and registered in accordance with [section 30-78](#) prior to the issuance of a certificate of occupancy.
  - (2) *Existing establishments.* Food services establishments in operation as of the effective date of this article may continue to operate and maintain their existing grease control devices, provided such grease control devices are in proper operating condition and are not found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system. An existing food service establishment shall install a new grease control device that complies with the requirements of the Virginia Uniform Statewide Building Code if its grease control device is determined by the director not to be in proper operating condition or 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.
  - (3) *Renovations or expansions.* Food service establishments that are renovated or expanded shall, if required by the Virginia Uniform Statewide Building Code, install new grease control devices meeting the requirements of such Code.
  - (4) *Retrofitting.* Existing food service establishments lacking approved grease control devices by reason of having been grandfathered from such requirement under the Virginia Uniform Statewide Building Code shall, if required by HRSD, install grease control devices in

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accordance with HRSD's regulations. Such grease control devices shall be registered within thirty (30) days of installation.

- (b) *Installation.* Grease control devices shall be installed by a plumber licensed in the Commonwealth of Virginia. 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.
- (c) *Maintenance.* Grease control devices shall be maintained as follows:
  - (1) Grease control devices shall be properly maintained at all times. 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's or HRSD's wastewater collection system is prohibited.
  - (2) Grease interceptors shall be pumped out completely when the total accumulation of surface FOG, including floating solids and settled solids, reaches twenty-five (25) percent 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. Such 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. The director shall not approve any request unless the applicant demonstrates that the frequency variance will not result in the introduction of any greater quantities of FOG into the public sewer system than would otherwise be introduced.
  - (3) Grease traps and grease removal devices shall be opened, inspected and completely cleaned of food solids and fats, oils and grease a minimum of once per week, unless allowed by the director for good cause shown. Such 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. The director shall not approve any request unless the applicant demonstrates that the frequency variance will not result in the introduction of any greater quantities of FOG into the public sewer system than would otherwise be introduced, and in no event shall the content of food solids and FOG exceed twenty-five (25) percent of the overall liquid depth of the device.
  - (4) 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 wastewater collection system.
  - (5) Unless authorized by the director, 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. The director shall not approve the use of any additives unless he is satisfied that such use will have no adverse effects upon the public sewer system.
- (d) *Waste disposal.* Waste material from grease control devices shall be disposed of as follows:
  - (1) Waste removed from a grease trap shall be disposed of in the solid waste disposal system or by a grease hauler certified by the Hampton Roads Planning District Commission.
  - (2) Waste removed from a grease interceptor shall be disposed of at a facility permitted to receive such wastes. No materials removed from interceptors shall be returned to any grease interceptor, private sewer line or into any portion of the city's or HRSD's wastewater collection system.

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- (3) Yellow grease shall be disposed of in a renderable FOG container in which contents will not be discharged to the environment. Yellow grease shall not be poured or discharged into the city's or HRSD's wastewater collection system.
- (e) *Inspection, modification and repair.* The director shall have the authority to make such inspections as are authorized by law during reasonable hours for the purpose of inspecting, observing, taking measurement, sampling, testing or reviewing the records of the wastewater collection system and grease control devices installed in a food service establishment to ensure that such food service establishment is in compliance with this article. Operational changes, maintenance and repairs required by the director shall be implemented as noted in the written notice issued to the food service establishment by the director. The owner or occupant of such food service establishment, or his or her designee, shall be entitled to accompany the director during such inspection. The director may require existing food service establishments to modify or repair any noncompliant grease control device and appurtenances within thirty (30) calendar days of written notification by the director. The director may grant extensions for good cause shown.
- (f) *Recordkeeping.* Food service establishments shall maintain records meeting the following requirements:
- (1) Food service establishments shall retain and make available for inspection and copying records of all cleaning and maintenance 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 and the volume of waste, including the percentage of grease and settled solids, removed in each cleaning. Such records shall be kept on site and shall be made available to the director upon request.
  - (2) 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 available to the director upon request.
  - (3) Food service establishments shall retain and make available for inspection and copying records of weekly inspections and cleaning pursuant to (c)(3) of this section for the previous three (3) years.

