



TOWN OF MEDFIELD

Office of

BOARD OF HEALTH

MEDFIELD, MASSACHUSETTS 02052

MEDFIELD BOARD OF HEALTH REGULATIONS FOR THE SITING, CONSTRUCTION, INSPECTION, UPGRADE, REPAIR, AND EXPANSION OF ON-SITE WASTEWATER DISPOSAL SYSTEMS

EXECUTIVE SUMMARY

October 2, 1995

The present Board of Health regulations for septic systems were first adopted in 1974 and have served the town well since that time. They have supplemented the state regulations, which have been in effect since then, but were only minimum standards. As a result, septic systems constructed in Medfield since the mid seventies have continued to function hydraulically, while providing protection to the ground and surface waters with few, if any, failures. Research and experience have shown that the more stringent regulation by the Medfield Board of Health was prudent, because of the many deficiencies that have been identified in the old Title 5. Now, however, the new state regulation, Title 5, although still a minimum standard, is much improved, stronger, and contains many of the features that have been in effect in Medfield.

The goal of these new regulations is to be as compatible as possible with Title 5. The current Medfield technical provisions for determining the size of septic systems, which were more stringent than Title 5, are to be deleted in favor of those set forth in the new Title 5, for single family dwellings, and for most other situations. Special criteria is provided for facilities with high flows, and where wastewaters and flow patterns differ significantly from single family dwellings, such as restaurants, supermarkets, schools, and multi-family facilities.

In addition, a very important aspect of the new regulation is that it recognizes that there are separate needs for upgrades of failed systems and provides less strict criteria, which still follow the provisions of Title 5 for those situations. The reason for this is to encourage upgrades and to control costs to homeowners, while still providing an adequate level protection of the public health and the environment.

Since Title 5 now allows alternative and shared systems, these regulations provide for the necessary local control, where Title 5, although enabling it for local Boards of Health, does not provide for the specifics of Board of Health input. These regulations place the Board of Health on an equal basis with DEP and assure local control. Shared systems will be under a strict and limited level of control and used mostly for upgrade situations until it is assured that the sophisticated fiscal and legal support mechanisms exist to deal with land owners who might not agree to do needed maintenance, repair, and replacement.

These regulations also provide additional guidance for system siting and construction, where Title 5 provides little or no information. Owners, engineers, and installers will be able to achieve more efficiency, cost effectiveness, and quality for the construction. Such guidance is provided for administrative procedures; soil testing; ground water determination; plan preparation and submission; permit issuance; coordination with the Conservation Commission where wetlands are involved; construction procedures and methods; construction inspections; use of additives for system remediation; pump system design; system abandonment; procedures when there are additions, alterations, changes of use, increase in design flow to existing facilities; and special industrial and commercial requirements.

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UPGRADE, REPAIR, AND EXPANSION OF ON-SITE WASTEWATER DISPOSAL SYSTEMS**

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MEDFIELD BOARD OF HEALTH REGULATIONS FOR THE SITTING, CONSTRUCTION, INSPECTION, UPGRADE, REPAIR, AND EXPANSION OF ON-SITE WASTEWATER DISPOSAL SYSTEMS

I. AUTHORITY AND PURPOSE

These regulations shall be effective on and after 10/02/95, and shall so remain until modified or amended by the Medfield Board of Health. They are enacted under authority which includes, but is not limited to one or more of the following: Massachusetts General Laws, Chapter 111, Sections 31, 122, 122A, 127, 143, 155, 187, Sections 310 CMR (Code of Massachusetts Regulations) 11.02; Board of Health regulations are an exercise of the police power under which the various levels of government are responsible for protection of the public health, safety, welfare, and the environment.

This regulation of the Board of Health has been enacted for the purpose of protection of the public health, safety, welfare of the citizens of the Town of Medfield and also the protection of the environment. Two-thirds of the households in the Town of Medfield rely on on-site subsurface systems for the disposal of sewage. The town relies solely upon ground water for its water supply, from either public or private on-site wells. There are considerable areas of severe geologic conditions which consist of poorly drained soils, shallow soil depth to fractured ledge and ground water, wetlands, flood plain, and contributing areas to the water supply. Title 5 is a minimum code, which has significant content that is not based upon scientific and technical justification. Also, as a minimum code, Title 5 is incomplete and ambiguous in certain specifications and silent on other topics. Accordingly, local Board of Health regulations are necessary to assure more complete protection from sewage overflows to the ground surface, which are sources of filth and disease, and also to assure more complete protection from potential pollution of ground water, wells, surface waters, and wetlands. Local regulations are also necessary for purposes of efficient administration and management, as well as additional guidance in the process of construction of septic systems. These regulations do not conflict with Title 5, but rather complement them, and provide additional guidance.

