

Town of Amherst
PUBLIC HEALTH REGULATIONS
Aquifer Protection
Floor Drainage and Manure Regulation
in the Aquifer Recharge Area (Zone II)

The Amherst Board of Health hereby adopts the following regulations under the Provisions of Chapter III, Section 31 of the Massachusetts General Laws, as amended. Except as may be otherwise noted, these regulations shall take effect upon the date of their first publication.

Section I. Scope of Authority

The Town of Amherst 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 Amherst.

Section II. Purpose of the Regulation

These regulations are intended to preserve the public and environmental health and to ensure that there will be adequate protection from the leaching of stored animal manure within those areas of aquifer recharge which affect the Town's public drinking water supply. Leachate from unprotected or inadequately store animal manure can contaminate groundwater, can pose serious health hazards to the community and can degrade water quality in both ground and surface waters.

Section III. Applicability

These regulations shall apply within those areas identified in the Amherst Zoning Bylaw and Official Zoning Map as the Aquifer Protection (AP) zoning district.

Section IV. Definitions

For the purpose 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; services or retail establishments; printing or publishing establishments; research and development facilities; small or large quantity 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 water of the Commonwealth. Discharge includes, without limitation, leakage 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 system:

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 watertight.

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 waste 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 a substance or mixture were discharged to land or water of the Town of Amherst. 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 Law (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 V. Regulation

- A. All storage of animal manure is prohibited within the areas governed by these regulations unless covered or contained. In determining adequate coverage and/or containment, the Board of Health shall consider the specifications of the National Resources Conservation Services (NRCS) and the recommendations, if any, of the local NRCS agent.
- B. 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:
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 number 1 or number 2 of this section, but in which the potential for a change of use of the property to a use which does have either number 1 or number 2 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 VI Variances

Variance from these regulations may be granted by the Board of Health after a hearing at which the applicant establishes to the satisfaction of the Board of Health that the proposed variance will not adversely affect or pose a threat to the public health or to public and private water resources and that no other alternative exists in accordance to the regulation.

In reviewing a petition for a variance, the Board of Health may take into consideration, among other factors, the direction of the groundwater flow, soil and geologic conditions, the location of aquifer recharge, watershed areas, reservoirs, private wells, wetland areas, the depth to groundwater, size, shape and slope of the land area for which the variance is proposed, also existing and known future water supply sources.

Section VII Enforcement

Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket M.G.L. Chapter 40, § 21D.

Section VIII Penalties

Any owner or operator who violates any provision of these regulations shall be subject to a fine or fines levied by the Board of Health pursuant to Massachusetts General Laws, Chapter 111, § 31 of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00).

A separate fine up to such limit as is established by Massachusetts General Laws, Chapter 111, § 31, may be levied for each and every violation of these regulations

Each day a violation continues shall be construed as a new and separate violation of these regulations.

Section IX Forms

The Amherst Health Department shall issue any forms necessary for compliance with these regulations.

Section X Severability

If any section of these regulations is declared invalid or unenforceable for any reason, other sections shall remain in full force and effect.

Revised and adopted April 11, 2000