

Salem Board of Health Regulation #31

Grease Management Program

Authority: State Law reference— Authority of City to establish regulation of sewer use, M.G.L.A. c. 40, § 21(6); authority of City to establish local regulations governing construction, alteration, repair, and inspection of plumbing, M.G.L.A. c. 142, § 13 and the regulations issued thereunder, specifically 248 CMR 10.09(2)(m).

Purpose: This section sets forth maintenance and monitoring requirements for controlling the discharge of Fats, Oils and Grease (FOG) from food service establishments (FSEs) and other facilities discharging into the City's wastewater collection system and commercial grease haulers. The objectives of this section are as follows:

- (a) To prevent the introduction of excessive amounts of FOG into the City's wastewater collection system that will interfere with its operation;
- (b) To prevent clogging or blocking of the City's sewer lines and build-up causing backup and flooding of streets, residences, and commercial or industrial buildings;
- (c) To implement a procedure to recover the costs incurred in cleaning and maintaining sewer lines and disposing of grease blockages;
- (d) To implement a procedure to recover costs for any damage incurred by the City caused by grease blockages resulting in the flooding of streets, residences, or commercial and industrial buildings;
- (e) To establish administrative review procedures and reporting requirements to enable the City to comply with Federal, State and local Pollutant Discharge limits; and
- (f) To protect public health, public and personal property, and the environment from the impacts of sanitary sewer overflows (SSOs) due to FOG.

Effective Date: Upon passage and approval of the Board of Health and pursuant to Massachusetts General Laws Chapter 111, section 31.

Time of Compliance: All businesses and establishments subject to this regulation shall comply within 6 months of the effective date.

Section I. Applicability and Exceptions

a) Applicability

1. This regulation shall apply to all existing FSEs that are within the municipal boundaries of the City and to all FSEs that begin operations within the municipal boundaries of the

City on or after the effective date of this section. The provisions of this section shall also apply to all grease haulers providing service to any FSE located within the City.

2. This regulation shall apply to both existing and new facilities generating FOG as a result of food manufacturing, processing, preparation, or food service. These facilities shall install, use, and maintain appropriate grease traps and/or interceptors as required by the Uniform State Plumbing Code (248 CMR 10.00) and in Section III of this regulation. These facilities include, but are not limited to restaurants, cafeterias, hotels, hospitals, institutional facilities, factories, clubs, bars where food is prepared and served, and all other commercial kitchen where FOG may be introduced into the building sanitary drainage system in quantities that can cause waste line obstruction or hinder sewage disposal.
3. No user may intentionally or unintentionally allow the direct or indirect discharge of any FOG of animal or vegetable origin into the City's sewer system in such amounts as to cause interference with the collection system.

b) Exceptions

1. Grease interceptors shall not be required for residential users.
2. A FSE which is determined to have no, or minimal, adverse impact upon the City's sanitary sewer system due to FOG may apply for a variance and be exempt from the requirements of the proceeding sections. Following the approval of the variance, the FSE will be considered an "infrequent user".

Section II. Definitions

- a) Baffles: Part(s) of the unit that facilitate trapping and separation of the fats, oils, and grease from the wastewater.
- b) Commercial Grease Hauler: Licensed professional contractor that provides disposal of fats, oils, and grease as well as the pumping, cleaning, and/or general maintenance of grease traps/interceptors.
- c) City Official: A duly authorized official from the Salem Board of Health, Salem Department of Public Services, Plumbing Inspector, or a duly authorized representative designated by the City.
- d) Fats, Oils, and Grease (FOG): Leading cause of sewer backups. FOG occurs when cooking fats are poured down the drain and coat the inside of the pipes, eventually forming a blockage. Common sources of FOG may include meat fats, dairy products, food scraps, cooking oils, baked goods, sauces, dressings, sandwich spreads, gravies, marinades, shortening, lard, butter, and margarine.
- e) Flow Control Fitting: A device installed upstream from the trap/interceptor having an orifice and air intake which controls the rate of flow through the trap/interceptor.

