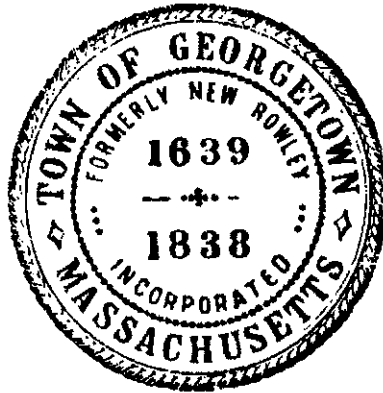


# Town of Georgetown Board of Health

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Georgetown, MA 01833  
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Revisions Adopted at the Board of Health  
Hearing of January 11, 2023

Effective February 08, 2023  
These Regulations Supersede other versions

## Board of Health Code of Regulations

(CHAPTER 462 Sections 462-1 through 462-18)

**CHAPTER 462  
SEWAGE DISPOSAL**

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**History: Adopted by the Board of Health of the Town of Georgetown: Article I, 12-9-1974, effective 12-19-1974; Article II, 5-22-1984; Article III, 12-6-1993, effective 12-7-1993. Revisions made at time of publication of Code. Other amendments noted where applicable; Amended 10-13-1999 (effective Oct. 29, 1999), Amended 1-11-2023 (effective Feb. 8, 2023).**

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**ARTICLE I**  
**Location of Utility Mains and Service Lines**  
**[Adopted 12-9-1974, effective 12-19-1974] [amended 1-11-2023]**

**462-1. Drawings to be submitted**

Where sewage disposal systems are required to be installed anywhere between the building setback line and the street line, Designers of such systems shall be required to have all utilities physically located and marked on the surface of the ground at the project site by contacting DIG SAFE and/or the local service providers. In addition, the designer shall contact the local service providers to obtain as built plans of said utilities if available. The designer shall show these lines on drawings submitted with the application for a disposal construction permit.

At a minimum, the designer shall contact the following:

- The Georgetown Water Department (Superintendent);
- The Georgetown Electric Light Department (Superintendent);
- Department of Public Works (Georgetown Highway Surveyor);
- National Grid Gas Company
- Power Company
- Telephone Company
- Cable Service Company
- The homeowner for any privately installed water lines, electric lines, and/or irrigation lines.

**462-2. Enforcement.**

Any violation of the provisions of this Article shall subject to the enforcement provisions set forth in Section **462-15** - Enforcement and Penalties.

**ARTICLE II**  
**Private Sewers, On-site Septic Systems and Cesspools**  
**[Adopted 5-22-1984] [amended 1-11-2023]**

**426-3. Duty of Compliance; Upkeep and cleaning of system requirements**

**A. Duty of Compliance**

Except as otherwise specified, the duty to comply with the current provisions of 310 CMR 15.00 and Chapter 462 Sewage Disposal with regard to any system shall be upon the owner(s) and the operator(s) of a facility served by a system, jointly and severally. (See 310 CMR 15.022)

## **B. Upkeep and Maintenance**

Every owner, occupant or agent of the premises in which there is any private sewer, drain, privy vault, on-site septic system(s), or cesspool shall keep the same in a sanitary condition and shall have every privy-vault and cesspool emptied and cleaned when necessary or at such times as ordered by the Board of Health. No privy-vault or cesspool shall be emptied except by parties licensed by the Board of Health and in such a manner as authorized by the Board of Health.

## **C. Maintenance Requirements**

1. All septic systems utilizing pressure distribution of the effluent shall be maintained for the life of the septic system. A valid contract with a minimum length of two years must be on file with the Georgetown Board of Health and must be renewed at least sixty (60) days prior to expiration. Maintenance shall be performed by a Class 2 Wastewater Treatment Plant Operator or a licensed Disposal System Installer.
2. Systems incorporating a treatment device (innovative/alternative systems) shall be maintained for the life of the system. A valid contract with a minimum length of two years must be on file with the Georgetown Board of Health and must be renewed at least sixty (60) days prior to expiration. Maintenance shall be performed by a Class 2 Wastewater Treatment Plant Operator. A restrictive covenant in the chain of title for the property where the system is located must be recorded at the Essex County Registry of Deeds describing the requirement for lifetime maintenance of the system.
3. Tight tank systems shall be maintained for the life of the system. A valid operation and maintenance contract with a minimum length of two years must be on file with the Georgetown Board of Health and must be renewed at least sixty (60) days prior to expiration. A valid service contract with a Georgetown licensed septage hauler for a minimum length of two years must be on file at the Georgetown Board of Health and must be renewed at least sixty (60) days prior to expiration. A restrictive covenant in the chain of title for the property where the system is located must be recorded at the Essex County Registry of Deeds describing the requirement for lifetime maintenance of the system.
4. Maintenance inspection reports for pressure distribution systems and systems incorporating a treatment device (innovative/alternative systems) must be submitted to the Health Department Office within thirty (30) days of the inspection.

5. Maintenance inspection reports for pressure distribution systems must provide documentation of the following: presence of effluent filter and if it was cleaned, scum depth and sludge depth in the septic tank and tank condition, results of testing alarm, floats and pump and pump chamber condition, pump setting and alarm setting in the control panel, results of testing for equal distribution and the height of head at the distal end of laterals, if laterals were flushed and if the system is operating properly.

#### **426-4. Enforcement.**

Any violation of the provisions of this Article shall subject to the enforcement provisions set forth in Section **462-15** - Enforcement and Penalties.

### **ARTICLE III**

#### **Sewage Disposal Regulations**

**[Adopted 12-6-1993, effective 12-7-1993] [amended 1-11-2023]**

#### **462-5. Legislative findings; intent**

- A. Although the laws established by the Commonwealth and Federal agencies are of a minimum nature, they are deemed to be generally adequate to protect the public health and the environment in the interest of present and future citizens of the commonwealth.
- B. However, specific identifiable local conditions may require more stringent regulations to protect these interests. It is with this intent that the Georgetown Board of Health, pursuant to the statutory authority granted them in the General Laws of the commonwealth with amendments and additions thereto, and by the power thereto in accordance with the state's environmental code, in the interest of and for the preservation of the public health, have adopted the regulations set forth in Chapter 462.

