



Board of Health

Edward Cosgrove, PhD
Chair

Stephen Epstein, MD, MPP
Member

Jane Fogg, MD, MPH
Vice Chair

ARTICLE 9 **AQUIFER PROTECTION DISTRICT REGULATIONS**

The Board of Health, Town of Needham, Massachusetts, acting under the authority of Section 31, Chapter 111, of the Massachusetts General Laws and amendments and additions thereto, and all other powers herewith adopt the following additions to the Board of Health Regulations:

SECTION 9.1 **APPLICABILITY**

This regulation shall apply to all premises located in whole or in part within an Aquifer Protection District as established in the Needham Zoning Bylaw.

SECTION 9.2 **SEWAGE DISPOSAL**

9.2.1 Disposal of sewage in lagoons is prohibited.

9.2.2 Use of any solid, liquid or gaseous material for the purpose of cleaning, treating, unclogging, disinfecting, or deodorizing an on-site sewage disposal system is prohibited unless specifically approved by the Board of Health.

SECTION 9.3 **TOXIC OR HAZARDOUS MATERIALS STORAGE, USE AND DISPOSAL DEFINITION**

9.3.1 Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Law (MGL) Chapter 21C and 21E or Massachusetts Hazardous Waste regulations (310 CMR 30.000).

SECTION 9.4 **GENERAL HANDLING**

9.4.1 Premises on which toxic or hazardous materials are used or stored in quantities greater than associated with normal household use shall be subject to the following:

- (a) The owner of the premises shall register with the Board of Health the types of materials used or stored, quantities, location, and method of handling. An inventory of such materials shall be maintained on the premises and be reconciled with purchase, use, sales and disposal records on a monthly basis, in order to detect any product loss. Registration required by this provision shall be initially submitted by December 31, 1981 and annually thereafter. Maintenance and reconciliation of inventories shall also begin by December 31, 1981.

(b) Wastes containing toxic or hazardous materials shall not be disposed on-site, but shall be held on the premises in product tight containers for removal by a licensed carrier and for disposal in accordance with G.L. c 21C.

(c) The Board of Health may require that containers of toxic or hazardous materials be stored on an impervious, chemical resistant surface compatible with the materials being stored, and that the storage area be enclosed with a permanent dike of impermeable construction.

(d) Every person having knowledge of a spill, leak or other loss of toxic or hazardous materials shall report the spill or loss of same to the Fire Department and to the Hazardous Waste Coordinator.

SECTION 9.5 UNDERGROUND STORAGE

9.5.1 No new or replacement underground storage facilities shall be allowed within an Aquifer Protection District.

9.5.2 The following regulations shall apply to all existing underground toxic or hazardous material storage systems with capacities greater than 500 gallons:

(a) Owners shall file with the Board of Health the size, type, age, and location of each tank, and the type of fuel or chemical stored in each, on or before December 31, 1981. Evidence of date of purchase and installation, including Fire Department permit, if any, shall be included along with a sketch map showing the location of such tanks on the property.

(b) Owners of tanks for which evidence of installation date is not available shall, at the order of the Board of Health, have such tanks system tested. If either the Board of Health or the Fire Chief determines that the tank is not product tight it shall be removed and DEP notified.

(c) The owner of an existing registered underground storage tanks, as of July 1, 2009, will need to send their annual Third Party UST Inspection Form (DFS Form FP-289) to Mass DEP instead of to Department of Fire Services. There is no need to re-register tank(s) with Mass DEP; The schedule for submittal of the annual Third Party UST Inspection Form will remain unchanged. All third party inspections must be completed by August 8, 2010. If a new tank is installed or removed, obtain the required permits and approvals from your local Fire Department; Requirements for decommissioning a tank remain unchanged, with the exception that a "Notification for Removal or Closure of In-Place USTs Regulated Under 627 CMR 9.00" (DFS Form FP-290R) will need to be mailed to MassDEP rather than Department of Fire Services; and report leaking tanks to MassDEP's Bureau of Waste Site Cleanup in accordance with the Massachusetts Contingency Plan (310 CMR 40.0000).

(d) Tanks shall be maintained in accordance with the most stringent requirements of the State Board of Regulation, and the National Fire Code of the National Fire Protection Association.

(e) Any unused underground storage tanks shall be removed under the direction of the Fire Chief or within six months of its non-use. The owner shall notify the Board of Health, Hazardous Waste Coordinator, and Fire Chief in writing of his intention to remove the unused tank.

9.5.3 The following regulations apply to all underground toxic or hazardous material storage systems.

(a) Any spill or loss of contents must be reported immediately to the Fire Department.

