

# TOWN OF YARMOUTH

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## BOARD OF HEALTH

### UNDERGROUND INJECTION CONTROL PROGRAM

### FLOOR DRAIN REGULATION

March 20, 2006

#### Section I. SCOPE OF AUTHORITY

The Town of Yarmouth Board of Health adopts the following regulation pursuant to authorization granted by M.G.L.c.111s.31 and s.122. The regulation shall apply, as specified herein, to all applicable facilities, **existing and new**, within the Town of Yarmouth.

#### Section II. PURPOSE

Whereas:

- floor drains in industrial and commercial facilities are often tied to a system leading to a leaching structure (e.g. dry well, cesspool, leach field) or a septic system; and
- poor management practices and accidental and/or intentional discharges may lead petroleum and other toxic or hazardous materials into these drainage systems in facilities managing these products, and
- improper maintenance or inappropriate use of these systems may allow the passage of contaminants or pollutants entering the drain to discharge from the leaching structure or septic system to the ground; and
- discharges of hazardous wastes and other pollutants to floor drains leading to leaching structures and septic systems have repeatedly threatened surface and ground water quality throughout Massachusetts; and
- surface and ground water resources in the Town of Yarmouth contribute to the town's drinking water supplies;

the Town of Yarmouth adopts the following regulation, under its authority as specified in Section I, as a preventative measure for the purposes of preserving and protecting the Town of Yarmouth's drinking water resources from discharges of pollutants to the ground via floor drains, and to minimizing the threat of economic losses to the Town due to such discharges.

### Section III. DEFINITIONS

For the purposes of this regulation, the following words and phrases shall have the following meanings:

Commercial and Industrial Facility: A public or private establishment where the principal use is the supply, sale, and/or manufacture of services, products, or information, including but not limited to: manufacturing, processing, or other industrial operations; service or retail establishments; printing or publishing establishments; research and development facilities; small or large quantity generators of hazardous waste; laboratories, hospitals.

Department: The Massachusetts Department of Environmental Protection (DEP).

Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of toxic or hazardous material or waste upon or into any land or water so that such hazardous waste or any constituent thereof may enter the land or waters of the Commonwealth.

Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.

Floor Drain: An 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.

Holding Tank: a stationary device, constructed of non-earthen materials (e.g., concrete, steel or plastic) that provide structural support, and is used to accumulate or store industrial wastewater. Tanks that are transportable and not mounted on a truck or trailer, but merely placed on a truck or trailer, are considered holding tanks. The term holding tank does not include mobile tanks as defined in 314 CMR 18.04, but does include in-ground and above-ground holding tanks.

Leaching Structure: Any subsurface structure through which a fluid that is introduced will pass and enter the environment, including, but not limited to, drywells, leaching catch basins, cesspools, leach fields, and oil/water separators that are not water-tight.

Oil/Water Separator: A device designed and installed so as to separate and retain petroleum based oil or grease, flammable wastes as well as sand and particles from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity. Other common names for such systems include MDC traps, gasoline and sand traps, grit and oil separators, grease traps, and interceptors.

Toxic or Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Yarmouth. 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 Laws (MGL) Chapter 21C and 21E or Massachusetts Hazardous Waste regulations (310 CMR 30.000), and also include such products as solvents, thinners, and pesticides in quantities greater than normal household use.

Use of Toxic or Hazardous Material: The handling, generation, treatment, storage, or management of toxic or hazardous materials.

#### **Section IV. PROHIBITIONS**

With the exception of discharges that have received (or have applied and will receive) a DEP Department issued permit prior to the effective date of this regulation, **NO FLOOR DRAINS(S)** shall be allowed to discharge, with or without pretreatment (such as an oil/water separator), to the ground, a leaching structure, or septic system in any industrial or commercial facility if such floor drain is located in either:

- A. An industrial or commercial process area.
- B. A petroleum, toxic, or hazardous materials and/or waste storage area.
- C. A leased facility without either A or B of this section, but in which the potential for a change of use of the property to a use which does have either A or B is in the opinion of the Board of Health or its agent, sufficient to warrant the elimination of the ground discharge at the present.