#### **462-6. Statutory Authority and Purpose; repealer.**

- A. The Georgetown Board of Health, in accordance with and under the authority granted by G.L. c. 111, Section 31 and 310 CMR 11.02 (Title I) of the State Environmental Code, at a public meeting of the Board following proper notice; has made and adopted the amendments to Chapter 462 set forth herein. It is the intention of the Board of Health to adopt these regulations to supplement Title 5 (310 CMR 15.00) of the State Environmental Code, Minimum Requirements for Subsurface Disposal of Sanitary Sewage. These regulations are intended to re-organize previous regulations and to adopt new regulations.

B. All prior versions of Chapter 462 are hereby replaced as of February 08, 2023.

**462-7. Soil Testing, Disposal System Construction Permit Application, and Design Plan:**

**A. Percolation and Soil Testing Procedures, Application, Scheduling:**

- 1 - Soil testing season for new construction on undeveloped lots shall be from April first until November thirtieth. Soil testing for repair, upgrades or upgrades with an increase in flow shall be allowed throughout the year. Testing between December 1<sup>st</sup> until March 31<sup>st</sup> will be at the discretion of the Health Director and dependent upon ground and weather conditions.
- 2 - Applications must be completed by a Professional Engineer, Registered Sanitarian or Soil Evaluator. All fees are due at the time of application, are non-refundable and are valid only for the season in which the application is submitted. The amount of the fee will depend upon the current approved fee schedule. This fee is to be paid for each lot or parcel tested and is nonrefundable regardless if testing was conducted.
- 3 - A plot plan of each lot to be tested showing the location of the proposed testing shall be submitted with the application.
- 4 - Incomplete applications will not be acted upon.
- 5 - Appointments will be made on a first-come, first-serve basis. The engineer, sanitarian or soil evaluator will be contacted to schedule a testing date after the application and fee, as well as the trench permit application and fee, have been received in the Board of Health Office.
- 6 - Three hours shall be allotted per lot for soil testing for new construction. Additional time may be allowed if at the end of the testing season there is time available. The fee shall be paid for each testing period.
- 7 - Soil testing conducted for new construction or upgrades shall be valid for two years from the date of testing.
- 8 - An extension of the soil testing results may be granted by the Board of Health beyond the two years provided a request for said extension is submitted in writing to the Board before the results have expired.
- 9 - The Board of Health reserves the right to adjust estimated seasonal high groundwater elevation, as it deems necessary.

- 10 - Prior to scheduling of soil evaluations for upgrades, approval must be obtained from the Conservation Commission or its agent; if testing is to occur within the Conservation Commission's jurisdiction.
- 11 - Soil evaluation results must be submitted by the soil evaluator on DEP approved Forms 11 and 12.
- 12 - For NEW construction located in a proposed subdivision of land, if requested by the Georgetown Board of Health or its Agent, stakes defining the proposed lot shall be in place prior to soil testing in order that the location of the test pits and percolation test sites can be determined and verified by the inspector. Such locations shall be as shown on the design plans accompanying an application for a disposal system construction permit or a private water well permit application.

#### **B. Application for Disposal System Construction Permit:**

- 1 - The application for a disposal system construction permit for new construction shall be accompanied by a proof of ownership of the property. The application form shall be completely filled out and signed by the owner or installer.
- 2 - When the application is for the construction/repair of a system on property not served by the Georgetown Water Department, test results as required by Chapter 480, Wells, Private, shall accompany the application.
- 3 - A Disposal System Construction Permit application along with the appropriate fees and three (3) copies of the design plans shall be submitted to the Board of Health.
- 4 - No Disposal System Construction Permit shall be issued until all necessary documentation has been submitted to the Health Office, including any needed maintenance agreements, easements, deed restrictions, or approvals from the Department of Environmental Protection.
- 5 - For systems with a design flow of 10,000 GPD or greater, in addition to filing with the Board of Health, the applicant shall file the required State applications and fees with the Department of Environmental Protection (DEP). The disposal system construction permit shall be issued upon DEP approval.

#### **C. Specifications for drafting the System Design Plan:**

- 1- The septic system design plan must be on sheets of twenty-four by thirty-six (24x36) inches (landscape orientation). It is preferred that plans be limited to two sheets, if additional sheets are required the designer shall contact the Health Department to discuss.

2- The design plan must have a title block positioned along the right side of the plan sheets. The title block must contain the following information:

- a. The plan title "Sanitary Disposal System Design Plan";
- b. Indication of whether it is a repair/upgrade/or NEW construction;
- c. The current owners name and address, applicant name and address if different;
- d. Site location address and Assessors Map and Lot;
- e. Deed and Plan references for site;
- f. Name and address of design company;
- g. Name of responsible designer and license(s) information as well as his stamp and signature;
- h. Date design was prepared;
- i. Revision block (lower right corner) (Rev#, Date, summary of change); and
- j. Sheet number and number of sheets in plan set.

3- The Design Plan must include the following information:

- a. Design Criteria used (type of building, size if industrial commercial, number of bedrooms and total number of rooms if residential, other uses business etc.);
- b. Soils Data: including soil evaluator, date of testing, BOH witness, soils logs, ESHWT log (depth/elevation), percolation test logs, USDA-SCS soil types located on the site, soil evaluator certification statement;
- c. Design Data and calculations used such as daily sewage flow based upon use, LTAR used based on soils data, septic tank capacity (existing and proposed), soil absorption system capacity (required and provided), note indicating whether system is designed for the use of garbage grinder;
- d. North arrow.