(b) All leaking tanks must be emptied within twelve hours of leak detection and removed in a time period to be determined by the Fire Chief and the Board of Health.

SECTION 9.6 MANURE STORAGE AND APPLICATION AND OTHER AGRICULTURAL ACTIVITIES

9.6.1 Distribution, storage, accidental spillage or application of fertilizers, pesticides or herbicides shall be minimized and in accordance with the Best Management Practices for these activities as recommended by the U.S.D.A. Soil Conservation Service and Agricultural Stabilization and Conservation Service.

9.6.2 Manure storage sites shall:

- (a) have a roof which prevents precipitation from coming into contact with the manure;
- (b) have a liquid-tight floor with no liquid drainage permitted; and
- (c) be located such that surface water run-off drains away from the storage area.

9.6.3 Manure and fertilizer spreading application shall be consistent with, not substantially in excess of, the nitrogen uptake by the vegetation.

SECTION 9.7 PROHIBITIONS OF FLOOR DRAINS

9.7.1 With the exception of discharges that have received (or have applied and will receive) a Department issued permit prior to the effective date of this regulation, no floor drain(s) in a Zone II or Aquifer Protection District shall be allowed to discharge, with or without pretreatment (such as an oil/water separator), to the ground, a leaching structure, or septic system. For the purposes of this regulation, floor drain shall mean any intended drainage point on a floor constructed to be otherwise impervious which serves as the point of entry into any subsurface drainage, treatment, disposal, containment, or other plumbing system which discharges to the ground, a leaching structure, or a septic system.

9.7.2 Requirements For Existing Facilities:

(a) The owner of a facility in operation prior to the effective date of this regulation with a prohibited floor drain system shall:

(1) Where possible, disconnect and plug all applicable inlets to and outlets from applicable leaching structures, oil/water separators, and/or septic systems;

(2) Remove all existing sludge in oil/water separators, septic systems, and where accessible, leaching structures. Any sludge determined to be a hazardous waste shall be disposed of in accordance with state hazardous waste regulations, 310 CMR 30.000. Remedial activity involving any excavation and/or soil or groundwater sampling must be performed in accordance with appropriate Massachusetts DEP policies;

(3) Alter the floor drain system so that the floor drain shall be either:

- (a) connected to a holding tank that meets all applicable requirements of Massachusetts DEP policies and regulations, with hauling records submitted to the Board of Health at the time of hauling;
- (b) connected to a municipal sanitary sewer line, if available, with all applicable Massachusetts DEP and local permits; or
- (c) permanently sealed. (Any facility sealing a drain shall be required to submit for approval to the Board of Health a hazardous waste management plan detailing the means of collecting, storing, and disposing any hazardous waste generated by the facility, including any spill or other discharge of hazardous materials or wastes).

(b) Any oil/water separator remaining in use shall be monitored weekly, cleaned not less than every 90 days, and restored to proper conditions after cleaning so as to ensure proper functioning. Records of the hauling of the removed contents of the separator shall be submitted to the Board of Health at the time of hauling.

(c) Compliance with all provisions of this regulation must be accomplished in a manner consistent with the Massachusetts Plumbing, Building and Fire code(s).

(d) Upon complying with one of the options listed under Section 9.7.2, the owner/operator of the facility shall notify the Massachusetts DEP of the closure by filing the Massachusetts DEP's UIC pre-Closure Form BRP WS-06d (which may be obtained by calling 617-292-5770) with the Massachusetts DEP, and sending a copy to the Board of Health.

9.7.3 Effective Dates For All Facilities:

The effective date of this regulation is the date posted on the front page of the regulation, which shall be identical to the date of adoption of the regulation.

(a) Existing Facilities:

(1) Owners/Operators of a facility affected by this regulation shall comply with all of its provisions within 120 days of the effective date;

(2) All applicable discharges to the leaching structures and septic systems shall be discontinued immediately through temporary isolation or sealing of the floor drain.

(b) New Facilities:

(1) As of the effective date of the regulation, all new construction and/or applicable change of use within the Town of Needham shall comply with the provisions of this regulation.

(2) Certification of conformance with the provisions of this regulation by the Board of Health shall be required prior to issuance of construction and occupancy permits.

(3) The use of any new oil/water separator shall comply with the same requirements as for existing systems.

9.7.4 Penalties:

Failure to comply with provisions of this regulation will result in the levy of fines of not less than \$ 200.00, but no more than \$1000.00. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation.

9.7.5 Variances:

Variances from these regulations may be granted by the Board of Health after a hearing at which the applicant established that the proposed departure from these regulations will not adversely affect water resources used or potentially used as public water supplies.

Sections 9.5 and 9.7 voted 5/11/10