(Ord. No. 12-0037, 10-10-12)

**Sec. 30-79. - Registration requirements.**

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

- (a) Food service establishments existing on October 10, 2012, shall register all grease control devices on or before January 9, 2013. New establishments shall register such devices when requesting their water and sewer service, applying for a business license, or prior to obtaining a certificate of occupancy, whichever is later.
- (b) All grease haulers servicing grease control devices for food service establishments within the city on October 10, 2012, shall be required to obtain a certification to service grease control devices from the city or the Hampton Roads Planning District Commission no later than January 9, 2013, and shall comply with all applicable provisions of this article.

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- (c) All grease haulers, including any person collecting, pumping, or hauling waste from grease control devices within the city, shall obtain the required permits, certifications or approvals from the facility in which waste will be disposed. Grease haulers discharging to a HRSD treatment plant shall be approved through a HRSD Indirect Wastewater Discharge Permit.
- (d) At least one (1) current employee of a food service establishment existing on October 10, 2012, shall have successfully completed a training program concerning the operation and maintenance of grease control devices, provided by the city, no later than January 9, 2013.

(Ord. No. 12-0037, 10-10-12)

**Sec. 30-80. - Discharge limits.**

No person shall discharge or cause to be discharged from any food service establishment any wastewater with FOG or other substances harmful or hazardous to the public sewer system, the regional sanitary sewer system, or sewage treatment plant or processes, as determined by Section 301(d) of HRSD's Industrial Wastewater Discharge Regulations or any successor regulation.

(Ord. No. 12-0037, 10-10-12)

**Sec. 30-81. - Grease haulers.**

- (a) Any person collecting, pumping or hauling waste from grease interceptors within the city shall be certified under the Regional Grease Hauler Program of the Hampton Roads Planning District Commission and shall be approved through a HRSD Indirect Wastewater Discharge Permit.
- (b) Grease haulers shall notify the director within twenty-four (24) hours of any incident required to be reported to the Virginia Department of Environmental Quality.
- (c) Grease haulers shall retain and make available for inspection and copying by the director, for a period of at least three (3) years, all records related to grease interceptor pumping and waste disposal from businesses located in the city's wastewater service area. The director may require additional record keeping and reporting, as necessary, to ensure compliance with the terms of this article.

(Ord. No. 12-0037, 10-10-12)

**Sec. 30-82. - Civil penalties; scheduled violations.**

- (a) Enforcement will be implemented in accordance with the city's FOG Enforcement Response Plan, a copy of which will be provided to all registered food service establishments.
- (b) Except for the violations specified in the Schedule of Civil Penalties set forth in subsection (c), and without otherwise limiting the remedies which may be obtained under this article, the director may issue an order assessing a civil penalty or other monetary assessment in accordance with the following provisions:
  - (1) No order assessing a civil penalty for a violation shall be issued until after the alleged violator has been provided an opportunity for a hearing before the director, except with the consent of the alleged violator. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, on the alleged violator or his authorized representative at least thirty (30) days prior to the hearing. The notice shall specify the time and place for the hearing, facts and legal requirements related to the alleged violation, and the amount of any proposed civil penalty. At the hearing, the alleged violator may present evidence, including witnesses,

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regarding the occurrence of the alleged violation and the amount of the penalty, and may examine any witnesses for the city. A verbatim record of the hearing shall be made. Within thirty (30) days after the conclusion of the hearing, the director shall make findings of fact and conclusions of law and issue the order.

