



TOWN OF TISBURY

office of

THE BOARD OF HEALTH

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Tisbury Board of Health Legal Notice

The Tisbury Board of Health will hold a public hearing on Tuesday, August 13, 2019, at 4:30 pm in the Tisbury Town Hall Annex, 66 High Point Lane, Vineyard Haven, MA 02568 to consider adopting a regulation for the effective management of Fats, Oils and Grease (FOG's) in order to prevent blockages and backups of the Town's sanitary sewer system caused by FOG's discharged by food service establishments in Tisbury. Copies of the proposed regulation are available on the town website at www.tisburyma.gov or at the Tisbury Board of Health office, 66 High Point Lane, Vineyard Haven, (508) 696-4290.



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Town of Tisbury Board of Health

**RULES AND REGULATIONS FOR MAINTENANCE OF FAT, OILS AND GREASE (FOG)
PRETREATMENTS SYSTEMS AND REMOVAL OF FATS, OILS AND GREASE (FOG)
FROM FOOD ESTABLISHMENTS**

SECTION 1: PURPOSE

The Board of Health of the Town of Tisbury, Massachusetts is charged with the protection of public health for the Tisbury community. The Board of Health and the Tisbury Wastewater Department have determined and have mutually agreed that the enactment of this regulation is necessary and will further safeguard the health and safety of the Tisbury community.

This regulation provides for the effective management of Fats, Oils and Grease (FOG's) in order to protect the public health of residents, visitors, businesses and the environment within the Town of Tisbury from blockages and backups of the Towns sanitary sewer system caused by FOG's discharged by food service establishments in Tisbury.

In order to preserve and protect the public health of the inhabitants of the Town of Tisbury, the Board of Health has determined the following regulations are necessary.

SECTION 2: AUTHORITY

The Tisbury Board of Health, in concurrence with the Tisbury Wastewater Department, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws has adopted these regulations (the "FOG Regulations").

SECTION 3: DEFINITIONS

Abbreviations and their meanings as used in this regulation include:

CMR	Code of Massachusetts Regulations
DEP	Massachusetts Department of Environmental Protection
FDA	United States Food and Drug Administration
GPM	Gallons per minute
MGL	Massachusetts General Laws

AGENT - Any duly appointed agent of the Tisbury Board of Health in accordance with the provisions of M.G.L. c. 111, § 30.

BOARD OF HEALTH or BOARD – The Board of Health of the Town of Tisbury, Massachusetts and its agents.

BUILDING SEWER - A pipe or pipes maintained and controlled by private persons for the purpose of conveying wastewater from any wastewater producing location to the sanitary sewer collection system.

DISCHARGE LIMIT - Any water or waste containing FOG in excess of one hundred milligrams per liter (100mg/l).

FOG – (Fats, Oils, Grease) A material composed of fatty matter from animal or vegetable sources or hydrocarbons of petroleum origins, including wax or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred and fifty (150) degrees Fahrenheit (0 to 65 Degrees Celsius).

FOG PRETREATMENT SYSTEM – includes one or a combination of the following grease removal systems:

1. Indoor automatic grease trap
2. Indoor passive grease trap
3. Outdoor/Underground grease interceptor.

FOOD ESTABLISHMENT – Includes but is not limited to any facility preparing and or/serving food for commercial use, consumption, or sale. This includes any establishment issued a permit to operate a food establishment by the Tisbury Board of Health under 105 CMR 590.000 or any food processing establishment required to be licensed by the Massachusetts Food Protection Program or any other facility or business not listed above where FOG may be introduced into the municipal sewer system.

GREASE INTERCEPTOR – A liquid tight device designed with a flow rate exceeding 50 GPM which actively or passively separates and retains for removal dissolved and/or suspended FOG and is generally installed below ground outside the building in accordance with 248 CMR 10.00 and 310 CMR 310.000.

GREASE TRAP – A liquid tight device designed with a flow rate below 50 GPM which actively or passively separates and retains for removal dissolved and/or suspended FOG and is generally installed inside the building in accordance with 248 CMR 10.00.

SEPTAGE HAULER - Any septage hauler that has been issued a permit to transport septage within the Town from the Board of Health under 310 CMR 15.000.

SECTION 4: GENERAL PROVISIONS

- A. All establishments in operation prior to the adoption of the FOG Regulations shall come into full compliance with the operation and maintenance, storage, disposal, documentation and inspection provisions provided for herein, as outlined in sections 7 to 10, within 30 days from the effective date of the FOG Regulations.
- B. Every business generating FOG that is or may be introduced to wastewater, or is or may be discharging FOG into the Town's sanitary sewer collection system, shall comply with all of the provisions of these regulations, applicable plumbing codes, building codes, environmental codes and all other applicable local, state and federal laws, regulations and codes.
- C. Any establishment which is required to install, upgrade or otherwise install any component or components of a FOG pretreatment system shall be responsible for any and all costs for designing, installing and maintaining said system.

