

Winthrop Board of Health
Regulation Concerning Grease Trap Requirements for Food Establishments

Section 1. Authority

This regulation is promulgated pursuant to the authority granted to the Winthrop Board of Health by Massachusetts General Laws Chapter 111, Section 31, that "Boards of Health may make reasonable health regulations".

Section 2. Purpose

The purpose of this regulation is to protect residents, businesses, and the environment within the Town of Winthrop from blockages of the Town's sanitary sewer system caused by grease, kitchen oils, and other substances discharged from food establishments located in the town.

Section 3. Definitions

Agent - Any duly authorized agent of the Winthrop Board of Health, and Winthrop Inspectional Services Department as specified under Massachusetts General Laws, c. 111, sec 30, including but not limited to the Director of Public Health and Clinical Services, the Commissioner of Inspectional Services, Plumbing Inspector, the Health Agent, and the Director of Public Works.

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

Food Establishment - Any establishment issued a permit to operate a food establishment by the Winthrop Board of Health under 105 CMR 590.000.

Grease - A material composed of fatty matter from animal or vegetable sources or hydrocarbons of petroleum origins. The terms "oil and grease" or "oil and grease substances" shall be deemed grease by definition.

Grease Hauler - Any grease hauler that has been issued a permit to transport grease within the Town of Winthrop from the Board of Health under 310 CMR 15.000.

Grease Trap - A water tight device constructed to separate and trap or hold grease from the wastewater discharged from a food establishment in order to prevent grease from entering the sanitary sewer system, also referred to as a Grease Interceptor or Grease Recovery Device. The grease trap may be an internal grease trap located within the facility, an external grease trap located outside the food establishment, or both.

Warewash Sink - Any sink, compartment sinks, containers, buckets, or other device or vessel in a food establishment, where utensils, dishware equipment and other items coming into contact with food are cleaned.

Section 4. General Provisions

A. Grease Trap Installation

The Board of Health may at any time require the installation and/or relocation of an internal or external grease trap 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 obstructions caused by grease or oil emanating from a food establishment.

B. Food Establishment

In every case where a food establishment is preparing or selling food, a suitable internal or external grease trap conforming to applicable building and plumbing codes must be installed.

C. New or Remodeled Food Establishments

All food establishments with a warewash sink or dishwasher must install an internal grease trap. New or remodeled food establishments must install an internal or external grease trap. For the purpose of this regulation, a remodeled food establishment is a food establishment that undergoes a complex renovation requiring the submittal of plans to the Board of Health and the Inspectional Services Department during the Plan Review process.

External grease traps must have a minimum capacity of 1000 gallons and shall be sized in accordance with 310 CMR 15.230 Pretreatment Units—Grease Traps. In the absence of seating the minimum size grease trap shall be 1000 gallons or 100% of peak daily water use, whichever is greater, to ensure a 24-hour detention time. For the purpose of this regulation, when evaluating new construction, the peak daily flow used may be established by water use records from a similar food establishment.

Installation of all internal and external grease traps shall comply with 248 CMR Commonwealth of Massachusetts State Plumbing Code.

D. Grease Trap Maintenance

All grease traps shall be maintained by the food establishment at the food establishment's expense. At a minimum, the food establishment or its designee shall inspect grease traps monthly; and, shall have all grease traps cleaned before the amount of grease exceeds twenty-five percent (25%) of the grease capacity of the grease trap or once every month for internal grease traps and once every 6 months for external grease traps, whichever

comes first. Written logs of inspections, cleaning and pumpings shall be maintained in an on-site binder readily accessible to Board of Health agents.

E. Best Management Practices

Food establishments shall integrate best management practices to reduce grease discharged to the sewer system. In addition to maintenance of grease traps, best management practices include, but are not limited to:

- (1) Dry wiping pots, pans, and dishes before putting them in the dishwasher or warewash sink;
- (2) Collecting and disposing of used grease through a permitted grease hauler instead of pouring it down the drain;
- (3) Capturing the grease in ventilation and exhaust hoods.

F. Storage of Waste Grease from Food Preparation

All waste grease and other related wastes requiring storage at the food establishment as a result of removal from grease traps or otherwise, shall be collected and stored in appropriate container(s) in an approved location at the food establishment. Container(s) 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 of animals. All waste grease and related wastes shall be removed from the food establishment only by a permitted grease hauler. All grease containers and surrounding areas must be kept in a sanitary condition at all times.