- f) **Floor Sink:** Used to receive surface drainage in areas where sanitation is a priority. Also, used to drain indirect waste from various sinks, lavatories, condensate drains and other equipment.
- g) **Food Service Establishment (FSE):** A business that stores, prepares, packages, serves, or provides food for people to eat.
- h) **Grease Interceptor:** Device used to remove FOG from wastewater, preventing the substances from entering plumbing systems and the municipal wastewater collection system. A grease interceptor's rated flow exceeds 50 gpm (189 L/m). Grease interceptors are typically found outside the FSE.
- i) **Grease Trap:** Device used to remove FOG from wastewater, preventing the substances from entering plumbing systems and the municipal wastewater collection system. A grease trap's rated flow is 50 gpm (189 L/m) or less. Grease traps are typically found inside the FSE.
- j) **Infrequent User:** A FSE which is determined to have no, or minimal, adverse impact upon the City's sanitary sewer system due to FOG.
- k) **Venting:** A means to connect vent piping to provide the flow of the air and permit odor to escape the interceptor.

Section III. Grease Traps and Interceptors

All FSEs are required to have a grease trap or grease interceptor. A grease trap is defined as a passive interceptor whose rated flow is 50 gpm (189 L/m) or less. A grease interceptor is defined as a passive interceptor whose rated flow exceeds 50 gpm (189 L/m) (See 248 CMR 10.03: Interceptor). The requirements in this section are in addition to any applicable requirements of the Uniform State Plumbing Code (248 CMR 10.00) and the State Environmental Code, Title 5 (310 CMR 15.230).

(a) Installations

1. **New Facilities:** Beginning on the effective date of this section, FSEs which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include an FSE, where such facility did not previously exist, shall be required to install, operate, and maintain a grease interceptor or grease trap, if permissible, according to the requirements contained in this section. Grease interceptors or grease traps shall be installed and permitted prior to the issuance of a certificate of occupancy.
2. **Existing Facilities:** For the purposes of sizing and installation of grease interceptors, all FSEs existing within the City prior to the effective date of this section shall be permitted to operate and maintain existing grease interceptors or grease traps, if permissible, provided their grease interceptors or grease traps are in efficient operating condition and comply with the requirements of this section.

On or after the effective date of this section, the City shall require an existing FSE to schedule the work to install, operate, and maintain a new grease interceptor or trap that complies with the requirements of this section, or to modify or repair any noncompliant

plumbing or existing interceptor or trap within fourteen (14) calendar days of written notification from the City when any one or more of the conditions listed below exist:

- i. The facility is found to be contributing FOG in quantities sufficient to cause sewer blockages or necessitate increased maintenance of the wastewater collection system.
- ii. The facility does not have a grease interceptor or trap.
- iii. The facility has a defective grease interceptor or trap.
- iv. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the City.
- v. The existing facility is sold or undergoes a change of ownership.
- vi. The existing facility does not have plumbing connections to a grease interceptor or trap in compliance with the requirements of Section II of this regulation.
- vii. The facility has not operated as a FSE for 12 consecutive months prior to receiving a Food Service Permit.

Documentation showing that the work has been scheduled will be required to be submitted to the City. The work must be completed within ninety (90) calendar days.

3. Plumbing Connections: Grease interceptors or traps shall be located between all fixtures which may introduce grease into the sewer system and the connection to the City's wastewater collection system. Plumbing fixtures to be protected by grease interceptors or traps shall include, but not limited to:

- i. pot sinks (with bowl depths exceeding ten inches);
- ii. scullery sinks (with bowl depths exceeding ten inches);
- iii. floor drains in food preparation and storage areas;
- iv. floor sinks in food preparation and storage areas;
- v. automatic dishwashers regardless of temperature;
- vi. pre-rinse sinks;
- vii. soup kettles or similar devices;
- viii. wok stations;
- ix. automatic hood wash units; and
- x. any other fixture which is determined to be a potential source of FOG.

4. Food Waste Grinders and Pre-rinse Sinks:

- i. The waste discharge from a commercial food waste grinder (garbage disposal) shall not discharge to the wastewater collection system through a grease trap or interceptor in accordance with the Uniform State Plumbing Code (248 CMR 10.00). Rapid accumulation of solid matter will greatly reduce grease trap/interceptor efficiency preventing operation in compliance with rated capacity.

