



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

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Health Officer

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REGULATION

5.000 Sewage Disposal

5.001 Authority:

This regulation is promulgated pursuant to the authority granted to the Middleborough Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations."

5.002 Definitions: Words in this 5.000 Sewage Disposal regulation which are defined in Title 5 of the State Environmental Code 310.CMR 15.000 shall have the same meaning as defined 310.CMR 15.000, except for the word "Bedroom" which shall be defined as follows:

Bedroom: A room in compliance with the State Sanitary Code 105 CMR 410.000, and the State Building Code; A finished habitable room providing privacy with floor space area of 70 square feet or more and an operable window with a minimum opening of 20"x 24".

5.003 Subsurface Sewage Disposal Systems (SSDS)

A) Percolation Tests (perc)

1. Effluent Loading Rates-Soil Absorption Systems-Percolation Rates (Original Effective Date: January 1, 2004, Published: December 31, 2003)
 - a) The allowable effluent loading rates (gpd/sq.ft.) for soil absorption systems shall be set forth in 310 CMR 15.242(1)(a) with a maximum allowable percolation rate of 30 minutes per inch as set forth in 310 CMR 15.242(1)(a).

- b) *The allowable effluent loading rates (gpd/sq.ft.) for soil absorption systems shall be set forth in 310 CMR 15.242(1)(b) with a maximum allowable percolation rate of 60 minutes per inch and effective as of January 1, 2004 shall not be applicable in the Town of Middleborough.*
- c) *Any provisions of 310 CMR 15.242(2), 15.243, 15.245, 15.249, 15.405 and 15.417 which are in conflict with section 1. Of this regulation shall not be applicable in the Town of Middleborough.*
2. All perc tests shall be scheduled through the Middleborough Health Department office after receipt of payment with a perc test application which includes the signature of the legal owner of the property and the name of the certified soil evaluator conducting the perc test. A Trench Permit shall be obtained from the Building Dept. prior to the perc test.
 3. The certified soil evaluator/engineer shall locate all wells, utilities, property lines and existing system components prior to the perc test.
 4. DEP Soil Evaluation Form 11 signed by the certified soil evaluator shall be submitted to the Health Dept. within 30 days of the perc test with the tests pits' survey location on a plan. For new construction test pits' location shall be stamped by a Registered Land Surveyor.
 5. All deep test holes and perc holes are to be at least 20' apart, preferably at the perimeter of a proposed system and representative of the soils in which the system will be constructed.
 6. Perc tests are valid for 2 years. Extension of perc tests for 2 year increments may be approved at the discretion of the Health Dept. after review of soil and groundwater information and with documentation of test pit survey location, approved soil report, letter of request and extension fee.
 7. Only state certified soil evaluators may conduct official percolation tests.
 8. All official percolation tests are to be witnessed by a Middleborough Health Department representative.
 9. Standard rulers are to be used for perc tests. Marked incremental indicators may be in addition to standard rulers for visual clarity.
 10. No more than two inches of clean stone may be used in the base of the perc hole to minimize scouring.
 11. Dewatered perc tests are prohibited.
 12. Any disagreement with the Health Dept. representative witnessing the perc regarding the soils or groundwater elevation shall require objective evaluation by the Soil Conservation Service or other soils professional approved by the Health Dept. at the expense of the applicant.

B) Septic Plan and System Requirements

1. No septic components shall be constructed or installed in a roadway or right of way, including utility companies' rights of ways.
2. Three sets of plans, one having an original stamp and signature of the design engineer/sanitarian, shall be submitted with a completed application for a disposal works construction permit, soil evaluation form and plan review fee.
3. The design engineer/sanitarian shall verify the location, elevation and number of all building sewer outlet structures on existing systems to be included on the plans prior to submission.
4. The design engineer/sanitarian shall include design criteria on the plans in compliance with 5.006 Level of Lowest Floor .

