



BOARD OF HEALTH
34 Broadway
Rockport, Massachusetts 01966
Phone (978) 546-3701
Fax (978) 546-5013

TITLE 5 SUPPLEMENTS:
Regulations for the Subsurface Disposal of Sewage

Table of Contents

1. Purpose and Applicability
2. Authority
3. Definitions
4. Setbacks
5. Validity of Soil Evaluations and Perc Tests
6. Septic System Location and Property Lines
7. Septage Hauling Reports
8. Covers at Grade
9. Abandonment of Tanks, Pits, Cesspools
10. Variance - Standard of Review
11. Process for Seeking a Variance
12. Penalties and Appeals
13. Severability

1. Purpose and Applicability

- 1.1. The purpose of these regulations is to provide for the protection of public health, safety, welfare and the environment by supplementing Title 5 of the State Environmental Code: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage (310 CMR 15.000).
- 1.2. These regulations are intended to clarify the previous “Title 5 Supplements” and shall replace all previous Board of Health regulations pertaining to septic systems.
- 1.3. The Rockport Board of Health adopted these supplements to Title 5 because the unique conditions in Rockport require a more stringent standard than found in Title 5 (310 CMR 15.000). These conditions include shallow depth to bedrock, rapidly percolating soils, high ground water tables, extensive fresh water and salt water wetlands, fractured bedrock, many old septic systems which fail inspection criteria in Title 5, proximity of on-site disposal systems to public and private drinking water supplies (both groundwater and surface waters, and their respective recharge areas), and shellfish resources.

2. Authority

These regulations are adopted under the authority of M.G.L. c. 111, §§ 31 and 127 as well as 310 CMR 11.02, Title 1 and 310 CMR 15.003, Title 5 of the State Environmental Code.

3. Definitions

Unless otherwise defined in these regulations, all definitions shall be those used in 310 CMR 15.000, Title 5 of the State Environmental Code.

Abutter – Direct abutters (i.e. all lots in any way touching the applicant’s lot) and abutters across any street(s) bordering the applicant’s lot (arrived at by extending the applicant’s lot lines across the street(s) and including any lots which are all or in part within that zone).

Board – A duly called meeting of the Rockport Board of Health.

DEP – Massachusetts Department of Environmental Protection.

Perc Test – Percolation Test, as defined in Title 5.

Soil Evaluation – Deep Observation Hole, as defined in Title 5.

Title 5 or T5 – Title 5 of the State Environmental Code: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, 310 CMR 15.000.

Light weight covers – less than 90 lbs

Medium duty covers – 90 lbs minimum weight and is secure from unauthorized access.

4. Setbacks

4.1 All systems must conform to the minimum setback distance for septic tanks, holding tanks, pump chambers, treatment units and soil absorption systems, including reserve area, measured in feet and as set forth in Title 5: 310 CMR 15.211 with the following increases below. Where more than one setback applies, all setback requirements shall be satisfied.

	Septic Tank, Holding Tank, Pump Chamber, Treatment Unit, Grease Traps	Soil Absorption System
Bordering Vegetative Wetland, Salt Marshes, Surface Waters, Inland and Coastal Banks	100’ (T5: 25’)	100’ (T5: 50’)
Certified Vernal Pools	100’ (T5: 50’)	100’ (T5: 50’ or 100’)
Open, Surface, or Subsurface Drains which discharge to Surface Water Supplies or tributaries thereto	100’ (T5: 50’)	100’ (T5: 100’)

4.2. Refer to Title 5: 310 CMR 15.211(3) for information about measuring setback distances.

5. Validity of Soil Evaluations and Perc Tests

- 5.1. Soil evaluations and perc tests shall be valid for a period of two years from the date witnessed by the Board of Health Agent.
- 5.2. The Board may extend the validity of soil evaluations and perc tests beyond two years. The owner must make such requests in writing to the Board.

6. Septic System Location and Property Lines

- 6.1. Each septic system is to be located on the same lot as the facility it serves.
- 6.2. Prior to the installation of a septic system for new construction, the lot boundaries must be marked with permanent boundary markers.

7. Septage Hauling Reports

- 7.1. Septage haulers must submit to the Rockport Board of Health a "System Pumping Record" using a form that meets the requirements of Title 5 and local Board of Health regulations for each pump-out within 14 days of pumping date.

