

# Model Floor Drain Health Regulation

On November 20, 1992 revisions to the Massachusetts Department of Environmental Protection's Wellhead Protection "Source Approval" regulations (310 CMR 22.21) went into effect. Specifically, section 310 CMR 22.21(2)(a)8 requires that towns putting new wells on-line that pump over 100,000 gpd implement controls prohibiting any floor drain which discharges to the ground when the drain is located in an area where pollutants may enter the drain. This requirement is consistent with the DEP Underground Injection Control (UIC) regulations (310 CMR 27.00) and is aimed at protecting water resources from such floor drain discharges that have repeatedly threatened these resources throughout the Commonwealth. The requirement is also consistent with, though not identical to, the State Plumbing Code. For example, facilities that manage hazardous materials but do not generate liquid wastes would not be covered by the plumbing code, but are subject to the language in the Source Approval regulations which affected towns must adopt.

In order to aid towns in complying with this new requirement, the DEP has drafted the following Model Floor Drain Regulation. As noted at the outset of the model, the model regulation is broader in scope than the regulatory requirements. The Source Approval regulations require only that the regulation cover the Zone II of the well to be approved, while the model applies to the entire town. The reason for this broader approach is to protect all existing and potential drinking water resources in the town, an approach consistent with the UIC regulations which apply state-wide.

For towns not in the Source Approval process, the DEP recommends that a regulation or general bylaw be passed meeting these same criteria. DEP staff will review any town's proposed regulation aimed at meeting the requirements of 310 CMR 22.21(2)(a)8.

For further information or questions regarding the model floor drain regulation or UIC program requirements in general, contact the UIC Program at DEP, Bureau of Resource Protection, 617-556-1165.

## Model Floor Drain Regulation[*town*] Board of Health [date of issuance]

### **NOTES:**

*1. This regulation has been designed to meet the requirements of the Massachusetts Department of Environmental Protection's Wellhead Protection "Source Approval" Regulations 310 CMR 22.21(2)(a)8 within designated Zone II areas. Refer to 310 CMR 22 if your community is in the source approval process for a public drinking water supply.*

*2. Though the regulations cited above only require that the regulation cover the Zone II of the public water supply in the Source Approval process, this model regulation applies to the entire town. The Department recommends, however, that the regulation cover the entire town so as to be consistent with the state regulations (310 CMR 27.00) prohibiting discharges of the nature discussed in this regulation. In the event that the town chooses not to have a town-wide regulation, the Department recommends that the regulation cover at minimum the Zone II or Interim Wellhead Protection Area for all of the town's wells.*

*3. The Department recommends that all towns, not just those in the Source Approval process, adopt and implement these regulations as a water resource protection tool.*

*4. Portions of this model regulation within {} are more stringent than the Department regulations and are therefore optional; it is not required that they be in the 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 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 [town] contribute to the town's drinking water supplies;
- the Town of [town] 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 [town]'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 [town] 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 [town].

## **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 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 of the Town of [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 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 [town] 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 of said system by filing the Department's UIC Notification Form {which may be obtained by calling 617/292-5770} with the Department, and sending a copy to the [town] 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 {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 of [town] 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 fines of not less than \${200.00}, but no more than \$1000.00. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation.

***Note: Effective 1992, under Chapter 111: Section 31 (violation of health regulation) maximum fines increased from \$500 to \$1000 and Section 122 (violation of nuisance regulations) maximum fines increased from \$100 to \$1000.***

### **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.

***Courtesy of Catherine Sarafinas - Catherine.Sarafinas@state.ma.us***