

HARWICH BOARD OF HEALTH FLOOR DRAIN REGULATION

Section I. Purpose of Regulation

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 systems to the ground; and
- * Discharges of hazardous waste 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 Harwich contribute to the town's drinking water supplies;

The Town of Harwich adopts the following Regulation, under its authority as specified in Section II, as a preventative measure for the purposes of:

- * Preserving and protecting the Town of Harwich's drinking water resources from discharges of pollutants to the ground via floor drains, and minimizing the threat of economic losses to the town due to such discharges.

Section II. Scope of Authority

The Town of Harwich Board of Health adopts the following Regulation pursuant to authorization granted by MGL C.111 s.31 and s.122. The Regulation shall apply, as specified herein, to all applicable facilities, **existing and new**, within the Town of Harwich.

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.

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.

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 Materials – 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 Harwich. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy materials, 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 department issued permit prior to the effective date of this Regulation, no floor drain(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, or;
- 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. Requirements 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 shall:

1. Disconnect and plug all applicable inlets to and outlets from (where possible) 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 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 department policies and Regulations, with hauling records submitted to the Harwich Board of Health at the time of hauling, or;
 - b. 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. Compliance with all provisions of this Regulation must be accomplished in a manner consistent with Massachusetts Plumbing, Building and Fire Code requirements.

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 UIC Notification Form (which may be obtained by calling 617-292-5770) with the department and sending a copy to the Harwich Board of Health.

Section VI. Effective Dates for All Facilities

This Regulation was adopted following a legal public hearing on April 16, 1997 to be effective upon publication of May 8, 1997.

A. Existing Facilities:

1. Owners/Operators of a facility affected by this Regulation shall file a plan to remedy any discharges within 120 days of the effective date.
2. All applicable discharges to the leaching structures and septic systems shall be remediated within one year of the effective date.

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 Harwich 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, as specified above in Section V.B.

Section VII. Penalties – effective one year from adoption (April 16, 1998)

A. Failure to comply with provisions of this Regulation will result in the levy of fines of not less than (\$200), but no more than (\$1,000). Each days failure to comply with the provisions of this Regulation shall constitute a separate violation.

B. Non-criminal Disposition. Whoever violates any provisions of these rules and Regulations may, at the discretion of the Health Agent, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the General Laws, Chapter 40, Section 21D. For the purposes of this provision, the penalty to apply in the event of a violation shall be as follows: (First Offense: Written Warning); (Second Offense: \$100). Each day on which a violation exists shall be deemed to be a separate offense.

Section VIII. Severability

Each provision of this Regulation shall be construed 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.

Adopted 4/16/1997
Effective 5/8/1997

HARWICH BOARD OF HEALTH
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