

Town of Marshfield

Board of Health

Voted January 8, 1990

Regulation: Board of Health Permits for all Marina and other Town of Marshfield.

Section 1

In accordance with Massachusetts General Law Chapter III, Sections 31 and 122 and Massachusetts General Laws Chapter 91 Sections 59 and 59B, and Massachusetts General Law Chapter 90B Section 15 and under every other power thereto enabling the Marshfield Board of Health adopted the following Regulation at its regularly scheduled meeting held January 8, 1990 to further protect the public health and safety of the residents of the Town of Marshfield. This regulation will apply to marina moorings, or other boating facilities as defined herein serving watercraft and/or serving boats with holding tanks.

Section 2 Definitions:

Board The duly elected members of the Board of Health in the Town of Marshfield.

Marina, Boating Facilities A location of safe refuge, moorage, slippage, storage or anchorage for five (5) or more vessels, which may supply provisions, marine supplies, or chandlery; or at which these may be obtained, and which a fee may be charged for the use of these facilities and/ or services; and to include any or all wharf's, piers, pilings, dolphins, floats-fixed or portable, or any boat facilities either private or public used for the keeping of any vessels over five (5) in number. This definition shall include municipal boating facilities, piers and moorings. See current listing of Marinas/Boating Facilities supplied by the Harbormaster.

Potable Water A water supply of sufficient quantity and pressure that the Board of Health or agent has determined, by requiring the water to be tested, does not endanger the health of any potential user and is fit for human consumption. A source shall be deemed potable, which meets, at a minimum, coliform testing. Other tests may be required, by the Board or agent, if it is deemed necessary. The costs of all testing will be borne by the applicant.

Section 3

Effective on May 1, 1990, application for permit by all marinas located in the Town of Marshfield shall be made in writing on a form provided by the Board of Health. Current specifications will be available after this date. The non-refundable fee for such permit

shall be set annually. (See Permits for marinas, boating facilities, and Town Pier on current fee schedule.)

An annual inspection shall be made by the Board's agent prior to issuance of the permit. All marinas, in the town, must have an annual permit issued by the Board of Health. In order to obtain a permit the marina, boating facility or Town Pier must provide the following where the Board or its agent determines it is applicable:

- A. An adequate waste oil retention facility, which complies with the provisions of the Massachusetts General Law Chapter 21 Section 52A and the Marshfield Board of Health's Waste Oil Retention Facility Policy dated February 1, 1988. The retention facility is required where a marina/ boating facility performs engine repairs and is licensed to sell gasoline/ oil to include any municipal boating facility or pier. Any storage facility shall be permitted by the Fire Department in accordance with their established policy and will be subject to periodic inspections to ensure continued compliance. All state, federal and local requirements should be met.
- B. Adequate and conveniently located toilet facilities for the use of the occupants of the watercraft. (Chapter 91 S59B)
- C. A potable supply of water
- D. An adequate supply of trash or garbage receptacles with covers and/or lids with a sufficient collection schedule. Such schedule shall be posted in a prominent location.
- E. All marinas must have a holding tank and/or pumpout facility for the collection of sewage waste. Such holding tanks must meet all State Federal and local requirements and current specifications based on best management practices, including but not limited to. (Chapter 91, Sections 59 and 59B, Title 5 Policy memorandum #89-1 and #87-7) The contents of the holding tank shall be disposed of in such a manner as not to be discharged into or near any waters of the municipality and shall be removed by a pumper currently licensed by the Board of Health. Disposal of sewage waste must be to an adequate approved sewage treatment facility. Documentation of proper disposal is a requirement of the permit. This paragraph does not preclude more than one marina from utilizing a single pump-out facility if the marinas are located in the same general vicinity and obtain special Board of Health permission in accordance with section 7 of this regulation.
- F. The discharge of oil, raw or inadequately treated fish, garbage or debris of any sort into the waters, shores or beaches of the Town is prohibited.
- G. In 1988 the United States and Commonwealth of Massachusetts regulated the use of antifouling paints which contain tributyltin (TBT) in accordance with the U.S. Public Law 100-350 Stat 605 Organotin Antifouling Paint Control Act of June 16, 1988.

Both the U.S. and Commonwealth regulations prohibit the use of antifouling paints on vessels of 25 meters (82 feet) or less. Aluminum hulled boats are excepted.