4- The design plan shall use a scale of one (1) inch equals twenty (20) feet.

5- The design plan shall include a legend that indicates all symbols and line types used to draft the plan, profiles and sections shown. Line types, line weights, symbols, and labeling shall be consistent throughout the plan view, and plan sheets. Labeling text shall be UPPER CASE only. Text size preferred is 1/8 of an inch, however text shall not be smaller than 1/10 of an inch where appropriate for clear labeling. Existing labeling shall be normal text, proposed text labeling shall be **bolded** so that it is evident. Larger text shall be reserved for limited uses, such as street name labels, Lot ID labels, and to call out section of the plan (i.e.: **DESIGN DATA, INVERT TABLE, DESIGN NOTES, LEGEND, PLAN VIEW, PROFILE VIEW, SECTION VIEW, LOCUS MAP, SOILS DATA, WAIVER LUA REQUESTS, component DETAILS**, etc.). These can be labeled with larger text to call attention to the information.



6- The design plans shall also show contour lines at no more than two feet intervals showing elevation above mean sea level (unless waived by the Board of Health or its agent for the reason that the property is not located in or adjacent to a floodplain district). Existing contours shall be labeled at each end, with labels spaced along the length as appropriate. To provide consistent, clear, legible design plans, contours shall be drawn using the following line types line weights:

Existing intermediate contours (2'): smaller dashes thinner line weight; end labels, normal text;

Existing index contours (10'): larger dashes heavier line weight; end labels, normal text;

Proposed contours (2' and 10'): solid line heavier line weight; labeled in the line with elevation **Bold** text and enclosed in a border (box or oval);

In the event that the property has little to no elevation change, the designer shall depict existing spot grades on the plan view (100x0). Proposed spot grades shall be bold text preceded with a P, (ie: **P100x0**).

- 7- All utilities (existing and proposed) servicing the property, above ground and in the ground, shall be depicted on the design plans. The applicant/designer is responsible for contacting dig safe and the appropriate utility service providers to obtain the utility locations. Utility lines should have clear and identifiable line types, and should be clearly identified on the site plans with labels. The plan should provide a notation that the installer shall notify dig safe prior to construction.
- 8- A fixed bench mark no more than fifty (50) feet from the septic installation area shall be established and its location indicated on the plans. Plans must indicate if the benchmark is based on assumed datum, NGVD29 or NAVD88. For properties with flood plains located upon the site, NAVD88 shall be used.
- 9- The location and dimensions of the proposed septic system, including the 100% reserve area available.
- 10- The septic design site plan shall include the location of all of the following conditions:
- a. Existing and Proposed structures (properly labeled) located on the property;

- b. Existing wetland resource areas as defined in the Wetlands Protection Act, 310 CMR 10.00 and the Georgetown Wetlands Protection Bylaw – Chapter 161, including but not limited to ponds, streams, bordering vegetated wetlands, name of person/firm delineating the wetland resource areas. Setback distances from structures and system components to the wetland resource areas.
- c. The location of all proposed erosion control measures with construction details shall be shown.
- d. All existing stone walls, fences, walkways, drives, impervious areas, approximate tree line, and large individual tree near existing/proposed system components shall be shown.

11- A neighborhood locus is also required. The site locus required under Title 5 shall be a maximum scale of 1 inch equals 1200 feet. This should be located in the upper left corner of the plan, or in close proximity to that area of the plan.

12- The design plans shall include construction details of all system components. Manufacturer's details are appropriate. Temporary erosion control measures shall be shown around all stockpile and at the limits of soil disturbance.

13- An individual sewage treatment/disposal/holding system and all its component parts, including any required fill shall be located entirely on the same lot as the facility which it serves and may not cross a lot line, right of way, unaccepted or accepted street or easement, unless: the design is for a shared septic system as provided for in Title 5, or a permanently recorded easement has been provided to allow access for operation and maintenance in an area 10' beyond the septic system.

14- The legal boundary of the facility to be served and all lot lines with names of abutting property owners shall be on the plan. In addition, the plans should depict any easements that affect the property and location of septic components.

15- When vacuum testing is required pursuant to 463-8 (E), the plan shall have a note identifying which tanks must be tested.

16- The footprint of the existing and/or proposed dwelling(s) or buildings(s) must be on the plan. Any changes to the footprint of the dwelling or building, proposed or otherwise, prior to the installation of the septic system shall be reflected on a revised septic plan that is submitted for approval of the Health Agent.

17- The plan shall have a note listing all variances and Local Upgrade Approvals to the provisions of Title 5 or Board of Health septic regulations sought in conjunction with the plan.

- 18- Plans for a system incorporating a treatment device (innovative/alternative systems) shall include a certification, signed by a representative of the manufacturer, stating the plan has been reviewed for conformance with the design and installation requirements for the particular type of treatment device proposed and those requirements have been met.
- 19- The design flow for a dwelling shall be based on the number of bedrooms in existence at the time the septic system plan as referenced on the record engineered plans accompanied by a Certificate of Compliance for the existing septic system. If there are no engineered plans, the Health Agent will conduct a walkthrough of the dwelling or review floor plans of the dwelling, supplied by the property owner, and determine the bedroom count utilizing the definition of bedroom provided in Title 5, 310 CMR 15.000. Sunrooms, three season rooms, solariums, etc. and screened porches which are habitable in winter shall be considered in the room count for determining the number of bedrooms in a dwelling. Notwithstanding the DEP Title 5 definition of the number of bedrooms, the Board's local regulations which determine the number of bedrooms to be used for design, shall be the TOTAL number of rooms in the dwelling (unit) divided by two (2) and rounded down;
- 20- Plans incorporating pressure distribution shall note the in-line distal head pressure used in the design.
- 21- Plans must depict the location of the existing septic system to be abandoned.
- 22- Plans must note that all components must be marked with magnetic tape or a comparable means prior to backfilling.
- 23- Plans shall include buoyancy calculations for system components that are partially located below the groundwater (ESHWT).
- 24- Designs requiring pumping to the leach area, shall provide pump tank capacity (required and provided) and specifications, pump brand, model and specifications and pump curves, number of cycles, gpm and duration, depth per cycle, static and total dynamic head. Float settings to be indicated, indicate storage above alarm on.
- 25- Plans must note when an operation and maintenance contract is required by Title 5 or the Georgetown Board of Health Septic System Regulations.
- 26- The plan review fee for each revision thereafter shall be paid upon submission of the revised plan.