- (2) No order issued by the locality shall assess civil penalties in excess of thirty-two thousand five hundred dollars (\$32,500.00) per violation, not to exceed one hundred thousand dollars (\$100,000.00) per order, or such other amount as may be allowed under Code of Virginia § 62.1-44.15 or any successor statute, except with the consent of the violator.
  - (3) The actual amount of any civil penalty assessed shall be based upon the severity of the violation, the extent of any potential or actual environmental harm or facility damage, the compliance history of the violator, any economic benefit realized from the noncompliance, and the ability of the violator to pay the penalty. In addition to civil penalties, the order may include a monetary assessment for actual damages to sewers, treatment works and appurtenances and for costs, attorney fees and other expenses resulting from the violation.
  - (4) Any civil penalty or other monetary assessment included in any such order shall be payable as set forth in the order. Any unpaid balance at the time payment of the civil penalty or other monetary assessment is due may be collected in an action at law against the violator or included in the violator's bill for sewer services and collected in accordance with sections [30-50](#) and [30-51](#)
  - (5) Any order issued by the director, regardless of whether such order assesses a civil penalty, shall inform the alleged violator of his right to judicial review of any final order by appeal to the circuit court on the record of proceedings before the director. To commence an appeal, the alleged violator shall file a petition in circuit court within thirty (30) days of the date of the final order, and failure to do so shall constitute a waiver of the right to appeal. With respect to matters of law, the burden shall be on the party seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to ascertaining whether there was substantial evidence in the record to reasonably support such findings.
- (c) Any violation listed in the following schedule shall subject the violator to a civil penalty of not more than one hundred dollars (\$100.00) for the initial summons, not more than one hundred fifty dollars (\$150.00) for each additional summons, and not more than a total amount of three thousand dollars (\$3,000.00) for a series of specified violations arising from the same operative set of facts, as follows:
- (1) The city may issue a civil summons ticket for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the city treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the violation.
  - (2) If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any such trial, the city shall have the burden of proving by a preponderance of the evidence the liability of the alleged violator.
  - (3) An admission of liability or finding of liability under this section shall not be deemed an admission at a criminal proceeding, and no civil action authorized by this section shall proceed while a criminal action is pending.
  - (4) Any civil penalties imposed pursuant to this subsection shall be applied to the purpose of abating, preventing or mitigating environmental pollution.

*SCHEDULE OF CIVIL PENALTIES*

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Civil penalties will be assessed pursuant to the following tier system:

*Tier 1 Violations—Violations Not Critical to Function of Grease Control Device:*

- Failure to maintain cleaning, maintenance, and disposal logs (§§ [30-78\(f\)\(1\)](#) and (2))
- Failure to maintain certified employee with completed grease control device training (§ [30-79\(d\)](#))
- Failure to register grease control device (§ [30-79](#))

*Tier 2 Violations—Violations Critical to Proper FOG Abatement Plan:*

- Grease control device opening obstructed (§ [30-78\(c\)](#))
- Failure to engage a registered grease hauler (§ [30-81](#))
- Failure to repair equipment (§ [30-78\(c\)](#))
- Failure to clean grease control device as required (§ [30-78\(c\)](#))

*Tier 3 Violations—Violations Posing Immediate Threat to Sewer System or Environment:*

- Failure to ensure grease control device is not more than 25% full of grease and solids (§ [30-78\(c\)\(2\)](#))
- Failure to contain, clean up, abate, remove, or dispose of unlawfully discharged substances (§ [30-80](#))
- Failure to permit inspection of grease control device (§ [30-78\(e\)](#))

(Ord. No. 12-0037, 10-10-12)

**Sec. 30-82.1. - Other violations and penalties.**

- (a) Any intentional or willful act or omission to act in violation of any of the provisions of this article shall be punishable by a fine in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day that a continuing violation exists shall constitute a separate offense, and any fines imposed under this article shall be applied to the purpose of abating, preventing or mitigating environmental pollution.
- (b) Any person who, intentionally or otherwise, commits any of the acts prohibited by this article or who fails to perform any of the acts required by this article shall be liable to the city in an action at law for all costs of containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the wastewater collection system, as well as the costs of any damages or regulatory fines imposed upon the city, that are proximately caused by such violations. Such costs shall be collectible by the city in accordance with the provisions of § 15.2-2119 of the Code of Virginia.
- (c) In addition to any other remedy for the violation of this article, the city may bring legal action to enjoin the continuing violation of this article, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.
- (d) The remedies set forth in this section are cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

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(Ord. No. 12-0037, 10-10-12)

**Sec. 30-83. - Severability.**

The provisions of this article shall be severable, it being the intention of the city council that in the event one (1) or more of the provisions of this article are adjudged to be invalid or unenforceable, the validity and enforceability of the remaining provisions shall be unaffected by such adjudication.