5. Two compartment tanks or two tanks in series shall be installed for all septic upgrade or repairs needing tank replacement and for new construction.
6. A DEP approved effluent filter shall be installed on outermost tee for any system repair or new construction and specifically for all systems that require a pump system.
7. The septic system leaching area shall be 200' distance from all domestic water supply wells with a perc rate of 5 min/inch or less.
8. Plans submitted are required to provide all information as indicated in 310 CMR 15.220.
 - a) System sizing calculations are to be complete and clearly located on septic plans.
 - b) All Lengths of pipe and slope shall be included.
 - c) The same plans are to be submitted to all departments involved and any revised plans shall be provided to all departments as needed such as Building Dept. and Conservation.
9. Three As-built plans, one of which has an original stamp and signature of the design engineer/sanitarian, shall be submitted to the Health Dept. within 30 days completion of a septic system along with the Certificate of Compliance signed by the design engineer/sanitarian and installer.
10. As-built plans shall have all of the site information and design calculations from the proposed plan with the field verified swing ties to all components, setbacks of components to structure, system elevations, and all other pertinent information including water supply.
11. As-built plans shall include lengths of pipes and slope, distances from all components to house and other significant structures.
12. All As-built plans shall include final grades over the system, side slopes and breakout grades where necessary.
13. As-built plans shall include all accurate locations of septic components, pump system alarm box location, all utilities, waterlines, driveways, relevant resource areas and building structures on the lot including barns with paddock areas, sheds, garages and house.
14. No structures, patios, decks, sheds, pools, or other similar structures or installations shall be placed on a septic system or reserve area.
15. All proposed system repairs shall meet maximum feasible compliance.
16. All variance requests shall be submitted as separate document citing the code or regulation for which a variance is sought and hardship justification for the variance request.
17. Verification of proper discharge for water treatment devises is required.

C) Electrical Specifications for Pump Chambers

1. Any electrical work associated with a septic system installation shall be done by a licensed electrician that has obtained an electrical permit in the Town of Middleborough and all work to be inspected by the Middleborough Electrical Inspector.
2. Any conduits extending into a manhole and/or septic tank, pump chamber or tight tank shall incorporate a sweep extending in the appropriate direction so as not to cause fraying or degradation of wiring insulation in contact with said conduit edge. Any opening of said conduit edge shall be sealed to prevent water and/or gases from migrating.
3. Junction boxes shall not be located within manholes or tanks and shall have a separate acceptable vessel enclosing such box with a watertight and secured access at grade.

4. Any pump system requiring floats (and when a pressure transducer is not otherwise specified) shall have a removable float tree of a non-corrosive material shall be utilize to separate float cords.
5. All electrical components and materials shall conform to the State Electrical Code where applicable, when electrical components are specified, including a separate hard-wired alarm circuit.
6. As-built plan shall include the location of the pump system alarm box.

D) Installers

1. Installers shall have a current Disposal Works Installers Permit with the Town of Middleborough to install or repair systems in the Town of Middleborough.
2. All Disposal Works Installers Permits expire at the end of the calendar year in which they are issued unless revoked earlier for cause due to disciplinary action.
3. Installers shall be responsible for obtaining the Disposal Works Construction Permit for any system repaired or installed in the Town of Middleborough prior to construction. The Installer's signature is required on Disposal Works Construction Permit. (A signed document filed with the Health Dept. by the installer designating an alternative representative to sign and pick up a permit is allowable.)
4. Installers shall provide a minimum of 24 hour advanced notice for all requested inspections to be scheduled through the Health Dept. office only.
5. Installers shall have the Health Dept. stamped approved plan on site at all times during construction.
6. Installers shall contact the design engineer and the Health Dept. to report any problems during the construction and obtain approval for any field changes to the approved design plan. Failure to comply with this requirement will result in an immediate "cease and desist" on the construction of this system and possible disciplinary action against the installer's Disposal Works Installers Permit.
7. Installers shall have the engineer's final system and inspection with system elevations reported to the Health Dept. before a final inspection is conducted by the Health Dept.
8. The installer or his representative shall be present for the final inspection from the Health Dept. or other arrangement as approved by the Health Inspector in advance.
9. It is the responsibility of the installer to ensure the Certificate of Compliance is signed by the installer and the engineer and returned to the Health Dept. with the As-built plans within 30 days completion of the system.
10. The inspection port shall be brought to grade or within 6" of grade and identified on the asbuilt plan and located with swing ties.

