

3. Wastes generated from the growing of agricultural crops and the

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 fifty gallons liquid volume or twenty-five pounds dry weight shall register with the Board of Health.

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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 this By-Law. "Emergency Coordinators" must be knowledgeable in the types of hazardous materials used at the establishment, proper storage and handling of those materials, familiar with the establishment emergency contingency plan, and authorized as on-site coordinator in the event of any emergency.

(3) Keep on file at all times in an on-site location known and acceptable to all "Emergency Coordinators", Materials Safety Data Sheets on all hazardous material 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, investigation, 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 an 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 methods of storage, transportation, and disposal of all hazardous material.

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Subsection 6.1. Effective Date of Registration Requirements

(A) Registration required by subsection 6 shall be initially submitted by Sept. 1, 1983 and annually thereafter within thirty 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 ensure 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 days of meeting such requirements and thereafter within thirty days of January 1 of 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 Canton 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.

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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 establishments (including municipal, state, or federal operations) shall comply with all Federal, State, and Municipal Laws and Regulations relative to Hazardous Materials.

Subsection 8. Above Ground Storage of Hazardous Materials (A) Above ground 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 materials storage systems.

Subsection 9.1 17-9.1 Owners shall comply with the current and amended Massachusetts Board of Fire Prevention Regulation 527 CMR 9.00: Tanks and Containers.

Regulatory authority 527 CMR 9.00: M.G.L. c. 22, ss. 14; c. 148, ss. 9, 10, 28, 37, 38 and 38E.

Subsection 9.2 17-9.2

Subsection 9.3 17-9.3

Subsection 9.4 17-9.4

Subsection 9.5 17-9.5

17-9.1 As amended under article 37, ATM May 12, 1997. 17-9.2 Deleted by article 37, ATM May 12, 1997. 17-9.3 Deleted by article 37, ATM May 12, 1997. 17-9.4 Deleted by article 37, ATM May 12, 1997. 17-9.5 Deleted by article 37, ATM May 12, 1997. 175

Subsection 10. Effective Date All storage provisions contained in Subsection 7, 8, and 9 must be complied with by July 1, 1984.

Subsection 11. Reporting Requirements Any person having knowledge of 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 chemicals. 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 and industrial uses which discharge process waste waters 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 storm water to ground water, without passage through oil and grease traps and sediment traps, constructed, operated, and maintained to minimize groundwater contamination.

Subsection 13. Permits Required

(A) A permit shall be required and obtained from the Board of Health upon the recommendation of the Fire Department 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. 17-13(A)

17-13(A) As amended under article 37, ATM May 12, 1997. 176

(B) A permit shall also be required and obtained from the Board of Health upon the recommendation of the Fire Department for all establishments requiring registration in accordance with subsection 6, who seek to install additional above ground or

underground hazardous materials storage tanks. 17-13(B)

Subsection 14. Variances The Board of Health may vary the application of any provision of this By-Law, unless otherwise required by law, in any case when, in its opinion, the applicant had demonstrated that an equivalent degree of environmental protection required under this By-Law will still be achieved. The applicant at their 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 environments protection required under this By-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) and the Head of the Fire Department may enter upon privately owned property for the purpose of performing their duties under this By-Law. 17-15(B)

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 (\$300.00) 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 M.G.L., Chapter 40 Section 21D by a Canton Police Officer or other officer having police powers.

Subsection 17. Fees Any person registering storage of hazardous materials pursuant to subsection 6 shall pay to the town of Canton an annual registration fee of \$15.00. 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.

17-13(B) As amended under article 37, ATM May 12, 1997. 17-15(B) As amended under article 37, ATM May 12, 1997. 177

Independent reference excerpt. Consult the official town PDF for authoritative formatting and subsequent amendments.

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