



# TOWN OF BELLINGHAM

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### TOWN OF BELLINGHAM BOARD OF HEALTH FATS, OILS AND GREASE (FOG) REGULATIONS Effective July 18, 2023

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BELLINGHAM TOWN CLERK

#### ARTICLE 1

##### Rationale and Authority

The purpose of this regulation is to protect residents, businesses, and the environment within the Town of Bellingham from blockages of the Town's sanitary sewer system caused by Fats, Oils, and Grease (FOG) discharged from restaurants and food service establishments in Bellingham. All new and existing facilities that generate and discharge FOG in the wastewater flow shall install, operate, and maintain a FOG pretreatment system, as further defined herein. The requirements of this Regulation shall supplement, and be in addition to, the requirements of the Town of Bellingham's Water/Sewer Use Rules and Regulations, and the Massachusetts State Sanitary Code.

The Bellingham Board of Health, in concurrence with the Bellingham Water/Sewer Department, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws has adopted the following Rules and Regulations.

#### ARTICLE 2

##### Definitions

48 CMR means the Massachusetts State Plumbing Code regulations.

Best Management Practice(s) means a cultural or engineering technique, or a management strategy, that has been determined and accepted to be an effective and practical means of preventing or reducing non-point source pollution in a local area.

Discharge Limit means one hundred (100) milligrams of Fats, Oils, and Grease per liter of wastewater or equivalent concentration that can cause a blockage to the municipal sewer system.

FOG (Fats, Oils, Grease) means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time.

FOG Pretreatment System means one of the following grease removal systems:

- (1) Indoor Automatic Grease Trap;
- (2) Indoor Passive Grease Trap; or
- (3) Outdoor/Underground Grease Interceptor

Food Service Establishment (FSE) includes, but is not limited to, any facility preparing and/or serving food for commercial use or sale. This includes restaurants, cafes, lunch counters, cafeterias, hotels, hospitals, convalescent homes, factory or school kitchens, catering kitchens, bakeries, grocery stores with food preparation and packaging, meat cutting and preparation (excluding grocery stores with only food warming operations), meat packing facilities and other food handling facilities not listed above where fats, oil and grease may be introduced in the municipal sewer system.

Grease interceptor/trap (sometimes called separators), for the purposes of this document, means an interior or exterior multi-compartment device designed to retain grease from one or more fixtures; it shall be of a size and design in compliance with all current Building and Plumbing codes adopted by the Town and, pursuant to State Plumbing regulations 248 CMR.

Grease Trap means a grease interceptor pursuant to State Plumbing regulations 248CMR, which is a device designed to remove undissolved and/or suspended waste grease and oil from wastewater.

Permitted Offal/Septage Hauler means an offal/septage hauler issued a valid permit by the Bellingham Health Department to dispose of FOG and/or sanitary septage.

Sewer means all sewers and facilities operated for carrying sewage.

Sewer Pipe means any town sanitary sewer piping, including but not limited to interior and exterior building sanitary sewer piping or any main or lateral sanitary sewer piping, regardless of whether such piping is located on private or municipal land.

Substantial Renovations means any renovation to a Food Service Establishment that would increase the number of permitted seating capacity or would alter in some way the kitchen facility.

Town Agent means a duly authorized agent of the Bellingham Health Department or agent of the Bellingham Water/Sewer Department bearing proper credentials.

Yellow grease is the used oil from fryers disposed of in a collection container located outside the building.

Waste Grease or Oil means leftover grease or oil generated by a Food Service Establishment during the cooking process.

## **ARTICLE 3**

### **System Standards**

**Section 1.** A Food Service Establishment or other facility that generates FOG as a by-product shall install a suitable FOG Pretreatment System that conforms to state regulations 248 CMR 10.09(2), properly

treats discharge not to exceed the discharge limits set by this Regulation (100 mg/l) and gets the approval of the Bellingham Board of Health and the Bellingham Water/Sewer Department.

**Section 2.** Bellingham Board of Health or the Bellingham Water/Sewer Department may at any time require the installation, upgrade and/or relocation of a FOG Pretreatment System, as deemed necessary to maintain any Sewer Pipe from obstructions caused by Waste Grease or Oil. The establishment shall be responsible for all costs for installation and maintenance of said system.

**Section 3.** Any newly built Food Service Establishment or those undergoing Substantial Renovations shall install an Outdoor/Underground Grease Interceptor, with a minimum 1,500-gallon capacity, or an Indoor Automatic Grease Trap or Indoor Passive Grease Trap. Either pretreatment system must be sized according to the manufacturer and in compliance with 248 CMR.