5.004 Title 5 Inspection Reports

1. Official Title 5 inspections and reports shall be done by state approved Title 5 inspectors.
2. All multi- unit housing, including nursing homes, and motels, with onsite septic systems shall have an Official Title 5 inspection every 3 years and the report shall be filed with the Middleborough Health Dept. within 30 days of the inspection. (Legal in-law apartments in single family homes exempted.)
3. All restaurants with onsite septic systems shall have an Official Title 5 inspection every 3 years and the report shall be filed with the Middleborough Health Dept. within 30 days of the inspection.
4. All commercial businesses with onsite septic systems shall have an Official Title 5 inspection every 5 years and the report shall be filed with the Middleborough Health Dept. within 30 days of the inspection.

5. Any septic system in the Town of Middleborough with cesspool(s), privies, or overflow cesspool components shall be considered as non-compliant and an automatic failure of the Official Title 5 inspection and shall require a complete system replacement.
6. Any tank inlet and outlet covers, pump chamber covers and distribution box covers shall be watertight and brought to within 9"-12" of grade.
7. Verification of proper discharge for water treatment devices is required and noted in report.
8. Any dwelling that exceeds the number bedrooms present than what the septic system capacity was designed for shall be considered an automatic failure for the Title 5 inspection report.
9. All Title 5 inspectors shall perform a walk through inspection of the dwelling to verify the presence or absence of a domestic garbage grinder and the number of bedrooms as defined.
10. Any dwelling containing a domestic garbage grinder where the septic capacity has not been designed to accommodate the additional flows shall be considered an automatic failure of the Title 5 inspection report. (removal of the domestic garbage grinder shall be an acceptable correction to gain compliance of this section.)
11. At time of a repair or replacement of a septic system, any system in the Town of Middleborough with a septic tank over 20 years old shall be replaced with a compliant tank.
12. Official Title 5 inspections shall include pumping of septage from the tank (s), pit(s), cesspool(s), or other similar structures and components of a septic system, by a septic hauler licensed in the Town of Middleborough and inspection by the Title 5 inspector.
13. Official Title 5 inspection reports filed with the Health Dept. shall include:
 - a) A \$50.00 report review fee when filed with the Health Dept.
 - b) A Plan showing swing ties to all septic components, location and distance of the septic components to well(s) or water supply lines.
 - c) Pictures of all components depicting the condition.
 - d) Septage pumping information that includes date of pumping, quantity of effluent pumped, and identity of licensed pumper.

5.005 Minimum Lot Sizes (Original Effective Date: September 13, 1971.)

The Board of Health hereby adopts, under the provisions of General Laws, Chapter 111, Section 31 and any other power thereto enabling, the following regulation:

1. *No dwelling, building or structure to be served by an on-site source of potable water and individual subsurface sewerage disposal system shall hereafter be erected, placed or converted on any lot having an area of less than thirty-thousand square feet unless a variance has been granted by the Board of Health.*
2. *No building, dwelling or structure to be connected to the municipal water supply system shall hereafter be erected, placed or converted on any lot having an area of less than fifteen-thousand thousand square feet unless a variance has been granted by the Board of Health.*

5.006 Level of Lowest Floor (Original Effective Date: October 5, 1995)

1. *The level of the lowest floor, including basement, if any, of any building which is constructed to be occupied by human beings as living space shall be at least two feet (2') above the high groundwater elevation as defined by 310 CMR 15.103 (3) of the State Environmental Code, Title 5, unless perimeter drainage is installed as noted in the next paragraph. (b)*