#### **Section V. REQUIREMENT FOR EXISTING FACILITIES**

- A. The owner of a facility in operation prior to the effective date of this regulation with a prohibited (as defined under Section IV) floor drain system must comply with 310 CMR 27.10, Underground Injection Control Regulations, and shall:
- B.
  1. disconnect and plug all applicable inlets to and outlets from (where possible) applicable leaching structures, oil/water separators, and/or septic systems; in accordance with the Massachusetts Plumbing Code and after obtaining a permit to conduct plumbing work.

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, Hazardous Waste). Remedial activity involving any excavation and/or soil or groundwater sampling must be performed in accordance with appropriate Department 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 DEP Department policies and regulations including, but not limited to, 314 CMR 18, with hauling records submitted to the Yarmouth Board of Health at the time of hauling and system plans and specifications also submitted to the Yarmouth Board of Health.
    - b. Permanently sealed in accordance with Massachusetts Plumbing Code. (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. Compliance with all provisions of this regulation must be accomplished in a manner consistent with Massachusetts Plumbing, Building, and Fire code requirements, and 314 CMR 18 Industrial Wastewater Holding Tank and Container Construction, Operation, and Record Keeping Requirements, and 310 CMR 27, Underground Injection Control Regulations.
- C. Upon complying with one of the options listed under Section V.A.3., the owner/operator of the facility shall notify the Department of the closure of said system by filing the Department's UIC Notification Form (which may be obtained by calling 617/292-5770) with the Department, and sending a copy to the Yarmouth Board of Health.
- D. It shall be the responsibility of the owner/operator/applicant to submit to the Board of Health plans and specifications of existing holding tanks, thereby demonstrating compliance with 314 CMR 18 or submit a floor drain closure permit per Massachusetts Plumbing Code.

## **Section VI. EFFECTIVE DATES FOR ALL FACILITIES**

The effective date of this regulation is the date posted on 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 through floor drains to the leaching structures and septic systems shall be discontinued immediately through temporary isolation or sealing of the floor drain per Section V.
- 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 Yarmouth shall comply with 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, as specified above in Section V.B.

#### **Section VII. ENFORCEMENT**

The provisions of this regulation shall be enforced by the Board of Health. An agent or designee for the Board of Health may enter upon any premises at any reasonable time to inspect for compliance.

#### **Section VIII. PENALTIES**

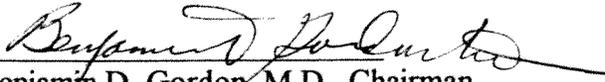
Failure to comply with provisions of this regulation will result in the levy of fines of not less \$200.00, but no more than \$1000.00. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation.

#### **Section IX. SEVERABILITY**

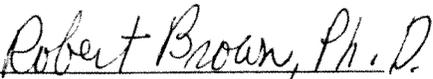
Each provision of this regulation shall be constructed as separate to the end that, if any provision, or sentence, clause or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

FLOOR DRAIN REGULATION

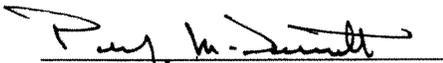
This regulation is to take effect on the date of publication in a local newspaper.

  
Benjamin D. Gordon, M.D., Chairman

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Helen Shah, R.N., Vice Chairman

  
Robert Brown, Ph.D., Clerk

  
Anne Greenbaum, R.N.

  
Patrick McDermott

Public Hearing Dates: FEBRUARY 27, 2006 AND MARCH 20, 2006

Publication Date: MARCH 24, 2006 Newspaper: CAPE COD TIMES

Effective Date of Regulation: MARCH 24, 2006

Certified to DEP/DWPC: Boston/6<sup>th</sup> Floor-Central Register/BOH Regulation, 1 Winter Street, Boston, MA 02108

Date: MARCH 21, 2006

Certification Number: 7002 2410 0006 2370 6284

Certified to DEP Boston, Katherine Hamilton, Regional Planner, Drinking Water Program, 1 Winter Street-6<sup>th</sup> Floor, Boston, MA 02108

Date: MARCH 21, 2006

Certification Number: 7002 2410 0006 2370 6277

Certified to DEP Lakeville, Janice Drake, BRP, Water Supply, 20 Riverside Drive, Lakeville, MA 02347

Date: MARCH 21, 2004

Certification Number: 7002 2410 0006 2370 6260