

HAZARDOUS MATERIALS REGULATIONS  
(Under Chapter 40, Section 21 of the General Laws)

SECTION 1: HAZARDOUS MATERIALS

Subsection 1: Authority

This By-Law is adopted by the Town of Millis under its home rule powers, its police powers to protect the public health and welfare, and its authorization under Massachusetts General Laws, Chapter 40, Section 21.

Subsection 2: Purpose

This By-Law is intended to protect the public health, safety and welfare, and the environment; as well as preserve and maintain the existing and potential groundwater supply, groundwater recharge areas, and surface waters within the Town from contamination with hazardous materials.

Subsection 3: Definitions

The following definitions shall apply in the interpretation and implementation of this By-Law.

Hazardous Materials means a product of waste or combination of substances which because of quantity, concentration, or physical or chemical, or infectious characteristics may reasonably pose, in the determination of the enforcing authority, a substantial present or potential hazard to the human health, safety, or welfare or the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. Any substance which may create a special hazard in the event of a spill, leak, fire, or exposure, and all substances deemed a hazardous waste in Massachusetts General Laws, Chapter 21C, shall also be considered a hazardous material for the purpose of this By-Law.

Contingency Plan means a document setting an organized, planned and coordinated course of action to be followed in case of fire, explosion, or release of hazardous materials which could threaten public health, safety, or welfare, or the environment.

Discharge means the disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment.

Materials Safety Data Sheet means the form containing data on physical characteristics, flammability, explosivity, reactivity, and the health and safety hazards of specific chemicals, as well as information relative to procedures recommended for spills and leaks of specific chemicals and special protections and precautions to be taken in the handling of specific chemicals.

Reportable Discharge means all discharge greater than three gallons liquid volume or five pounds dry weight, or any discharge which would potentially threaten the public health and safety or the environment by entering surface water, groundwater, or water recharge areas, or by emitting toxic fumes or gases into the air. Discharges which are in compliance with all Federal, State, and local regulations, or which are permitted by governing Federal, State, or local agencies are not considered reportable discharges.

#### Subsection 4: Severability

Each provision of this By-Law 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.

#### Subsection 5: Hazardous Materials Not Subject to Regulation By This By-Law

The following materials are not within the scope of authority of this By-Law:

- (1) Domestic sewage.
- (2) Household waste, including garbage, trash and septage from single and multiple residences, hotels and motels.
- (3) Wastes generated from the growing of agricultural crops and the raising of animals including manure which are returned to the soil as fertilizer.

#### Subsection 6: Registration Requirements

Every owner or operator of a commercial or industrial establishment (including municipal, State and Federal operations) which stores, transports, uses, handles, or otherwise manages hazardous materials (excluding fuel oil stored for the purpose of heating buildings located on site) totaling more than five (5) gallons liquid volume or twenty-five (25) pounds dry weight shall register with the Board of Health.

#### Registration includes the following:

- (1) Submission of a map or written description locating areas where hazardous materials are stored, handled, or in use, specifying approximate average quantities of materials in each location and the special handling required in a fire, leak, spill or exposure. Areas must also be identified which store emergency equipment including medical supplies along with a brief description of the capabilities of the equipment.

This map or written description must also be posted in one of the following on-site locations: (a) Guard Shack, (b) Fire Alarm Box, (c) Sprinkler Riser, (d) other location acceptable to the head of the Fire Department. The location of this posting must be specified during registration.

- (2) Submission of names, addresses, and telephone numbers of all qualified "Emergency Coordinators" who are individuals identified by owners or operators of commercial or industrial establishments which must register in accordance with the By-Law. "Emergency Coordinators" must be knowledgeable in the types of hazardous material used at the establishment, proper storage and handling of those materials, familiar with the establishment's emergency contingency plan, and authorized as on-site coordinator in the event of an emergency.
- (3) Keep on file at all times in an on-site location known and accessible to all "Emergency Coordinators", Materials Safety Data Sheets on all hazardous materials manufactured, stored, or used at the establishment. These "Materials Safety Data Sheets" must be available to the Board of Health and the Head of the Fire Department during routine inspections, investigations, and in the event of an emergency.