SECTION 5: FACILITIES REQUIRING FOG PRETREATMENT SYSTEMS

- A. **New Food Establishments:** Newly proposed or constructed food establishments must install an internal grease trap and an external grease interceptor according to applicable building, plumbing and health codes. For the purpose of this regulation, a newly proposed or constructed food establishment is a food establishment that undergoes new construction or a complex renovation requiring the submittal of plans to the Board of Health during the Plan Review process as required by 105 CMR 590.000 and the version of the FDA Food Code effective at the time permits are sought
- B. **Existing Food Establishments:** Existing food establishments shall be required to install, modify or upgrade an approved FOG pretreatment system when the Board or its agent determines that:
 - i) an establishment is discharging grease in quantities sufficient to cause sanitary sewer line blockages or to cause increased levels of maintenance of sanitary sewer lines;
 - ii) the existing grease interceptor is undersized, nonfunctional, or not properly plumbed to all internal fixtures that generate grease or oil; or
 - iii) any of the following have occurred or will occur within a reasonable time :
 - 1. Significant change in use and/or change of the menu of the food establishment;
 - 2. The establishment is remodeled through the building permit process;
 - 3. The establishment is sold/transferred to new ownership; or
 - 4. The establishment has acquired a new occupant.
- C. All establishments that are required to install and operate a FOG pretreatment system as provided in the FOG Regulation shall demonstrate to the Board of Health that the Grease Traps or External Grease Interceptors are properly sized and installed and are in

full compliance with these Regulations and all local, state and federal laws and regulations.

- D. New and Existing Food Establishments: Plumbing fixtures to be protected by grease traps and interceptors shall include but are not limited to:
1. pot sinks (with bowl depths exceeding ten inches);
 2. scullery sinks (with bowl depths exceeding ten inches) ;
 3. floor drains;
 4. floor sinks;
 5. automatic dishwashers regardless of temperature;
 6. pre-rinse sinks;
 7. soup kettles or similar devices;
 8. wok stations; and
 9. automatic hood wash units.

SECTION 6: FOG PRETREATMENT DESIGN AND INSTALLATION

- A. The Board of Health may at any time require the installation and/or relocation of an internal trap or external grease interceptor at a food establishment, as it may deem necessary to maintain any particular building sewer pipe, any lateral sewer pipe, or sewer main pipe free from septage which contains FOG's or other substances in excess of the discharge limit or other obstructions caused by FOG emanating from a food establishment.
- B. Internal grease traps must comply with 248 CMR, which are the Commonwealth of Massachusetts Rules and Regulations Governing Plumbers and Gas Fitters and the Plumbing and Drainage Institute Standard, PDI-GI01, with sizing requirements based on wastewater flow rates directed to the interceptor.
- C. External grease interceptors must be designed by a Massachusetts Registered Professional Engineer and sized according to 310 CMR 15.230 or other engineering best management practice. Prior to the installation of an external grease interceptor, if sizing calculations are based on a method other than 310 CMR 15.230, a letter from a Massachusetts Registered Professional Engineer providing sizing calculations must be submitted to the Board of Health for approval by an agent of the Board of Health.

SECTION 7: FOG PRETREATMENT OPERATION AND MAINTENANCE

- A. All grease traps and interceptors shall be operated and maintained by the owner or operator of a food establishment at the expense of the food establishment. Proof of cleaning shall be certified to the Board of Health in accordance with the requirements provided in the Documentation section of this regulation. The following schedule specifies the minimum criteria and time schedule. This schedule is subject to change by the Board of Health.
1. All grease traps shall be inspected by the owner or operator in intervals of not more than seven (7) days between inspections. All grease traps shall have FOG and other materials removed and trap fully cleaned in accordance with manufacturer's

instructions in intervals of not more than thirty (30) days or as directed by the Board of Health

2. All grease interceptors shall be inspected by the owner or operator in intervals of not more than thirty (30) days between inspections. All grease interceptors shall have FOG and other materials pumped by a Town licensed septage hauler in intervals of not more than 180 days or whenever the level of FOG is not less than twenty-five percent (25%) of the effective capacity of as directed by the Board of Health, whichever of these should occur soonest.

SECTION 8: ONSITE STORAGE OF FOG FROM TRAPS AND OPERATIONAL ACTIVITY

- A. All FOG wastes from traps and operational activity, such as grease from hood cleaning or cooking activities (e.g., deep frying), which will be stored on site for any period of time, shall be collected and stored in appropriate containers in an approved location at the food establishment. Containers shall be stored on an impervious surface such as concrete or pavement. Containers shall be either sealed or stored in a sheltered area, and maintained to prevent entry of precipitation and animals. FOG from external interceptors may not be removed from the interceptor and stored on site.