#### **D. System Flow Profile:**

The plan shall show a flow profile to scale (Horizontal 1"=20', Vertical 1"=2' or other similar scale ratios approved by the Health Director/Agent) of the system starting at the foundation wall and extending through the leach area. The profiles shall show, at a minimum, all structures, leaching areas pipes, pipe invert elevations, existing and *proposed grades, estimated seasonal high water tables (at leach area and tank locations)* identify the system breakout elevation and horizontal distances between components. The profile shall be drawn with line types, line weights, and labels consistent with the system plan view.

#### **E. System Breakout, Cross Section required:**

If grading is required for breakout, at least one system leach area section view to scale (Horizontal 1"=20' and Vertical 1"=2' or other similar scale ratios approved by the Health Director/Agent) shall be shown through the leaching area and filled slope. The section view shall show the elevation of the system breakout, the distance to the breakout grade and how it was computed. The section view shall be drawn with line types, line weights, and labels consistent with the system plan view. The first section should be labeled "A – A'", additional sections if required shall be labeled "B-B'" etc. The section label shall be shown on the system plan view.

#### **F. Nitrogen Sensitive Areas:**

The plan must provide a notation if any portion of the lot of the proposed/existing system lies in a nitrogen sensitive area. The location must be clearly delineated. Systems located within a nitrogen sensitive area, must be designed to adhere to the nitrogen loading requirements established by MA DEP Title 5 (see 310 CMR 15.214 through 15.217).

Compliance will be based up the intent of the DEP design flow rate of 110 GPD per bedroom per 10,000 s.f. of lot area, and shall not be based upon the local requirement to size the residential system for a garbage disposal grinder. This shall be applicable to the Georgetown Zoning overlay districts for Groundwater Protection ("GPD") and Water Resource Protection District ("WRPD") (i.e.: 1 bedroom per 10,000 s.f. of lot area will be allowed in the Georgetown GPD and WRPD overlay, notwithstanding the local regulation to design the system size for the use of a garbage grinder disposal.)

## **G. Amendments to Approved Plans:**

Any amendment to the approved plan, shall be submitted for approval if any part of the system is modified or is located in a different place than shown on the original plan. If circumstances become evident at a site, which require a field decision to make a modification to the design, the installer shall contact the design engineer, who shall then consult with the Health Director/Agent to determine if the change is minor and if it is warranted. All field changes must be reviewed by the Designer and the Health Department prior to their implementation. The Health Director/Agent shall have the authority to approve such a minor field modification, however, it shall be so noted on two (2) copies of prints, signed by the design engineer and the Board of Health Agent, one (1) to be kept by each.

If the modification is a minor one, the amendment may be submitted as an as-built plan at the discretion and with prior approval of the Health Director/ Agent. An additional fee as established from time to time by the Board of Health per inspection may be assessed if additional inspections are required.

## **H. Legal References Required:**

The plan shall show the book and page number of the deed of the subject property and shall show all relative plan references for the subject property and abutting parcels, as filed in the Essex South Registry of Deeds (Salem).

## **I. Independent Plan Review:**

The Board of Health at its discretion and at the expense of the applicant may engage an independent peer review engineer to inspect any design plans for septic system installation for large systems [exceeding 10,000 GPD], alternative/innovative system technology use for residential applications, and industrial/commercial use applications exclusive of those traditional systems (leach pit, trench, stone bed) designed for single-family dwellings. The independent review fee will vary based on the size and complexity of the proposed system. Any unused funds will be returned to the applicant upon approval or denial of the design plans.

The review engineer will provide a report on the proposed design, as to its compliance with MA DEP Title 5 and local BOH regulations, and indicating any deficiencies in the design which need to be addressed by the applicant and designer.

## 462-8. Local Board of Health Design Criteria:

Criteria for issuance of a disposal system construction permit:

The following local regulation criteria must be met before a disposal system construction permit shall be issued:

- A. The leaching facility may be no closer than one hundred (100) feet from any pond, river, stream, wetland, drainage ditch or other watercourse as defined in the Wetlands Protection Act, 310 CMR 10.00 and/or the Georgetown Wetlands Protection Bylaw – Chapter 161, or to any other man-made stream, pond or lake.
- B. All new residential and replacement septic systems shall be designed using the Title 5 minimum design flow of 55 (fifty-five) GPD/Person or 110 (one-hundred and ten) GPD per bedroom. In addition, all new residential and replacement system's proposed tanks and leach area shall be sized to include garbage disposal (grinder) systems. Therefore, the system tank shall conform to 310 CMR 15.223 (1) (c) (in no case less than a monolithic two compartment 1500/500 gallon tank), and the leach area for residential dwellings shall be sized in accordance with 310 CMR 15.240 (4) and increased by 50%. This requirement exceeds the requirements of 310 CMR 15.203 (2) through (5) (Title 5).
- C. Waiver/Variance: For repair, replacement of upgrades of failed systems, a variance or waiver may be granted by the Board, to design without sizing the tank and/or leach area for a garbage disposal (grinder), upon demonstration of a hardship or need. The hardship or need may include but is not limited to; lot size limitations, grading issues, and setbacks to wetland resources. The applicant/owner must demonstrate that compliance is not possible and/or significant environmental impacts warrant such a waiver or variance. The cost of the system alone is not sufficient to justify a waiver or variance, but may be considered when the applicants mean annual household income is at or below the current regional low income threshold as established by the Commonwealth of Massachusetts.
- D. Sewage flow estimates for light industry and other establishments not noted specifically herein shall conform to (Title 5) 310 CMR 15.203 (2) through (5) (except as noted 310 CMR 15.416 and in GBOH regulation 463-8 B, D, and G.
- E. Stables served by a water service shall have a minimum design loading rate of 50 gallons per day per stall.