2. *The level of the lowest floor may be less than two feet (2') above the high groundwater elevation if adequate perimeter drainage is installed to withstand the effect of seepage. Furnace and utilities are to be protected from the effects of flooding. The use and design of perimeter drainage shall be subject to the approval of the Board of Health or their appointed inspector.*
3. *In cases where an onsite septic system is to be installed, the high groundwater elevation will be determined by a certified soil evaluator at the time of the percolation test.*
4. *In cases where Town sewer will serve the building, a certified soil evaluator shall determine the high groundwater elevation by observation of soils in an excavation at the proposed building location on the lot.*
5. *The elevation of high groundwater determined by the soil evaluator, together with the level of the lowest floor of the building, must be noted on the building site plan and on the final AS-Built site plan by an approved registered professional.*
6. *In areas of very poorly drained, poorly drained or moderately drained soils as defined by the Plymouth County Soils Survey, a registered professional engineer shall determine that there exists a means of safe and adequate passage from the street to the house in periods of high groundwater or flooding, and shall certify the same on the building site plan and the final As-Built plan.*

5.007 Septage Haulers/Pumpers

1. Businesses that provide services in the Town of Middleborough for hauling/pumping septage, grease or other waste shall obtain a permit from the Middleborough Health Dept.
2. The Fee shall be \$200.00 for septage hauler/pumping business with one truck and \$50. for each additional truck.
3. Permits are valid on a calendar year basis.
4. Permit applications, for new or renewal, shall be submitted to the Health Dept. thirty days before the expiration of the current septage hauler/pumper permit. Along with a copy of truck registration(s) and liability insurance. Renewal applications after this time will be charged a double fee.
5. Permit holders shall provide the Health Dept. a monthly report due by the 15th of the following month listing all pumping within the Town of Middleborough, location of pumping, date of pumping, source (septic tank, cesspool, tight tank, grease trap, etc.), gallons pumped and location of ultimate disposal.
6. Every truck used for hauling/pumping septage shall have a clearly visible site glass and all hoses and fittings in good repair with no leaks.
7. All septage hauler/pumpers dumping at the Middleborough Wastewater Plant shall provide and maintain a \$5000. bond to the Town of Middleborough on an annual basis for any unpaid dumping fees.

5.008 Portable Sanitary Facilities

1. Companies supplying and/or servicing portable sanitary facilities within the Town of Middleborough shall obtain a Septic Hauler/Pumper Permit from the Health Dept.
2. Portable sanitary facilities are required on all construction sites that do not have existing usable sanitary facilities.
3. Every portable sanitary facility shall be cleaned and sanitized on a weekly basis or more often if needed.

5.009 Sewage Pump Stations

1. The owner and/or operator of an existing privately-owned septic waste pumping station (“pumping station”) which is used in connection with transmission of septic waste to be introduced into the municipal sewer system shall by September 1, 2014 submit to the Town of Middleborough Health Department and Superintendent of the Town of Middleborough Wastewater Enterprise Department the following:

(a) Complete plans for the pumping station;

(b) The location or address of the pumping station and the record owner of the land where the pumping station is located;

(c) Identification of all real estate and/or facilities which are served by the pumping station including Middleborough Assessors Map and Lot number(s) for each parcel of real estate and/or facility and the complete legal name of the owner(s) of each parcel or facility;

(d) Complete legal name, address and telephone number of the owner, person or legal entity who is responsible for the operation, maintenance and repair of the pumping station; and

(e) Copies of all reports regarding monitoring, service or maintenance performed with respect to the pumping station after June 30, 2011.

2. Any person or legal entity who proposes to construct and operate a privately-owned pumping station (“proposed pumping station”) which will be used in connection with the transmission of septic waste to be introduced into the municipal sewer system before discharging any septic waste into the municipal sewer system shall submit to the Town of Middleborough Health Department and Superintendent of the Town of Middleborough Wastewater Enterprise Department the following:

(a) Complete plans for the proposed pumping station;

(b) The location or address of the proposed pumping station and the record owner of the land where the proposed pumping station will be located;

(c) Identification of all real estate and/or facilities which will be served by the proposed pumping station including Middleborough Assessors Map and Lot number(s) for each parcel of real estate and/or facility and the complete legal name of the owner(s) of each parcel or facility; and

(d) Complete legal name, address and telephone number of the owner, person or legal entity who will be responsible for the operation, maintenance and repair of the proposed pumping station.