- (4) Keep on file at all times in an on-site location known and accessible to all "Emergency Coordinators" an Emergency Contingency Plan which identifies "Emergency Coordinators" and details the area where and ways in which the emergency could come about, the techniques and procedures to be used for prevention and control of such emergencies, the emergency equipment available on-site, outside agencies and organizations who should be notified and/or may provide services in an emergency, an evacuation plan for personnel, and an inventory of the types, approximate quantities, and method of storage, transportation, and disposal of all hazardous materials.

#### Subsection 6.1: Effective Date of Registration Requirement

- (A) Registration required by Section 6 shall be initially submitted by October 1, 1984, and annually thereafter within thirty (30) days of January 1 each year. Records required in Subsection 6 to be kept on file at each establishment should be updated as frequently as necessary to insure proper handling of hazardous materials and adequate procedures to minimize emergencies and the damage which would result from such emergencies.
- (B) Owners and operators of commercial and industrial establishments who have not previously registered in accordance with Subsection 6 shall, if they meet registration requirements register initially within thirty (30) days of meeting such requirements and thereafter within thirty (30) days of January 1 each year.

#### Subsection 6.2: Updating of Registration Information

All information required under Subsection 6 of this By-Law must be kept current to reflect substantial changes in quantities or types of hazardous materials on site.

#### Subsection 7: Hazardous Materials Generally

All hazardous materials within the Town of Millis must be stored, handled, transported and used in such a way as to minimize discharges and to ensure maximum protection of the environment and the public health, safety and welfare.

##### Subsection 7.1

All commercial and industrial establishments (including municipal, State and Federal operations) must provide adequate employee training programs to ensure proper use, storage, transportation and handling of hazardous materials.

##### Subsection 7.2

Owners and operators of establishments registered in accordance with Subsection 6 of this By-Law must keep sufficient records to detect significant loss of hazardous materials and provide best estimates of quantities of hazardous materials on site.

##### Subsection 7.3

All locations where hazardous materials are stored or used in quantities that could cause a substantial hazard in the event of a spill, leak, fire or exposure shall be designated with legible warning signs of bright yellow, or other equally conspicuous color, indicating the potential danger and how to overcome or avoid such danger.

#### Subsection 7.4

All hazardous materials shall be held in product-tight containers. All containers of hazardous materials which permit leakage or spillage shall be disposed of or repaired to its original product-tight state.

#### Subsection 7.5

Every owner of a commercial or industrial establishment (including municipal, State and Federal operations) shall comply with all Federal, State and municipal Laws and Regulations relative to Hazardous Materials.

#### Subsection 8: Aboveground Storage of Hazardous Materials

- (A) Aboveground containers of hazardous materials shall be kept in an orderly manner, shall be adequately marked to identify the hazard, and shall be stored on a surface impervious to the material being stored. The storage area shall be enclosed by a permanent dike of impermeable construction. The volume of the area enclosed by the dike shall be equal to or greater than the capacity of the containers within the dike.
- (B) There shall be no storage of incompatible chemicals (those which react with one another to create a special hazard) in the same area.
- (C) Drainage and ventilation of storage areas containing hazardous materials shall be constructed and maintained so as to control spills, fumes, noxious gases and other potential sources of contamination.

#### Subsection 9: Underground Storage

The following provisions shall apply to all underground liquid hazardous material storage systems.

##### Subsection 9.1

Owners shall file with the Board of Health the size, type, age (if known), and location of each tank, and the type of hazardous material stored in each, on or before October 1, 1984.

##### Subsection 9.2

Owners of tanks for which evidence of installation is not available shall, at the order of the Board of Health, have such tanks tested. If either the Board of Health or the Head of the Fire Department determines that the tank is not product-tight, it shall be repaired or disposed of under the direction of the Board of Health or the Head of the Fire Department.