**Section 4.** An Indoor Automatic Grease Trap or Indoor Passive Grease Trap shall be inspected, serviced, and cleaned at least monthly by a professional drain cleaner, licensed plumber or Permitted Offal/Septage Hauler.

**Section 5.** An Outdoor/Underground Grease Interceptor shall be pumped, inspected, and serviced by a Permitted Offal/Septage Hauler at least every three (3) months or at a frequency deemed necessary to prevent any potential blockage.

**Section 6.** A copy of "The Grease Trap Maintenance Log" shall be kept onsite and maintained relative to the operation/maintenance of any FOG Pretreatment System. This log shall be readily accessible for review by a Town Agent.

**Section 7.** All pumping and hauling records shall be properly maintained on a regular basis and readily available for review by a Town Agent.

**Section 8.** Waste Grease and Oil shall not be disposed of by means of the sanitary sewer. Waste Grease and Oil shall be collected in an appropriate container from and approved vendor and stored on the premise in a location deemed acceptable to the Bellingham Board of Health. The container shall be stored on a impervious surface, such as concrete or pavement, and in a sheltered area to prevent entry of precipitation and vermin. While stored, the container must be sealed, and the surrounding area always kept in sanitary condition.

**Section 9.** As of (date), all Septic/FOG Hauler trucks that service systems in the Town of Bellingham will be required to have a Septic/FOG Hauler Permit. Septic/FOG Haulers must provide a list of all FOG customers in Bellingham as part of the permit application.

**Section 10.** All Septic Haulers must have strict conformance to the FOG regulations for pumping and maintenance under the Board of Health FOG Control Regulations for systems on town sewer and Title V CMR 15.351(2) for private onsite septic systems. Failure to comply with these regulations will result in the loss of Permit for the year and repeat offenses can result in a permanent loss of permit at the discretion of the Board of Health. If a Hauler is found to be illegally discharging FOG under and Federal, State, or Local laws this will result in the loss of all FOG Permits indefinitely and could also face criminal charges.

**Section 11.** All automatic electrical/mechanical grease removal and treatment units shall be sized in accordance with the manufacturer's written recommendations and in compliance with 248CMR.

**Section 12.** A separate suitable sampling location, approved by the Bellingham Board of Health shall be provided for sampling the discharge from any Indoor Automatic Grease Trap or Indoor Passive Grease Trap system. The sampling valve must be installed on the discharge piping with a minimum clearance of eight (8) inches to allow samples to be taken by a Health Department/Sewer Department agent.

**Section 13.** Dishwasher wastewater must discharge into an appropriate grease trap pursuant to 248 CMR 10.09 (2) C (5).

**Section 14.** Food waste grinders must comply with the requirements of 248 CMR 10.09 (2) F (3).

**Section 15.** Control Device must conform to the requirements of 248 CMR 10.09 (2) I.

**Section 16.** All temporary food service establishments and events that use, generate, or store FOG will be required to have a written FOG management plan before a temporary food service permit will be issued.

#### **ARTICLE 4**

##### **Inspections**

**Section 1.** Inspection of cleaning and maintenance records for all Waste Grease or Oil removal and treatment systems shall be part of regular inspection of a Food Service Establishment. A Food Service Establishment inspection may be unannounced but occur during regular business hours.

**Section 2.** Records pertaining to the removal and treatment of Waste Grease or Oil shall be maintained by the owner or operator within the premise of the Food Service Establishment for no less than two (2) years. Upon request by a Town Health Agent, a Food Service Establishment owner or operator shall furnish all records required to enforce and monitor compliance with this regulation.

**Section 3.** During an inspection, a Town Health Agent of Town of Bellingham Water/Sewer employee may apply oil-soluble dyes to the waste stream to identify (by color) the FOG of any given establishment to determine if said establishment may be a cause of a failure or obstruction in a Sewer Pipe.

**Section 4.** A Town Health Agent may inspect any Food Service Establishment, with reasonable cause, suspected of exceeding a Discharge Limit for their wastewater.

#### **ARTICLE 5**

##### **Corrective Actions**

**Section 1.** The Bellingham Board of Health or the Bellingham Water/Sewer Department may order the installation of a FOG Pretreatment System, including but not limited to an Indoor Automatic Grease Trap, an Indoor Passive Grease Trap, or and Outdoor/Underground Passive Grease Interceptor, if a Food Service Establishment is found to have caused, or likely to cause, a blockage to the municipal sewer system.