- ii. The waste from dishwasher pre-rinse sinks that are not equipped with food waste grinders shall be discharged to the wastewater collection system through a grease interceptor or trap in accordance with the Uniform State Plumbing Code (248 CMR 10.00).

(b) Grease Traps

All new and existing grease traps shall meet the following criteria:

1. Trap Design and Location: Grease traps shall conform to the standards in the Plumbing and Drainage Institute (PDI) Standards G101 and the Uniform State Plumbing Code (248 CMR 10.00). Grease traps shall be installed in strict accordance with the manufacturers' instructions. Grease traps shall be equipped with a cover that can be opened for inspection and sampling and a mechanism for a secure closing. Grease traps shall be accessible at all times. Grease trap shall be installed as close as practical to the fixture or fixtures being served and shall not exceed 25 feet (horizontal run) or current requirements of the PDI Standards G101 and the Uniform State Plumbing Code (248 CMR 10.00).
2. Signage: A laminated sign shall be stenciled on or in the immediate area of the grease trap in letters one-inch high. The sign shall state the following in exact language:

IMPORTANT
<i>This grease trap/interceptor shall be inspected and thoroughly cleaned on a regular and frequent basis. Failure to do so could result in damage to the piping system, and the municipal or private drainage system(s).</i>

3. Trap Capacity: The capacity of the grease trap shall be related to the flow rate as indicated in Table 1 of the PDI Standard G101 document:

PDI Size Symbol	4	7	10	15	20	25	35	50	75	100
Flow Rate (GPM)	4	7	10	15	20	25	35	50	75	100
Flow Rate (L/Min)	15	26	38	57	77	95	132	191	230	378
Grease Capacity (lbs)	8	14	20	30	40	50	70	100	150	200
Grease Capacity (Kg)	3.6	6.4	9.1	13.8	18.2	22.7	31.8	45.4	68	90.8

4. Flow-Through Rate: Flow-through rates shall be calculated with a drainage period of 1-minute in accordance with the procedures in the PDI Standard G101 document.
5. Flow Control Device: Grease traps shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturers' rated capacity recommended in gallons per minute for the unit.
6. Particle Separator: Grease traps shall be equipped with a device, prior to the grease trap, to control the amount of solids through the unit.

7. Venting: The flow-control device and the grease trap shall be vented in accordance with the local and state plumbing codes.
8. Inspection and Right of Entry: Grease traps shall be inspected by a City Official or its representative on an annual basis, or as necessary, to assure compliance with this section and to assure proper cleaning and maintenance schedules are being followed. The FSE owner shall allow the City Official and other duly authorized employees, agents, or representatives of the City bearing proper credentials and identification access at all times to all parts of the premises for the purpose of inspection, observation, photographing, records examination, measurement, sampling, and testing in accordance with the provisions of this section. The grease trap/interceptor shall be accessible for inspection at all times. The FSE owner must have the tools to open the grease trap/interceptor on hand at all times.
9. Repairs: The FSE shall be responsible for the cost and scheduling of all repairs to its grease discharge control equipment. Work to complete repairs required by a City Official shall be scheduled within fourteen (14) calendar days after receipt of the written notice of required repairs, unless the City approves a different schedule in writing. Documentation showing that the work has been scheduled will be required to be submitted to the City. The work must be completed within ninety (90) calendar days.
10. Disposal: Grease and solid materials removed from a grease trap shall be disposed of in a proper disposal container that will prevent its discharge during storage and transportation to a solid waste facility. The name and location of the disposal facility shall be verified by the FSE, which shall be responsible for obtaining such information from the grease hauler.
11. Record Keeping: Each FSE shall maintain a bound logbook in which a record of all grease trap maintenance is entered, including the date and time of the maintenance, amount of grease present, details of any repairs required and dates of repair completion and any other records pertaining to the grease trap. The City may require photo documentation of maintenance activities. This logbook shall be made available for review upon request by the City Official. Each FSE shall also maintain a file on site which contains the following information:
 - i. The as-built drawings of the plumbing system for new or renovated buildings and (if available) for existing buildings
 - ii. Records of inspections
 - iii. Copies of annual reports (submitted with Food Service Permit)
 - iv. Receipts (pumping, maintenance, repairs, etc.)
 - v. Log of pumping activities
 - vi. Log of maintenance activities
 - vii. Grease hauler information (if utilized)

- viii. Disposal information (including site name and location of disposal facility)
- ix. Monitoring data (including amount of grease present during inspection)

The file shall be available at all times for inspection and review by the City.