##### Subsection 9.3

All tanks shall be tested the day of installation and thereafter at intervals sufficient to prevent loss of hazardous materials and resulting contamination.

#### Subsection 9.4

All newly installed tanks subject to this By-Law shall be protected from internal and external corrosion and shall be of a design approved by the Board of Health and Head of the Fire Department.

All leaking tanks must be emptied by the owner or operator within twelve (12) hours of leak detection; and repaired to a product-tight condition or removed by the owner or operator in a time period to be determined by the Board of Health.

#### Subsection 10: Effective Date

All storage provisions contained in Subsections 7, 8 and 9 must be complied with by July 1, 1985.

#### Subsection 11: Reporting Requirements

Any person having knowledge or a reportable discharge of hazardous material shall immediately report the discharge to the Board of Health and, if involving flammable or explosive materials, to the Head of the Fire Department.

#### Subsection 12: Protection of Public Water Supplies

In order to protect and preserve existing drinking water sources, the following uses are prohibited within one thousand (1,000) feet of the head of a gravel-packed well used as a source of municipal drinking water unless exempted by a variance in accordance with Subsection 14 of this By-Law:

- (A) Automotive service and repair shops, junk and salvage yards, and car washes;
- (B) Storage of road salts or other deicing materials unless in an approved shed;
- (C) Use of chemicals for deicing unless deemed necessary for public safety;
- (D) The discharge of hazardous materials;
- (E) Commercial or industrial uses which require registration in accordance with Subsection 6 of this By-Law;
- (F) Commercial or industrial uses which discharge process wastewaters on site, excluding discharges permitted in accordance with all applicable State and Federal regulations which are shown to contain no contaminants;
- (G) Commercial or industrial uses which re-charge stormwater to groundwater without passage through oil and grease traps and sediment traps, constructed, operated and maintained to minimize groundwater contamination.

#### Subsection 13: Permits Required

1. A permit shall be required and obtained from the Board of Health for all new commercial or industrial establishments requiring registration in accordance with Subsection 6.2, prior to the operation of said establishment, to determine that the provisions of this By-Law have been met.
2. A permit shall also be required and obtained from the Board of Health for all establishments requiring registration in accordance with Subsection 6, who see to install additional aboveground or underground hazardous materials storage tanks.

#### Subsection 14: Variances

The Board of Health may vary the application of any provision of the By-Law unless otherwise required by law, in any case when, in its opinion, the applicant has demonstrated that an equivalent degree of environmental protection required under this By-Law will still be achieved. The applicant at his own expense must notify all abutters by certified mail at least ten days before the Board of Health meeting at which the variance request will be considered. The notification shall state the variance sought and the reasons thereof. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for denial. The Board of Health may, as an alternative to denial of a variance, impose such conditions as it deems necessary to contribute to the environmental protection required under this law.

#### Subsection 15: Enforcement

- A. The Board of Health or its agent(s) shall be the enforcing authority of the By-Law.
- B. The Board of Health or its agent(s) may enter upon privately owned property for the purpose of performing their duties under this By-Law.

#### Subsection 16: Penalty

Any person who violates any provision of this By-Law shall be punished by a fine of not more than three hundred (\$300) dollars. Each day or portion thereof during which a violation continues shall constitute a separate offense if more than one, each condition violated shall constitute a separate offense. This By-Law may be enforced pursuant to Massachusetts General Laws, Chapter 41, Section 21D by a Millis Police Officer or other officer having police powers.

#### Subsection 17: Fees

Any person registering storage of hazardous materials pursuant to Subsection 6 shall pay the Town of Millis an annual registration fee **of seventy five (\$75.00) dollars**. Such a fee shall be due on the same date as the annual registration. Failure to pay shall constitute a violation and shall be subject to the penalties of Subsection 16 of the By-Law.

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