



## Town of Provincetown

### Meeting of the BOARD OF HEALTH

Thursday, May 7, 2015

Judge Welsh Hearing Room, Provincetown Town Hall,  
260 Commercial Street, Provincetown, MA

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**Board Members Present:** Mark Phillips, Chair, Dr. Janet Whelan; Steve Katsurinis, Vice chair; and Elizabeth Williams

**Board Members Absent:** Ken Janson and Joseph Freitas, Alt.

**Other attendees:** Morgan Clark, Director, Department of Health and Environment and Health Agent Laura Marin

**Call to Order:** Mark Phillips called the meeting to order at 4:08 p.m.

**Recording Secretary:** Susan Leonard [remote transcription]

#### **I. Public Comments:**

There were no public comments.

#### **II. New Business:**

**a. Joint Meeting and Public Hearing with the Water and Sewer Board and the Licensing Board on grease management regulations for food establishments on the municipal sewer, including:**

**i. Board of Health Regulations, Part IV, Article 5 – Food Establishment Regulations,  
Part VII, Article 1 – Upgrade Requirements – Grease Traps and Septic Systems  
Part VII, Article 11 – Municipal Sewer System**

**ii. Water and Sewer Board Regulations, Section 7, C, D & G**

**iii. Licensing Board Rules and Regulations, Section 5.05**

Mr. Phillips opened the Joint Meeting and Public Hearing of the three Boards whose regulations address grease management connected to the municipal sewer. This discussion focused on making the regulations clearer and easier to use by the food service businesses in Provincetown.

The Water & Sewer Board was called to order by Chair Jonathon Sinaiko. Members present were Mr. Sinaiko, Kathie Meads, Mark Collins, and Sacha Richter.

The Licensing Board was called to order by Frank Thompson. Board members present were Mr. Thompson, Michelle Foley and Kristin Hatch, as well as, Licensing Agent Aaron Hobart.

Rob Adams from AE Com, the designer, builder and operator of the Town's Wastewater Treatment plant introduced himself. AE Com is responsible for maintenance and operation of the system. Woodward and Curran is sub-contracted to handle the day-to-day operations of the plant. Plant manager Chris Rowe was also present at the meeting.

Mr. Adams elaborated on the composition of grease. Generally, it is from fatty matter and hydrocarbons. It can reduce the capacity of the system and clog sensitive components of the system. It builds up over time and can possibly shut down the entire system. It can go undetected for a long time even with a seemingly well maintained, functioning grease trap. At the treatment plant, grease promotes unhealthy bacteria and interferes with the settling process and reduces the capacity of the plant. The volume of grease builds up over the course of the summer. It has to be managed to avoid serious problems. Most of it is from restaurants as opposed to residential use.

Ms. Meads expressed concern that grease could enter the environment through the leaching fields. Mr. Adams assured her that there are filters to prevent this from happening.

Mr. Sinaiko asked if the treatment of grease by the restaurants is inadequate? Mr. Adams responded that it is difficult to say, but there is more grease getting into the system than they would like to see. He is concerned that there is not enough maintenance and pumping of grease traps. He was of the opinion that three Boards regulating grease traps complicates things, There is no "one" board to enforce the regulations.

Mr. Katsurinis asked what the cost to the town is for treating grease. Mr. Adams said it would be difficult to quantify. During the summer, three or four times a month it has to be dealt with.

Ms. Meads asked if certain types of grease have a higher impact on the system. Mr. Adams replied that surprisingly, greases and oils that we think of as healthier actually may pose a bigger problem. Ms. Meads also was concerned that grease traps may not be sized properly when additional restaurant seats are granted. We should be following through to make sure they are sized properly.

Mr. Richter mentioned that some restaurants retrofitted their old septic tanks into grease traps. Mr. Adams said he is not sure that, in some cases, it is the correct size or configuration for an effective grease trap. Some Towns use internal automatic grease recovery devices instead of grease traps.