(Ord. No. 12-0037, 10-10-12)

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 12-0037, adopted Oct. 10, 2012, amended Art. V in its entirety to read as herein set out. Former Art. V, §§ 30-76—30-82, pertained to similar subject matter, and derived from Ord. No. 10-0001, adopted Jan. 13, 2010. ([Back](#))





City of Hampton

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## **“FOG” ENFORCEMENT RESPONSE PLAN**

### **I. General Responsibilities**

A. Purpose. The purpose of this Enforcement Response Plan (the “Plan”) is to establish general responsibilities for enforcement of the Fats, Oils, and Grease (“FOG”) Ordinance for the City of Hampton pursuant to §§ 30-76 through -82 of the City code and §§ 15.2-2119 *et seq.* of the Virginia code. This Plan is not a regulation, code, or statute; therefore, it may be amended at any time in order to more effectively implement the City’s FOG Program. It has been developed for guidance and is not intended to create legal rights or obligations or to limit the enforcement discretion of the FOG Coordinator or the City. The Department of Public Works (the “Department”) intends to move quickly and responsibly in all enforcement actions. The following guidelines will help to ensure that issues requiring enforcement are handled fairly and uniformly for all food service establishments (“FSEs”).

B. FOG Inspectors. FOG inspectors are responsible for conducting compliance monitoring and FSE inspections. Inspectors will:

1. conduct outreach and educational activities with users;
2. review grease control device (“GCD”) maintenance records;
3. determine compliance with the FOG Ordinance through on-site inspections and prepare inspection reports;
4. provide compliance assistance as appropriate;
5. identify instances of noncompliance;
6. issue Notices of Violation (“NOV”);
7. develop compliance inspection schedules; and
8. participate in hearings and compliance meetings as deemed necessary by the Director of the Department or the City Attorney.

C. FOG Coordinator or Designee. The FOG Coordinator or his/her designee (the “Coordinator”) is responsible for ensuring fair and consistent implementation of FOG control requirements in compliance with the requirements of the FOG Ordinance. The Coordinator will:

1. review all violations;
2. review all documents prepared by inspectors;

3. recommend appropriate response(s) to violations;
4. promptly notify the Director of the Department of significant instances of noncompliance;
5. conduct compliance meetings;
6. develop and monitor compliance monitoring schedules;
7. track enforcement compliance schedules;
8. ensure consistency of the FOG control program;
9. initiate Administrative Orders with compliance schedules;
10. initiate terminations of service;
11. consult with City Attorney on all legal issues;
12. coordinate enforcement with other governmental agencies as appropriate;
13. sign NOVs; and
14. issue and prosecute civil summons tickets.

D. Food Service Establishments. Food Service Establishments who employ certified grease haulers to clean their devices may choose to self report by providing copies of the cleaning manifest to the FOG Coordinator in lieu of keeping a maintenance log. Manifests may be faxed to (757) 726-2836 or emailed to [fog@hampton.gov](mailto:fog@hampton.gov). This may reduce the frequency of FOG inspections.

E. Director of the Department. The Director of the Department (the “Director”) is responsible for the appropriate application of enforcement standards to FOG control plan violations and will execute Administrative Orders.

F. City Attorney. The City Attorney’s office provides legal assistance as requested and required.

## II. **Compliance Schedule and Penalties.**

A. Compliance Schedule. The Department enforces the FOG Ordinance pursuant to the following schedule:

Pre-Inspection Coordination: The FOG Coordinator will make no more than 3 attempts to contact the FSE representative by phone before conducting a compliance inspection.

