

1.11 PROTECTION OF GROUND WATER

In order to protect, preserve, and maintain the existing and potential groundwater supply and groundwater recharge areas within the Town of Bolton, no person shall alter the quality of any surface water or groundwater without first filing with the Board of Health and obtaining and complying with a groundwater alteration permit. For the purposes of this Bylaw, the following activities are allowed without permit:

- a) Application of fertilizer and pesticides in accordance with manufacturers' recommended procedures or standards approved by state, federal, or local agency.
- b) Non-injection sewage disposal (e.g. typical domestic septic systems) in accordance with Title 5 of the State Environmental Code.
- c) Construction of single family dwellings, additions and accessory buildings.

This Bylaw should in no way be interpreted to limit or restrict the authority of the Board of Health.

1.11.1 Permit

The Board of Health shall issue and improve regulations which shall govern filing procedures and other matters related to carrying out the requirements of this Bylaw.

The Board of Health shall, within 21 days of receipt of all required information, determine at a public meeting whether the proposed alteration will have a significant effect on the groundwater quality, groundwater recharge or groundwater elevation. If the Board of Health determines that insufficient information has been provided by the applicant or that additional technical consultation is required it may delay the determination until the required information and/or consultation can be provided.

1.11.2 Performance Standards

Any alteration subject to the permit requirements of this Bylaw shall comply with the following minimum performance standards:

- a) All hazardous material shall be retained in product-tight containers and removal and disposal off-site shall be directed by the Board of Health. No hazardous material shall be present in wastes disposed of on-site.
- b) Process wastes from operations other than personal hygiene and food for residents, patrons, and employees shall be treated so that contaminant levels in groundwater resulting from such disposal will not exceed background levels of individual constituents. Process wastes shall be disposed of in a separate location from wastes generated from personal hygiene and food for residents, patrons, and employees or from building and parking area drainage.
- c) All chemicals, fuel, fertilizers, pesticides or other potentially contaminating substances shall be stored and handled in such a way that will prevent the release of leachate to (surface or) groundwater. Storage and handling measures shall include protection from vandalism, accidental damage or corrosion.
- d) All underground tanks shall meet the initial and periodic inspection requirements as promulgated in Board of Health underground tank regulations. Underground tanks of 300 gallons or less shall not be inspected more than once every four years.

- e) All runoff from artificial impervious surfaces shall be recharged where possible on the site, diverted toward areas covered with vegetation for surface infiltration. Dry wells shall be used only where the above methods are infeasible, and shall be preceded by grit chambers to facilitate removal of contaminated solids. No discharge directly into surface waters without intervening mitigative measures, including trapped catch basins and oil absorbents, will be allowed.
- f) New commercial earth removal operations shall be limited to a minimum of 4 feet above maximum ground water and exposed land shall be returned to its natural vegetative state as of the date of implementation of the Bylaw when excavation is complete.
- g) An erosion and sedimentation plan shall be provided to control the effects of construction to maximize on-site recharge.

1.11.3 The Board of Health, its agents, offices and employees may enter upon the land on which an alternative is proposed in response to a filing or application, and/or for the purposes of carrying out its duties under this Bylaw, and may make or cause to be made such examination or survey as it deems necessary.

1.11.4 This Bylaw shall not apply to emergency projects necessary for the protection of the health and safety of the residents of Bolton and ordered or performed by an administrative agency of the town, state or federal government.

1.11.5 Appeal from this Bylaw shall be to the Superior Court within 15 days of the issuance of a decision by the Board of Health.

1.11.6 Fine for violation of this Bylaw shall be Fifty Dollars (\$50.00) for each offense, each day of violation to be a separate offense.

1.11.7 The invalidity of any section(s) or provision(s) of this Bylaw shall not invalidate any other provision or section thereof.

1.11.8 Definitions

- a) Alter: As used in this Bylaw shall mean the undertaking of any activity or construction which will change the existing drainage patterns, recharge characteristics or recharge, ground or surface water constituents, either temporarily or permanently, or which, through production, storage, or transportation of toxic or hazardous substances in any amounts beyond those necessary for normal household use, may foreseeably result in accidental introduction of those substances into ground or surface waters.
- b) Hazardous Material: A material or combination of material, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
 - 1) Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating illness; or
 - 2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

- c) **Maximum Groundwater Elevation:** The height of the groundwater table when it is at its maximum level of elevation as stated in State Environmental Code, Title 5.
- d) **Person:** As used in this Bylaw shall include: Any individual, group of individuals, association, partnership, corporation, company, business, organization, trust estate, the commonwealth or political subdivision thereof, administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representatives, agents or assigns.