Ms. Hatch asked if requiring restaurants to pump twice a year is sufficient? Mr. Adams replied that in the case of some of the larger restaurants it is not enough. It should be pumped more frequently.

Ms. Meads asked about the effect of cold winter temperatures on grease left over the winter. Does it make it more difficult to pump efficiently in the spring. Mr. Adams replied it may leads to bacterial development and gas production that make impact the integrity of the tank. Mr. Sinaiko also suggested that restaurant dishwasher run at 180 degrees for hours and dissolved grease could pass straight through the system and not get trapped. Mr. Adams said for internal systems the water has to be less than 140 degrees otherwise it will pass straight through. For external systems, higher temperatures could create a problem, perhaps a water temperature that still meets sanitation codes can be looked into.

Mr. Adams addressed the 25% Rule for pumping grease traps. He pointed out that, not only does the grease layer have to be measured, but also the depth of the solid waste at the bottom of the tank, as well. If you don't factor in the solids you could be over the recommended limit and clog the effluent T. Mr. Adams stated that this is not a problem unique to Provincetown. The solution lies in monitoring and enforcement.

Morgan Clark, Director, Department of Health and Environment addressed the Boards present about how to best manage the terminology and regulations that overlap regarding grease traps. Each Board has its own sewer regulations, but they all reference the Water & Sewer Department fine schedule.

The Health Department inspects food service establishments and has access to grease, trap monitor data, although it does not inspect grease traps and it permit the establishments. The Health Department works closely with Licensing that collects the data on grease trap pumping. Licensing issues fines relative to grease traps. One thing to consider is that fines are significantly less than the cost of a pumping. Licensing issues a permit to the food service businesses. The Water and Sewer Department spot checks the external traps. The Plumbing Inspector would determine what internal interceptor would be necessary on new plumbing fixtures.

The Board of Health hears grease trap pumping variance requests. It has questioned whether it is the correct Board to hear this since it may not have all the necessary information. It has recently started to withhold permits in cases of severe noncompliance of external grease traps. It issues "Orders to Correct". Under the direction of the Board of Health, Licensing withholds permitting. The Water & Sewer Board now considers variance requests.

Recently, within the last two or three years, three establishments have been granted a once a year pumping variance. There are, at least three establishments, without external grease traps. We don't have an accurate count of how many establishments that do not have internal grease interceptors. Restaurants have reported that when they switched over to the sewer system, they had been told by the Health Department they no longer needed the interior interceptors.

From the perspective of Staff the problem with the current regulations are:

- Too many regulations in too many places administered by too many departments
  - Board of Health grants variances from Water & Sewer Regulations
  - Licensing administers fines from Water & Sewer Regulations
- Licensing and Board of Health restate Water & Sewer regulations
- Lack of communication between Board of Health and Licensing
- Other than fines that Licensing issues, there is not much enforcement
- No FOG course offered
- There are concerns about the electronic grease monitoring system accuracy and alarm notification system

Mr. Hobart, Licensing Agent, added that in order to be licensed, establishments are only required to submit receipts for two pumpings a year. If they need to pump more than that he has no record of it. There should be a way to track it and monitor it more often.

At this point in the Public Hearing, Mr. Phillips opened it up to Public Comments.

### **Public Comments**

Mr. Irv Morgan, an owner of two restaurants and an ice cream store, addressed the Boards. He said the Board does not address household FOG disposal into the sewer system. There should be education of the general public about residential grease disposal. He feels restaurant owners are at the mercy of the grease trap pumpers. He thoroughly cleans his drains twice a year. It costs him \$400 to get a 60 gallon grease trap pumped twice a year. The one size fits all approach to grease traps doesn't work. Restaurant owners are really trying because they don't want a loss of operations during the busiest part of the season.

Mr. Cory Connolly, an owner of the Inn at 7 Central, addressed the Boards. The Inn is licensed for full breakfast. He stated that he came for information and to learn about grease regulations. He was informed this year that he might have to get a grease interceptor because he feeds up to 26 people each day. He questions whether he is obligated to install a grease interceptor. He asked the Boards create clear criteria about who really needs to get one. It is very confusing, right now. It seems clear that restaurants may be an obvious target, but renters have no idea of how to dispose of grease and contribute to the problem at the plant too.

