

**HEALTH REGULATIONS
FOR NAS SOUTH WEYMOUTH**

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ARTICLE I - OVERVIEW OF REGULATIONS

1.1 Authority

These Health Regulations for NAS South Weymouth (the “Regulations”) are adopted in accordance with Section 14(h) of Chapter 291 of the Acts of 2014 (the “Enabling Legislation”), which vests the Southfield Redevelopment Authority (the “Authority”) with the broad regulatory authority to develop and adopt “[r]egulations for the effective implementation and enforcement of the zoning by-laws and revisions thereof.” In addition, these Regulations are adopted in accordance with Section 2.8 of the Zoning and Land Use By-Laws of Naval Air Station (NAS) South Weymouth (the “By-Laws”). These Regulations shall be implemented and interpreted keeping in mind the purpose of the Enabling Legislation to “promote the expeditious and orderly conversion and redevelopment of NAS South Weymouth.” The Applicable Board (as hereinafter defined) shall have all the powers of a Board of Health under Massachusetts General Laws and all regulations promulgated thereunder.

1.2 Scope; Interrelationship with Zoning

The scope of the Regulations and the intended interrelationship of the Regulations with the By-Laws is set forth in Section 1.4.C of the By-Laws which provides as follows:

“The Regulations shall be consistent with [the] By-Laws and shall provide additional substantive and procedural controls over the reuse of NAS South Weymouth; in the event of any inconsistency, the By-Laws shall control.”

1.3 Adoption/Amendments

The procedure for adoption of the Regulations is set forth in Section 14(h) of the Enabling Legislation, which provides that “[n]o regulation shall be adopted by said Authority without first publishing notice of same in a newspaper of general circulation within the NAS South Weymouth Region, holding at least one public hearing in the NAS South Weymouth Redevelopment Area or in any one of the Towns of Abington, Rockland and Weymouth (the “Towns”), and affording the opportunity for public comment.” No separate approval by the Towns of any Regulations adopted by the Authority in accordance with Section 14(h) is required. Amendments to these Regulations shall require the same procedure.

1.4 Administration

The provisions of the Regulations shall apply in both the Central Redevelopment Area and the Perimeter Areas. Pursuant to Section 2.4(C)(10) of the By-Laws, the Authority has the “powers provided to a local board of health to make and enforce reasonable public health regulations, as provided in M.G.L. c. 111, including, but not limited to, the issuance of permits and the assessment of fines related to the violation of the By-Laws and Regulations.” Pursuant to Section 2.5(C)(6) of the By-Laws, “[t]he Board of Health in each of the Towns shall be the Applicable Town Board with respect to the powers provided to a local board of health by M.G.L. c. 111 in the Perimeter Area.” Therefore,

for purposes of these Regulations, the term “Applicable Board” shall mean the Authority with respect to the Central Redevelopment Area (unless (i) such administration or enforcement power has been delegated pursuant to Section 2.8 of the By-Laws or (ii) the Towns assume responsibility for providing inspectional and other municipal services to their respective portions of NAS South Weymouth pursuant to Section 19(b) of the Enabling Legislation), and the Board of Health of each Town with respect to the portion of the Perimeter Area located within such Town. The term Health Department shall mean the Authority’s Health Department with respect to the Central Redevelopment Area and the Towns’ Health Department with respect to the portion of the Perimeter Area located within such Town.

1.5 Capitalized Terms

Capitalized terms used but not defined in these Regulations shall have the meanings ascribed to such terms in the By-Laws.

1.6 Severability

If any paragraph, sentence, clause, phrase or word of any portion of these Regulations shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these Regulations, which shall remain in full force and effect; and to that end, the provisions of these Regulations are hereby declared severable.

ARTICLE II - CERTIFICATION OF RENTAL PROPERTY

The Authority adopts this regulation under the authority granted by M.G.L. c. 111, § 31 and the provisions of the Sanitary Code, Article 1.

Whenever a rented dwelling unit, apartment or tenement other than a hotel, motel, or rooming house is permanently vacated by the occupant or occupants thereof, or within ten (10) days before the expiration date of the anticipated vacancy, it must be certified by the Applicable Board or its agents, prior to being re-occupied by a new occupant, as meeting the standards set forth in “The Sanitary Code, Article II, Minimum Standards of Fitness for Human Habitation” as promulgated and from time to time amended by the Department of Public Health of the Commonwealth of Massachusetts under the authority of M.G.L. c. 111, § 127A. However, regardless of the number of occupancy changes during any 12-month period, one such certification shall be sufficient for such 12-month period.

It is the responsibility of the unit owner, managing agent or person in possession to notify the Applicable Board of such vacancy. The unit owner shall pay an administrative fee of Fifty Dollars (\$50.00) to the Applicable Board for each inspection required under this regulation. If within seventy-two (72) hours, excluding Saturdays, Sundays and Holidays, after receipt of written notification of a vacancy from the owner, managing agent or person in possession, the Applicable Board or its agents fail to make an inspection, then the rented dwelling unit, apartment or tenement may be reoccupied without such certification.

This regulation shall not apply to new construction which is in compliance with the General Laws of the Commonwealth of Massachusetts and local by-laws pertaining thereto; nor shall it apply to new construction which was completed less than five (5) years prior to the date of which the rented dwelling unit, apartment or tenement becomes vacant.

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each and every day he allows any person or persons to live, occupy or inhabit the said premises without having received an occupancy permit from the Applicable Board.

ARTICLE III - EXTERMINATION PRIOR TO DEMOLITION

Pursuant to M.G.L. c. 111, § 31 and in the interest of and for the preservation of public health, the Authority hereby adopts this regulation governing extermination for rodents and other pests of all types of structures prior to the issuance of a permit for demolition.

At the discretion of the Applicable Board or their designated agent, whenever any type of structure is to be demolished, extermination for rodents and other pests of said structure must be performed by a licensed fumigator prior to the issuance of a permit for demolition of said structure. Proof of extermination is to be provided to the Applicable Board in the form of a written receipt signed by said licensed fumigator containing a description of the extermination performed.

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not more than Fifty Dollars (\$50.00).

ARTICLE IV - CATS

The Authority adopts this regulation under the authority granted by M.G.L. c. 111, § 31 and M.G.L. c. 111, § 122, in the interest of and for the preservation of public health.

No person, firm or corporation shall keep or house within the Central Redevelopment Area or Perimeter Areas, in any housing unit, or on any premises on which he may be the owner, lessee, tenant or occupant, any more than three (3) cats/kittens for a period of time exceeding six (6) weeks except when such person, firm or corporation shall be licensed by the Applicable Board as a retail business establishment dealing in the keeping/sale of cats/kittens.

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each day such violation continues.

ARTICLE V - DOGS AND KENNELS

- 5.1** No person firm or corporation shall keep within the limits of NAS South Weymouth, in any building or on any housing unit on which he may be the owner, lessee, tenant or occupant, shall keep or house any more than three (3) dogs without an appropriate kennel license issued by the Clerk of the Authority or the Town Clerk of the applicable Town, subject to prior written approval of the Applicable Board, except when such firm, person or corporation shall be licensed by the applicable licensing board of the Authority or the Towns as a retail business establishment dealing in the keeping/sale of dogs.
- 5.2** For the purpose of this regulation, the term “dog” shall refer to the dog member of the canine family over the age of three (3) months.
- 5.3** The Applicable Board shall not approve any kennel license or license for a retail business establishment dealing in the keeping/sale of dogs unless the distance from any portion of the area considered a part of the kennel facility shall not be less than:
- (a) Fifty (50) feet from any adjoining property lot line, the line of any street, court, passageway, swamp, marsh, stream or pond.
 - (b) Twenty-five (25) feet from any dwelling used for human habitation.
 - (c) Two hundred (200) feet from the high water mark of any source of drinking water supply or any tributary thereof, and one hundred (100) feet from the high water mark of any open waters flowing directly or ultimately into any source of water supply.
- 5.4** All feces shall be disposed of a minimum of once daily in a manner that does not create a public nuisance, create a source of filth, cause sickness or, in any manner, endanger the public health of the occupant or the general public.
- 5.5** Any kennel license granted by the Clerk of the Authority or the Town Clerk in the Towns, upon prior written approval of the Applicable Board, may be revoked whenever, in the opinion of said Applicable Board, revocation is deemed necessary due to a public nuisance.
- 5.6** Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each day such violation continues.

ARTICLE VI - RESIDENTIAL SWIMMING POOLS

6.1 Authority

The Authority adopts this regulation under the authority granted by M.G.L. c. 111, § 31 in the interest of and for the preservation of public health.

6.2 Definitions

In this Article, the following words shall be defined as follows:

Residential Pool means a Swimming Pool established or maintained by an individual for his or her own or family's use, or for use of personal guests of his or her household.