12. Alternative Grease Removal Devices or Technologies: Alternative devices and technologies such as automatic grease removal systems are encouraged and shall be subject to written approval by the City Official prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of the operation. The City may approve these types of devices depending on manufacturers specifications on a case-by-case basis. The FSE may be required to furnish analytical data demonstrating that grease discharge concentrations to the City's wastewater collection system will not exceed the limitation established in the Salem, MA Code of Ordinances, Section 46-194 — Restricted Discharges (a)(2).

(c) **Grease Interceptors**

All new and existing grease interceptors shall meet the following criteria:

1. Interceptor Design and Location: Grease interceptors shall have a minimum of two compartments and shall be capable of separation and retention of grease and storage of settled solids. Interceptor design shall conform to the requirements of the Plumbing and Drainage Institute (PDI) Standards G101 and the Uniform State Plumbing Code (248 CMR 10.00). A control manhole over each compartment for monitoring purposes shall be required and installed at the owner/operator's sole expense. Covers shall have a water and gas tight fit. The grease interceptor shall be designed, constructed and installed for adequate load-bearing capacity. Flow control devices shall be required where the water flow through the interceptor may exceed its rated flow. Interceptors shall be installed in a location outside of the building, which provides easy access at all times for inspections, cleaning, and proper maintenance, including pumping. Grease interceptor shall be installed as close as practical to the fixture or fixtures being served and shall not exceed 25 feet (horizontal run) or current requirements of the PDI Standards G101 and the Uniform State Plumbing Code (248 CMR 10.00). If the property layout does not allow adequate space for an outside location, the City may approve a location for an interior grease interceptor.
2. A laminated sign shall be stenciled on or in the immediate area of the grease trap or interceptor in letters 1-inch high. The sign shall state the following in exact language.

IMPORTANT

This grease trap/interceptor shall be inspected and thoroughly cleaned on a regular and frequent basis. Failure to do so could result in damage to the piping system, and the municipal or private drainage system(s).

3. Interceptor Capacity: Grease interceptor capacity calculations for each FSE shall be based on size and type of operation in accordance with the Uniform State Plumbing Code (248 CMR 10.00). Grease interceptors shall have a minimum depth of four (4) feet and a minimum capacity of 1,000 gallons for any one unit and shall have sufficient capacity to provide at least a 24-hour detention period for all kitchen flow. Where sufficient capacity cannot be achieved with a single unit, installation of grease interceptors in series is required. Interceptor capacity calculations shall be approved by the City Official prior to the installation of the interceptor(s).

The capacity of the grease interceptor required for food manufacturing or processing facilities which are not covered by the Uniform State Plumbing Code (248 CMR 10.00) shall be approved by the City Official according to the mass and type of food prepared, the wastewater volume produced from food preparation or manufacture, total hours of operation per day and a load factor depending on the installed equipment.

4. Inspection and Right of Entry: Grease interceptors shall be inspected by a City Official or its representative on an annual basis, or as necessary, to assure compliance with this section and to assure proper cleaning and maintenance schedules are being followed. The FSE owner shall allow the City Official and other duly authorized employees agents, or representatives of the City bearing proper credentials and identification access at all times to all parts of the premises for the purpose of inspection, observation, photographing, records examination, measurement, sampling, and testing in accordance with the provisions of this section. The grease trap/interceptor shall be accessible for inspection at all times. The FSE owner must have the tools to open the grease trap/interceptor on hand at all times.
5. Repairs: Each FSE shall be responsible for the cost and scheduling of all repairs to its grease discharge control equipment. Work to complete repairs required by a City Official shall be scheduled within fourteen (14) calendar days after receipt of the written notice of required repairs, unless the City approves a different schedule in writing. Documentation showing that the work has been scheduled will be required to be submitted to the City. The work must be completed within ninety (90) calendar days.
6. Disposal: Wastes removed from each grease interceptor shall be disposed of at a facility permitted to receive such wastes or at a location designated by the City for such purposes. Neither grease nor solid waste materials removed from interceptors shall be returned to any grease interceptor, private sewer line, or to any portion of the City's wastewater collection system or any other facility without prior written permission from the City Engineer/ Director of Public Services. The name and location of the disposal facility shall be verified by the FSE, which shall be responsible for obtaining such information from the grease hauler.
7. Record Keeping: Each FSE shall maintain a bound logbook in which a record of all interceptor maintenance is entered, including the date and time of the maintenance, amount of grease present, details of any repairs required, dates of repair completion and any other records pertaining to the interceptor. The City may require photo documentation of maintenance activities. This logbook shall be made available for review

