

# TOWN of HINGHAM REGULATION

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## “Fats, Oil, & Grease (FOG) Pretreatment Systems”

### **Section 1. Authority:**

The Hingham Board of Health, in concurrence with the Hingham Sewer Commission, acting under the authority of Chapter 111, Section 31 and Chapter 83, Section 10 of the Massachusetts General Laws has adopted the following rules and regulation.

### **Section 2. Purpose:**

The purpose of this regulation is to protect residents, businesses and the environment within the Town of Hingham from blockages to the town’s sanitary sewer system caused by Fats, Oils, and Grease (FOG) discharged from restaurants and food service establishments in Hingham. All new and existing facilities that generate and discharge FOG in the wastewater flow shall install, operate and maintain a FOG pretreatment system, as defined herein.

The requirements of this regulation shall supplement, and be in addition to, the requirements of the Town of Hingham’s ‘Sewer Use Rules and Regulations’, and the Massachusetts State Sanitary Code.

### **Section 3. Definitions:**

**248 CMR** - means the Massachusetts State Plumbing Code regulations.

**3-Bay Sink** – means a sink that has three or more compartments.

**Discharge Limit** - means three hundred (300) milligrams of Fats, Oils, and Grease per liter of wastewater or equivalent concentration that can cause a blockage to the municipal sewer system.

**Dishwasher** – means a mechanical warewashing devise, including chemical or high temperature dishwashers and glasswashers.

**EHO** - means the Executive Health Officer for the Town of Hingham.

**Food Establishment** - means any facility issued a valid food establishment or food service establishment permit by the Hingham Board of Health or any facility that

prepares or sells food and as a byproduct discharges Fats, Oil, or Grease into the municipal sewer system.

**FOG** - means Fats, Oils, and Grease.

**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 Waste Grinder** – means a garbage or waste disposal unit, usually electrically-powered, installed under a kitchen sink between the sink’s drain and the trap that grinds or pulverizes food waste for dispersal into the wastewater flow.

**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.

**Indoor Automatic Grease Trap** - means an active automatic grease trap which separates and removes FOG from effluent discharge and cleans itself of accumulated FOG at least once every twenty-four hours utilizing: (1) an electromechanical apparatus to accomplish removal, or (2) an approved automatic bioremediation grease control mechanism that suppresses or limits the formation of accumulated FOG through application of indigenous microbial nutrients.

**Indoor Passive Grease Trap** - means a passive grease trap installed inside a building designed to remove FOG from flowing wastewater while allowing wastewater to flow through it. Also, known as an indoor grease trap fitted with an approved automatic bioremediation grease control system that suppresses or limits the formation of accumulated FOG through application of indigenous microbial nutrients.

**Outdoor/Underground Grease Interceptor** - means a passive grease trap installed outside a building (having a capacity of 1,500 Gallons or more) designed to remove FOG from flowing wastewater while allowing wastewater to flow through it. Also, known as an outside grease trap fitted with an approved automatic bioremediation grease control system that suppresses or limits the formation of accumulated FOG through application of indigenous microbial nutrients.

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

**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 whether such piping is located on private or municipal land.

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

**Town Agent** - means a duly authorized agent of the Hingham Board of Health or the Hingham Sewer Department bearing proper credentials.

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

**Section 4.                    System Standards:**

- A. A Food 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), and the approval of the Hingham Sewer Department and the Hingham EHO.
- B. The Hingham Sewer Department or Hingham EHO 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 Food Establishment shall be responsible for any and all costs for installing and maintaining said system.
- C. Any newly built Food 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. Either pretreatment system must be sized according to the manufacturer and in compliance with 248 CMR.
- D. 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. The Hingham Sewer Department or Hingham EHO may amend the frequency for Indoor Automatic Grease Trap or Indoor Passive Grease Trap cleanings and maintenance to require more frequent servicing.
- E. 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. The Hingham Sewer Department or Hingham EHO may amend the frequency for Outdoor/Underground Grease Interceptor cleanings and maintenance to require more frequent servicing.
- F. A copy of the “Town of Hingham, Grease Trap Maintenance Log” shall be kept onsite and properly maintained relative to the operation/maintenance of any FOG Pretreatment System. This log shall be readily accessible for review by a Town Agent.
- G. All pumping and hauling records shall be properly maintained on a regular basis and readily accessible for review by a Town Agent.
- H. Waste Grease and Oil shall not be disposed by means of the sanitary sewer. Waste Grease and Oil shall be collected in an appropriate container from by an approved vendor, and stored on the premise in a location deemed acceptable to the Hingham EHO. The container shall be stored on an 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 kept in sanitary conditions at all times. Waste Grease and Oil shall be removed by a Permitted Offal/Septage Hauler and taken away from the premises as needed.