Swimming Pool means and includes every artificial pool of water having a capacity greater than 2,540 gallons and used for swimming or bathing, located indoors or outdoors, together with the bathhouses, equipment and appurtenances used in connection with the pool.

6.3 Approval

No person shall construct or install or remodel or otherwise make any structural or operational change in an existing Residential Pool until the Applicable Board has approved, in writing, such construction, installation, remodeling or change as not in reasonable likelihood endangering the public health. Adequate plans and specifications for such construction, installation, remodeling or change shall be submitted to the Applicable Board at the time of request for its approval thereof. The Applicable Board shall be notified of completion of the construction, installation, or remodeling of, or structural or operational change in a Residential Pool, approved by it under the immediately preceding section, and no use shall be made of such Residential Pool until such construction, installation, remodeling or change has been inspected by it and found to have been done in accordance with the proposal therefor approved by it.

6.4 Filtration Systems

All Residential Pools shall be equipped with and operated with a system for recirculation and purification of the pool water, approved by the Applicable Board as not in reasonable likelihood endangering the public health.

6.5 Water Source

Water to be used in any Residential Pool shall be obtained from a source approved by the Applicable Board.

6.6 Cross Connections

No piping arrangement shall exist which under any circumstance will permit water from any Residential Pool or recirculation system to enter any domestic water supply, or will permit sewage, wastewater, or any water of unknown or questionable quality to enter the Residential Pool or Residential Pool piping system.

6.7 Location

Every Residential Pool shall be located at least twenty (20) feet from a cesspool, septic tank, or subsurface leaching field.

6.8 Waste Water Disposal

Waste water resulting from the draining and cleaning of a Residential Pool or back-wash water resulting from the cleaning of the filter apparatus may be discharged to a stream or a storm drain, under such conditions as may be imposed by the applicable Director of Public Works or his authorized agent.

6.9 Other Applicable Laws and Regulations

Residential Pools are subject to applicable local buildings, plumbing and electrical code requirements.

6.10 Penalties

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each day such violation continues.

ARTICLE VII - SAND ADDITIVES

Except in emergency situations (as determined by the Director of the applicable Department of Public Works or his or her designated agent), no person, firm, corporation or developer engaged in sanding of private ways, private roadways, private parking lots and any other private areas whereupon vehicular or pedestrian traffic is permitted, where such locations are within the NAS South Weymouth Water Resources Protection Overlay District, as such term is defined in the By-Laws, may use any additive to sand or gravel for the purpose of accelerating the melting process of ice and/or snow in said areas.

The Applicable Board or any of its duly authorized representatives, may request on a bi-monthly basis of any person, firm, corporation or developer, a report of pollutants that may be injurious to resources within the Water Resources Protection Overlay District that may be contained in the run-off from any private roadway, private parking area and/or any other private areas whereupon vehicular and/or pedestrian traffic is allowed. Upon such request, the person, firm, corporation or developer, at his own expense, shall supply the Applicable Board or its duly authorized representative, a copy of the results obtained from the testing of water run-off, such testing to be done by a qualified laboratory.

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each occasion such violation occurs.

ARTICLE VIII - NUISANCES

Under the inspection authority of M.G.L. c. 111, § 122, the Applicable Board by means of a duly appointed officer, acting as its agent, shall make inspections, by complaint or otherwise, into all nuisances, odors, noise, sources of filth, causes of sickness, etc. within the Central Redevelopment Area or Perimeter Areas, especially seeking to mitigate overflowing sewers, septic systems, accumulations of rubbish or garbage or animal feces which are not contained in durable watertight containers or other containers deemed appropriate by the registered sanitarian.

The Applicable Board, by means of a duly appointed officer, acting as its agent, shall make inspections by complaint or otherwise, into releases of chemical substances whether in solid, liquid, or gaseous states, or any combination thereof, which are recognized (by placement on the Massachusetts Substances List, as amended) as toxic, neurotoxic, carcinogenic, mutagenic or teratogenic.

No person, firm, corporation, or other entity owning any parcel of land with or without a structure, and with or without plumbing, shall pump, lead, or allow to flow any rain water, clear water, sump water, or flood water into the municipal sewer system.

The following list shall serve to state those conditions, among others, that will be considered a nuisance:

- A. Overflowing sewage.
- B. Accumulated manure, dung, or feces from any animal.
- C. Accumulated rubbish or garbage.
- D. Release of any harmful chemical substance.
- E. Subject to 310 CMR 7.10, sound levels more than 10 dB(A) over ambient, measured at the property line of the source facility or at the nearest inhabited buildings.
- F. Sickening and/or obnoxious odors.
- G. Existence of accident/injury hazard.
- H. Pumping or leading clear water into a municipal or other sewer system.

In the event of any finding of a nuisance, the agent shall notify the person, firm, or corporation most responsible that such condition is considered a nuisance and shall order abatement on behalf of the Applicable Board within twenty-four (24) hours or within whatever time the agent considers reasonable.

Whoever violates any provision of the foregoing regulation or any order made thereunder shall

be punished by (i) a fine of not more than One Thousand Dollars (\$1,000.00) for each day such violation occurs, and/or (ii) a criminal complaint as provided by M.G.L. c. 111, § 31.

ARTICLE IX - FOOD SERVICE ESTABLISHMENTS

In addition to the requirements contained in Article X of the State Sanitary Code, food service establishments shall comply with the following regulations regarding certification of food permit holders:

- A. In order to be eligible to hold a food service permit, the proprietor and/or each shift manager must be certified in food handling by a training and/or testing program before the issuance of a food service permit. Such programs need to be approved by the Applicable Board.
- B. The Applicable Board will decide minimum criteria for certification. The Applicable Board may choose to provide such program or may choose to approve existing programs in other communities or by private providers.
- C. Certification must be renewed every two (2) years.
- D. Proof of certification of the appropriate persons will become part of the inspectional process.
- E. Any individual who cannot accomplish the certification requirement may request in writing to participate in an equivalent training program.
- F. Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each day such violation occurs.

ARTICLE X - BODY ART ESTABLISHMENTS

For purposes of comparison, these section numbers closely parallel the Model Regulation for Body Art Establishments of the Massachusetts Department of Public Health

Section

- 10.001: Authority
- 10.002: Purpose and Scope
- 10.003: Definitions
- 10.004: Operation of Body Art Establishments
- 10.004A: Prohibited Activities
- 10.005: Exemptions
- 10.006: Public Notification Requirements
- 10.007: Client Records
- 10.008: Injury Reports
- 10.009: Records Retention
- 10.010: Preparation and Care of the Body Art Area
- 10.011: Sanitation and Sterilization Procedures
- 10.012: Requirements for Single Use Items
- 10.013: Permit Requirements
- 10.014: Complaints
- 10.015: Grounds for Denial of Permit
- 10.016: Grounds for Suspension of Permit
- 10.017: Grounds for Revocation of Permit, or Refusal to Renew Permit
- 10.018: Procedure for Hearings
- 10.019: Unauthorized Practice of Body Art
- 10.020 : General Administration

10.001 Authority

This regulation is adopted under the authority of M.G.L. c. 111, § 31.

10.002 Purpose and Scope

The purpose of this regulation is to govern the practice of body art in order to prevent the transmission of disease.

10.003 Definitions

Aftercare means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.

Bloodborne Pathogens Standard means OSHA Regulations 29 CFR 1910.1030.

Body art means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine in the Commonwealth, such as implants under the skin, which shall not be performed in a body art establishment.

Body Art Establishment or establishment means a specified place or premise that has been granted a permit by the Applicable Board, whether public or private, where the practices of body art are performed, whether or not for profit.

Body Art Practitioner or practitioner means a specified person who has been granted a permit by the Applicable Board to perform body art in a body art establishment that has been granted a valid permit by the Applicable Board.

Body piercing means puncturing or penetration of the skin of a person with presterilized single-use needles and the insertion of presterilized jewelry or other adornment thereto in the opening. This definition includes piercing of the outer perimeter of the ear, but does not include piercing of the earlobe with presterilized single-use stud-and-clasp ear-piercing systems.

Branding means inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.

Client means any person who has requested a body art procedure at a body art establishment.

Contaminated Waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 C.F.R. Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens", or as defined as "infectious or physically dangerous medical or biological waste" in accordance with in 105 CMR 480.000: Storage and Disposal of Infectious or Physically dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

Cosmetic tattooing means permanent cosmetics, micro pigment implantation or dermal pigmentation.

Department means the Department of Public Health or its authorized representatives.

Disinfectant means a product registered as a disinfectant by the U.S. Environmental Protection Agency.