upon request by the City Official. Each FSE shall also maintain a file on site which contains the following information:

- i. The as-built drawings of the plumbing system for new or renovated buildings and (if available) for existing buildings
- ii. Records of inspections
- iii. Copies of annual reports (submitted with Food Service Permit)
- iv. Receipts (pumping, maintenance, repairs, etc.)
- v. Log of pumping activities
- vi. Log of maintenance activities
- vii. Grease hauler information
- viii. Disposal information (including site name and location of disposal facility obtained from grease hauler)
- ix. Monitoring data (including amount of grease present during inspection)

The file shall be available at all times for inspection and review by the City Official.

(d) Cleaning, Pumping and Maintenance

1. Grease Traps: Each FSE with a grease trap shall be solely responsible for the cost of trap installation, inspection, cleaning, and maintenance. Each FSE may contract with a grease hauler for cleaning services, or it may develop a written protocol and perform its own grease trap cleaning and maintenance procedures, which must be approved by the City.

Cleaning and maintenance must be performed when the total volume of captured grease and solid material exceeds more than 25% of the total volume of the unit. Each FSE shall determine the frequency at which their grease trap shall be cleaned, but all grease traps shall be opened and inspected, at least once per week, and cleaned and maintained at least once per month. Existing facilities that have grease traps sized for a 2-minute drainage period and comply with Section III.a.2 shall be cleaned and maintained at least twice per month.

2. Grease Interceptors: Each FSE with a grease interceptor shall be responsible for the costs of installing, inspecting, pumping, cleaning, and maintaining its grease interceptor. All FSEs that have grease interceptors shall utilize a licensed septage hauler who has been approved by the City for pumping services. Pumping services shall include the initial complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids from the interceptor. The return of gray water back into the grease interceptor from which the wastes were removed is allowable, provided that grease and solids are not returned to the interceptor and further provided that the licensed grease

hauler has written authorization from the FSE to return the gray water. Grease interceptor cleaning shall include scraping excessive solids from the walls, floors, baffles and all pipework. The licensed grease hauler shall wait at least 20 minutes to allow for inspection of the interceptor bottom and to allow for the interceptor waste to separate in the truck tank before attempting to re-introduce the gray water to the interceptor. It shall be the responsibility of each FSE to inspect its grease interceptor during the pumping procedure to ensure that the interceptor is properly cleaned out and that all fittings and fixtures inside the interceptor are in working condition and functioning properly.

Each FSE shall have its grease interceptor(s) inspected at least once a month and pumped at least every three (3) months. In addition to required quarterly pumping, each FSE is required to pump its grease interceptor whenever one of the following conditions occurs:

- i. When the total volume of captured grease and solid material exceeds more than 25% of the capacity of the interceptor as calculated using an approved dipping method, or;
 - ii. When the interceptor is not retaining/capturing oils and greases, or the removal efficiency of the device, as determined through sampling and analysis, is less than eighty percent (80%).
3. Exceptions for Infrequent Users: Any FSE with a grease trap or interceptor may submit to the City a request in writing for a variance to the thirty (30) day cleaning frequency of their grease trap, or the three (3) month cleaning frequency of their grease interceptor. The City may grant an extension for required cleaning frequency on a case-by-case basis when the total volume of captured grease and solid material displaces less than 25% of the capacity of the interceptor as calculated using an approved dipping method for two consecutive inspections.