II. INTRODUCTION

The revised State Environmental Code, Title 5, 310 CMR 15.00 went into effect March 31, 1995, replacing the previous version that was effective on January 1, 1978. This new State Code, as revised and amended, sets forth minimum rules and regulations to be followed in matters of on-site wastewater systems. In like fashion, this codification of rules and regulations of the Medfield Board of Health is intended to replace, except for Section III, the existing regulations entitled "Rules and regulations of the Medfield Board of Health for On-Site Wastewater Disposal", which were originally adopted in 1974, with respect to the use with the state regulations in effect from that time to March 31, 1995. In the case where the new Title 5 is in effect, these revised Board of Health regulations shall apply. In the case where the 1978 version of Title 5 remains effective as prescribed in the new 310 CMR 15.005, Transition Rules, the 1974 version of the Medfield Rules and Regulations shall remain in full force and effect. In either case, where the provisions of the Medfield Board of Health Rules and Regulations are more strict than existing federal and state ones, they will prevail. Where federal and state rules and regulations are more strict, they will prevail.

III. DEFINITIONS

Definitions and acronyms for these regulations shall be as defined in Title 5 unless listed below as an alternative or new definition.

Abutter - Direct abutters, including land owners across the street.

AGENT - An Agent of the Board of Health is any person authorized by the Board to act under these regulations. The Agent may not vary these regulations without specific approval of the Board of Health.

BEDROOM - As defined in Title 5, supplemented as follows:

Any finished room having an area greater than 460 square feet shall be considered to be two rooms.

Where there are less than 8 rooms, all rooms above the first floor shall be considered bedrooms.

A bathroom is not considered to be a room.

BOH - Medfield Board of Health

DSCP - Disposal System Construction Permit

OSDS - On Site Wastewater Disposal System

IV. GENERAL REGULATIONS

1. **PERMIT REQUIREMENTS:** No on-site system or facility to be used for treating, neutralizing, stabilizing, or disposing of wastewater from homes, public buildings, commercial or industrial buildings, or any other types of establishments, shall be located, constructed, altered, repaired, or installed, until a Disposal System Construction Permit for such work shall have been issued by the Medfield Board of Health.
2. **RESPONSIBILITY:** All persons carrying on an activity regulated by the State Environmental Code and local regulations will be held strictly accountable for complying with the provisions of this instrument. Issuance of a Board of Health Permit does not relieve the permittee of the responsibility to conform to the State or Medfield Board of Health regulations.
3. **CONSTRUCTION:** No building construction shall proceed until the Board of Health has issued a Disposal System Construction Permit (DSCP) or otherwise approved the construction by use of "Form A", on forms as provided by the Board of Health.
4. **POSSESSION OF PLAN AND PERMIT:** All installers of On-Site Wastewater Disposal Systems shall have the Board of Health Disposal System Construction Permit and copy of the approved plan in their possession on the site while installing the system, to be available for the Board of Health Agent at the time of any inspection.
5. **APPROVAL OF BOARD OF HEALTH:** No new homes or any other buildings or facilities which utilize an on-site wastewater system, shall undergo a change of use, or increase in design flow, shall be occupied, nor shall any occupancy permit be granted for such, until the Board of Health has approved such dwelling or other building or facility for the adequacy of wastewater disposal, water supply, and

storm water drainage. For additions, or changes to existing single family homes, Form A must be completed and submitted to the Board of Health for approval before obtaining a Building Permit.

6. ON-SITE WASTEWATER SYSTEM LIMITATIONS: The use of an on-site sewage disposal system by more than one property or more than one single dwelling is prohibited, except for upgrades of failed systems in situations where it is deemed the preferable solution by the Board of Health.

7. ON-SITE WASTEWATER SYSTEM LOCATION: In determining a suitable location for a system, consideration shall be given to the size, shape, and slope of the lot, hydrogeologic conditions, natural and adjusted drainage, existing and known, future water supplies, depth to ground water, and impervious material, as well as room for future expansion of the system, and future connection to common sanitary sewer.

8. TEMPORARY FACILITY: All builders and contractors must provide sanitary facilities for their employees at their work sites.

9. PERMIT APPLICATIONS: No action will be taken by this Board on any on-site disposal system in less than seven (7) days after the submission of such plan.