3. The owner and/or operator of a pumping station and of a proposed pumping station which has been constructed and is operating shall submit to the Town of Middleborough Health Department and Superintendent of the Town of Middleborough Wastewater Enterprise Department copies of all reports regarding monitoring, service or maintenance of a pumping station and of a proposed pumping station which has been constructed and is operating within forty-five (45) days after the date of a report.

5.010 Industrial Wastewater Holding Tanks (IWHT)

A) In compliance with 310 CMR 15.04 sections: 4,5,6, and 7, an industrial wastewater holding tank may be required under 314 CMR 18.00 which applies to all persons who own or operate a holding tank, mobile tank, or container that meets all of the following criteria:

- 1) the holding tank, mobile tank, or container is used exclusively to accumulate or store industrial wastewater generated on-site or off-site;
- 2) the industrial wastewater in the holding tank, mobile tank, or container will be transported directly to an off-site facility for recycling, treatment, or disposal; and
- 3) the wastewater accumulated or stored in the holding tank, mobile tank, or container is nonhazardous non-domestic industrial wastewater. 314 CMR18.00 applies to new and existing holding tanks, mobile tanks, and containers. Holding tanks include above-ground holding tanks and in-ground holding tanks. Holding tanks also include tanks created by the conversion of septic tanks or oil and water separators for exclusive use as industrial wastewater holding tanks.

B) A permit from the Middleborough Health Department is required for a new Industrial Wastewater Holding Tank (IWHT) and for repairs to an existing IWHT. The permit shall be subject to the following requirements:

1. The owner or operator of an IWHT which is proposed as new or which is existing and is proposed to be repaired shall file an application for an IWHT permit with the Health Department. The application shall include two (2) sets of plans showing the design and location of the IWHT containing an engineer's original signature and stamp.
2. An application for a permit for a new IWHT shall be accompanied by payment of \$50.00 for a plan review fee and \$150.00 for a permit fee. An application for a permit for repairs to an existing IWHT shall be accompanied by payment of \$50.00 for a plan review fee and \$50.00 for a permit fee.
3. Any person who physically installs a new IWHT or repairs an existing IWHT must have a current Disposal Works Installers Permit issued by the Health Department.
4. Installers of IWHT, either new or repairs of existing IWHT, shall give the Health Department a minimum of twenty-four hour notice prior to backfilling the installation so that the Health Department may inspect the installation before the installation is backfilled.
5. Within thirty (30) days after completion of work on an IWHT installation, the holder of the IWHT permit shall submit to the Health Department the following:
 - (a) A certification of the IWHT installation signed by an engineer containing an as-built plan showing complete details of the design, layout, survey location and alarm system location for the installation.
 - (b) Town of Middleborough Electrical Inspector approval and a copy of the DEP certification forms.
 - (c) A list of materials/products which will be disposed of in the IWHT; and the name, address and telephone number of the party who will service the IWHT.

5.011 Variances

The Health Officer may vary the application of any provisions of 5.000 with respect to any particular case if in the Health Officer's opinion, enforcement of the provision from which a variance is sought would be manifestly unjust and/or the person requesting a variance has established that a reasonable level of protection of public health and safety can be achieved without enforcement of the provision.

- a) Every request shall be in writing and shall make reference to the specific provision for which a variance is sought and a statement as to hardship or level of protection.

Any person aggrieved by the decision of the Health Officer on a request for variance shall be entitled to a hearing before the Board of Health and such person shall file with the Board of Health within seven days after notice of decision, a written request to for hearing.

5.012 Penalties

- 1. Failure to comply with the provisions of this regulation may result in the levy of fines of not less than \$100.00 but no more than \$1000.00 for each violation. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation.

5.013 Severability

- 1. Each provision of this regulation shall be construed as separate to the end that, if any Provision, or sentence, clause or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall remain in full force and effect.

Hearing Notification Dates and Location: 7.24.14 and 7.31.14 Middleboro Gazette

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Board of Health Hearing Date: 8.11.14

Town of Middleborough Board of Selectmen/Health:

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