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

Ear piercing means the puncturing of the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system following manufacturer's instructions.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

Hand sink means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

Hot water means water that attains and maintains a temperature 110°-130°F.

Instruments used for body art means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during body art procedures.

Invasive means entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

Jewelry means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

Minor means any person under the age of eighteen (18) years.

Operator means any person who alone, jointly or severally with others owns, has care, charge, or control of any body art establishment as agent or lessee of the owner or as an independent contractor, but is not a body art practitioner.

Permit means approval in writing by the Applicable Board either (1) to operate a body art establishment or (2) to operate as a body art practitioner within a body art establishment. Approval is granted in accordance with 105 CMR 10.000 and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the Applicable Board's jurisdiction.

Person means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

Physician means an individual registered by the Board of Registration in Medicine pursuant to M.G.L. c. 112, § 2 as a qualified physician.

Procedure surface means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

Sanitization procedure means a process of reducing the numbers of micro-organisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

Sanitary means clean and free of agents of infection or disease.

Sanitized means effective disinfectant treatment by a process using intermediate disinfectants for enough time to reduce the bacteria count including pathogens to a safe level on semi-critical or non-critical equipment.

Scarification means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

Sharps means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.

Sharps container means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

Single use means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

Sterilize means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Tattoo means the indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

Tattooing means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term does not include cosmetic tattooing.

Universal precautions means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report) (MMWR), June 23, 1989, Vo1.38 No. S-

6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

10.004 Operation of Body Art Establishments

Unless otherwise ordered or approved by the Applicable Board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

(A) Physical Plant

- (1) All walls, floors, ceilings, and procedure surfaces within the body art establishment shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
- (2) All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
- (3) Effective measures shall be taken by the body art operator to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment, its appurtenances, or appertaining premises.
- (4) There shall be a minimum of 45 square feet of floor space for each practitioner in the establishment. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers, curtains, or partitions, at a minimum.
- (5) The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
- (6) A separate, readily accessible handsink with hot and cold running water, under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within

the body art establishment. One handsink shall serve no more than three practitioners.

- (7) There shall be a minimum of one lavatory, excluding any service sinks, and one working toilet in a body art establishment.
 - (8) At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.
 - (9) All instruments and supplies shall be stored in clean, dry, and covered containers.
 - (10) Practitioners who use ear-piercing systems must conform to the manufacturer's directions for use and applicable U.S. Food and Drug Administration requirements.
 - (11) Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.
 - (12) No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
- (B) Information to be Kept on File

The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Board:

- (1) Employee Information:
 - (a) full names and exact duties;
 - (b) date of birth;
 - (c) gender;
 - (d) home address;
 - (e) home /work phone numbers;
 - (f) identification photos of all body art practitioners.
 - (g) establishment information
 - (h) establishment name;
 - (i) hours of operation;
 - (j) owner's name and address;
- (2) A complete description of all body art procedures performed.

- (3) An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.
- (4) A copy of these regulations.
- (C) It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current permit.
- (D) Each body art practitioner must be a minimum of 18 years of age.
- (E) Each practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention.
- (F) Smoking, eating, or drinking is prohibited in the area where body art is performed.
- (G) Operators/practitioners shall refuse service to any person who, in the opinion of the operator/practitioner, is under the influence of alcohol or drugs.
- (H) The practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towel. This shall be done as often as necessary to remove contaminants.
- (I) In performing body art procedures, the practitioner shall wear disposable single-use non-latex gloves. Gloves must be changed if they become contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for handwashing procedures as part of a good personnel hygiene program.
- (J) If, while performing a body art procedure, the practitioner's glove is pierced, torn, or otherwise contaminated, the procedure delineated in section (I) shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see I above) before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- (K) Contaminated waste as defined in this code, that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked with the International Biohazard Symbol. It must then be disposed in accordance with 105 CMR 480.00: Storage and Disposal of Infectious or

Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII, or, at a minimum, in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Bloodborne Pathogens". Used sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on site shall not exceed 30 days, as specified in 29 CFR Part 1910.1030.

- (L) Proof of age is required for all clients. No practitioner shall perform any body art procedure upon a client under the age of 18 years without the presence, consent, and proper identification of a parent, legal custodial parent, or legal guardian. Nothing in this section is intended to require a practitioner to perform any body art procedure on a person under 18 years of age regardless of parental or guardian consent.
- (M) Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
- (N) The skin of the practitioner shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- (O) Hepatitis B vaccine series is highly recommended. Proof shall be provided upon request of the Board that all practitioners have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering should be included as a pre-employment requirement.

10.004A Prohibited Activities

The following activities shall be prohibited within NAS South Weymouth:

- (A) Branding or scarring unless it is performed by a Physician.
- (B) Cosmetic tattooing unless it is performed by a Physician or such other person that receives a license, permit or registration by the Commonwealth of Massachusetts specifically to perform such activities.

10.005 Exemptions

- (A) Physicians who perform body art procedures as part of patient treatment are exempt from these regulations.
- (B) Individuals who pierce only the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

10.006 Public Notification Requirements

- (A) All establishments shall prominently display, and give to each client, a Disclosure Statement, provided by the Department, which advises the public of the risks and possible consequences of body art procedures
- (B) Verbal and written instructions, provided by the Department, for the aftercare of the body art procedure site shall be provided to each client by the operator/practitioner upon completion of the procedure.
 - (1) The written instructions shall advise the client (a) on the proper cleansing and of the area which received the body art, and (b) to consult a health care provider for:
 - 1. unexpected redness, tenderness or swelling at the site of the body art procedure
 - 2. rash
 - 3. drainage or bleeding not controlled with light pressure at or from the site of the body art procedure
 - 4. fever within 24 hours of the body art procedure
 - 5. problems with urination or heavy vaginal bleeding (for genital body piercing or tattooing)
 - (2) address, and phone number of the establishment.
 - (3) These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records.
- (C) The facility permit holder shall also post in public view the name, address and phone number of the Applicable Board that has jurisdiction over this program and the procedure for filing a complaint.

10.007 Client Records

- (A) Prior to performing any body art procedure, the body art practitioner shall request from the client, verbally and in writing, the following health history information:
 - (1) history of diabetes;
 - (2) history of hemophilia (bleeding);
 - (3) history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
 - (4) history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 - (5) history of epilepsy, seizures, fainting, or narcolepsy;
 - (6) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
 - (7) pregnancy or possibility of pregnancy.
- (B) The practitioner shall have the client sign a Release Form confirming that the above information was obtained or that the practitioner attempted to obtain it. The client should

be asked to disclose any other information that would aid the practitioner in evaluating the client's suitability for body art procedures.

- (C) Each operator shall keep records of all body art procedures administered, including date, time, identification and location of the body art procedure(s) performed, and practitioner's name. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Applicable Board upon notification.
- (D) Nothing in this section shall be construed to require the practitioner to perform a body art procedure upon a client.

10.008 Injury Reports

A written report of any injury, infection complication or disease to a client as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator or practitioner to the Applicable Board which issued the permit and to the Department with a copy to the complainant or injured client within five working days of its occurrence or knowledge thereof. The report shall include:

- (A) the name of the affected client;
- (B) the name and location of the body art establishment involved;
- (C) the nature of the injury, infection complication or disease;
- (D) the name and address of the affected client's health care provider, if any;
- (E) any other information considered relevant to the situation.

10.009 Records Retention

The body art establishment shall keep a record of all persons who have had body art procedures performed. The record shall include the name, date of birth, and address of the client, the date of the procedure, the name of the practitioner who performed the procedure(s), type and location of procedure performed, and signature of client, and, if the client is a minor, proof of parental or guardian presence and consent. Such records shall be retained for a minimum of three (3) years and shall be available to the Applicable Board upon request. The Applicable Board and the body art establishment shall keep such records confidential.

10.010 Preparation and Care of the Body Art Area

- (A) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

- (B) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.

10.011 Sanitation and Sterilization Procedures

- (A) All non-single-use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, a solution of household chlorine bleach as recommended by the CDC or by following the manufacturer's instructions to remove blood and tissue residue, and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
- (B) After being cleaned, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months.
- (C) All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave or dry-heat sterilizer. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Applicable Board.
- (D) Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from workstations or areas frequented by the public. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- (E) Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by weekly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Applicable Board. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.
- (F) All reusable needles used in body art procedures shall be cleaned and sterilized prior to use and stored in peel-packs. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- (G) All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

- (H) All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
- (I) The mixing of approved inks, dyes, or pigments or their dilution with potable water is acceptable. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

10.012 Requirements for Single Use Items

- (A) Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers and in accordance with 105 CMR 480.000.
- (B) All products applied to the skin, including body art stencils, shall be single use and disposable. Acetate stencils may be re-used if approved by the Board. Sanitization procedures in accordance with 105 CMR 10.011 shall be performed between uses.
- (C) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used only once and then discarded.

