



Orange Board of Health

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Floor Drain Regulation

Updated August, 7, 2018

Section I. 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 in the Town of Orange and throughout Massachusetts; and
- surface and ground water resources in the Town of Orange contribute to town's drinking water supplies.

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

Section II. AUTHORITY

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

Section III. DEFINITIONS

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

Board of Health or Board: The Orange Board of Health, including its agents, officers, and assigns.

Commercial and Industrial Facility or Facility: A public or private establishment where the principal use is the supply, sale, storage 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 and; nursing homes.

Department or MDEP: 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.

Environmentally Sensitive Area: Any natural feature or natural resource regulated by or through an agency of the

Massachusetts Executive Office of Energy and Environmental Affairs.

Floor Drain: An intended drainage point on a floor or an elevator sump constructed to be otherwise impervious which serves as the point of entry in to any subsurface drainage, treatment, disposal, containment, or other plumbing system.

Interim Wellhead Protection Areas or IWPA: A one half mile radius around a well or wellfield that lacks a DEP-approved Zone II and whose approved pumping rate is 100,000 gpd or greater.

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 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.

Town: The Town of Orange and its authorized agents.

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 in the Town. 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 M.G.L. cc.21C & 21E, or Massachusetts Hazardous Waste Regulations 310 CMR 30.000, and also include 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 material.

Zone II: The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.

Section IV. PROHIBITIONS

With the exception of discharges that have received (or have applied and will receive) an MDEP-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 Commercial or Industrial Facility if such Floor Drain is located in either:

1. An industrial or commercial process area;
2. a petroleum, Toxic, or Hazardous Materials and/or waste storage area, or;
3. a leased Facility without either 1. or 2. of this section, but in which the potential for a change of use of the property to a use which does have either 1. or 2. is, in the opinion of the Board, 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 Floor Drain system (as defined under Section IV herein) 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 MDEP 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 State and local policies and regulations, with hauling records submitted to the Board at the time of hauling;
 - b. connected to the municipal sanitary sewer line, if available, in accordance with all applicable state and local permits; or
 - c. permanently sealed. Any Facility sealing a drain shall be required to submit for approval to the Board 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 Oil/Water Separator shall be submitted to the Board at the time of hauling.
- C. Compliance with all provisions of this regulation must be accomplished in a manner consistent with all Massachusetts Plumbing, Building, Fire and Public Health code requirements.
- D. Upon complying with one of the options listed under Section V.A.3., the owner/operator of the Facility shall notify MDEP of the closure of said system by filing a UIC Notification Form with the MDEP, and sending a copy to the Board.

Section VI. DATES OF COMPLIANCE FOR ALL FACILITIES

The effective date of this regulation is the date posted on the front page of this regulation, which shall be identical to the date of publication specified in Section X herein.

- 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 shall comply with the provisions of this regulation.
 2. Certification of conformance with the provisions of this regulation by the Board 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. VARIANCES

Except that no variances to this regulation shall be granted in Environmentally Sensitive Areas, including Zone II recharge areas, variances may be issued unilaterally by the Board or formally requested by any party affected by this regulation. Every request for a variance shall be made in writing on a form provided or specified by the Board and shall be subject to a public hearing before the Board. The requesting party must at his or her sole expense notify all abutters by certified mail at least ten (10) days prior to the public hearing. Any variance granted by the Board shall be in writing. Any denial of a variance by the Board shall also be in writing and shall contain a brief statement of the reasons for such denial.

The Board may vary the application of any provision of this regulation, unless otherwise prohibited by state law or regulation, in any case when, in the sole opinion of the Board: **1)** the requesting party has demonstrated a degree of environmental protection equivalent to that otherwise required under this regulation; **2)** enforcement of this regulation will do manifest injustice, or; **3)** the requesting party can demonstrate that the provision will impose an extraordinary or unreasonable burden. Any variance or other modification authorized by the Board to be made may be subject to such qualification, revocation, suspension, or expiration as the Board shall express in its grant.

Section VIII. ENFORCEMENT and PENALTIES

- A. The provisions of this regulation shall be enforced by the Board. The Board may enter upon any Facility by this regulation at any time to inspect for compliance with this regulation. Upon request of the Board, the owner or operator of the Facility shall furnish the information described in Section V of this regulation.
- B. The Board may issue administrative orders, violation notices, requests for compliance and other documents or correspondence to enforce this regulation.
- C. Failure to comply with the provisions of this regulation will result in specific penalties pursuant to the non-criminal method of disposition as provided in M.G.L. c.40 §21D, or to a criminal complaint that may be brought through Orange District Court. Non-Criminal Disposition penalties will begin with the levy of fines not less than \$100.00 for the first violation, \$200.00 for the second, and \$300.00 for each successive violation, a criminal complaint will result in a fine of not more than \$1,000, and each day's failure to comply with the provisions of this regulation shall constitute a separate violation. The period of violation commences five days from receipt of written notification by the property owner, their agent, or other responsible party.

Section IX. 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.

Updated: August 7, 2018

Patricia Pearson, Chairperson

Date

Jane Peirce, Member

Date

Elizabeth Bouchard, Member

Date