- F. For residences and commercial properties the septic tank must have a minimum capacity of two thousand (2,000) gallons, using a two compartment (1500/500) gallons monolithic tank (exceeding requirements of 310 CMR 15.223 (1)) or 200% of the calculated daily design flow, whichever is greater. All tanks up to 2,500 gallon capacity must be monolithic in construction. Two piece tanks (greater than 2,500 gallon capacity) shall be vacuum tested on-site by the manufacturer. Certification of the tank as watertight shall be supplied by the manufacturer to the Health Department once testing has been completed. Tanks which include an alternative technology component are excluded from the vacuum testing requirement. Tanks placed in driveways, parking areas or locations susceptible to vehicular traffic or heavy loading, shall have a loading capacity of H-20.
- G. In a trench system, a separate field must be shown. The area between trenches may not be used as an alternate of reserve area.
- H. New residential developments in which separate dwelling units are owned by different and distinct owners and daily flow is less than ten thousand (10,000) gallons per day shall have a separate septic system for each unit; or group of units contained within the same building footprint.
- I. Those multiunit dwellings contained within the same building footprint, owned by one (1) entity such as a legally established Condominium or Homeowners Association shall be governed by regular Title 5 design flows and Georgetown Board of Health septic system criteria including setbacks to wetland resource areas, provided that any future property transfer stipulates in the deed that there shall be a single owner or legally established Condominium or Homeowners Association who shall be responsible for septic system maintenance. The system tanks and disposal leach area shall be designed to accommodate the installation of garbage disposal unit (grinders), regardless of whether the design states that no garbage grinders are to be installed, unless the Board approves a variance or waiver from this pursuant to section 463-8 CB.
- J. A septic tank must be at least twenty-five (25) feet from a foundation drain.
- K. Backwash of water purification or filtration devices shall not be discharged to an onsite sanitary disposal system. A separate drywell system shall be provided for this type of discharge. See 310 CMR 15.00 4 (8).
- L. Septic tanks shall be equipped with effluent filters on the outlet tee, unless otherwise prohibited under a DEP approval letter for an Innovative/Alternative technology design.

## **462-9. Maximum groundwater elevation**

No portion of a dwelling, including the basement, shall be constructed less than the maximum groundwater elevation as defined in 310 CMR15.01 (Title 5). The plan provided for in Section 462-7(C) of these Regulations shall contain the following statement: "No interior part of any building will be in construction below elevation \_\_\_\_\_ feet" (maximum groundwater elevation plus one (1) foot).

## **462-10. Inspections, Testing, As-built Survey, Certificate of Compliance**

### **A. System Installation Inspections:**

Multiple inspections are regularly required for each new or replacement installation. The Board may require additional inspections and shall specify them at the time of issuance of the disposal system construction permit or during any stage of construction when it becomes evident that they are necessary.

The installer should contact the Board of Health and designer to request the aforementioned inspections. The installer shall also perform as follows:

- The installer shall provide at least one working day notice to the Georgetown Health Department Office for a requested inspection date.
  - The installer shall be assessed a fee based on the current fee schedule for not completing work in time for a scheduled inspection.
  - Prior to construction, the leaching area corners shall be staked by the designer whenever a variance and/or local upgrade approval has been granted which pertains to setback distances from the leaching area.
  - Prior to construction, a property line shall be surveyed and staked by a Registered Land Surveyor whenever a retaining wall (including the footings) is proposed within 5 feet of the property line.
  - Septic systems shall not be installed between December 15 and March 15. Construction of systems that commenced prior to December 15 shall be allowed to be completed. In case of emergency repairs, the Health Director/Agent may approve installations during this time, if in their opinion the conditions warrant such an emergency installation/repair.
- 1- The Board or its agent shall inspect the leveling stone below septic tank/pump chambers;
  - 2- The Board or its agent shall inspect the soil in the bottom of the excavation of the leaching facility prior to construction or the insertion of any material (Title 5 specified septic sand);



- 3- If in the opinion of the Board or its agent, the soils appear to be inconsistent with the record soil logs, and a confirmatory soil examination in the excavation is needed, a percolation test may be required to be performed in the presence of the Board or its agent prior to any further construction. Based upon the results of the soil examination and percolation test, any modification of the design deemed necessary shall be made;
- 4- A final inspection by the design engineer, in the presence of the Health Agent or their representative and in the presence of the licensed installer of record shall be made prior to final covering of the finished facility.

The components to be inspected vary depending on the site and type of septic system to be installed and will be provided to the installer at the time of issuance of a Disposal System Construction Permit.

The final inspection will include, at a minimum:

- The tanks inverts, tees, filters, gas baffle;
- the in-situ Title 5 septic sand;
- location and elevation of disposal area;
- distribution box, flow test, speed levelers, tee if required;
- vents with filters,
- inspection ports
- impervious barriers and/or retaining walls
- testing and operation of treatment device, pumps, floats and alarms (if present)
- distal squirt height for pressure dosed systems;
- any other components of an innovative/alternative system installation.

## **B. Testing for Repair Designs**

In case of repairs, two (2) observation holes and one (1) percolation test are required prior to any construction of the system replacement or alteration of the existing system to determine the groundwater level and the character to the soil in the location

## **C. As-built Survey, plan and Certificate of Compliance:**

- 1- The design engineer shall inspect the completed installation and shall file with the Board of Health a letter of certification (DEP Form 3) that the system as installed is consistent with the original design plan approved by the Board of Health. If major design changes were found to be necessary, then there shall be a revised plan as required by Section 462-(G) of these regulations.