10.013 Permit Requirements

Body art establishments shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Applicable Board, as part of the permit application process.

- (A) Establishment Permit
 - (1) No person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons may operate a body art establishment except with a body art establishment permit from the Applicable Board.
 - (2) Any person operating a body art establishment shall obtain an annual permit from the Applicable Board. The Applicable Board shall set a Two Hundred Dollar (\$200.00) fee for such permit, subject to amendment.
 - (3) A permit for a body art establishment shall not be transferable from one place or person to another.

- (4) A current body art establishment permit shall be posted in a prominent and conspicuous area where clients may readily observe it.
- (5) The holder of a body art establishment permit must only hire practitioners who have complied with the practitioner permit requirements of this code.

(B) Body Art Practitioner Permit

- (1) No person shall practice body art procedures without first obtaining an operator permit from the Applicable Board. The Applicable Board shall set a Two Hundred Dollar (\$200.00) fee for such permit, subject to amendment.
- (2) The practitioner permit shall be valid from the date of issuance and shall automatically expire one year from the date of issuance unless revoked sooner by the Applicable Board.

(C) Application for a practitioner permit shall include:

- (1) name;
- (2) date of birth;
- (3) gender;
- (4) residence address;
- (5) mailing address;
- (6) phone number;
- (7) place(s) of employment as a practitioner;
- (8) training and/or experience; Body art practitioners must show evidence or current certification and completing of courses in the areas below, prior to receipt of a permit:
 - (a) Basic Training in First Aid and advanced CPR as well as proof of attendance at required renewal courses.
 - (b) proof of completion at a bloodborne pathogen training program (or equivalent), given or approved by the Applicable Board. Examples of courses approved by the Applicable Board include courses such as "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA) and must include the requirements of standards 29 CFR 19010.1030. Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Applicable Board for approval.
 - (c) The applicant shall provide documentation of attendance and completion of courses approved by the Applicable Board, or completion of an examination, on the following subjects:

- (i) anatomy
 - (ii) skin diseases, disorders and conditions (including diabetes)
 - (iii) infectious disease control, including waste disposal, handwashing, techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques.
- (D) No permit shall be issued unless, following reasonable investigation by the Applicable Board, the body art establishment or practitioner has demonstrated compliance with the provisions of this section and all other provisions of these regulations.
- (E) All permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of these regulations.
- (F) All permits shall be posted in a prominent and conspicuous area where clients may readily observe them.
- (G) Body artists must present evidence of at least one year of apprenticeship experience with no history of their artistry causing short or long term health problems.
- (H) Apprentices must register with the Applicable Board when beginning the apprenticeship and have completed items (a), (b), and (c) of Section 10.1013(C)(8). Apprentices may not perform any activities unless the permitted operator is present. Before a person acting as an apprentice conducts any form of body art activity upon a client, that client shall be advised that the person conducting the activity is in fact an apprentice.

10.014 Complaints

- (A) The Applicable Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of these regulations.
- (B) If the Applicable Board finds that an investigation is not required because the alleged act or practice is not in violation of these regulations, then the Applicable Board shall notify the complainant of this finding and the reasons on which it is based.
- (C) If the Applicable Board finds that an investigation is required, because the alleged act or practice may be in violation of these regulations, the Applicable Board shall investigate and if a finding is made that the act or practice is in violation of these regulations, then the Applicable Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.
- (D) Investigation of complaints may lead to enforcement actions including revocation, suspension, or refusal to renew a permit, by the Applicable Board.

10.015 Grounds for Denial of Permit

- (A) The Applicable Board may deny a permit on any of the following grounds:

- (1) Failure to conform to the requirements of these regulations;
- (2) Any actions or omissions which would indicate that the health or safety of the public would be at risk should a permit be approved;
- (3) Any previous violation of these regulations;
- (4) Any attempt to practice or obtain a permit through fraud, deceit, or misrepresentation;
- (5) Criminal conduct which the Applicable Board determines to be of such a nature as to render the establishment or practitioner unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
- (6) Other just and sufficient cause which the Applicable Board may determine would render the establishment or practitioner unfit to practice body art;.
- (7) Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
- (8) Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
- (9) Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit; and,
- (10) Having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in these regulations.

(B) Applicants denied a permit may reapply any time after denial.

10.016 Grounds for Suspension of Permit

The Applicable Board may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, the Applicable Board determines that an establishment and/ or a practitioner is an immediate and serious threat to the public health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Applicable Board.

10.017 Grounds for Revocation of Permit, or Refusal to Renew Permit

- (A) The Applicable Board may revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or refusal to renew:
- (1) Fraud or misrepresentation in obtaining a permit, or its renewal;
 - (2) Criminal conduct which the Applicable Board determines to be of such a nature as to render the establishment or practitioner unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
 - (3) Violation of any rule or regulation of the Applicable Board governing the practice of body art;
 - (4) Other just and sufficient cause which the Applicable Board may determine would render the establishment or practitioner unfit to practice body art;
 - (5) Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
 - (6) Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
 - (7) Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
 - (8) Continuing to practice while his/her permit is lapsed, suspended, or revoked;
 - (9) Having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in these regulations, and,
 - (10) Refusing to practice body art on a person because of such person's race, creed, color, gender, age, disability, national origin, or sexual orientation.
- (B) The Applicable Board shall notify an applicant, establishment or practitioner in writing of any violation of these regulations, for which the Applicable Board intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven (7) days after receipt of such written notice in which to comply with these regulations. The Applicable Board may deny, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven (7) days.

10.018 Procedure for Hearings

- (A) Suspension of a Permit.
- (1) Upon written request to the Applicable Board, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Applicable Board.
 - (2) Such a hearing shall be initiated pursuant to 801 CMR 1.00 (Standard Adjudicatory Rules of Practice and Procedure), no later than twenty-one (21) calendar days after the effective date of the suspension.
 - (3) In cases of suspension of a permit, the hearing officer shall determine whether the Applicable Board has proved by a preponderance of the evidence that there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety or welfare.
 - (4) The hearing officer shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.
- (B) Denial, Revocation, or Refusal to Renew a Permit
- (1) A permit may be denied, revoked or refused renewal only after a hearing conducted by the Applicable Board.
 - (2) If the Applicable Board determines that a permit shall be denied, revoked, or not renewed pursuant to these regulations, the Applicable Board shall initiate a hearing in accordance with 801 CMR 1.00.
 - (3) Following the hearing, the hearing officer shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

10.019 Unauthorized Practice of Body Art

The Applicable Board shall refer to the appropriate District Attorney, the Attorney General, or other appropriate law enforcement agency any incidents of unauthorized practice of body art that come to its attention.

10.020 General Administration

Provisions of the State Sanitary Code Chapter 1 (105 CMR 400.200) shall apply to the administration and enforcement of this regulation and are annexed to this regulation by reference.

ARTICLE XI - FLOOR DRAINS

11.1 Purpose

Whereas:

- Floor drains in industrial and commercial facilities are often tied to a system leading to a leaching structure (e.g. dry well, cesspool, leach field) or a septic system; and,
- Poor management practices and accidental and/or intentional discharges may lead petroleum and other toxic or hazardous materials into these drainage systems in facilities managing these products; and
- Improper maintenance or inappropriate use of these systems may allow the passage of contaminants or pollutants entering the drain to discharge from the leaching structure or septic system to the ground; and
- Discharges of hazardous wastes and other pollutants to floor drains leading to leaching structures and septic systems have repeatedly threatened surface and ground water quality throughout Massachusetts;

The Authority adopts the following regulation as a preventative measure for the purposes of preserving and protecting water resources from discharges of pollutants to the ground via floor drains and minimizing the threat of economic losses to the Authority and the Towns due to such discharges.

11.2 Scope of Authority

The Authority adopts the following regulation pursuant to authorization granted by M.G.L. c. 111, §§ 31 and 122. The regulation shall apply, as specified herein, to all applicable facilities, existing and new, within NAS South Weymouth. All facilities subject to this regulation must still comply with the requirements of the State Plumbing Code.

11.3 Definitions

For the purposes of this regulation, the following words and phrases shall have the following meanings:

- (a) Commercial and Industrial Facility means a public or private establishment where the principal use is the supply, sale, and/or manufacture of services, products, or information, including any and all Office/Commercial and Industrial Uses permitted under the By-Laws.
- (b) Department means the Massachusetts Department of Environmental Protection.

