

## CHAPTER 300, ARTICLE 11

### Regulations for Pesticide, Chemical, and Fertilizer Applicators

Article 11 of the Sharon Board of Health Regulations aims to protect public health, safety, welfare, and the environment by requiring the proper application of potentially harmful Plant Nutrients, Chemicals, and Pesticides. Plant Nutrients, Chemicals, and Pesticides can promote algae growth in water resources and pollute drinking water wells and waterways. This article must be read with 330 CMR 31.000 and 333 CMR, which contains many other provisions and requirements for applying Plant Nutrients, Chemicals, and Pesticides. The provisions of 330 CMR 31.000 and 333 CMR shall govern, except where more stringent standards are set by Article 11. Article 11 is promulgated under the authorities of MGL c. 111, § 2C, 5S, 27, 27A, 30, 31, 31A, 31B, 31C, 122, 122A, 124, 127B, 162, 169, MGL c. 128 § 64, 65A, and MGL c. 132B § 7.

#### § 300-11.1. Definitions.

- A. The provisions of MGL c. 111, c. 128, c. 132B, 330 CMR 31.00, and 333 CMR Definitions shall apply, except where these regulations establish higher standards.
- B. Additional definitions. The words, terms, phrases, abbreviations, and acronyms listed below for these regulations shall be defined and interpreted as follows:

**BOARD OF HEALTH** — A board appointed by the Select Board to implement the health laws of the Commonwealth and the Town. The Board includes persons duly authorized to act on its behalf.

**DEP** — The Massachusetts Department of Environmental Protection.

**HEALTH ADVISORY BOARD** — A committee appointed by the Board of Health to provide advice and expertise in public health matters.

**LOT** — An area of land in one ownership, with definite boundaries.

**MDAR** — The Massachusetts Department of Agricultural Resources.

**PLANT NUTRIENT** — Substance that contains one or more of the primary nutrients of nitrogen, phosphorus, or potassium, including but not limited to; animal manure, fertilizer, organic compost, natural organic fertilizer, agricultural byproducts, digestate, biosolids, or combinations thereof.

**WATER RESOURCE PROTECTION DISTRICT** — The Surface Water Resource Protection District and the Groundwater Resource Protection District are zoning overlay districts established by the Sharon Zoning Bylaw to protect drinking water supplies.

**WATER BODIES** — As defined in the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and its regulations, codified at 310 CMR 10.00 and the Town of Sharon Wetlands Protection Bylaw, Chapter 262 of the Town Bylaws.

**WETLANDS** — As defined in the Massachusetts Wetland Protection Act, MGL c. 131, § 40, and its regulations, codified at 310 CMR 10.00 and the Town of Sharon Wetlands Protection Bylaw, Chapter 262 of the Town Bylaws.

### **§ 300-7.2. General Requirements.**

#### **A. Registration.**

- (1) Any company or persons authorized by an owner, be it by a service contract or other arrangement, to apply Plant Nutrients or Pesticides shall register annually with the Board of Health and obtain a permit valid for twelve (12) months from the issuance date.
- (2) The online registration fee for the annual permit shall be fifty dollars (\$50).

#### **B. Records.**

- (1) At a minimum, records of activities shall be provided to the Board of Health annually. Documents to be submitted, when applicable, shall include but not be limited to; site location and size, soil test results, date of application, type, and amount of plant nutrients applied.

### **§ 300-7.2. Violations.**

#### **A. Penalties**

- (1) Failure to properly comply with 330 CMR 31.000, 333 CMR, or Chapter 300 Article 11 shall result in a \$250 penalty per offense.
  - (a) Additional administrative penalties levied by the MDAR shall also apply.

### **§ 300-7.3. Severability.**

The provisions of Article 11 are severable. If any provision of Article 11 is declared invalid or inapplicable to any particular circumstance, the invalidity or inapplicability will not affect the enforceability of the remainder of Article 11.

**§ 300-7.4. When effective.**

This regulation shall take effect 30 days after the publication of a summary of the regulation.