

EXTRACTED FROM TOWN BYLAWS

ARTICLE 36 FUEL STORAGE SYSTEM REGULATION (5/12/2014)

Whereas, leaking fuel storage systems pose an immediate and serious threat to ground water, public and private wells, and,

Whereas, the Town of Winchendon does not have records to locate all such systems installed within the Town,

Therefore, under Chapter 111, Section 31, of the Massachusetts General Laws, the Town of Winchendon hereby adopts the following bylaw to protect the ground and surface waters from contamination with liquid toxic or hazardous materials.

DEFINITION: "Toxic or hazardous materials" shall be defined as all liquid hydrocarbon products including, but not limited to, gasoline, fuel and diesel oil, and any other toxic or corrosive chemicals, radioactive materials or other substance controlled as being toxic or hazardous by the Division of Hazardous Waste of the Commonwealth of Massachusetts, under the provisions of Massachusetts General Laws, Chapter 21C, Section 1, et. Seq.

The following regulations apply to all toxic or hazardous materials storage:

Section 1., Installation of Fuel Storage Tanks

1-1. Following the effective date of this regulation, the installation of all underground fuel, gasoline, or other chemical storage tanks shall conform with the following criteria: In that the United States Environmental Protection Agency designated the Town of Winchendon as overlying a sole source aquifer, secondary containment of tank and piping and an approved in-tank and interstitial space monitoring system shall be required for new or replacement tanks.

1-2. Following the effective date of this regulation, all tanks installed above ground outside shall be of material approved for outside use. All tanks shall be properly installed as per Massachusetts Fire Regulations and manufacturer's specifications, under the direction of the head of the Fire Department. Tanks shall be approved design and protected from internal and external corrosion. The following tank construction systems are considered to provide adequate corrosion protection: all fiberglass construction; steel with bonded fiberglass or enamel coating and internal lining; and the Steel Tank Institute 3-Way Protection System. Any other system must be shown to provide equivalent protection.

1-3. All tank installations within four feet of maximum high water table or within one hundred feet of a surface water body or wetland shall be of fiberglass construction.

The Fire Chief and the Board of Health Shall determine if additional protective measures are necessary.

1-4. Underground storage tanks shall not be installed within Water Resource Districts or Zones of Contributions of Public Water Supply Wells or within 150 feet of a private well.

Section 2., Tank Registration

The following regulations shall apply to A) all underground tanks containing toxic or hazardous materials as defined above which are not currently regulated under 527 CMR 9.26 – Tanks and Containers, to B) all tanks containing fuel oil, whose contents are used exclusively for consumption on the premises, and to C) farm and residential tanks of 1,100 gallon capacity or less, used for storing motor fuel for non-commercial purposes.

2-1. Owners shall file with the Board of Health, within 30 days of the date of publishing of this regulation, the size and type, age and location of each tank, and the type of fuel or chemical stored in them. Evidence of date of purchase and installation, including Fire Department permit, if any, shall be included along with a sketch map showing the location of such tanks on the property. Upon registering the tank with the Board of Health, the tank owner will receive a permanent metal or plastic tag, embossed with a registration number unique to that tank. This registration tag must be affixed to the fill pipe or in such a location as to be visible to any distributor when filling the tank and to any inspector authorized by the Town.

2-2. Within 30 days of the date of the publishing of this regulation, every petroleum and other 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 was filled. Every petroleum and other chemical distributor shall notify the 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 two (2) working days of the time the distributor discovers that the tank registration tag is not present.

2-3. Prior to the sale of a property containing an underground storage tank, the Fire Department must receive from the current owner a change of ownership form for the registration of the underground storage tank. Such form can be obtained from the Fire Department.

Section 3., Report of Leaks or Spills

3-1. Any person who is aware of a spill, loss of product, or unaccounted for increase in consumption which may indicate a leak shall report such spill, loss or increase immediately to the head of the Fire Department and to the Board of Health

3-2. All leaking tanks must be emptied within 12 hours of leak detection, and removed in a time period to be determined by the Fire Chief and the Board of Health

3-3. All tanks shall be removed or secured as per Fire Department specifications at the owner's expense within six months following discontinuation of use.

Section 4., Tank Removal

4-1. All fuel, gasoline or other chemical tanks not regulated under 527 CMR 9.00 (farm or residential tanks of 1,100 gallons or less and underground tanks storing fuel for consumptive use at the property) in service on the effective date of this regulation, shall be removed twenty-one (21) years after the date of installation. If the date of installation is unknown, the tank shall be assumed to be twenty (20) years old. All underground storage tanks currently subject to the removal regulation (21 years or older) must be removed within two (2) years of the date the publishing of this regulation.

4-2. Prior to the removal of an underground storage tank governed by this regulation, the owner of shall first obtain permit from the head of the Fire Department, pursuant to M.G.L., 148.

4-3. Any person granted a permit by the Marshall or the head of a local Fire Department to remove a tank under the provisions of M.G.L., C. 148 or 527 CMR 9.00, shall within 72 hours provide the permit granting authority with a receipt for delivery of said tank to the site designated on the permit.

4-4. Before any person is granted a permit by the Marshall or the head of a local Fire Department to remove a tank under the provisions of M.G.L., C. 148 or 527 CMR 9.00, and said tank is not being transported to an approved tank yard, the person requesting the permit shall provide the permit-granting authority with written approval from the owner/manager of the disposal site. (Reference: 502 CMR 3.00 for tank removal and disposal procedure).

Section 5.0., Costs

5-1. In every case, the owner shall assume responsibility for costs incurred necessary to comply with this regulation.

Section 6.0., Variances

6-1. Variances from this regulation may be granted by the Board of Health after a hearing at which the applicant establishes the following: (1) the enforcement thereof would do manifest injustice: and (2) installation or use of an underground storage tank will not adversely affect public or private water resources. In granting a variance, the Board will take into consideration the direction of the groundwater flow, soil conditions, depth to groundwater, size, shape and slope of the lot, and existing and known future water supplies.

Section 7.0., Severability

7-1. Provisions of this regulation are severable and if any provision hereof shall be held invalid under any circumstances, such invalidity shall not affect any other provisions or circumstances.

* A failure to comply with any element of this regulation will result in the levy of a fine of \$50.00. Each 24-hour period of non-compliance shall constitute a separate offense. (submitted by the Town Manager)