- (c) Discharge means 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 waters of the Commonwealth. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.
- (d) Floor Drain means 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.
- (e) Leaching Structure means any subsurface structure through which a fluid that is introduced will pass and, enter the environment, including, but not limited to, dry wells, leaching catch basins, leach fields, and oil/water separators that are not water-tight.
- (f) Oil/Water Separator means 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 wastes, 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.
- (g) Toxic or Hazardous Material means 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 or the environment if such substance or mixture were discharged to land or water of NAS South Weymouth. 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 M.G.L. c. 21C and 21E, the Massachusetts Hazardous Waste regulations (310 CMR 30.000) or any and all federal counterparts, and also include such products as solvents, thinners, and pesticides in quantities greater than normal household use.
- (h) Use of Toxic or Hazardous Material means the handling, generation, treatment, storage, or management of toxic or hazardous materials.

11.4 Prohibitions

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:

- A. An industrial or commercial process area,
- B. A petroleum, toxic, or hazardous materials and/or waste storage area, or
- C. A leased facility without either A or B of this section but in which the potential for a change of use of the property to a use which does have either A or B is, in the opinion of the Applicable Board or its agent, sufficient to warrant the elimination of the ground discharge at the present.

11.5 Requirements for Existing Facilities

- A. The owner of a facility in operation prior of the effective date this Regulation with a prohibited floor drain system shall:
 - (i) Disconnect and plug all applicable inlets to and outlets from (where possible) applicable leaching structures, oil/water separators and/or septic systems;
 - (ii) Remove all existing sludge in oil/water separators, septic systems, and where accessible, leaching structures. Any sludge determined to be a hazardous waste shall be disposed of in accordance with State Hazardous Waste Regulations 310 CMR 30.000. Remedial activity involving any excavation and/or soil or groundwater sampling must be performed in accordance with appropriate Department policies;
 - (iii) Alter the floor drain system so, that the floor drain shall be either:
 - (a) Connected to a holding tank that meets all applicable requirements of Department policies and regulations, with hauling records submitted to the Applicable Board at the time of hauling;
 - (b) Connected to a municipal sanitary sewer line, if available, with all applicable Department and local permits; or
 - (c) Permanently sealed. Any facility sealing a drain shall be required to submit for approval, to the Applicable Board, a hazardous waste management plan detailing the means of collecting, storing, and disposing any hazardous waste generated by the facility, including any spill or other discharge of hazardous materials or wastes.
- B. Any oil/water separator remaining in use shall be monitored weekly, cleaned not less than every 90 days, and restored to proper conditions after cleaning so as to ensure proper functioning. Records of the hauling of the removed contents of the separator shall be submitted to the Applicable Board at the time of hauling.
- C. Compliance with all provisions of this regulation must be accomplished in a manner consistent with Massachusetts Plumbing, Building, and Fire code requirements.

- D. Upon complying with one of the options listed in this regulation, the owner/operator of the facility shall notify the Department of the closure of said system by filing the Department's UIC Notification Form with the Department, and sending a copy to the Applicable Board.

11.6 Effective Date for All Facilities

A. Existing Facilities

- (i) Owners/Operators of a facility affected by this Regulation shall comply with all of its provisions within one hundred (120) days of the effective date;
- (ii) All applicable discharges to the leaching structures and septic systems shall be discontinued immediately through temporary isolation or sealing of the floor drain.

B. New Facilities

- (i) As of the effective date of the regulation, all new construction and/or applicable change of use within NAS South Weymouth shall comply with the provisions of this regulation.
- (ii) Certification of conformance with the provisions of this regulation by the Applicable Board shall be required prior to issuance of construction and occupancy permits.
- (iii) The use of any new oil/water separator shall comply with the same requirements as for existing systems, as specified above.

11.7 Penalties

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) but not more than One Thousand Dollars (\$1,000.00) for each day such violation continues.

ARTICLE XII - FATS, OIL, AND GREASE (FOG) PRETREATMENT SYSTEMS

12.1 Authority

The Authority acting under the authority of M.G.L. c. 111, § 31 and any amendments and additions thereto, and by any other power thereto enabling, has adopted the following regulation.

All references to 248 CMR shall mean the Code of Massachusetts Regulation for the Massachusetts State Plumbing Code.

12.2 Purpose

The purpose of this regulation is to protect residents, businesses and the environment within NAS South Weymouth from blockages of the Sanitary Sewers caused by Fats, Oils, and Grease (FOG) discharged from food service establishments located in NAS South Weymouth. All new and existing facilities that generate and discharge FOG in the wastewater flow shall install, operate, and maintain a FOG pretreatment system, as further defined herein. The requirements of this regulation shall supplement and be in addition to the requirements of any sewer use rules and regulations adopted by the Authority.

12.3 Definitions

- (a) Agent means, as applicable, any duly authorized agent of the Health Department, as specified under M.G.L. c. 111, § 30.
- (b) Director means the Director of the applicable Health Department.
- (c) Discharge Limit means one hundred (100) milligrams of Fats, Oils, and Grease per liter of wastewater, or a concentration which will cause blockage to the municipal sewer system.
- (d) Food Establishment means any establishment issued a Permit by the Applicable Board or its designated agent to operate a food establishment under Food Code 1-201.10(B)(31), or any facility that prepares or sells food and as a byproduct discharges FOG into the municipal sewer system.
- (e) FOG means Fats, Oils, and Grease.
- (f) FOG Pretreatment System refers to one of the following grease removal systems:
 - (i) Indoor Passive Grease Traps.
 - (ii) Indoor Automatic Grease Traps.
 - (iii) Outdoor/Underground Grease Interceptors.

- (g) Grease Trap also referred to as a grease interceptor by the State Plumbing Code, is a device designed to remove undissolved and/or suspended waste grease and oil from wastewater.
- (h) Indoor Automatic Grease Trap means an active automatic grease trap which separates and removes fats, oils, and grease from effluent discharge, and cleans itself of accumulated grease, fats and oils at least once every twenty-four (24) hours, utilizing electromechanical apparatus to accomplish removal.
- (i) Indoor Passive Grease Trap or Indoor Grease Trap means a passive grease trap installed inside a building and designed to remove fats, oils and grease from flowing wastewater while allowing wastewater to flow through it.
- (j) Officials means, as applicable, any representative from the Health Department, Building Department or the Water and Sewer Division.
- (k) Outdoor/Underground Grease Interceptor or Outside Grease Trap means a passive grease trap installed outside a building (having a capacity of 1500 Gallons or more) and designed to remove fats, oils and grease from flowing wastewater while allowing wastewater to flow through it.
- (l) Permitted Offal/Septage Hauler means any offal/septage hauler which is issued a Permit to haul FOG and/or septage by the applicable Health Department.
- (m) Sewer Pipe means any building or town sanitary sewer piping including but not limited to interior and exterior building sanitary sewer piping , any main, or lateral sanitary sewer piping regardless whether it is located on private or municipal land.
- (n) Substantial Renovations means any renovation to a food service establishment that would increase the number of existing permitted seats or would alter in any way the kitchen facility.
- (o) Waste Grease or Oil means waste grease or oil generated by a food service establishment during the cooking process.

12.4 General Provisions

- A. In every case where a food establishment is preparing or selling food, or other business in which FOG is a byproduct, a suitable FOG Pretreatment System that conforms to the Massachusetts State Plumbing Code 248 CMR 10.09(2), must be installed according to this regulation.

- B. Every individual or entity that owns or operates a food establishment with a FOG Pretreatment System shall be familiar with the use and operation of the FOG Pretreatment System, including, but not limited to, the procedures to clean the system.
- C. The Applicable Board may at any time require the installation, upgrade and/or relocation of a FOG pretreatment system, as it may deem necessary to maintain any particular building sewer pipe, any lateral sewer pipe, or sewer main pipe free from obstructions caused by waste grease or oil emanating from a food establishment. Each establishment must pay all costs for installing and maintaining the systems.
- D. New or substantially remodeled food establishments must install an Outdoor/Underground Grease Interceptor, with a minimum 1500 gallon capacity, or an Indoor Automatic Grease Trap. Both must be sized according to the manufacturer and in compliance with 248 CMR.
- E. Indoor Passive Grease Traps will not be permitted, unless connected to an Outdoor/Underground Grease Interceptor.
- F. Indoor Passive Grease Traps and Indoor Automatic Grease Traps must be cleaned monthly (unless a variance is given by the Director), by a professional drain cleaner, licensed plumber, or permitted offal/septage hauler.
- G. Outdoor/Underground Grease Interceptors must be pumped and inspected by a permitted offal/septage hauler every three months or more frequently as to prevent any grease blockage.
- H. A copy of the Health Department Grease Trap Maintenance Log must be completed and kept onsite for any operation/maintenance to FOG pretreatment systems. The log must be readily accessible for Officials to review.
- I. All pumping and hauling records must be maintained on a monthly basis and be readily accessible to Officials.
- J. Waste grease and oil shall not be disposed by the sanitary sewer. All waste grease and oil must be collected in an appropriate container provided by an approved vendor and stored in an approved location on the premise. The container must be stored on an impervious surface such as concrete, or pavement. Containers must be capable of being sealed or be stored in a sheltered area to prevent entry of precipitation and vermin. All waste grease and oil shall be removed by a permitted offal/septage hauler, said material should be removed from the premises as needed. While being stored, all grease containers and surrounding areas must be kept in sanitary conditions at all times.
- K. All automatic electrical/mechanical grease removal units shall be sized in accordance with the manufacturers written recommendations and be in compliance with 248 CMR.