Visit 1: Compliance Inspection

- FSE receives a copy of the violations on site - No Penalty

Visit 2: Upon re-inspection, FOG Coordinator finds the same violations

- FSE receives a copy of the violations on site, as well as a formal letter (Notice of Non-Compliance) – No Penalty

Visit 3: Upon re-inspection, FOG Coordinator finds the same violations

- FSE receives a copy of the violations on site, as well as a formal letter (Notice of Violation) – No Penalty

Visit 4: Upon re-inspection, FOG Coordinator finds the same violations

- FSE receives a copy of the violations on site, FSE is notified it will be issued a civil penalty, and must rectify the violation immediately - Civil penalty applies
- Civil Penalty Issued

90-day response times will be allotted between each visit, with the exception of sanitary sewer overflows or other violations causing immediate harm to the sewer system or the environment. The FOG Coordinator may contact the FSE periodically within the 90-day period.

B. Penalties. Civil penalties will be assessed pursuant to the following tier system:

**Tier 1 Violations – Violations not critical to the function of the GCD**

- Failure to maintain cleaning, maintenance, and disposal logs (§§ 30-78(f)(1) and (2))
- Failure to maintain certified employee with completed GCD training (§ 30-79(d))
- Failure to register GCD (§ 30-79)

**Tier 2 Violations – Violations that are critical to a proper FOG abatement plan**

- GCD opening obstructed (§ 30-78(c))
- Failure to engage a registered grease hauler (§ 30-81)
- Failure to repair equipment (§ 30-78(c))
- Failure to clean GCD as required (§ 30-78(c))

**Tier 3 Violations – Violations posing an immediate threat to the sewer system or the environment**

- Failure to ensure GDC is not more than 25% full of grease and solids (§ 30-78(c)(2))
- Failure to contain, clean up, abate, remove, or dispose of unlawfully discharged substances (§ 30-80)
- Failure to permit inspection of GCD (§30-78(e))

III. **Enforcement Actions.** The City is empowered to take a wide variety of enforcement actions, including but not limited to:

A. Administrative Order. Administrative Orders (“AO”) are enforcement documents that direct FSEs to undertake and/or cease activities not specified in the Schedule of Civil Penalties by stipulated deadlines. The terms of an AO may or may not be negotiated with FSEs. An AO may not assess civil penalties until after the alleged violator has been provided an opportunity for a hearing before the Director, except with the alleged violator’s consent. The AO may not assess civil penalties in excess of \$32,000 per violation or \$100,000 per order, or other amount allowed under

Va. Code §§ 15.2-2122 and 62.1-44.15 or any successor statute, except with the alleged violator's consent.

B. Civil Penalties. Civil penalties are administratively issued to a FSE that fails to comply with any provision of the FOG Ordinance and/or applicable policy.

C. Compliance Assistance. Inspectors will assist any FSE in achieving compliance with the FOG Ordinance. Assistance may include, but is not limited to, providing information about training opportunities, providing copies of applicable regulations, and/or distributing training materials.

D. Notice of Non-Compliance. A Notice of Non-Compliance is an informal notice to the FSE, issued at the time of the inspection, advising the FSE of corrections required within a specified timeframe to comply with the FOG Ordinance.

E. Notice of Violation. A NOV is a formal written notice to the FSE that it has committed a violation of the local FOG Ordinance. The NOV will require corrective actions within a specified timeframe to achieve compliance. The text of the NOV will include a statement that additional enforcement actions may be pursued if corrective actions are not achieved as required and may require a response from the FSE that details the causes of the violation(s) and the corrective action taken to prevent similar violations from occurring.

F. Payment of Remediation / Clean-up Costs and/or Cost Recovery. Notice to reimburse the City for costs associated with clean up, decontamination, and/or other violations after the discharge of substances into the sanitary sewer, storm sewer, surface waters, and or the environment that cause interference, pass-through, or sanitary sewer blockage, including but not limited to employee and equipment costs.

G. Termination or Suspension of Service. The City may terminate or suspend service to any FSE to prevent any actual or threatened discharge to the sewer system that may endanger the public health or cause damage to the sewer system.

IV. **Dispute/Appeal Process**. A FSE may dispute a summons for a scheduled violation in Hampton General District Court and appeal the same as provided by law. Final AOs may be appealed to the Hampton Circuit Court.

*Prepared: October 2012*