

4/14/11

TOWN OF DENNIS BOARD OF HEALTH



REGULATIONS TO CONTROL UNDERGROUND STORAGE OF FUEL OR CHEMICALS

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AUTHORITY

Under provisions of Chapter 111, Section 31, of the Massachusetts General Laws, the Dennis Board of Health hereby adopts the following regulations to protect groundwater and surface water from contamination with liquid fuel or chemicals from leaking storage tanks.

SECTION 1 DEFINITIONS

- 1.1 The term **“storage tank”** in these Regulations shall mean any vessel used or intended to be used to hold materials in the liquid or gaseous state. It includes piping to deliver said materials to and from the vessel.
- 1.2 The term **“underground storage”** in these Regulations shall mean storage of materials where 10% or more of the tank volume and piping is buried below ground surface but which shall not include storage in a freestanding container within a building.
- 1.3 The word **“owner”** in these Regulations shall mean every person who, alone or severally with others:
 - a. has legal title to any property on which is located an underground fuel or chemical storage tank or facility subject; or
 - b. has care, charge or control of any such property, in any capacity including and without limitation: agent; executor; administrator; trustee or guardian of the estate of the holder of legal title; or agent, trustee or a person appointed by a court or competent jurisdiction; or
 - c. mortgagee in possession of such property. Each such person is bound to comply with the provision of these Regulations as if he were an owner.
- 1.4 The term **“installer”** of underground tanks for the purpose of storing fuel or chemicals in these Regulations shall mean any person or commercial firm that sells a tank and/or physically places the tank in the ground.
- 1.5 The word **“distributor”** in these Regulations shall mean any wholesaler or retailer who discharges fuel or chemicals into an underground storage tank.
- 1.6 The following shall be considered **environmentally sensitive areas** by the Dennis Board of Health:
 - a. Land area (whether developed or not) that is within one hundred feet (100') of marshlands, tidal flats, coastal dunes, barrier beaches, coastal banks, coastal beaches, surface water, as defined in Chapter 131, Section 40 of the Massachusetts General Laws;

- b. Land area containing subsurface water, which is six feet (6') or less below natural ground surface elevation, and;
- c. Existing or known future water supplies

SECTION 2 APPLICABILITY

- 2.1 These Regulations supplement State Laws or regulations (527 CMR 4, 6, 9, 14); the more restrictive applies.
- 2.2 These Regulations apply to owners and installers of underground fuel and chemical storage tanks, as well as distributors of fuel and chemicals discharged into underground fuel and chemical storage tanks.

SECTION 3 INSTALLATION

3.1 Tank Specifications

- 3.1.1 Tanks shall be of an approved design and protected from corrosion (527 CMR 9.00).

Any other system must be shown to provide equivalent protection.

- 3.1.2 All approved underground storage tanks shall be installed according to the State Code, 527 CMR 9.00 – Tanks and Containers.

3.2 Site Restrictions

- 3.2.1 No new underground fuel or chemical storage tank shall be installed in an Environmentally Sensitive area or in a Water Recharge Area.

- 3.2.2 No increase in capacity of underground fuel or chemical storage tanks, including tanks used to store residential home heating oil, shall be allowed in an Environmentally Sensitive Area or in a Water Recharge Area.

SECTION 4 REGISTRATION & IDENTIFICATION OF UNDERGROUND STORAGE TANKS

- 4.1 The owner of any tank shall register the tank by filing notification with the Dennis Board of Health. Notification must be made within 10 working days of installation and shall include information on the size and type of tank, date of purchase and of installation, and location of the tank, as well as the materials to be stored therein. A copy of the installation permit obtained from the Dennis Fire Department must be provided as well.

4.2 As evidence of registration, the owner must obtain, from the Health Department, a permanent metal or plastic tag, embossed with a registration number unique to that tank. This registration tag must be affixed in such a location as to be visible to any distributor filling the tank or to any inspector authorized by the Town.

4.3 Responsibility of Fuel and Chemical Distributors

4.3.1 Every fuel or 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 is filled.

4.3.2 The fuel or chemical distributor shall notify the Dennis 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 five (5) working days of the time the distributor discovers that tank registration tag is absent.