- L. A separate suitable sampling location as approved by the Director or his/her designee shall be provided for sampling the discharge from any Indoor Passive Grease Traps or Indoor Automatic Grease Traps. The sampling valve must be installed on the discharge piping with a minimum clearance of eight (8) inches to allow samples to be taken by Agent and Officials.
- M. Dishwasher wastewater must discharge into the grease trap per 248 CMR 10.09 (2)(c)(5).
- N. Food waste grinders must comply with the requirements of 248 CMR 10.09 (2)(f)(3).
- O. All connections to the grease removal unit shall be equipped with a Flow Control Device. Flow Control Devices must conform to 248 CMR 10.09(2)(i).

12.5 Enforcement and Inspection

- A. It shall be the responsibility of the Agents to review cleaning and maintenance records for all grease removal systems as part of regular foodservice inspections.
- B. All records pertaining to removal of grease, and waste products shall be retained by the owner or operator on premise for no less than two (2) years. Upon request by an Official, an owner or operator shall furnish all records required to enforce and monitor compliance with this regulation.
- C. Officials may use oil-soluble dyes to identify (by color) the FOG of any given establishment in order to determine if said establishment is a cause of failure or obstruction in a sewer lateral or main.
- D. Agents may order the suspension of a permit to operate a food establishment or the termination of one or more particular operations for:
 - (i) Serious or repeated violations of this regulation.
 - (ii) Interference with an Official in the performance of their duty.
 - (iii) For failure to maintain required records or keeping or submitting any misleading or false records or documents required by this regulation.

The effective date and length of a suspension will be determined by the Director.

- E. Two (2) or more suspensions at an individual food establishment may result in the revocation of the permit to operate.
- F. The applicable Sewer Department may inspect a facility if in its judgment feels that there has been an infraction of the discharge limits to the wastewater.

12.6 Violations

Written notice of any violation of this regulation shall be given to the owner and operator of the food establishment by an Agent, specifying the nature, time and date of the violation and any preventative measure required to avoid future violations, and a correction time frame.

12.7 Variances

The Director may issue variances from the requirements of this regulation for:

- (i) Operation and maintenance (O&M) frequencies (applications for variances for O&M must be accompanied by a written letter from the food establishments O&M contractor).
- (ii) The type of FOG pretreatment system required.
- (iii) Timelines for connection.

Any requests for a variance must be applied for by completing the applicable form and returning it to the applicable Health Department. The reasons for the request must be clear and specific. Financial hardship will not be grounds for a variance.

Any request for a variance for a food establishment to use an alternative method, system or product that does not comply with 248 CMR 3.00 through 10.00 must apply for the variance in writing to the State Board for Plumbers and Gas Fitters per 248 CMR 3.04(2).

12.8 Hearing

The person or persons to whom any order or notice is issued pursuant to this regulation, may request a hearing before the Director. Such request shall be in writing and shall be filed in the office of the applicable Health Department within seven (7) days after receipt.

12.9 Penalty

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by (i) a fine of not more than One Thousand Dollars (\$1,000.00) for each day such violation occurs, and/or (ii) a criminal complaint as provided by M.G.L. c. 111, § 31.

Failure to correct violations of any provision of this regulation may result in the suspension or revocation of a Permit to Operate a Food Establishment as provided in 105 CMR 590.12 or 105 CMR 590.014. Any person violating the provisions of this chapter shall be liable to the Authority or Towns for any loss, expense or damage, including consequential damage, caused by such violation. The Authority or Towns may enforce the provisions of this regulation by any and all civil and equitable procedures.

12.10 Timeline for Connection

- A. If a food establishment is found to be causing blockage to the municipal or other sewer system, the applicable Health Department may order the installation of either an Indoor Automatic Grease Trap or an Outdoor/Underground Passive Interceptor.
- B. Newly built food establishments or those undergoing substantial renovations must install the appropriate FOG pretreatment system according to this regulation as part of the building project. Locations of grease traps and interceptors must comply with 248 CMR 10.09 (2)(a)(b)(c).
- C. All other food establishments must install either an Indoor Automatic Grease Trap or an Outdoor/Underground Grease Interceptor within one (1) year of adoption of this regulation unless a variance is granted by the Director.

ARTICLE XIII - DUMPSTERS

13.1 Authority

The Authority, acting under the authority of M.G.L. c. 111, §§ 31 and 122 and any amendments and additions thereto, and by any other power thereto enabling, has adopted the following regulation.

13.2 Purpose

The purpose of this Regulation is to protect residents, businesses and the environment within NAS South Weymouth from noise, odors, insects, birds, rodents, scavengers, discharges and other nuisances caused by dumpsters.

13.3 Definitions

- (a) Construction and Demolition (C&D) Material means waste generated from construction, renovation or demolition of buildings, but not including garbage or mixed garbage and rubbish.
- (b) Dumpster means any container two (2) cubic yards or larger, that is used to hold C&D material, garbage, rubbish, or recyclable materials.
- (c) Garbage means the animal, vegetable or other organic waste resulting from the handling, preparing, cooking, consumption or cultivation of food, and containers and cans which have contained food unless such containers and cans have been cleaned or prepared for recycling.
- (d) Rubbish means combustible and noncombustible waste materials, except garbage, and includes but is not limited to such material as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass or any other discarded solid or liquid matter.
- (e) Hauler/Contractor means any person, entity, firm, corporation or company, which transports, delivers, removes, or stores dumpsters within NAS South Weymouth.

13.4 Hauler/Contractor Requirements

- A. No hauler/contractor shall install, maintain or empty a dumpster within NAS South Weymouth until it has been granted an annual permit by the applicable Health Department.
- B. The fee for an annual permit shall be One Hundred Dollars (\$100.00) for each dumpster.

- C. Dumpsters shall only be emptied, delivered or picked up between the hours of 7:00AM to 9:00 PM, unless otherwise ordered by the applicable Health Department.
- D. All haulers/contractors shall have the name and phone number of the company or individual owner on the transporting vehicle.
- E. All haulers/contractors shall ensure that dumpster contents are not spilled during removal or transportation.

13.5 Dumpster Requirements

- A. Each dumpster owned, controlled or serviced by a hauler/contractor shall be conspicuously marked with the name and telephone number of said company.
- B. Dumpsters shall be of sufficient size and capacity to contain the waste accumulated between collections. No overflow of materials shall be stored in or outside them or in the immediate vicinity or enclosure.
- C. Dumpsters shall have tight fitting lids, and shall be kept closed at all times except when placing refuse in them.
- D. Dumpsters shall be constructed in such a way to be leak-proof and vermin proof with the exception of allowing a small built in drainage port as may be required.
- E. Dumpsters shall be cleaned and deodorized with sufficient frequency as to prevent objectionable conditions and odors. The applicable Health Department may at any time require cleaning or deodorizing or relocation to prevent objectionable odors.
- F. Dumpsters shall be located as to not interfere with the health, safety, or well being of any resident or business.
- G. The applicable Health Department may at any time order the relocation of a dumpster if it is deemed to be interfering with the health, safety or well being of others.
- H. Dumpsters shall be placed on a solid surface such as asphalt, concrete or stone block.
- I. If upon inspection a dumpster is found to be creating a nuisance condition, the applicable Health Department may order that it be enclosed, screened or other correction.

13.6 Exemptions

Dumpsters that solely contain C&D Material shall be exempt from Section 13.5(C) and (H).

13.7 Enforcement and Inspection

- A. Both the owner/agent of the property on which the dumpster/container is located and the hauler/contractor of the dumpster/container shall be responsible for meeting the requirements of this regulation.
- B. The applicable Health Department shall investigate dumpster complaints/concerns and issue notices to property owners/agents or contractor/haulers or both as deemed necessary to correct the violation.
- C. For the purpose of this regulation, the applicable police department may act to document violations which will be forwarded to the applicable Health Department for enforcement.

13.8 Penalty

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by (i) a fine of not more than Three Hundred Dollars (\$300.00) for each day such violation occurs, and/or (ii) a criminal complaint as provided by M.G.L. c. 111, § 31.