(e) Additives

Additives are materials which allow the grease to pass from the grease interceptor into the wastewater collection system. Any chemicals, enzymes, emulsifiers, live bacteria, and/or grease cutters shall be approved by the City Official prior to their use by the FSE or grease hauler. Material Safety Data Sheets (MSDS)) and any other supporting documentation concerning the composition, frequency of use, effectiveness and mode of action of the proposed additive shall be sent to the City together with a written statement outlining the proposed use of the additive(s). Based upon the information received and any other information solicited from the potential user or supplier, the City shall permit or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the City at any time. Additives that break the grease down at the source and allow it to reform further downstream in the wastewater collection system are strictly prohibited.

(f) Food Service Establishing Reporting

1. All FSEs shall be required to submit maintenance and cleaning reports and other documentation of grease traps/interceptors as required in the City's Food Establishment Permit.

2. All records outlined in Sections III.b.11 and III.c.7 Record Keeping shall be submitted with Food Establishment Permit Renewals. Failure to do so will result in the delay or rejection of the Renewal.

(g) Inspections

1. Entry: Each FSE shall allow the City Official and other duly authorized employees or agents of the City bearing proper credentials and identification access at all reasonable times to all parts of the premises for the purpose of inspection, observation, photographing, records examination, measurement, sampling, and testing in accordance with the provisions of this Section. The refusal of any FSE to allow the City Official entry to or upon the facility's premises for purposes of inspection, sampling effluents, or inspecting and copying records, or performing such other duties as required by this section shall constitute a violation of this section.

Additional information for property entry can be found in the Salem, MA Code of Ordinances, Section 46-126 — Authority of City Engineer or Representatives Generally.

2. Access: Each FSE shall provide clear access to its grease trap or interceptor for inspection and maintenance. Each FSE shall have the necessary tools and/or equipment onsite and within clear view of grease traps to allow for quick access in the event of an emergency or for inspections. Upon the request of the City Official, a representative from the FSE shall open its grease trap and/or interceptor for inspection by the City Official.
3. Frequency: The City Official shall inspect FSEs on an annual basis, or as necessary, to verify compliance with requirements of this section. The inspections may be on an unscheduled and unannounced basis or on a scheduled basis.
4. First-time Inspections: Each FSE will be inspected a first time by the City to collect information about the facility's grease traps/interceptor. During the inspection, information will be verified, and the grease interceptor or trap will be inspected. Inspections shall also include all equipment, food processing, and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease interceptor/trap. The City Official shall also inspect the interceptor/trap maintenance logbook and file, other pertinent data, the grease interceptor/trap and may check the level of the interceptor/trap contents and/or take samples as necessary. The City Official shall record all observations in a written report.
5. Inspection Fee: A \$150 inspection fee shall be applied to each trap or interceptor in order to cover the cost of labor, equipment, and materials to perform inspections. Inspection fees shall be charged annually upon completion of inspection by the City. Inspection fees shall be issued separately but coincidentally with one of the quarterly water bills.

Section IV. Schedule of Penalties

(a) Administrative Enforcement and Penalties

1. Written Notice of Compliance Status: A written notice of compliance status shall be issued to a FSE for any one or more of the following reasons:
 - i. Failure to properly maintain the grease interceptor or trap in accordance with the provisions of this section.
 - ii. The grease interceptor or trap is not properly sized.
 - iii. The required plumbing fixtures are not protected by a grease interceptor or trap.
 - iv. Failure to report significant changes in operations, or wastewater constituents and characteristics.
 - v. Failure to maintain or provide logs, files, records, or access for inspection or monitoring activities.
 - vi. Any other failure to comply with the requirements of this section.
 - vii. Discharge of grease into the sewer system in excess of 100 mg/L or resulting in sewer blockage.
2. No Further Action Required: If all information is verified and the grease interceptor or trap is of proper type/size and in proper working condition in accordance with the provisions of this section, no further action will be required.
3. Compliance Status Response: Any FSE issued a written notice of compliance status shall respond to the City of Salem Board of Health in writing (ATTN: FOG PROGRAM) within fourteen (14) calendar days of receipt of the notice of violation and submit information describing how the noncompliance occurred and what steps shall be taken to correct the deficiencies and/or prevent the re-occurrence of the noncompliance. Requirements for submittal shall include maintenance records, plans for installation or upgrade of grease interceptors, including time frames for preparation of plans, acquisition of necessary equipment, initiation of construction (including time for permit approval, where required), completion of construction, and a date for achievement of final compliance with this section.
4. Corrective Work: The FSE shall have fourteen (14) calendar days from the written notice of compliance status to schedule the corrective work within ninety (90) calendar days. Once corrective actions have been made, the FSE shall contact the City of Salem Board of Health in writing (ATTN: FOG PROGRAM) within five (5) business days. The City shall perform a re-inspection to confirm that all deficiencies have been corrected.
5. Time Extension: If the FSE cannot complete the required repairs or maintenance within ninety (90) calendar days from the written notice of compliance status to perform corrective work, the FSE may apply for a one-time extension. The facility must provide proof that a "good faith effort" was made to contact/schedule a contractor to perform work within the first fourteen (14) calendar days from the written notice of compliance status. The time extension procedure shall be as follows:

- i. The FSE shall apply for a time extension on a form provided by the City along with the appropriate application fee identified in the City's Fee Schedule.
 - ii. The application shall include proof that a "good faith effort" was made to contact/schedule a contractor to perform work within the first fourteen (14) days from the written notice of compliance status.
 - iii. The application shall include the next date and time the facility intends to have the corrective work completed.
6. Re-inspections: The City Official shall re-inspect FSEs which were noted as having deficiencies after the inspection. The City Official shall inspect any repairs or other deficiencies and shall provide written notice of compliance or non-compliance as the case may be. In the event that the FSE has returned to compliance with all of the deficiencies, there shall be no further action required.

Any FSE violating any of the provisions of this regulation shall be subject to:

- i. A written warning for the first violation;
- ii. A \$100 civil penalty for the second violation;
- iii. A \$200 civil penalty for the third violation;
- iv. And a \$300 civil penalty and notice of suspension proceedings of the Permit to Operate a Food Establishment for the fourth violation within a two-year period.

The fees in this section are in addition to the inspection fee under Section III.g.5. Continuous violations shall result in an increase in penalty by \$250 and may also result in termination of service.

7. Sewer Blockage: If a FSE is responsible for a blockage of a wastewater collection system line, the facility shall owe:
- i. A \$1,000 civil penalty or the cost of resulting repairs (whichever is greater) to the wastewater collection system incurred by the City for the first violation;
 - ii. A \$1,500 civil penalty or the cost of resulting repairs (whichever is greater) to the wastewater collection system incurred by the City for the second violation;
 - iii. And a \$2,000 civil penalty or the cost of resulting repairs (whichever is greater) to the wastewater collection system incurred by the City, as well as a notice of suspension proceedings of the Permit to Operate a Food Establishment for the third violation within a two-year period.

Continuous violations shall result in an increase in penalty by \$500 and may also result in termination of service.

8. Suspension Proceedings: The FSE shall be required to attend a hearing before the Board of Health and will be allowed to dispute the notice to suspend the Permit to Operate a

Food Establishment. The Board of Health shall determine if the FSE's Permit to Operate a Food Establishment shall be revoked or whether to allow the establishment to operate with conditions. The FSE facility will not be allowed to operate without a valid Permit to Operate a Food Establishment.

9. Re-apply for Permit to Operate a Food Establishment: The FSE shall be required to re-apply for a Permit to Operate a Food Establishment once this permit has been revoked by the Board of Health. The FSE shall provide proof that all previous violations have been corrected and shall be subject to a re-inspection by the City prior to permit approval.

Severability

If any section, paragraph, sentence, clause, phrase, or word of this regulation is declared invalid for any reason, that decision will not be applicable to the remaining portions of these regulations.

Effective Date

This regulation will take effect on January 1, 2023.

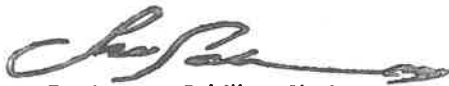
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Board of Health
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Dr. Jeremy Schiller, Chair
Paul Kirby
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Datanis Elias
Sara Moore

A summary of the regulation was published as a legal notice in the Salem Evening News on July 14, 2022.

After a vote of the Board of Health, at a posted meeting on July 19, 2022: 5 in the affirmative; 0 negative, the following signature is authorized.

Signed,



Dr. Jeremy Schiller, Chair