

R:1-2 SUPPLEMENTAL REGULATIONS TO 310 CMR 15.00

THE STATE ENVIRONMENTAL CODE, TITLE 5

R:1-2.1 Authority:

In accordance with the provisions of 310 CMR 15.00 the State Environmental Code and under the authority of MGL Chapter 111 Section 31 and any other powers thereto enabling the Board of Health of Topsfield to adopt regulations relative to the disposal of sanitary sewage in unsewered areas, the following regulations are adopted as supplements of Title 5 of the State Environmental Code to become effective as of the date of adoption.

R:1-2.2 Definitions (310 CMR 15.01):

Wetland—Any land area or surface so defined by the Massachusetts Wetlands Protection Act, MGL Chapter 131, Section 40 and regulation promulgated pursuant thereto at 310 CMR 10.00: Wetlands Protection or pursuant to Chapter 404 of the Federal Water Pollution Control Act, 33 U.S.C.1341 or Town of Topsfield Wetlands General Bylaw and Regulations.

R:1-2.3 General Requirements (310 CMR 15.02):

Section 1. Application for Disposal Works Construction Permits. An application for a Disposal Works Construction Permit shall be obtained at the office of the Board of Health. A permit shall expire two (2) years from date of issuance unless construction has begun. An extension of one (1) year may be granted if the plan meets Title 5 and Topsfield Board of Health Supplemental Regulations in effect at the time of permit expiration. If the environmental code or rules and regulations have changed, then no extension may be granted if said changes will affect the design of the septic system. If no extension is granted, then a new application is required. Extensions will not be granted if any changes occurred in soil, water conditions, and topography on site or on adjacent land that, in the Board of Health's opinion, would adversely affect the operation of the system and they affect the design of the system. A nonrefundable application fee or a permit extension fee will be charged.

Section 2. Plan of Sewage Disposal System: Application requirements. Three (3) sets of plans and one electronic (pdf) copy containing the following information in addition to the requirements included in 310 CMR 15.220:

- a) Name and address of owner, lot number, assessors lot number, Registry of Deeds, book and page number.
- b) Location of street, all structures, including house, garage, swimming pool, and outbuildings, driveway, on the property, and large trees within fifty (50) feet of the locus of the sewage disposal system.
- c) Accurate perpendicular distance from lot lines and buildings to septic system components.
- d) Location of all existing and proposed utilities including proposed utilities including water line and/or well and all streams, brooks, ponds, lakes, swamps, marshes, culverts, pipes,

swales, flood plains, seasonally wet areas, and areas of temporary or permanent ponded water on the property or within one hundred (100) feet of the septic system, whichever is greater.

- e) Septic facilities and wells within two-hundred (200) feet of the septic system and on immediately adjacent lots shall be indicated on the plan.
- f) All easements shall be clearly indicated on the plan, and the ownership of record of such shall be marked therein.
- g) The location of underground storage tanks within fifty (50) feet of the leaching area shall be shown and their size indicated.
- h) Any additional data necessary to demonstrate compliance with Title 5 and these Supplementary Regulations.

Section 3. Plan of Sewage Disposal: Acceptance. In order for the Board to accept a proposal for consideration, the application must consist of a set of plans in conformance with Title 5 and Topsfield Supplementary Rules and Regulations, a Disposal Works Construction Permit application properly completed, and the filing fee.

The Board of Health may require supplemental information and reporting as needed for an application to be reviewed. Any additional requirements will be reviewed by the Board of Health.

Section 4. Certificate of Compliance. Two (2) paper copies and one digital (pdf) copy of an as-built plan shall be submitted to the Board of Health within two (2) weeks of the final inspection. A Certificate of Compliance will not be issued until all conditions set forth have been fulfilled. The as-built plan shall show the following:

- a) The lot being developed.
- b) Buildings and structures as constructed in relation to the lot bounds.
- c) The location of all septic components with ties from the building foundation corners or other permanent benchmark, including the inlet and outlet covers of all tanks and distribution boxes and the corners of the leach area.
- d) The location of the reserve area as shown on the approved plan.
- e) Elevations of the top of the concrete foundation, garage floor, if any, inverts of septic tank and distribution box inlets and outlets, and inverts of the ends of the pipes in the leaching area.
- f) Plans shall be prepared in accordance with the approved scale and shall contain the stamp and signature of a registered professional engineer.
- g) The direction true north.
- h) Approved design data including gallons per day flow rate.

Section 5. Inspections. Where inspections are additional to those required by Title 5, a fee will be charged in accordance with the Board of Health's current fee schedule. Inspections for

emergency repairs shall be accomplished as required.

In new subdivisions, during the period from the time of commencement of construction until issuance of a Certificate of Compliance, the lot number shall be posted such that it is legible from existing or proposed ways.

Section 6. Maintenance. Septic system components, including innovative/alternative systems, are to meet compliance with 310 CMR 15.00.

Section 7. Privies and Chemical Toilets (310 CMR 15.16) Restrictions. The use of a privy shall not be permitted. A chemical toilet may be approved by the Board of Health only as a temporary measure for outdoor use.

R:1-2.4 System Inspection (310 CMR 15.301).

The septic tank or cesspool of every subsurface disposal system shall be pumped at the time of a Title 5 Inspection. If the system has been pumped less than 6 months before the inspection, pumping is not required if proof is provided as part of the inspection report.

Properties served by a private water supply well, regardless of distance from the septic system, shall provide a water quality report that includes, but is not limited to, the minimum testing requirements as listed in the Title 5 Inspection Report for wells within 100 feet of a septic system and in compliance with local Board of Health regulation.

R:1-2.5 Policy Procedure

Adoption. The rules and regulations as a supplement to Title 5 of the Environmental Code of the Commonwealth of Massachusetts were adopted by the Board of Health, Town of Topsfield and shall be in full force and effect on and after the date of adoption. All variances must be in compliance with Title 5, 310 CMR 15.410. All variance processes, including abutter notification, shall be the responsibility of the applicant or the applicant's consultant. All abutters must be notified in the same manner as state variances.

The Topsfield Board of Health, its agents, officers, and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties for the administration and review of the regulations. Any person found to be in violation of any of the provisions of this regulation for which a penalty is not otherwise provided shall be subject to a fine to be determined by the Board of Health and not to exceed \$300 (three hundred dollars). Each day or portion thereof during which a violation occurs or continues shall constitute a separate offense. Each section of these rules and regulations shall be construed as separate; and if any section, item, sentence, clause or phrase shall be held invalid for any reason, the remainder of these rules and regulations shall continue in full force and effect.

NOTE: Supplemental regulations amended by vote during the March 16, 2022 BOH public hearing. Public hearing notices were duly posted in the Chronicle & Transcript on February 23 and March 3, 2022.