

CHAPTER 6
UNDERGROUND STORAGE TANKS

6.1 DEFINITIONS

"Toxic or hazardous material" 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 § 1, et seq.

The following regulations apply to all underground storage systems:

6.1 INSTALLATION OF UNDERGROUND STORAGE TANKS (UST)

Permits

The installation of all underground storage tanks in the Town of Norton will require a permit from the Building Department and the Fire Department. All tank installations will be supervised by the Norton Fire Department and meet all requirements of Massachusetts Regulations (527 CMR 9.00, effective 1 February 1986). In addition, all in-ground storage tank installations shall meet the requirements placed on the location by the Conservation Commission and Board of Health.

6.2 UNDERGROUND STORAGE TANKS IN THE NORTON WATER RESOURCES PROTECTION DISTRICT

See Town maps in Town Hall, Conservation office, Clerk's office, or Water Department for the location of the Norton Water Resources Protection district.

No underground storage tank installation will be allowed in the Norton Water Resource Protection District.

6.3 NEW INSTALLATIONS

To include all residential and commercial underground storage tanks of any size. Solid or liquid storage of any substance presumed to be a hazard to the water supply of the Town of Norton will be prohibited from in-ground storage.

6.4 EXISTING STORAGE TANKS IN THE WATER PROTECTION DISTRICT

All existing storage tanks within the Water Protection shall be grand-fathered for a period of three years and allowed to continue such storage subject to the provision of the State Law (527 CMR 9.00, effective 1 February 1986) which govern the regulation control of the construction of tanks and required leak testing and ultimate removal of existing tanks.

After a period of three years from the above mentioned date of the enactment of this law, all underground storage tanks in the Water Resource Protection district will be removed and eliminated or

removed and replaced with above-ground storage tanks, installed to meet all requirements of above-ground storage tank installation.

6.5 INSTALLATION CRITERIA

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 Norton as overlying a sole source aquifer, secondary containment and approved in-tank or interstitial space monitoring system shall be required for new or replacement tanks.

6.6 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 9.24 Tanks and Containers,
- B. All tanks containing fuel oil, whose contents are used exclusively for consumption on the premises, and
- C. Farm and residential tanks of 1,100 gallons capacity or less for storing motor fuel for non-commercial purposes.
- D. Owners shall file with the Board of Health, on or before April 1, 1988 the size, type, age, and location of each tank, and the type of fuel chemical stored in the tank. Evidence of the 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 in such a location as to be visible to any distributor when filling the tank and to any other inspector authorized by the Town.
- E. Effective December 1, 1987, 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. 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 affixed to the fill pipe.
- F. 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.

6.7 TESTING

The tank owner shall have each tank and it's piping tested for tightness fifteen (15) years after installation and annually after twenty (20) years. A tank shall be tested by any final or precision

test, not involving air pressure, that can accurately detect a least of 0.05 gall/hr, after adjustment to relevant variables, such as temperature change and tank end deflection, or by any other testing system approved by the Board of Health, as providing equivalent safety and effectiveness. Piping shall be tested hydrostatically to 150 percent of the maximum anticipated pressure of the system. The owner, at the owner's expense, shall submit certification of the testing to the Board of Health. Those tanks subject to the testing requirements of this regulation shall submit the certification of testing to the Board of Health by December 2, 1989. Tanks, which are currently tested under the provisions of 527 CMR 9.18, are exempt for this section.

6.8 TANK REMOVAL

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 thirty (30) years after the date of installation. If the date of installation is unknown, it shall be assumed to be 20 years old from the date of the regulation. All underground storage tanks currently subject to the removal regulation (30 years or older) must be removed by December 2, 1989.

- A. Prior to the removal of an underground storage tank governed by this Regulation, the owner shall first obtain a permit from the head of the Fire Department, pursuant to MGL Chapter 148.
- B. Any person granted a permit by the Marshall or the head of a local fire department to remove a tank under the provisions of MGL Chapter 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/manage of the disposal site. (Reference: 502 CMR 3.00 for tank removal and disposal procedure.)

6.9 COSTS

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

6.10 VARIANCES

The Board of Health may grant variances from this regulation after a hearing at which the applicant establishes the following:

- A. The enforcement thereof would do manifest injustice; and
- B. The 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 in to consideration the direction of ground water flow, soil conditions, depth to the ground water, size, shape and slope of the lot, and existing and known future water supplies.

6.11 SEVERABILITY

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.