Failure by any hauler/contractor to correct violations of any provision of this regulation may result in the suspension or revocation of their permit under this regulation.

ARTICLE XIV - WELL REGULATIONS

14.1 Purpose

These regulations are intended to protect the public health and general welfare by ensuring that private wells are constructed in a manner so as to reduce the risk of water quality degradation.

14.2 Authority

These regulations are adopted by the Authority, as authorized by M.G.L. c. 111, § 31.

14.3 Prohibition on Potable Wells

Potable wells are prohibited within NAS South Weymouth.

14.4 Definitions

- (a) Agent means any designated representative of the Applicable Board authorized to execute these regulations. The agent shall have all the authority of the appointing Applicable Board and shall be directly responsible to the Applicable Board and under its direction and control.
- (b) Applicant means any person who intends to have a private well constructed by filing the appropriate application with the Applicable Board.
- (c) Aquifer means a water bearing geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.
- (d) Casing means impervious durable pipe placed in a boring to prevent the walls from caving and to serve as a vertical conduit for water in a well.
- (e) Certified Laboratory means any laboratory currently certified by the Commonwealth of Massachusetts Department of Environmental Protection for the analysis of drinking water quality.
- (f) Person means an individual, corporation, company, association, trust, or partnership.
- (g) Private Well means any dug, driven, or drilled hole, with a depth greater than its largest surface diameter developed to supply water intended for irrigation purposes and/or groundwater source heat pump and not subject to regulation by 310 CMR 22.00. Private well shall not include any dug, driven, or drilled hole that is installed for the purposes of site investigation, site work or geotechnical or similar work.

- (h) Pumping Test means a procedure used to determine the characteristics of a well and adjacent aquifer by installing and operating a pump.
- (i) Registered Well Driller means any person registered with the Commonwealth of Massachusetts Department of Environmental Management/Office of Water Resources to dig or drill wells in the Commonwealth of Massachusetts.
- (j) Right of Way (ROW) means any roadway or thoroughfare on which public passage is made, and any corridor of land over which facilities such as railroads, pipelines, power lines, conduits, channel, or communications lines are located.
- (k) Structure means a combination of materials assembled at a fixed location to provide support or shelter, such as a building, framework, retaining wall, fence, or the like.

14.5 Well Construction Permit

The property owner or his designated representative shall obtain a permit from the Applicable Board prior to the commencement of construction of any private well.

- A. Each permit application will be reviewed and approved by the Applicable Board and, as needed, a representative of the applicable department of public works before a permit to construct any well will be issued.
- B. Each permit application to construct a well shall include the following:
 - (i) the property owner's name and address.
 - (ii) the well driller's name and proof of valid state registration.
 - (iii) a plan drawn to a specific scale, signed by a surveyor or engineer registered in the Commonwealth of Massachusetts, showing the location of the proposed well in relation to existing or proposed above or below ground structures.
 - (iv) a description of visible prior and current land uses within two hundred (200) feet of the proposed well location, which represent a potential source of contamination, including but not limited to the following:
 - (a) existing and proposed structures.
 - (b) subsurface sewage disposal systems.
 - (c) subsurface fuel storage tanks.
 - (d) public ways.
 - (e) utility rights-of-way.

- (f) water lines.
 - (g) sewer lines.
 - (h) property lines.
 - (i) surface and subsurface drains, including drywells and water quality BMP's (Best Management Practices).
 - (v) A permit fee of \$100.00 in a check form made payable to the Applicable Board.
- C. The permit shall be on site at all times that construction of the well is taking place. Each permit shall expire one (1) year from the date of issuance unless revoked for cause. Permits may be extended for one additional six (6) months period provided that a written request is received by the Applicable Board within thirty (30) days prior to the one year expiration date.
- D. Well Construction Permits are not transferable.

14.6 Well Location and Use Requirements

In locating a well, the applicant shall identify all potential sources of contamination which exist or are proposed within five hundred (500) feet of the site. When possible, the well shall be located up-gradient of all potential sources of contamination and shall be as far removed from potential sources of contamination as possible, given the layout of the premises.

- A. Each private well shall be accessible for repair, maintenance, testing, and inspection.
- B. The well shall be constructed in a water bearing formation that will produce the required quantity of water under foreseeable extreme operating conditions.
- C. Minimum well site distance requirements are as follows, unless a greater distance is provided for in any statutes or regulations of the Commonwealth of Massachusetts, including, but not limited to Title 5 of the State Environmental Code:

Cesspool	100 feet
Leaching area	100 feet
Reserve leaching area	100 feet
Septic tank	50 feet
Property lines	25 feet
Subsurface drains	100 feet
Surface water	100 feet

Rights of Way/Easements	25 feet
Municipal sewer, building sewer	50 feet
Subsurface fuel storage tanks	50 feet

- D. The Applicable Board reserves the right to impose minimum lateral distance requirements from other potential sources of contamination not listed above. All such special well location requirements shall be listed, in writing, as a condition of the well construction permit.
- E. No private well, or its associated distribution system, shall be connected to either the distribution system of a public water supply system or any type of waste distribution system.
- F. Irrigation wells must be posted with a permanently fixed sign located at the pump outlet. The sign must be constructed of a sturdy weather resistant material, either plastic or non-corrosive metal, the sign must be at least 10 inches by 10 inches with legible writing, the sign must state: "This well is permitted for irrigation use only, not for human consumption."
- G. No private well permitted under this regulation shall be used for human consumption.
- H. No private well shall be used for its intended purpose until a final inspection has been completed by an agent of the Applicable Board and written approval has been given by the Applicable Board to the Applicant indicating that compliance with these regulations has been met.

14.7 Water Quality Testing Requirements

Water quality may be required to conform to standards of the Commonwealth of Massachusetts for public water supplies.

- A. The Applicable Board reserves the right to require retesting, or testing for additional parameters when, in the opinion of the Applicable Board, it is necessary due to local conditions or for the protection of the public health, safety and welfare. All costs and laboratory arrangements for the water testing are the responsibility of the Applicant.

14.8 Well Construction Requirements

Pursuant to 313 CMR 3.00, no person in the business of digging or drilling shall construct a well unless registered with the Commonwealth of Massachusetts.

- A. Any work involving the connection of the private well to the irrigation distribution system of the residence must conform to all applicable plumbing codes. All electrical connections between the well and the pump controls and all piping between the well and the storage and/or pressure tank in the house must be

made by a pump installer or registered well driller in conformance with all applicable electrical codes.

- B. A physical connection is not permitted between a water supply which satisfies the requirements of these regulations and another water supply that does not meet the requirements of these regulations without prior approval of the Applicable Board.
- C. There shall be no direct discharge of any unfiltered water byproducts produced during the well drilling into any catch basins, storm drains and/or surface water.
- D. It shall be the well drillers responsibility to correct any damage to town owned property or ways and/or utilities caused during the well construction process.
- E. All private water supply wells shall be designed such that:
 - (i) the materials used for the permanent construction are durable in the specific hydrogeologic environment that occurs at the well site, and
 - (ii) no unsealed opening will be left around the well that could conduct surface water or contaminated groundwater vertically to the intake portion of the well or transfer water from one formation to another.
- F. Permanent construction materials shall not impart toxic substances, taste, odors, or bacterial contamination to the water in the well.
- G. The space surrounding the well casing should be sealed with a water tight grouting extending from the surface of the ground to a depth of ten (10) feet.

14.9 Decommissioning Requirements

Abandoned wells, test holes, and borings shall be decommissioned so as to prevent the well, including the annular space outside the casing, from being a channel allowing the vertical movement of water.

- A. The owner of the private well shall decommission the well if the well meets any of the following criteria:
 - (i) construction of the well is terminated prior to completion of the well,
 - (ii) the well owner notifies the Applicable Board that the use of the well is to be permanently discontinued,
 - (iii) the well has been out of service for at least three years,
 - (iv) the well is a potential hazard to public health or safety and the situation cannot be corrected,

- (v) the well is in such a state of disrepair that its continued use is impractical, and
 - (vi) the well has the potential for transmitting contaminants from the land surface into an aquifer or from one aquifer to another and the situation cannot be corrected.
- B. The property owner shall be responsible for ensuring that all abandoned wells and test holes or borings associated with private well installation are properly plugged. Only registered well drillers may plug abandoned wells, test holes, and borings.
- C. In the case of new well construction, all test holes and borings shall be plugged before the well driller completes work at the site.

14.10 Enforcement

The Applicable Board shall investigate violations of these regulations and may take such actions as the Applicable Board deems necessary for the protection of the public health and the enforcement of these regulations.