**Section 2.** Newly built Food Service Establishments or those undergoing Substantial Renovations shall install the appropriate FOG Pretreatment System according to this Regulation in conjunction with the

overall construction project. Locations of grease traps and interceptors must comply with CMR 10.09 (2) a b c.

**Section 3.** All Food Service Establishments shall install an Indoor Automatic or Passive Grease Trap or an Outdoor/Underground Grease Interceptor within one (1) year of the adoption of this Regulation.

## **ARTICLE 6**

### **Variances and Waivers**

**Section 1.** A request for a variance or a waiver shall be applied for from the Bellingham Board of Health by completing a required form and payment of a \$100.00 fee. The reasons for the request must be clear and specific.

**Section 2.** Adequate documentation, which includes but not limited to an on-going Waste Grease of Oil service program, logs from a Permitted Offal/Septage Hauler, and the absence of any Sewer Pipe blockage incident may serve as evidence for granting the one-year waiver pursuant to Article 6, Section 3 of this Regulation.

**Section 3.** The Bellingham Board of Health may grant a variance from the requirements of this Regulation for:

- (1) Operation and maintenance (O&M) frequencies. Any application for an O&M variance must be accompanied by a written letter from the Food Service Establishment's O&M contractor and system provided.
- (2) The type of FOG Pretreatment System required; or
- (3) The imposed time frame for correcting a violation.

The Bellingham Board of Health shall consult the Bellingham Water/Sewer Department for the granting of variances.

**Section 4.** Any request for a variance for a Food Service Establishment to use an alternative method, system, or product that does not comply with 248 CMR 3.00 through 10.0 must additionally apply, and receive in advance, a variance from the State Board for Plumbers and Gas Fitters pursuant to 248 CMR 3.04(2).

**Section 5.** Financial hardship is not in itself proper grounds for a variance or waiver request.

## **ARTICLE 7**

### **Violations**

**Section 1.** Written notice of a violation of this Regulation shall be given to the owner and operator of a Food Service Establishment by a Town Health Agent, specifying the nature, time and date of the violation, and any preventative measure required to avoid future violations, and the time frame for completing any necessary corrections.

**Section 2.** In accordance with MGL, Chapter 40, Section 21D and the Bellingham Board of Health, whoever violates any provision of these Rules and Regulations may be penalized by a non-criminal disposition.

Sanctions may include the following for offenses occurring within a 12-month period: First offense: Written Warning, Second offense: \$100.00 fine, Third offense: \$250.00 fine, Fourth offense: loss of food establishment permit until proof the facility is in compliance with this Regulation. Each day or portion thereof during which the violation continues may constitute a separate offense.

**Section 3.** The Bellingham Board of Health may additionally order the immediate suspension or revocation of a Food Service Establishment permit for any of the following reasons:

- (1) Any violation of this Regulation deemed to be of a serious nature;
- (2) Repeated violations of this Regulation;
- (3) Interference with a Town Agent in the performance of his or her duty pursuant to this Regulation;
- (4) Failure of a permit holder to comply with a written directive relative to this Regulation;
- (5) Failure to adequately maintain required records or logs pursuant to this Regulation;
- (6) Keeping or submitting any misleading or false record, log or document required by this Regulation.

**Section 4.** The effective date and length of a suspension will be determined by the Board of Health.

**Section 5.** Any person violating the provisions of this Regulation may be liable to the Town of Bellingham for any loss, expense or damage, including consequential damages, caused by such violation.

The Town of Bellingham may enforce the provisions of this Regulation by all civil and equitable procedures.

## **ARTICLE 8**

### **Hearing**

The person or persons, to whom any order or notice is issued pursuant to this Regulation, may request a hearing before the Bellingham Board of Health. Such a request shall be in writing and shall be filed in the office of the Bellingham Board of Health within seven (7) days after receipt of an order or notice.

## **ARTICLE 9**

### **Severability**

If any word, clause, phrase, sentence, paragraph, or section of this Regulation shall be declared invalid for any reason whatsoever, that portion shall be severed, and all other provisions of the Regulation shall remain in full force and effect.

## **ARTICLE 10**

### **Effective Date**

This Regulation was adopted in concurrence with the Bellingham Water/Sewer Department by a vote of the Board of Health on (Date). This Regulation shall become effective on (Date).

## **ARTICLE 11**


### **Exemptions**

1. Temporary mobile food service units with a written FOG management plan approved by the Board of Health.
2. Non-profit, clubs, and religious organizations approved by the Board of Health.

Approved and adopted on July 18, 2023, by the Bellingham Board of Health.



Vincent Forte, Jr.  
Chairman



Patricia Leclair  
Vice Chairman



Michael Hennessey  
Member