SECTION 5 TESTING

5.1 All tanks shall be tested during the fifteenth (15) and twentieth (20) years following the date of installation and at two year intervals, thereafter. Said testing method shall be acceptable to the Board of Health.

A report of the test shall be submitted to the Board of Health by the owner.

5.2 The Dennis Board of Health, at its discretion, may order tanks to be tested or uncovered for inspection and testing under the following conditions:

- a. evidence of installation date is not available, or;
- b. the tank was installed in a restricted site, as described in Section 3.2 above, prior to the effective date of these Regulations.

SECTION 6 LEAKS AND SPILLS/POTENTIAL LEAKS AND SPILLS

6.1 Identification and Reporting of Leaks and Spills/Potential Leaks and Spills

6.1.1 Any owner of an underground fuel or chemical storage tank who is aware of a release or threat of a release of material shall immediately notify the Dennis Fire Department, Health Department and Department of Environmental Protection.

6.1.2 A significant and unaccounted for increase in fuel or chemical “usage” may be indicative of a damaged or leaking tank. Any owner of an underground fuel or chemical storage tank who suspects a leak or spill shall report the suspected leak or spill to the Health Department.

All fuel or chemical distributors shall report to the Dennis Health Department and the tank owner any significant increase in fuel or chemical usage which may indicate a leak.

SECTION 7 STORAGE SYSTEM REMOVAL

- 7.1 If at any time evidence of leakage from any fuel storage tank is discovered, that tank shall be removed.
- 7.2 Any fuel storage tank that must be removed shall be removed by a licensed hazardous waste removal company.
- 7.3 Prior to the removal of any fuel storage tank, a licensed hazardous waste removal company shall first obtain a permit of removal from the Fire Department, pursuant to M.G.L., c. 148.
- 7.4 All single-wall underground fuel storage tanks shall be removed after thirty (30) years from the date of installation. Any tank over thirty (30) years old shall be removed within five (5) years of the effective date of the amended regulations, with continued inspections.

SECTION 8 STORAGE SYSTEMS ABANDONED

- 8.1 Any person having knowledge of an underground fuel storage tank that is abandoned shall notify the Fire Department or the Board of Health.
- 8.2 All underground tanks taken out of service or no longer used for the storage of fuel, as defined in this regulation, shall be removed within six (6) months from the date of abandonment.

SECTION 9 COMPLIANCE

9.1 Financial Responsibility for Compliance

The owner shall be responsible for all costs incurred to comply with the Regulations.

9.2 Compliance with Other Laws and Regulations Concerning Underground Fuel or Chemical Storage Tanks

The provisions of these Regulations are not intended to relieve compliance with any applicable federal or state law or regulation, or other law or regulation of the Town of Dennis.

SECTION 10

VARIANCES

10.1 Variances from tank specification or site restrictions may be granted under the following conditions:

- a. At the request of the owner when the proposed location of the underground storage tank does not threaten or adversely affect public or private water sources, surface waters, including marine and fresh water, and groundwater.
- b. At the request of a municipal board, agency or department for overriding reasons of public safety or environmental protection.

10.2 The process for obtaining a variance is as follows:

- a. Variances must be requested in writing to the Dennis Board of Health.
- b. The owner must notify direct abutters, by Certified mail, at least 10 days prior to the Dennis Board of Health hearing. Proof of such mailing must be presented to the Board of Health at least 5 days prior to the hearing.
- c. Prior to the hearing, the Dennis Board of Health shall refer any application for a variance to the Conservation Commission, Planning Board, Department of Public Works, Board of Appeals and Fire Department for their review and comments.

No final decision of the Dennis Board of Health, relative to such application, shall be issued less than twenty-one (21) calendar days following the receipt of such application by the aforementioned agencies.

SECTION 11

VIOLATIONS AND PENALTIES

11.1 Whoever violates any other provision of these Regulations shall be subject to a **fine** not to exceed **two hundred dollars (\$200)** for each violation. Each day that such violation continues shall constitute a separate offense.

DENNIS BOARD OF HEALTH

Paul J. Covell, Chairman
Thomas J. Perrino, Vice Chairman
Diane T. Chamberlain, Clerk
Robert F. Duffy
Joseph E. Bunce

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