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FLOOR DRAIN REGULATION BOURNE BOARD OF HEALTH

Section I. PURPOSE OF REGULATION

Whereas:

- floor drains in industrial and commercial facilities are often tied to a system leading to a leaching structure 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 Bourne contribute to drinking water supplies.

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

Section II. SCOPE OF AUTHORITY

On March 13, 2013, the Board of Health adopts the following regulation pursuant to authorization granted by M.G.L. 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 Bourne.

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, dry wells, 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 waters within the Town of Bourne. 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 2 1C and 2 1E 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, that does not meet either A or B of this section, but that has the potential for a change of use of the property that would meet a use under 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.

This prohibition shall not apply to floor drains in a food preparation facility, i.e. restaurant kitchens, school kitchens, nursing home kitchens.

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. Where possible, disconnect and plug all applicable inlets to and outlets from applicable leaching structures, oil/water separators, and/or septic systems; in accordance with the Massachusetts Plumbing Code and after obtaining a permit to conduct said 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.
3. Remedial activity involving any excavation and/or soil or groundwater sampling must be performed in accordance with appropriate Department policies;
4. Alter the floor drain system so that the floor drain shall be either:
 - (a). connected to a holding tank, the installation of which has been permitted through the Board of Health and MA DEP, that meets all applicable requirements of Department policies and regulations. Hauling records for the pumping of said holding tank shall be submitted to the Board of Health at the time of hauling;
 - (b). connected to a municipal sanitary sewer line, if available, with all applicable Department 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 Massachusetts Plumbing, Building, and Fire code requirements.

D. 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 by filing the Department's UIC Pre-Closure Form BRP WS-06d (which may be obtained by calling 617/292-5770) with the Department, and sending a copy to the Board of Health.

Section VI. 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 one year of the effective date; or within 120 days after the issuance of an order of non-compliance by the Bourne Board of Health
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 Bourne 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

Failure to comply with provisions of this regulation will result in the levy of a fine of \$200.00 per day. After 30 days of non-compliance the fine will be \$300.00 per day. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation. After 60 days of non-compliance the Board of Health may also proceed with a criminal complaint in a court of law.

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 other sections shall continue in full force and effect.¹

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