- 2- The Board of Health must receive an as-built plan prior to issuance of a certificate of compliance. The as-built plan and certificate of compliance must be issued prior to the signing of an Occupancy Permit for the Building Department, for any single family dwelling, multifamily unit, or any business, industrial or commercial use(s).
- 3- The as-built plan must show the lot boundary, the existing buildings, or for new construction the as-built foundation footprint, location of major components (such as tanks, distribution box, leach pits, end of leach area pipes, inspection portals, vent etc.) of the septic system in relation to the building corners or to permanent boundary monuments or permanent natural features, exact as-built elevations of all inverts, depth of stone surrounding leach pits (if used), bench mark and street address and lot number. The as-built plan should also depict the setback dimensions of the tanks, and leach area to the existing building, lot boundary and wetland resource if any. The as-built plan should also include, certification as to final grading (breakout and slope over system), the proposed invert table, a list of waivers granted by the Board of Health, and basic design data (number of bedrooms, maximum total rooms, notations on Nitrogen Sensitive areas, notations on presence and use of alternative treatment systems, notes on restrictions of use (i.e.: no garbage disposal, limit on number of bedrooms).
- 4- As-built plans shall be prepared in accordance with 310 CMR 15.220 or they will not be accepted. The as-built plan shall clearly show any changes from the original approved design plan.
- 5- As-built plans of pumped and dosed systems shall be required to verify the float heights and pumping time to ascertain compliance with the approved design. For septic systems which require proprietary subcontract (Innovative/Alternative systems), a letter from the subcontractor is required indicating that the portion of the system installed or sold by the company was in compliance with the manufacturers standards when installed.

**D. Board of Health issuance of Certificate of Compliance:**

- 1- The septic system designer shall submit an as-built plan and a signed DEP approved Form 3 or sign the original Certificate of Compliance within 30 days of completion of the final inspection by the Health Agent.
- 2 - If more than two (2) as-built plans or Certificates of Compliance are outstanding, a thirty-day notice will be sent to the designer indicating that no further septic system designs will be accepted for review until all outstanding as-built plans and/or Certificates of Compliance have been submitted.

If one as-built plan or Certificate of Compliance is outstanding more than 90 days, a thirty-day notice will be sent indicating that no further septic system designs will be accepted for review until the outstanding as-built plan and/or Certificate of Compliance has been submitted.

- 3 - The septic system installer shall complete final grading or other construction and submit the required signed DEP approved Form 3 or sign the original Certificate of Compliance within 30 days of completion of the final inspection by the Health Agent. If more than two (2) Certificates of Compliance are outstanding, a thirty-day notice will be sent indicating no further Disposal Systems Construction Permits will be issued until all outstanding Certificates of Compliance have been submitted. If one as-built plan or Certificate of Compliance is outstanding more than 90 days, a thirty day notice will be sent indicating that no new Disposal System Construction Permits will be issued until the outstanding as-built plan and/or Certificate of Compliance has been submitted.

#### **462-11. Design Specifications:**

- A. All piping from the building foundation wall to the septic tank, from the septic tank to the distribution box; or from the septic tank or distribution box to the leaching facility shall be solid SDR 35 or solid Schedule 40 PVC pipe, unless otherwise specified by the Board of Health or its agent.

For leach beds and leach trenches, all solid distribution piping and lateral perforated piping within the leach area shall be SDR 35 or Schedule 40 PVC pipe, unless otherwise specified by the Board of Health or its agent.

- B. All pipe connections at the inlet and outlet of septic tanks, pump chambers, and distribution boxes shall be sealed with hydraulic cement.
- C. All distribution box outlets shall be equipped with flow distribution level devices, (i.e.: speed levelers or equivalent), except systems served by pump/pressure dosing system, and those innovative/alternative technology systems that prohibit the use of flow levelers.
- D. A minimum of six (6) inches of stone shall be installed under all leach pits, galleries, and under perforated laterals of leach beds.
- E. Alternative and Innovative Technology system components approved by the MA DEP, may be used in accordance with the technologies DEP approval certification letter, and subject to Section 462-11 (F) through (I) listed below.

- F. Applications for plans using a treatment device (innovative/alternative systems) shall include a copy of the approval document issued by the Massachusetts Department of Environmental Protection.
- G. Applications for plans using a treatment device (innovative/alternative systems) shall include a copy of the deed notice if required by the approval document issued by the Massachusetts Department of Environmental Protection.
- H. Applications for plans using a treatment device (innovative/alternative systems) shall include a copy of the signed Operation and Maintenance agreement if required by the approval document issued by the Massachusetts Department of Environmental Protection.
- I. Plans for a system incorporating a treatment device (innovative/alternative systems) shall include a certification, signed by a representative of the manufacturer, stating the plan has been reviewed for conformance with the design and installation requirements for the particular type of treatment device proposed and those requirements have been met.

## **462-12. Title 5 System Inspection and Inspectors:**

### **A. SEPTIC SYSTEM INSPECTORS**

- 1- Title 5 system inspectors certified by DEP shall also be licensed by the Board of Health to work in Georgetown. Inspections performed by inspectors not licensed by the Board of Health will not be accepted.
- 2 - Application for licensing shall include a copy of DEP's Title 5 Inspector certification and proof of possession of at least \$100,000 of general liability insurance.

### **B. TITLE 5 INSPECTIONS**

- 1 - A treatment device (innovative/alternative technology) incorporated in a septic system can only be inspected by a Class Two Wastewater Treatment Operator.
- 2 - For proposed additions, decks, pools and sheds, that increase the footprint of the building and requires a building permit or occupancy permit from the building inspector, the septic system shall be located in the field by a Georgetown licensed Title 5 Inspector, Engineer, or Land Surveyor, and shown on a Certified Plot Plan. This requirement shall be waived if a Certificate of Compliance with System As-built Plan was issued or a Title 5 Inspection has been completed and is on file with the Board of Health, from which an acceptable sketch or (plan markup) can be generated to demonstrate that the proposed work will not be in conflict with the existing system components or the proposed reserve area. For properties with no such records on file, the existing system must be located as required above.

