

Town of Franklin

355 East Central Street
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OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

May 31, 2024

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

Re: Bylaw Amendment 24-909: Chapter 139, Sewers - Grease Traps

We are asking the Town Council to move Bylaw Amendment 24-909 to a second reading. This bylaw amendment is a housecleaning item to codify town policy for twenty years in town bylaw. It will require all new commercial kitchens and food service establishments, as well as existing establishments undergoing ownership changes or capital improvements requiring a building permit, to install and maintain exterior grease traps and adhere to all related reporting and inspection requirements.

Exterior grease traps have been an enforced expectation of food establishments in Franklin for many years. If approved, this bylaw amendment will formalize the requirement.

The Board of Health discussed this Bylaw at their meeting on December 6, 2023 and supports the proposed Bylaw. Their letter of support is included in the packet for the June 5, 2024 Town Council meeting.

Additionally, the EDC voted unanimously at their May 1, 2024 meeting to move this bylaw amendment to the Town Council.

Please let us know if you have any questions.



Town of Franklin

HEALTH DEPARTMENT

355 East Central Street
Franklin, MA 02038
Phone: 508-520-4905 Fax: 508-520-4989

Bridget Sweet-Chair
Jeffrey Harris -Vice Chair
Kimberly Mu-Chow-Member

Cathleen Liberty-Director
Ginny McNeil-Agent

February 12, 2024

The Board of Health discussed the Exterior Grease Trap Bylaw at the Board of Health meeting on December 6, 2023. After much discussion, the Board supports the new Exterior Grease Trap Bylaw that is being proposed.

All other times, the Board of Health is responsible for enforcing exterior grease traps under 310 CMR 15.230 that states “Grease traps shall be installed on a separate building sewer serving kitchen flows into which the grease will be discharged. The discharge from the grease trap must flow to a properly designed septic tank or to a building sewer prior to the septic tank.”

Sincerely,

Cathleen Liberty
Director of Public Health



Sponsor: Administration

**TOWN OF FRANKLIN
BYLAW AMENDMENT 24-909
CHAPTER 139, SEWERS**

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 139, SEWERS.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that Chapter 139 Sewers of the Code of the Town of Franklin is amended as follows:

§139-2 Definitions: add new and revised definitions, inserted in proper alphabetical order with existing definitions, as follows:

PRETREATMENT - The reduction of the amount of pollutants **and or FOGs**, the elimination of pollutants, **FOG's** or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu

of discharging or otherwise introducing such pollutants into the facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR 403.6(d).

Commercial Kitchen / Food Service Establishment - Any facility preparing and/or serving food for commercial use or sale including, but not limited to, restaurants, cafeterias, hotels, hospitals, convalescent homes, factory or school kitchens, catering kitchens, bakeries, grocery stores with food preparation and packaging, meat cutting and preparation, and other food handling facilities not listed above where fats, oil, and grease may be introduced to the municipal sewer system.

Exterior Grease Trap - A watertight structure located outside on a building sewer prior to its connection to the municipal sewer system in which grease and oils are separated from other solid and liquid constituents of sewage and accumulated in accordance with 310 CMR 15.230.

FOG's - refers to fats, oils and grease from food establishments. Specifically animal and plant derived substances that may solidify or become viscous between the temperatures of 32°F and 150°F (0°C to 65°C), and that separate from wastewater by gravity. Any substance identified as grease per the most current EPA Analytical method as listed in 40 CFR 136.3.

Permitted Offal/Septage Hauler - means any Offal Hauler that is issued a valid Permit by the Franklin Department of Health to dispose of FOG and/or sanitary septage.

Town Agent – means a duly authorized agent of the Town of Franklin Department of Public Works Director or designee, Town of Franklin Building Commissioner or designee or the Town of Franklin Board of Health Director or designee bearing proper credentials.

§139-3 General discharge provisions: add new sub paragraph L, as follows:

L. Exterior Grease Traps.

(1) Any new commercial kitchen or food service establishment shall have an exterior grease trap installed on the sewer service line intercepting kitchen flows prior to discharging to the municipal sewer system.

(2) Any existing Commercial Kitchen or Food Service Establishment facilities shall have an exterior grease trap installed on the sewer service line intercepting kitchen flows prior to discharging to the municipal sewer system whenever there is a change in ownership of the business, or any capital improvements are being made to the food establishment facilities which require a building permit.

(3) All exterior grease traps are to be sized and installed in accordance with 310 CMR 15.230

Strike existing §139-5 Permits, Subsection I Paragraph 15 in its entirety, and replace with:

~~(15) A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another or on an interior lot and no private sewer is present or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided that the building sewer from the front building is adequate in size.¶¶~~

a new §139-5 Permits, Subsection I Paragraph 15, as follows:

(15) Where required, exterior grease traps shall be installed to collect kitchen flows prior to discharging to the building's sewer service line. Exterior grease traps shall be designed and installed in accordance with the requirements of 310 CMR 15.230. Work to be performed by a licensed drain layer under a valid DPW Sewer Connection Permit or Sewer Renewal Permit. Any associated plumbing work shall be coordinated through the Plumbing Inspector.

§139-6 Reporting requirements, monitoring, and inspections: add new sub paragraph G as follows:

G. FOG Reporting Requirements

- (1) An Exterior Grease Trap 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.
- (2) 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.
- (3) All pumping and hauling records shall be properly maintained on a regular basis and readily available for review by a Town Agent.
- (4) All Septic/FOG Hauler trucks that service systems in the Town of Franklin will be required to have a Septic/Fog Hauler Permit. Septic/FOG Haulers must provide a list of all FOG customers in Franklin as part of the permit application.

§139-8 Enforcement: add new sub paragraph H as follows:

H. FOG Inspection Requirements

- (1) Inspection of cleaning and maintenance records for all FOG Pretreatment Systems shall be part of regular inspection of a Food Service Establishment. A Food Service Establishment inspection may be unannounced occurring during regular business hours.
- (2) Records pertaining to the removal and treatment of FOG’s 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 Agent, a Food Service Establishment owner or operator shall furnish all records required to enforce and monitor compliance with the regulation.
- (3) During an inspection, a Town Agent may apply dyes to the waste stream to identify illegal connections after the exterior grease trap.
- (4) A Town Agent may inspect any Food Service Establishment, with reasonable cause, suspected of exceeding a Discharge Limit for their wastewater.

§139-9 Violations and penalties: add new sub paragraph E as follows:

E. FOG Violations

- (1) Written Notice of a violation of Chapter 139-6.G or 139-6.H.2 or 139-6.H.3 shall be given to the owner and operator of a Food Service 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.
- (2) The penalty for violation of this section, which may be enforced by the Department of Public Works Director, Health Director, or any of their

designees, and which may be enforced pursuant to the provisions of MGL c. 40, § 21D, relative to noncriminal disposition, shall be:

(a) First violation: a fine of \$100.

(b) Second violation: a fine of \$200.

(c) Third and subsequent violations: a fine of \$300.

Each day that a violation continues shall constitute a separate violation.

This bylaw amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter.

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DATED: _____, 2024

VOTED:
UNANIMOUS _____
YES _____ NO _____
ABSTAIN _____
ABSENT _____

A True Record Attest:

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council