- I. All automatic electrical/mechanical grease removal and treatment units shall be sized in accordance with the manufacturers written recommendations and in compliance with 248 CMR.
- J. A separate suitable sampling location, approved by the Hingham EHO, 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 Town Agent.
- K. Dishwasher wastewater must discharge into an appropriate grease trap pursuant to 248 CMR 10.09 (2)(c)(5).
- L. Food Waste Grinders are prohibited. However, in circumstances where a Food Waste Grinder is explicitly allowed, it must comply with the requirements of 248 CMR 10.09 (2)(f)(3).
- M. All connections to a grease removal unit shall be equipped with a proper “Flow Control Device”. A Flow Control Device must conform to the requirements of 248 CMR 10.09(2)(i).
- N. All Food Establishments must post a current copy of the Hingham Health Department’s “F.O.G. Control Program, Kitchen Best Practices” document in a conspicuous location next to each 3-Bay Sink within the establishment. Copies of the aforementioned document are available from the Hingham Health Department.

**Section 5.                   Inspections:**

- A. 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 Establishment. A Food Establishment inspection may be unannounced but occur during regular business hours.
- B. Records pertaining to removal and treatment of Waste Grease or Oil shall be maintained by the owner or operator within the premise of the Food Establishment for no less than two (2) years. Upon request by a Town Agent, a Food Establishment owner or operator shall furnish all records required to enforce and monitor compliance with this regulation.
- C. During an inspection, a Town Agent may apply oil-soluble dyes to the waste stream to identify (by color) the FOG of any given establishment in order to determine if said establishment may be a cause of a failure or obstruction in a Sewer Pipe.
- D. A Town Agent may inspect any Food Establishment, with reasonable cause, suspected of exceeding a Discharge Limit for their wastewater.

**Section 6.                   Corrective Actions:**

- A. The Hingham Sewer Department or Hingham EHO may order the installation of a FOG Pretreatment System, including but not limited to an Indoor Automatic Grease Trap and/or an Outdoor/Underground Passive Grease Interceptor, if a Food Establishment is found to have caused, or likely to cause, a blockage to the municipal sewer system.

- B. Newly built Food 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 248 CMR 10.09 (2)(a)(b)(c).
- C. All Food Establishments shall install either an Indoor Automatic Grease Trap or an Outdoor/Underground Grease Interceptor unless granted a waiver by the Board of Health. A waiver shall be for a single year, but may be applied for on an annual basis.
- D. The Hingham EHO may order the installation of an advanced technology Dishwasher if the Food Establishment is found to be discharging excessive amount of FOG contaminants into the wastewater flow.
- E. A Food Establishment determined to be in willful disregard of these regulations which results in a component failure to the municipal sewer system shall be held responsible for all fines, fees and costs, legal and otherwise for cleaning, repair or replacement of said failed component, and for all fines, fees and costs, legal and otherwise, associated with these corrective measures. This responsibility shall apply to any Food Establishment regardless of its stated knowledge or ignorance.

**Section 7. Variations and Waivers:**

A request for a variance or waiver shall be applied for from the Board of Health by completing a required form and payment of the appropriate fee. The reasons for the request must be clear and specific.

- A. Adequate documentation that serves as evidence for granting a one-year waiver pursuant to Section 6(C) of this regulation includes but is not limited to:
  - 1) An on-going Waste Grease or Oil service program;
  - 2) Logs from a Permitted Offal/Septage Hauler;
  - 3) The absence of any Sewer Pipe blockage incident; and
  - 4) At least two-consecutive inspections demonstrating a properly functioning and well-maintained FOG Pretreatment System.
- B. The BoH 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 Establishment's O&M contractor and system provider;
  - 2) The type or scale of FOG Pretreatment System required; or
  - 3) The codified or imposed time frame for correcting a violation.

The BoH shall consult with the Hingham Sewer Department in the granting of variances.

- C. Any request for a variance for a Food Establishment to use an alternative method, system or product that does not comply with 248 CMR 3.00 through 10.00 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).

D. Financial hardship is not in itself proper grounds for a variance or waiver request.

**Section 8. Violations:**

A. Written notice of a violation of this regulation shall be given to the owner and operator of a Food Establishment by a Town 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.

B. Any person that violates any provision of this regulation may be fined or sanctioned, under Chapter 111 Section 31 of the Massachusetts General Laws as a civil offense. Sanctions shall include the following:

First offense: \$ 100 fine

Second offense occurring within 2-years of the first offence: \$ 250 fine

Third offense occurring within 2-years of the previous offence: \$ 500 fine

Each day or portion thereof during which a violation continues may constitute a separate offense.

C. The BoH may additionally order the immediate suspension or revocation of a Food Establishment or food service establishment permit for any the following reasons:

- 1) Any violation of this regulation deemed to be of a serious nature;
- 2) Excessive 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 regulations; or
- 6) Keeping or submitting any misleading or false record, log or document required by this regulation.

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

D. Any person violating the provisions of this regulation may be liable to the Town of Hingham for any loss, expense or damage, including consequential damage, caused by such violation. The Town of Hingham may enforce the provisions of this regulation by any and all civil and equitable procedures.

**Section 9.                   Hearing:**

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

**Section 10.               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.

**Section 11.               Effective Date:**

This regulation was adopted in concurrence with the Hingham Sewer Commission by (*unanimous*) vote of the Board of Health on June 17, 2010, and further updated and amended on October 27, 2015.

Following public notification, this regulation shall become effective on January 1, 2016.

HINGHAM BOARD OF HEALTH  
Kirk Shilts, D.C., Chairman  
Peter Bickford  
Stephan White

*final posted 10-27-15*