

3.0 Floor Drain Regulations

[Regulation Adopted February 20, 2018]

3.1 Purpose

Whereas floor drains in industrial and commercial facilities are often tied to a system leading to a leaching structure or a septic system.

Whereas 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.

Whereas 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.

Now, therefore, it is the intention of the Burlington Board of Health to regulate the discharge of pollutants to the ground via floor drains as a preventive measure for the purposes of protecting the public and environmental health and preserving and protecting the community.

3.2 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.

MassDEP: 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 to separate and retain petroleum based oil/grease, flammable wastes and sand 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 Metropolitan District Commission 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. 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. ch.21C and ch.21E or Massachusetts Hazardous Waste regulations (310 C.M.R. §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.

Zone II: The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the MA Drinking Water Regulations 310 C.M.R. §22.00.

3.3 Applicability

These regulations shall be applicable to all new and existing commercial and industrial facilities located within the Town.

3.4 Prohibitions

With the exception of discharges that have received, or have applied and will receive, a MassDEP issued permit prior to the effective date of this regulation, no floor drain 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:

- A. An industrial or commercial process area; or
- B. A petroleum, toxic, or hazardous materials and/or hazardous waste storage area; or
- C. A leased facility lacking either A or B as described above, but which has the potential for a change in use to one which has either A or B; and is in the opinion of the Board of Health or its Agent, sufficient to warrant the elimination of the ground discharge present at this facility.

3.5 Requirements for Existing Facilities

- A. The owner of a commercial or industrial facility in operation, prior to the effective date of this regulation, with a prohibited floor drain system as defined in Article III, Section 3.4 of these regulations shall:
 - a. Where possible, disconnect and plug all applicable inlets to and outlets from applicable leaching structures, oil/water separators, and/or septic systems; and
 - b. 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 C.M.R. §30.000. Remedial activity involving any excavation and/or soil or groundwater sampling must be performed in accordance with appropriate MassDEP policies; and
 - c. Alter the floor drain system so that the floor drain shall be either:

- i. Connected to a holding tank that meets all applicable requirements of MassDEP policies and regulations, with hauling records submitted to the Board of Health at the time of hauling; or
- ii. Connected to a municipal sanitary sewer line, if available, with all applicable MassDEP and local permits; or
- iii. 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 Article III, Section 3.5 (A) of these regulations the owner/operator of the facility shall notify MassDEP of the closure by filing the Underground Injection Control Pre-Closure Form BRP WS-06d and sending a copy to the Board of Health.

3.6 Hearing

Any person that has received an order or notice issued pursuant to these regulations may request a hearing before the Board of Health. Such request shall be in writing and shall be submitted to the office of the Board of Health in writing so as to be received by the Board of Health within ten (10) days after receipt of the Order or notice. After said hearing, the Board of Health may affirm, modify or rescind said Order or notice or take any other action it deems warranted and appropriate.

3.7 Penalties

Whoever violates any provision of these regulations may be subject to penalties as follows:

- A. Non-criminal disposition as provided in M.G.L. c. 40, § 21D and Article I, Section 4.0 of the Burlington General Bylaws
- B. These regulations may be enforced through any other means available at law or in equity as deemed appropriate by the Board of Health, including, but not limited to, civil enforcement for injunctive relief. Whoever violates any provision of these regulations may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

3.8 Variances

No variance of these regulations is allowed. Any request for a variance under 310 CMR 22.12(a) and (b) must be submitted to MassDEP pursuant to 310 CMR 22.21(5).