SECTION 9: DISPOSAL OF FOG FROM ONSITE STORAGE AND INTERCEPTORS

- A. All FOG wastes from operational activities which are permitted to be stored on site must be removed by a commodities recycler or Town licensed trash hauler. Records of removal and disposal of wastes must be maintained in accordance with the Section 10. The food establishment is responsible for assuring that all waste grease and related wastes are disposed of in accordance with all federal, state, and local disposal regulations
- B. All FOG wastes removed from a grease interceptor must be removed by a Town licensed septage pumper/hauler and wastes disposed of at an approved facility. A permit from the Town is required to be obtained prior to pumping of an interceptor. Records of removal and disposal of wastes must be maintained in accordance with Section 10. The food establishment is responsible for assuring that all waste grease and related wastes are disposed of in accordance with all federal, state, and local disposal regulations

SECTION 10: DOCUMENTATION AND INSPECTION

- A. All records pertaining to FOG pretreatment inspection, maintenance, cleaning, removing, transporting and disposing of FOG and related wastes shall be retained by the food establishment on site for no less than three (3) years.
- B. Each grease trap or interceptor shall have its own individual maintenance log.
- C. The Tisbury Board of Health or agent will conduct routine inspections to ensure compliance with this Section. Upon request, the owner or operator shall furnish all inspection, cleaning and maintenance records to the Board of Health or its agent. The owner or person in charge of a food service establishment shall be required to open all grease traps and/or interceptors for visual inspection upon request by the Board or its agent

SECTION 11: ENFORCEMENT

This regulation shall be enforced by the Tisbury Board of Health or its agent.

SECTION 12: VIOLATIONS

- A. It shall be the responsibility of the owner of the licensed food establishment to ensure compliance with all sections of this regulation. A written order, including a statement of the violation(s) of this regulation, shall be issued to the owner of a food establishment specifying the nature, time, and date of the violation(s), the time frame for completing any necessary corrections and notice of the right to a hearing.
- B. In accordance with M.G.L. c. 40, §21D, whoever violates any provision of this regulation may be penalized by civil non-criminal disposition. The violator shall receive:
 - i) In the case of a first violation, a fine of one hundred dollars (\$100.00). In the case of a second violation within 24 months of the date of the current violation, a fine of two hundred dollars (\$200.00). In the case of three or more violations within a 24 month period, a fine of three hundred dollars (\$300.00). Each day or portion thereof during which a violation occurs shall constitute a separate offense.
- C. Failure to correct violations of any provision of this Regulation may result in the suspension or revocation of a Permit to Operate a Food Establishment or refusal to issue a Permit to Operate a Food Establishment as provided in 105 CMR 590.000. Such suspension, revocation or refusal shall follow the procedure as outlined in 105 CMR 590.000.
- D. In the alternative these regulations may be enforced through any other means available at law, including any civil proceedings or criminal penalties provided for by law including, but not limited to, M.G.L. c. 111, §31, and as deemed appropriate by the Board.

SECTION 13: HEARING

- A. Any food establishment that has received an order issued pursuant to this regulation may request a hearing before the Board of Health. Such a request shall be in writing and must be received by the Board within ten (10) days after receipt of the order. Upon receipt of such request, the Board shall set a time and a place for such hearing and shall inform the petitioner thereof in writing.
- B. The hearing shall commence not later than 30 days after the date the order was served. At the hearing the petitioner shall be given an opportunity to be heard, to present witnesses or documentary evidence, and to show why an order should be modified or withdrawn. Failure to hold a hearing within the time period specified herein shall not affect the validity of any order. After said hearing the Board may affirm, modify or rescind said order or take any other action it deems warranted and appropriate.

SECTION 14: VARIANCE

Upon written application, the Board of Health may, at its discretion, issue a variance to any permit holder that can demonstrate to the reasonable satisfaction of the Board that a level of protection to the Town of Tisbury sanitary sewer system at least equivalent to that provided under this regulation can be achieved without strict application of the specific provision of the FOG Regulations from which a variance is sought. The reason(s) for the variance request must be clear and specific. Financial hardship is not, in itself, proper grounds for a variance or waiver request.

SECTION 15: SEVERABILITY

Each provision of these Regulations shall be construed as a separate, independent regulation. Accordingly, if any part of the FOG Regulations shall be held or deemed invalid for any reason, the remainder of these regulations shall continue in full force and effect.

SECTION 16: EFFECTIVE DATE

These regulations shall become effective upon publication pursuant to G.L. c. 111, §31 on

_____.