Ms. Clark stated that regulations require bed and breakfast to follow food service establishment codes. This is the point at which there is uncertainty as how to apply it. Obviously, she would not force an inn to install a 1,000 - gallon grease trap. She doesn't know yet what to do.

Jerry Ruthruff from Advanced Technology Solutions introduced himself. They install and monitor grease trap monitors. Ultra sound technology is used to measure grease and solids in the traps. The device can be programmed to send reports. He said he is not impressed with the level of maintenance by restaurant owners of their internal grease interceptors. When not maintained properly, they just pass the grease directly into the sewer system. There are now smaller interceptors of 100 – 200 gallons available that some towns have allowed instead of external grease traps when space is limited. He recommends that enforcement is important. If there are restaurants with undersized traps, then closer attention should be paid to those sites. There is technology available to address this such as special disposable filters. Best management practices make a big difference. The 25% Rule is key; the grease traps are designed to function at this level. His company deals with restaurants and major chains all over the country and knows about most of the technology available.

Seeing that there were no other public comments, at this point in the Public Hearing, Mr. Phillips closed the Public Comment portion.

Mr. Phillips asked if the DPW had any comments. Mr. Rich Waldo added that there is hardly a summer day that he doesn't get a call about a hung valve in the Sewer System. The vacuum level drops and it can be difficult to determine where the problem is. This is the opportunity to clean up the regulations, create an enforcing body and tweak what works for home owners and restaurant owners. An informational letter about FOG will be going out with the next water bills.

Mr. Phillips asked James Roderick, a grease trap pumper, how much solids does he find when pumping one out and does he pump it all out each time or only periodically. Mr. Roderick replied that, in most cases, the tank will be completely emptied. In the case of some very large grease trap tanks, it is pumped top and bottom and the middle liquid is left because it would be very costly. He usually only inspects grease traps upon a sale. He makes repairs as needed.

Mr. Sinaiko asked Mr. Waldo if the hung valves in the sewer system can be attributed to home owners or restaurants? Mr. Waldo said it would be difficult to distinguish this.

George Heufelder, County Health Officer commented that, in his experience, the majority of internal grease interceptors have been installed in an inaccessible locations; no one can get to them for servicing. A well designed location should not be under the sink. You need to be able to get to it. He asked if when the Title 5 tanks were converted to grease traps whether the Tees were converted. Grease trap tees are not the same length; a standard Title 5 Tee does not function properly for a grease trap. Also, having been involved in beta testing of tank monitors, he is not convinced of the accuracy of monitoring systems. The way to tell if it is working is to visually inspect it. Using rubber scrapers is an inexpensive, good investment in prevention and protection of the system.

Mr. Brian Dudley from Mass DEP appeared before the Board. He stated that the Board of Health has jurisdiction over grease traps on septic systems through the Title 5 regulations. As to the design of grease traps, it is based on Title 5 criteria of 15 gallons/day per seat. A full service restaurant would be 35/gallons per seat and fast food service would be 20 gallons/seat. The conversion from septic tank to grease trap should be, in most cases, adequate. However, this doesn't take into account the large number of highly variances septic tanks in Provincetown. The size of the tanks should be verified. He is disappointed that FOG classes are no longer offered. There are probably many restaurant owners who have never had the opportunity to take the class. He strongly urged that the FOG Course [Fats, Oils, Grease] be reinstated. Having a physical grease trap inspection system in place is important. You should not rely solely on an electronic monitoring system. As far as pumping schedules are concerned, for high grease generating situations twice a year is probably not enough.

Mr. Ruthruff, Advanced Technology Solutions, responded to the questions about the accuracy of monitoring systems. He stated that the accuracy of his systems has never been challenged. They are accurate within ½ inch. It is very accurate. There is an advantage of electronic monitoring over visual inspection. A visual inspection does not show the grease increase over time. There may actually be a problem if you do not see an accumulation of grease; the grease may not be making it to the trap and is clogging the line.