G. Disposal

All waste grease and related wastes shall be removed from the food establishment only by a Board of Health permitted grease hauler according to a determined schedule. All material removed from grease traps, and hauling and disposal of grease and other related waste, shall be documented in a written record. A copy of each pick up and clean out receipt must be submitted by mail or fax to the Inspectional Services Department in a timely manner upon completion. 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 5. Inspection and Record Keeping

Authorized agents shall enforce the provisions of this regulation. Any agent may, according to law, enter upon any premises at any reasonable time to inspect for compliance.

All records pertaining to purchasing, storage and removal of grease and related products, and waste products shall be retained by the food establishment on premises for no less than two years.

Upon request by an agent, a food establishment shall furnish all information required to enforce and monitor compliance with this regulation, including but not limited to, a complete inventory of all food and maintenance related products that are purchased by the food establishment, receipts from permitted grease hauler retained to remove waste grease or related wastes from the food establishment.

Refusal to provide reasonable cooperation and access shall constitute a violation of these regulations subject to enforcement as set forth below.

Section 6. Enforcement

1. Notice.

The Board of Health or its agent may serve upon any person in violation of this regulation a written notice stating the substance of the violation. Within 30 days of the date of such notice, a plan for correction of the violation shall be submitted to the Board of Health. Failure to correct violations of any provision of this regulation may result in enforcement and/or penalties as set forth below.

2. Suspension or Revocation.

The Board of Health may suspend or revoke any permit to operate a food establishment issued pursuant to 105 CMR 590.000. Such revocation or suspension shall follow the procedure as outlined in 105 CMR 590.000.

3. Non-Criminal Disposition.

This regulation may be enforced by any agent of the Winthrop Board of Health as specified above.

Whoever violates any provision of this regulation may be penalized by a non-criminal disposition process as provided in M.G.L. c.40, § 21D and Winthrop's non-criminal disposition by-law. If non-criminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty in the amount of fifty dollars (\$50.00) per day for each day of violation, commencing ten days following day of receipt of written notice from the Board of Health. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

4. Other.

Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Board of Health may enforce this regulation or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

Section 7. Hearing

Any food establishment that has received an order or notice issued pursuant to this regulation may request a hearing before the Board of Health pursuant to 105 CMR 590.

Section 8. Variances

(A) The Board may grant a variance or exemption from any provision of these regulations pursuant to 105 CMR 590 when, in its opinion, the applicant for the variance has established that:

- (1) Enforcement of the provision of this regulation from which a variance is sought would be manifestly unjust, considering all the relevant facts and circumstances; and,
- (2) A level of protection to the Town of Winthrop sanitary sewer system at least equivalent to that provided under this regulation can be achieved without strict application of the provision from which a variance is sought.

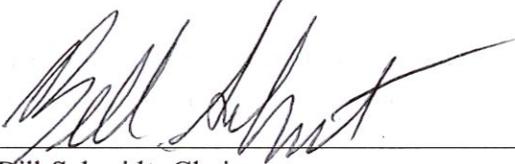
(B) Requests for variances from this regulation must be submitted in writing to the Board of Health. Applicants for variances shall be afforded the opportunity to appear in person, including any representatives and experts, at a duly noticed, public hearing held by the Board of Health to consider the variance request. Information on food preparation, grease, oil and related waste produced by or discharged from the food establishment, size of the proposed grease trap, facility use, facility layout, plumbing plans and other relevant documents must be presented for review. Wastewater calculations, prepared by a Massachusetts licensed plumber, architect or engineer, may be presented to establish grounds for a variance.

Section 9. Severability

Each provision of this regulation shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

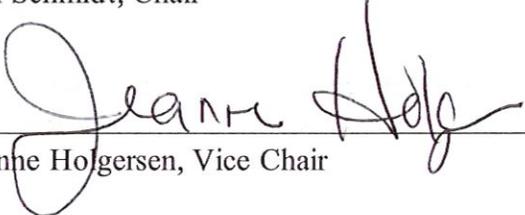
Section 10. Effective Date

The effective date of this regulation is September 1, 2024.



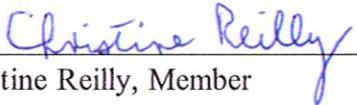
Bill Schmidt, Chair

6/26/2024



Jeanne Holgersen, Vice Chair

6/26/24



Christine Reilly, Member

6/26/2024