3 - A Board of Health file review of groundwater information must be conducted by the inspector for all properties within 150 feet of the septic system being inspected and the results documented and submitted with the inspection report.

4 - The depth below grade to the top of the distribution box must be documented for systems incorporating a distribution box and submitted with the inspection report.

5 - The depth below grade to the top of the cesspool must be documented for cesspool systems and submitted with the inspection report.

6 – Any system which has not been in continuous use at the time of the inspection can only receive a conditional pass and must be re-inspected after two (2) months of continuous use; to provide adequate time to allow an inspection to assess the status of the system once it receives normal use flows. Results of the re-inspection shall be provided to the Board of Health. Failure of the system at this time will require system replacement. This shall only apply to those systems inspected as part of a sale of the property.

- Provisions for the system replacement, should it fail upon re-inspection, shall be established by the owner/seller and submitted to the Board of Health, prior to the sale of the property. Acceptable provisions must be approved by the Health Director, and/or the Board, and may include but are not limited to the following options:
  - o A signed agreement from the new buyer, accepting responsibility for the system replacement should it fail the re-inspection, or;
  - o A signed agreement from the current owner, accepting responsibility for the system replacement should it fail the re-inspection, or;
  - o An escrow account established at the time of sale, by the current owner, in an amount acceptable to all parties of the transaction (buyer, seller, mortgage holder).
  - o Or another method of assuring compliance with these regulations and Title 5 for the replacement, repair or upgrade of the failed system that is acceptable to the Board of Health voted on at a Board Meeting.
- Upon being deemed failed the responsible party shall commence the required process of replacing the system within thirty (30) days. Installation of the replacement system shall be completed within six (6) months, unless otherwise extended by the Board upon request by the responsible party. The responsible party must state the reasons for justification of the extension.

- Failure to comply with this regulation, by completing the system replacement installation within six (6) months or any extended time granted by the Board, will result in the immediate condemnation and vacating of the property for failure to protect the Public and Environmental Health and Welfare.

### **462-13. Portable toilets:**

For new construction sites, a portable toilet shall be installed at construction sites from the onset of construction activities.

The owner/contractor shall be responsible for maintaining the portable toilet in good working condition, and properly cleaning the facility in a timely manner.

### **462-14. Definitions:**

The Board of Health recognizes the definitions set forth in 310 CMR 15.00 Title 5, and accepts those definitions with respect to Onsite Sanitary septic systems, with the following exceptions for the terms defined below:

**Abandoned** – Any subsurface sewage disposal system which has not been in continuous use for a minimum of two (2) years. This system must meet the requirements of the current Massachusetts Title 5 regulations. The owner/applicant can request that the Board consider allowing the abandoned system to be repaired, replaced, or upgraded to be in maximum feasible compliance, upon demonstrated a hardship which prohibited the replacement within the two years of non-use.

**Bedrooms** – for design purposes shall mean the record number of bedrooms taken from the most recently approved design plans available at the Board of Health, or the total number of rooms (excluding hallways and bathrooms, closets, unfinished, or unheated rooms), divided by two and rounded down if not a whole number, whichever is greater. (Note: this is not the same definition as the Title 5 determination of the number of bedrooms)

**Repair** - Reconstruction of an existing subsurface sewage disposal system to meet the standards of 310 CMR 15.00 (Title 5) and the Georgetown Board of Health Regulations.

**Repair Construction** – Includes:

- A- Work on any subsurface sewage disposal system which is failing because the receiving soils are not able to disperse the septic effluent into ground.
- B- Work on an abandoned system, within two (2) years of its abandonment. Abandonment includes voluntary non-use, involuntary non-use such as damage by fire, flood waters, or other manmade or natural catastrophic disasters.
- C- Work on any subsurface sewage disposal system deemed failed by the Georgetown Board of Health.

### **Upgrade or New Construction - Includes:**

- D- Adding additional capacity to either a septic tank or leaching area of a properly functioning system. To add increased capacity, the expansion/repair/replacement system must fully comply with all the current requirements of 310 CMR 15.00 Title 5 regulations and these local regulations, including the ability to provide a viable 100% reserve system leach area. No LUA, waivers, or variances can be granted by the Board of Health.
- E- Replacement of an abandoned system as defined above beyond the two (2) year timeframe shall be treated as new construction, unless the owner/applicant has requested an extension in time for repair/replacement, prior to the expiration of the two (2) year deadline. If the owner applicant has submitted an application for a building permit for replacement of the dwelling prior to the expiration of the two (2) year abandonment timeframe, and the building permit has been approved, then the Board shall grant a one-time extension for an additional period of time of up to two years. If no permit application has been filed to replace/reconstruct the dwelling, then the Board may grant the extension dependent on a showing of good cause for the delay by the applicant/owner. The length of the extension shall be determined by the Board based upon the circumstances given by the applicant/owner.

## **462-15. Violations and Penalties:**

### **A. Orders, Enforcement and Penalties**

#### **1 - Enforcement:**

The Georgetown Board of Health, its Agents, Officers and Employees, shall have the authority to request permission to enter upon privately owned land for the purpose of performing their duties for the administration and review of this Regulation, and may make or cause to be made such examination, surveys, or sampling as the Board deems necessary, as outlined in 310 CMR 15.023 of Title 5.

The Georgetown Board of Health shall have the authority to enforce these Regulations by violation notices, administrative order, and/or civil and criminal court actions.

#### **2 - Penalties, fines:**

Any person who violates any provisions of these Regulations for which a penalty is not otherwise provided shall be subject to a fine of two hundred dollars (\$200.00) per violation. Each day or portion thereof during which a violation occurs or continues shall constitute a separate offense.

