

FUEL STORAGE SYSTEM REGULATIONS

Whereas, leaking fuel storage systems pose an immediate and serious threat to Cape Cod's sole source aquifer, and,

Whereas, the Town of Harwich does not have records to locate all such systems installed within the Town.

Therefore, under Chapter 111, Section 31 of the Massachusetts General Laws, the Harwich Board of Health hereby adopts the following Regulation to protect the ground and surface waters from contamination with liquid toxic or hazardous materials.

DEFINITIONS: "Toxic or hazardous materials" shall be defined as all liquid hydrocarbon products including, but not limited to, gasoline, fuel and diesel oil, and any other toxic or corrosive chemicals, radioactive materials or other substance controlled as being toxic or hazardous by the Division of Hazardous Waste of the Commonwealth of Massachusetts, under the provisions of Massachusetts General Laws, Chapter 21C, Section 1, et seq.

The following Regulations apply to all toxic or hazardous material storage systems:

Section 1. Installation of Fuel Storage Tanks (UST)

- 1.1 Following the effective date of this Regulation, the installation of all underground fuel, gasoline or other chemical storage tanks shall conform with the following criteria: In that the United States Environmental Protection Agency designated the Town of Harwich as overlying a sole source aquifer, secondary containment of tank and piping and an approved in-tank or interstitial space monitoring system shall be required for new or replacement tanks.
- 1.2 Following the effective date of this Regulation, all tanks installed above ground outside shall be of material approved for outside use.

Section 2. Tank Registration

The following Regulations shall apply to:

- a. all underground tanks containing toxic or hazardous materials as defined above which are not currently regulated under 527 CMR 9.24 – Tanks and Containers, to
- b. all tanks containing fuel oil, whose contents are used exclusively for consumption on the premises, and to
- c. farm and residential tanks of 1,100 gallon capacity or less, used for storing motor fuel for non-commercial purposes.

- 2.1 Owners shall file with the Board of Health, on or before September 1, 1989, the size, type, age and location of each tank, and the type of fuel or chemical stored in them. 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. Upon registering the tank with the Board of Health, the tank owner will receive a permanent metal or plastic tag, embossed with a registration number unique to that tank. This registration tag must be affixed to the fill pipe or in such a location as to be visible to any distributor when filling the tank and to any inspector authorized by the Town.
- 2.2 Effective September 1, 1989, every petroleum and other chemical distributor, when filling an underground storage tank, shall note on the invoice or bill for the product delivered, the registration number appearing on the tag affixed to the tank which was filled. Every petroleum and other chemical distributor shall notify the Board of Health of the existence and location of any unregistered or untagged tank which they are requested to fill. Such notification must be completed within two (2) working days of the time the distributor discovers that the tank registration tag is not present.
- 2.3 Prior to the sale of a property containing an underground storage tank, the fire department must receive from the current owner a change of ownership form for the registration of the underground storage tank. Such form can be obtained from the fire department.

Section 3. Testing

- 3.1 The tank owner shall have each tank and its piping tested for tightness fifteen years after installation and annually thereafter. A tank shall be tested by any final or precision test, not involving air pressure, that can accurately detect a leak of 0.05 gal/hr, after adjustment for relevant variables, such as temperature change and tank and deflection, ¹⁰ by soil vapor analysis, provided that the monitoring wells are installed in conformance with Barnstable County Health and Environmental Department guidelines; or by any other testing system approved by the Board of Health as providing equivalent safety and effectiveness. Piping shall be tested hydrostatically to 150 percent of the maximum anticipated pressure of the system. Certification of the testing shall be submitted to the Board of Health by the owner, at the owner's expense. Those tanks subject to the testing requirements of this Regulation shall submit the certification of testing to the Board of Health by September 1, 1989. Tanks which are currently tested under the provision of 527 CMR

9.18 are exempt from this section. For purposes of this section, tanks of unknown age are assumed to be 20 years of age.

Section 4. Maintenance of Fuel Storage Systems

- 4.1 All underground fuel lines which do not have secondary containment shall be replaced with an approved double-containment system at which time any service to the system requiring a permit is performed.
- 4.2 All above ground elements of a fuel storage system shall be maintained free of leaks and visible rust.
- 4.3 All in-tank or interstitial space monitoring systems shall be checked on a monthly basis to verify system integrity. Records of these checks shall be sent to the Board of Health on an annual basis.

Section 5. Report of Leaks or Spills

- 5.1 Any person who is aware of a spill, loss of product, or unaccounted for increase in consumption which may indicate a leak shall report such spill, loss or increase immediately to the head of the fire department and to the Board of Health.

Section 6. Tank Removal

- 6.1 All fuel, gasoline or other chemical tanks not regulated under 527 CMR 9.00 (farm or residential tanks of 1,100 gallons or less and underground tanks storing fuel for consumptive use at the property) in service on the effective date of this Regulation, shall be removed thirty (30) years after the date of installation. If the date of installation is unknown, the tank shall be assumed to be twenty years old. All underground storage tanks currently subject to the removal Regulation (30 years or older) must be removed September 1, 1990.
- 6.2 Prior to the removal of an underground storage tank governed by this Regulation, the owner shall first obtain a permit from the head of the fire department, pursuant to MGL Ch. 148.
- 6.3 Any person granted a permit by the Marshall or the head of a local fire department to remove a tank under the provisions of MGL, Ch. 148 or 527 CMR 9.00 shall within 72 hours provide the permit granting authority with a receipt for delivery of said tank to the site designated on the permit.

- 6.4 Before any person is granted a permit by the Marshall or the head of a local fire department to remove a tank under the provisions of MGL Ch. 148 or 527 CMR 9.00, and said tank is not being transported to an approved tank yard, the person requesting the permit shall provide the permit/granting authority with written approval from the owner/manager of the disposal site. (Reference: 502 CMR 3.00 for tank removal and disposal procedure).

Section 7. Costs

- 7.1 In every case, the owner shall assume the responsibility for costs incurred necessary to comply with this Regulation.

Section 8. Variances

- 8.1 Variances from this Regulation may be granted by the Board of Health after a hearing at which the applicant establishes the following: (1) the enforcement thereof would do manifest injustice; and (2) installation or use of an underground storage tank will not adversely affect public or private water resources. In granting a variance, the Board will take into consideration the direction of the groundwater flow, soil conditions, depth to groundwater, size, shape and slope of the lot, and existing and known future water supplies.

Section 9. Severability

- 9.1 Provisions of this Regulation are severable and if any provision hereof shall be held invalid under any circumstances, such invalidity shall not affect any other provisions or circumstances.

Adopted 5/17/1989
Effective 9/1/1989

HARWICH BOARD OF HEALTH

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