8. Covers at Grade

- 8.1. In order to decrease the risk of a person or animal falling into a septic tank (or similarly dangerous septic component, e.g. pump chamber, holding tank, cesspool, treatment tank, leach pit, dry well) the following regulation is enacted. Light-weight covers that require bolts or screws (or similar) to secure the cover from unauthorized access, are not allowed. The rationale for this regulation is that people do not reliably replace the bolts/screws.
- 8.2. Covers at grade shall be cast iron, minimum "medium duty", whether bolts are present or not. (Bolts are not required.) Inside horizontal lip shall be smaller than the cover by a minimum of 1.5" diameter (3/4" radius). Vertical lip height shall be a minimum of 50% greater than the thickness of the outside edge of the cover.
- 8.3. Exceptions for *continued or future* use of light-weight, bolted covers can be made if the tank is filled with sand, stone, or other filter media that would support 250 lbs.
- 8.4. Exceptions for *continued use* of light-weight, bolted covers can be made if a safety grate is installed. However, light-weight, bolted covers cannot be *newly installed*, even with the use of safety grates, unless 8.3 is met above.
- 8.5. Effective immediately, all non-conforming covers shall be retrofitted with a safety grate. Licensed septic haulers are required to inform customers of this requirement at the time of pump out.
- 8.6. At the time of a Title 5 septic system inspection, the inspector shall note the status of all covers to grade on a form provide by the Board of Health, and all non-conforming covers shall be retrofitted with a medium-duty cover that is affixed to the riser in a secure manner.

8.7. Light-weight covers that are secure *without* the use of bolts are allowed. For example, plastic covers in which the entire cover turns and screws into the tank or riser (e.g. certain poly tanks) are allowed.

8.8. Below-grade access covers shall be pre-cast concrete and have minimum depth of 9" soil coverage.

9. Abandonment of tanks, pits, cesspools, chambers

9.1. Whenever the use of a septic tank, leach pit, leach chamber, pump chamber, dry well, cesspool, etc. has been discontinued,

- a.) the component must be pumped clean,
- b.) the bottom of septic tanks and pump chambers shall be broken for ground water to flow in and out, and
- c.) the component must be filled with flow-able, clean fill.

10. Variance - Standard of Review

10.1. Variances shall be granted only when, in the opinion of the Board of Health:

(a) The person requesting a variance has established that enforcement of the provision of these regulations from which a variance is sought would be manifestly unjust, considering all the relevant facts and circumstances of the individual case; and

(b) The person requesting a variance has established that a level of public health and environmental protection that is at least equivalent to that provided under these regulations can be achieved without strict application of the provision of the regulation from which a variance is sought.

10.2. With regard to variances for new construction, enforcement of the provision from which a variance is sought must be shown to deprive the applicant of substantially all beneficial use of the subject property in order to be manifestly unjust.

11. Process for Seeking a Variance

11.1. The Board of Health shall review requests for variances as follows.

(a) Every request for a variance shall be made in writing (at the time of original plan submittal, when applicable) and shall make reference to the specific provision of these regulations for which a variance is sought and must demonstrate how the applicant meets the criteria of 310 CMR 15.410.

(b) Abutter notification is not necessary to obtain a variance from these regulations.

11.2. When Title 5 requires abutter notification, (e.g. variance requests from Title 5 and local upgrade approval requests pertaining to setbacks to drinking water wells or property lines) the following standards shall be added to Title 5: 310 CMR 15.411, and the definition of abutter shall be as defined in these regulations.

- (a) The notice to abutters shall indicate specifically which parcel(s) contain the well or property line affected by the request.
- (b) The notice to abutters shall state the Board of Health's regular business hours.
- (c) Cancellation of a public meeting shall require re-notification of abutters.

12. Penalties and Appeals

Refer to MGL c.111 s. 31, and 310 CMR 11.000 Title 1 and 15.000: Title 5 of the State Environmental Code.

13. Severability

13.1. If any provision of these regulations is declared invalid or not enforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

Notices of Public Hearing: August 9, 2012 and August 13, 2012

Public Hearing: August 28, 2012, September 18, 2012, October 23, 2012

Adopted: October 23, 2012

Summary Published: November 16, 2012 in Gloucester Daily Times

Copy of regulation sent to DEP: November 28, 2012

These regulations are adopted after majority vote at a duly publicized public hearing where the local conditions and reasons for these regulations were stated.