### **3 – Non-Criminal Disposition (Alternative Disposition)**

Whoever violates any provision of these Regulations may be penalized by a noncriminal complaint in the District Court pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D. Each day on which a violation exists shall be deemed to be a separate offense. Under the provisions of Chapter 40, Section 21D the violation of any portion of these regulations is punishable by a fine of \$50.00 unless otherwise provided in any respective Section of these regulations.

### **4 - Criminal Complaint**

Whoever violates any provision of these rules and regulations may be penalized by criminal complaint brought in the District Court or Housing Court. Each day during which a violation exists shall be deemed to be a separate offense.

### **5 - Denial, Revocation or Suspension of a Permit or License**

The Board of Health may choose to deny, revoke or suspend a permit prior to the expiration date provided in these Regulations for any of the reasons stated herein. Permit fees are not refundable in these cases except under the Board of Health's discretion and depending upon the circumstances of the matter.

6 - The Board may summarily suspend a permit or license pending a final hearing per Section 162-16 (B) on the merits on the question of revocation if, based on the evidence before it, the Board determines that an establishment and/or a licensed individual performing work under the permit or license poses an immediate and serious threat to the public health, safety or welfare.

The suspension of a permit or license shall take effect immediately upon written notice of such suspension by the Board.

7 - The Board of Health shall give notice in writing and opportunity to be heard to an applicant, establishment, or practitioner for whom a permit or license is ordered suspended or revoked based on any violation of the Board's Regulations.

8 - The Board may act on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or refusal to renew a permit including but not limited to:

- Fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
- Any present or past violation of the Board's Regulations;
- The Board of Health has been notified by local or state police that an individual was found performing licensed duties while impaired by alcohol, drugs, or other physical disability or mental instability that puts the public health or safety at risk;



- Knowingly allowing, aiding or abetting an unauthorized person to perform activities requiring a permit or license;
- Continuing to practice while his/her permit and/or license is lapsed, suspended, or revoked;
- Having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations; and
- The Board of Health determines the health or safety of the public is at imminent or significant risk;
- Other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice with the license and/or permit granted by the Board of Health.

9 - The Board may seek any additional enforcement authorized by law in order to compel a violator's compliance with these Regulations.

#### **462-16. Local Upgrade Approvals (LUA), Waivers, Variances:**

##### **A. Request for LUA, Waivers, Variances:**

- 1 - Full compliance with the Board of Health's Regulations is presumed to be necessary for the protection of public health, welfare, safety, and the environment.
- 2 - Every variance request shall be made in writing and signed by the applicant on a Board of Health approved form.
- 3 - The applicant has the burden to provide information to the Board of Health assuring the Board that the public health, safety, and the environment will be adequately protected and that the reason for the variance/waiver is warranted.
- 4 - The applicant shall pay for any required legal advertising and/or mailings for notification, as well as the consulting fees for processing the request for variance.
- 5 - Requests for a variance shall clearly state how "maximum feasible compliance" of the varied regulation will be provided.
- 6 - Any variance allowed by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of the variance shall be conspicuously posted for 30 days following its issuance; and shall be available to the public at all reasonable hours in the office of the Town Clerk or the office of the Board of Health while it is in effect.

## **B. Appeals and Hearings**

- 1 - Any person aggrieved by the final decision of an agent of the Board of Health may seek relief from the Board at a regularly scheduled meeting. Such request must be made in writing from the aggrieved party and submitted to the Board of Health within 7 days of the agent's decision. Such appeal shall not provide relief from correcting or acting in good faith for situations that are reported as "imminent health risk" or "conditions deemed to endanger or impair public health and safety".
- 2 - A "Notice of Non-Compliance" issued by the Board is not appealable to the Board. Appeal may be taken to a Court of competent jurisdiction.
- 3 - A Board of Health hearing shall be initiated no later than twenty-one (21) calendar days after the effective date of a suspension or revocation of a permit and following submission of a timely written notice of appeal.
- 4 - Upon written request to the Board of Health, the establishment or permit holder shall be afforded an opportunity to be heard by the Board concerning the suspension or revocation of the permit.
- 5 - During an appeal hearing, the Board of Health Chair shall determine whether the Board has proved by a preponderance of the evidence that there existed immediately prior to or at the time of the suspension or revocation an immediate and serious threat to the public health, safety or welfare. The Board of Health Chair shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.
- 6 - Every notice, order, or other record prepared by the Board of Health in connection with the appeal hearing shall be entered as a matter of public record in the Office of the Georgetown Town Clerk and in the Office of the Board of Health.
- 7 - Any person aggrieved by a final decision of the Board, may appeal to a Court of competent jurisdiction pursuant to G.L. c. 249, Section 4.

**462-17 Severability**

If any section, paragraph, sentence, clause, phrase, or word 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 this end the provisions of this Code are hereby declared separable.

**462-18. Effective Date of Regulations:**

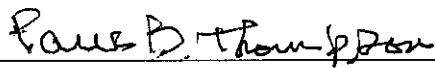
An attested true copy of this regulation adopted under M.G.L. Chapter 111 Section 31 shall be filed with the DEP Boston Office in accordance with M.G.L. Chapter 21 A Section 13. This regulation and the succeeding regulations Sections 462-1 through 462-18, as herein revised and amended; become effective on February 8, 2023 or otherwise immediately upon advertisement.

**Georgetown Board of Health**

Dana Shuttleworth, (Chairman)



Paul Thompson, (Vice Chairman)



Date: February 8, 2023

Date of Legal Notice of Public Hearing: December 28, and January 4, 2023 ;

Date of Public Hearing: January 11, 2023 ;

Date of Vote of Approval: January 11, 2023 ;

Date of Legal Advertisement of Approval: \_\_\_\_\_ ;

Copy filed with DEP Boston Office: \_\_\_\_\_ .