Hosing, washing or removal of layers of paint containing TBT will transfer it to the area around the boat and has the potential to find its way into the aquatic environment.

To decrease this risk the Board of Health will not permit any hosing, washing or removing paint from vessels coated with antifouling paints containing TBT. These vessels include aluminum-hulled boats, boats longer than 25 meters or boats whose owners/operators/servicers have applied paints containing TBT in defiance of the U.S. and Commonwealth statutes.

- H. Houseboats used as either a permanent or temporary residence are prohibited from docking unless they receive prior written approval from the Board of Health.
- I. The Board requires the use of non-chemical, biodegradable or enzymatic products in boat holding tanks and porta-toilets. The above is one requirement of ultimate disposal of the effluent at the Marshfield Wastewater Treatment Facilities.

In addition to an annual inspection, the Board or its agent may make periodic inspections of any marina to determine whether a pollution violation exists.

Section 4

The requirements of this regulation where deemed applicable by the Board of Health must be met at all marinas, moorings, boating facilities as defined herein on or before October 1, 1990.

Section 5

All Marinas must hold a valid permit from the Board of Health to operate in the Town of Marshfield. Permits shall be issued on or about January first each year. Inspections shall be made on or about October 15 through November 15 each year. Each applicant will be charged an annual non-refundable Marina/ Boating Facility Permit nonrefundable permit fee mentioned in Section 3 which shall be paid in October for the permit period beginning the following January.

No Marina shall operate without a valid permit from the Board of Health. The annual permit is not transferable. A permit may be revoked in accordance with section 8 of this Regulation. A permit will be issued for a specified number of total boats. Expansions will only be allowed under section 7.

Section 6: Penalties

Whoever violates the provisions of this regulation shall be punished for the first offense, by a fine of not less than \$50, not more than \$200 dollars, and for a subsequent offence, by a fine of not less than \$300. For the purpose of this regulation, each day or part thereof, of any violation shall be considered a separate offense.

Section 7: Variance/Waiver/Special Permission

The Board of Health may vary the application of any provision of the Regulation, by a majority vote of the Board, when in its opinion, the enforcement thereof, would do MANIFEST injustice, provided that the decision of the Board shall not conflict with the spirit of this Regulation and will provide the same amount of environmental protection. The applicant must request a variance, waiver or special permission in writing on a form provided by the Board of Health.

Any variance, waiver, or special permission shall be granted or denied in writing, on this same form, and should contain a brief statement of the reason for denial.

A copy of each variance shall be kept in the Board of Health office and available to the public during normal business hours while in effect.

A non-refundable variance-filing fee shall be charged per application. (See Marina Variance Filing Fee on current fee schedule)

Section 8: Expiration, modification of suspension of any variance, waiver, special permission or permit

Any variance, waiver, special permission or permit may be revoked, modified or suspended, in whole or part, by a majority vote of the Board, only after the holder thereof has been notified in writing by the Board of Board's agent and has been given an opportunity to be heard at a hearing. (See section 15.24 of Title 5 for orders and hearings)

Section 9: Expansions of Marinas

A request for an expansion of the number of permitted boars will be made in writing and accompanied by a non-refundable expansion request fee. In addition to the request a plan for increasing the size of the pump-out facility must also be submitted by a registered professional engineer, and documentation of destination of sewage disposal.

Section 10: Independent Consultant Review

If the Board, in the exercise of its discretion deems it necessary to hire an independent expert consultant for any issue relative to this regulation, including but not limited to, plan review, engineering information, determination of environmental impacts, and interpretation of data, the entire fee for the consultant will be paid for by the applicant. The mutually agreed upon consultant will be hired by the Marshfield Board of Health. The applicant will pay the fee to the Board of Health, who in turn will pay the consultant. If requested, the consultant may qualify as a Special Employee of the Town by a vote of the Selectmen. The consultant's fee shall not exceed the prevailing rate for such service in the Metropolitan Boston Area.

Section 11 Severability

If any provision of this regulation is declared unlawful by a valid judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining provisions of this regulation. This regulation shall take effect upon publication in a newspaper of general circulation in the Town of Marshfield and shall file with the DEP/DWPC in Boston and Lakeville.

Marshfield Board of Health

Christine M. Ryan, Chairman
Gerald J. Maher, Vice Chairman
Douglas A. Little, Clerk