10. INSPECTION - SYSTEM UNCOVERED: Every OSDS must be inspected by the Board of Health Agent before it is covered. All manhole and clean-out covers and inspection holes over baffles must be loose for easy removal. Heavy covers shall be removed from the tank before inspection. No tar or asphalt or other sealant should be placed on the top of the septic tank or distribution box.

11. SYSTEM PUMPERS AND CARTERS: Chapter 111, Section 31D, of the Massachusetts General Laws stipulates that system pumpers and carters must have permit issued by the Medfield Board of Health. All contractors engaged in this business within the Town of Medfield must obtain a permit for each vehicle used for this purpose. Permits may be applied for at the Town Hall during normal business hours. Permits will be issued for the calendar year, on a per vehicle basis, subject to an annual fee as may be set from time to time by the Board of Health. Only contractors having valid permits and signed receipts for their effluent will be allowed to discharge at the Medfield Wastewater Treatment Plant. Failure to comply with these regulations may result in an enforcement action as provided in the State Environmental Code.

12. ABANDONMENT OF ON-SITE SEPTIC SYSTEMS: Regarding the abandonment of an on-site septic sewer system and connections to the common sanitary sewer: All persons must file an application for a building sewer connection permit with the Water and Sewerage Board prior to connection to the common sanitary sewer. Upon receipt of this application, a Board of Health Agent or other inspector will inspect the subject premises to determine the scope of work necessary for the proper abandonment of the on-site system and connection to the common sanitary sewer. Upon agreement with the Board of Health and the Plumbing Inspector, the Water and Sewerage Board will issue a Building Sewer Connection Permit to the applicant, subject to the conditions detailed by the various jurisdictions involved. The installation of the sewer connection and the abandonment of the on-site system shall be done by a person have a System Installer/Sewer Layers Permit.

Upon completion of the installation of new piping and the proper abandonment of the on-site system, the Board of Health Agent, or other designated inspectors shall, prior to covering and grading, make a final inspection to assure that the installation and abandonment have been performed as required.

After completing the installation it shall be the responsibility of the System Installer/Sewer Layer to file with the Water and Sewerage Board an AS BUILT sketch of the installation. Failure to comply with these rules and regulations may result in an enforcement action as authorized in the State Environmental Code.

13. APPROVAL OF DSCP

No DSCP permit shall be issued until an approved plan has been approved by no less than two (2) members of the Board of Health, following a vote at a regular meeting.

14. CONSTRUCTION INSPECTION AND SOIL TESTING LIMITATIONS

Inspections shall not be made when snow covers the ground, nor shall soil tests be performed in frozen soil.

V. COMMON SANITARY SEWAGE: The Medfield Water and Sewerage Board has jurisdiction over the installation and requirements for use of the Common Sewer.

VI. GENERAL PROCEDURES FOR OBTAINING A DSCP AND CONSTRUCTION OF OSDS.

1. The applicant shall complete an application for Site Evaluation, on a form provided by the Board of Health, at the Board of Health Office, Town Hall. An application fee, as set by the BOH from time to time, must be paid at this time.
2. The applicant shall secure the services of a State Approved Soil Evaluator and a Registered Professional Engineer or Registered Sanitarian when applicable, qualified in matters of wastewater treatment and disposal who will prepare the design for the proposed system or facility and shall conduct or otherwise arrange for the necessary soil and other tests required for proper designs. The Soil Evaluator or Engineer or Sanitarian shall contact the Board of Health Office for the purpose of obtaining an appointment such that the soil tests shall be performed in the presence of the Board of Health agent at a mutually acceptable time.
3. The site and soil evaluation shall be performed in accordance with Title 5 and the instructions described in Section VII(2) of these regulations.
4. The design engineer or sanitarian shall prepare plans for the proposed system and submit to the applicant.
5. The applicant shall complete an application for a Disposal System Construction Permit on a form provided by the Board of Health and shall submit four (4) copies of the plans to the Board of Health Office, along with an application fee as set by the BOH from time to time,
6. The Board of Health Agent/Engineer then reviews the plans. If the plans comply with the necessary regulations and are in accordance with good engineering practice, a recommendation for approval is made and the permit is then reviewed by the Board of Health at a regular meeting. If approved, a permit is then issued by the Board of Health office. One copy of the approved application and three copies of the plan, stamped "APPROVED" will be returned to the applicant. The applicant then may apply for a Building Permit from the Inspector of Buildings.
7. If the plan is not complete or does not comply with state or Board of Health Regulations in all respects, it will be returned to the applicant, who must have