- A. If any investigation reveals a violation of these regulations, the Applicable Board shall order the private well owner to comply with the violated provisions(s). These orders shall be in writing and served in the following manner:
- (i) personally, by any person authorized to serve civil process;
 - (ii) by any person authorized to serve civic process by leaving a copy of the order at the well owner's last and usual place of abode;
 - (iii) by sending the well owner a copy of the order by registered or certified mail, return receipt requested, if the well owner is within the Commonwealth; or
 - (iv) if the well owner's last and usual place of abode is unknown or outside the Commonwealth, by posting a copy of the order in a conspicuous place on or about the premises and by advertising it for at least three out of five consecutive days in one or more newspapers of general circulation within the Central Redevelopment Area or the Towns.

14.11 Hearing

The private well owner to whom any order has been served may request a hearing before the Applicable Board by filing with the Applicable Board within seven (7) days after the day the order was served, a written petition requesting a hearing on the matter. Upon receipt of such petition, the Applicable Board shall set a time and place for such hearing and shall inform the well owner thereof in writing. The hearing shall be commenced not later than thirty (30) days after the day on which the order was served. The Applicable Board, upon application of the well owner, may postpone the date of hearing for a

reasonable time beyond such thirty (30) day period if in the judgment of the Applicable Board the well owner has submitted a good and sufficient reason for such postponement. At the hearing, the well owner shall be given an opportunity to be heard and show why the order should be modified or withdrawn. After the hearing, the Applicable Board shall sustain, modify, or withdraw the order and shall inform the well owner in writing of its decision. If the Applicable Board sustains or modifies the original order, it shall be carried out within the time period allotted in the original order or in the modification.

Every notice, order, or other record prepared by the Applicable Board in connection with the hearing shall be entered as a matter of public record in the office of the clerk of the Authority or Towns, as applicable, or in the office of the Applicable Board.

14.12 Penalties

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) for each day such violation continues.

14.13 Variance

The Applicable Board may, after a public hearing, grant a variance to the application of these regulations when, in its opinion, the enforcement thereof would do manifest injustice, and the applicant has demonstrated that the equivalent degree of protection will still be provided to the private water supply without strict application to particular provisions of these regulations.

Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. The request shall contain all the information needed to assure the Applicable Board that, despite the issuance of a variance, the public health and environment will be protected. Notice of the hearing shall be given by the Applicable Board, at the applicant's expense, at least ten (10) days prior thereto, by certified mail to all abutters of the property upon which the private well is located and by publication in a newspaper of general circulation in the town in which the private well is located. The notice shall include a statement of the variance sought and the reasons therefore. Any grant or denial of a variance shall be in writing and shall contain a brief statement of the reasons for approving or denying the variance. A copy of each variance shall be conspicuously posted for thirty (30) days following its issuance and shall be available to the public at all reasonable hours in the Office of the Town Clerk in the applicable Town if a Town Board of Health is the Applicable Board, and the Authority's office if the Authority is the Applicable Board, as well as in the office of the Applicable Board. No work shall be done under any variance until thirty (30) days elapse from its issuance, unless the Applicable Board certifies in writing that an emergency exists.

Any variance may be subject to such qualification, revocation, suspension, condition, or expiration as is provided in these regulations or as the Applicable Board expresses in its grant of the variance. A variance may otherwise be revoked, modified or suspended, in

whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard, pursuant to this regulation.

14.14 Disclaimer

The issuance of a well permit shall not be construed as a guarantee by the Applicable Board or its agents that the water system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use.

ARTICLE XV - RECOMBINANT DNA REGULATIONS

15.1 Purpose

All use of recombinant DNA (“rDNA”) within NAS South Weymouth shall be undertaken only in strict conformity with the Guidelines (as hereinafter defined) and the other requirements of this Article.

15.2 Definitions

- (a) “Guidelines” shall mean:
 - (i) National Institutes of Health (NIH) Guidelines for Research Involving Recombinant DNA Molecules, published in the Federal Register of April 2002.
 - (ii) Any amendments, revisions, or substitutions made to the above-referenced Guidelines.
 - (iii) In the event that the National Institutes of Health discontinues or abolishes the Guidelines, those Guidelines in effect and approved by the Applicable Board at the time of such discontinuance shall remain in effect.
- (b) “Institution” shall mean any person, natural or otherwise, sole proprietor, corporation, limited liability company, partnership, trust, association, public or private organization, federal, state or local government agency, or any other individual or entity acting in its own or any representative capacity.
- (c) “Recombinant DNA” shall mean (i) molecules constructed outside living cells by joining natural or synthetic DNA or RNA segments to DNA or RNA molecules that can replicate a living cell, or (ii) molecules that result from the replication of those described in (i) above, which definition shall be amended by any amendments made to the definition of recombinant DNA within the Guidelines.
- (d) All other terms used herein shall have the meanings as set forth in the Guidelines.

15.3 Permit Application & Requirements

- (a) All institutions proposing to use rDNA shall submit a permit application to the Applicable Board, which application is on file with the Applicable Board. In addition to the application, the submittal shall, at a minimum, include the following:
 - (i) The institution’s training program, setting forth safeguards and procedures for personnel using rDNA;

- (ii) A health and safety manual, containing all procedures relevant to the use of rDNA at all levels of containment in use at the institution;
 - (iii) Documentation of the institution's waste disposal program, evidencing compliance with all applicable federal, state and local laws;
 - (iv) A detailed membership list of the Institutional Biosafety Committee (as hereinafter defined);
 - (v) The institution's rodent and insect control program;
 - (vi) The institution's medical surveillance program (as established by that institution's Institutional Biosafety Committee); and
 - (vii) A permit fee of \$300.
- (b) All permit applicants must establish an Institutional Biosafety Committee ("IBC") in accordance with the Guidelines, except that the required composition of each IBC shall include at least one (1) representative who is a resident of one of the three Towns and one (1) member of the Applicable Board or its designee. The community representative shall be appointed by the Applicable Board. These members shall be bound to the same provisions as to non-disclosure and non-use of proprietary information and trade secrets as all other members of the IBC, except to the extent necessary to alleviate any public health hazard. The IBC shall be the final arbiter within an institution with regard to the implementation of the Guidelines. All minutes of IBC meetings shall be sent to the Applicable Board within thirty (30) days of the meeting after first removing any proprietary information and trade secrets therefrom.
- (c) All permit holders must allow reasonable inspections of facilities and pertinent records by the Applicable Board.
- (d) All permit holders must follow the Guidelines as defined in this Article, and any regulations duly adopted by the Applicable Board pursuant to the provisions of this Article, and must also adhere to any restrictions that may be required by the Applicable Board as a condition of granting such permit.

15.4 Permit Procedure

- (a) The Applicable Board shall hold a public meeting within twenty-one (21) days of receipt of a completed permit application or letter of intent to renew a permit. The Applicable Board shall issue its approval or denial, in writing and with conditions or reasons therefor, within twenty-one (21) days of the close of the public meeting.
- (b) Permits shall take effect on the date on which they are issued and shall expire one (1) year after the date of issuance. In order to renew a permit, an institution must,

within thirty (30) days prior to the expiration date, submit a letter of intent to renew and any substantive information relating to changes in the institution's program. The fee for renewal of any such permit shall be \$300.

15.5 Restrictions

Experimentation with, or use of, rDNA technology classified by the Guidelines as requiring BL-4 or P4 level of containment shall not be permitted.

15.6 Board Notification

- (a) The permit holder shall report, within seven (7) days, to the Applicable Board any violations of the Guidelines or this Article, or any rDNA-related accidents or illnesses.
- (b) Any release of rDNA molecules from the physical containment facilities or into the environment which represents a potential hazard to employees or the public or the environment shall be reported to the Applicable Board immediately, and in no case more than twenty-four (24) hours after the release.

15.7 Penalties for Violation

- (a) A violation of any of the provisions of this Article shall subject the violator to a fine of \$300 per day. Each day of violation shall constitute a separate and distinct offense.
- (b) Once a permit has been issued, it may be revoked, suspended, modified or not renewed by the Applicable Board only upon a determination by the Applicable Board, after due notice and hearing, that the permit holder has failed to comply with this Article, the permit or the Guidelines.
- (c) Notwithstanding the above, the Applicable Board, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing.

15.8 Assessment of Expenses

The salaries and expenses paid by the Applicable Board for inspections, reviews, staff and consultants for work directly related to carrying out the requirements of this Article may be assessed, if necessary, to the institutions holding permits under this Article. Upon request, an accounting of these costs will be furnished annually to each institution.

15.9 Variances

Variances from the specific requirements of this Article may be authorized by the Applicable Board after notice and a public hearing if the Applicable Board reasonably determines that the relief sought will not be detrimental or injurious to the public health.