Mr. Hobart, Licensing Agent, responding to a question from Mr. Phillips, stated that there is value in knowing when the pumping is being done. Is it being done at a time of the year when there is very little use? This information would be useful. Ms. Clark clarified, businesses without a monitor must pump every 90 days. Theoretically, by regulation, everyone should have a monitor. Mr. Sinaiko added that there should be a connection between the monitor and a Town department.

Mr. Phillips stated that the Board of Health had oversight of grease monitors originally when they were connected to Title 5 systems which is under its purview. However, now that the monitors are associated with the Sewer, inspection and enforcement should fall under the purview of the Water & Sewer Department. They have the regulations. To the extent possible, the Board of Health can remove itself from grease trap monitoring. Ms. Clark thinks the Board should stay involved to a certain degree because it does plan review for grease trap systems. Mr. Katsurinis added, education and oversight of seasonal rental impact should be scrutinized, as well.

Mr. Phillips suggested a work session in the near future to review its regulations and determine which ones it should keep and which might fall under another Board's area of concern. Mr. Katsurinis added that a representative from each of the other Boards be present for a "live" dialogue.

Ms. Meads suggested that the regulations common to both Boards be determined and then decide which Board it would enforce it and what role each Board will take. Mr. Adams made several suggestions that both boards can agree on - FOG education and physical inspection along with electronic monitoring of grease traps and looking at the gallons assigned per seat again would be

worthwhile. Increased restaurant seating [economic development] is the second on “limited capacity” priority sewer list. However, the production of grease entering the plant, which in turn contributes to the state of “limited capacity”, is not being taken into consideration. Mr. Sinaiko would like to come out of this with at least an inspection schedule for all grease traps in place for the summer, in order to see how this mitigates the problem. It could take 3 months to work on regulations; this could be put into effect right away.

Mr. Adams responded that the onus is on the restaurant owners. It is already in the regulations. The report from the monitoring company can be submitted monthly. Ms. Clark said that the Water & Sewer Department is already doing spot checks and the department has the ability to charge a fee for these inspections. The Health Department doesn’t know how to inspect grease traps. That is the enforcement part.

Mr. Dudley clarified that 15 gallons per seat is for sizing the grease trap only. The 25 gallons/seat and 35 gallons /seat are for sizing the Title 5. He suggested that all pumping report for grease traps be required to be submitted not just twice a year; just as it is done with Title 5 systems. Mr. Ruthruff said the electronic monitor stats can be sent to whoever request it at whatever threshold is asked for.

Recapping her thoughts on the discussion, Ms. Clark thinks –

- All the Boards should stay involved with the process
- The Board of Health should regulate the size and type of grease traps along with the Plumbing Inspector
- The Board of Health licenses septage haulers and therefore can add the requirement to submit pumping records
- Water & Sewer should include grease trap regulations in their regulations, as determined by the Board of Health
- Water & Sewer should enforce pumping and fines
- Licensing is the stop gap

Mr. Phillips wants to accept the offer from the monitoring company to supply data from all its customers. Mr. Ruthruff asked for it to begin June 15<sup>th</sup> in order to notify its customers.

Mr. Phillips asked for a conversation at staff level to determine who is the ‘point person’ for enforcement. Ms. Clark is comfortable with being an organizing person.

### **III. Any Other Business That Shall Properly Come Before the Board**

There was none

### **IV. Health Department Report**

There was no additional report

**V. Board Members' Statements**

There were no additional statements made by the board members

**Adjournment:**

Mr. Sinaiko made a motion to adjourn the Water & Sewer Board. It was seconded by Mark Collins and passed unanimously.

The Licensing Board was technically adjourned already, having lost its quorum earlier in the meeting.

There being no further business, Mark Phillips moved to adjourn the meeting at 6:15 pm

Respectfully submitted,

Susan Leonard

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2015