



Town of Norfolk

Board of Health

1 Liberty Lane
Norfolk, MA 02056

TOWN CLERK
NORFOLK

2020 MAY 19 PM 2:37

TOWN OF NORFOLK BOARD OF HEALTH LEGAL NOTICE

The Norfolk Board of Health will hold a Public Hearing on June 17, 2020 at 7:00 P.M. at the Norfolk Town Hall, One Liberty Lane, Norfolk, Massachusetts for the purpose of adopting revised NORFOLK BOARD OF HEALTH ON-SITE SEWAGE DISPOSAL REGULATIONS. The proposed regulation is available for review on the Town website at www.norfolk.ma.us or in the Board of Health Office of the Municipal Building during regular business hours.

In the event the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency is still in effect at that time, this meeting shall be physically closed to the public to avoid group congregation. Alternative public access to this meeting shall be made utilizing the Zoom virtual meeting software <https://zoom.us> for remote access. The meeting will be recorded for future rebroadcast by Norfolk Community Television. Should the meeting be held remotely, a Zoom Meeting Link and Call-in Number will be posted with the agenda at mytowngovernment.org no later than Monday, June 15, 2020.

For the Board of Health,

Thomas R. Gilbert (DP)

Thomas R. Gilbert, Chair
NORFOLK BOARD OF HEALTH

NORFOLK BOARD OF HEALTH ON-SITE SEWAGE DISPOSAL REGULATIONS

YELLOW - Proposed.

AUTHORITY: The Board of Health in the Town of Norfolk, Norfolk County, Massachusetts in accordance with and under the authority of Section 31 of Chapter 111 of the General Laws of the Commonwealth and section 13 of Chapter 21A of the General Laws of the Commonwealth, hereby adopt the following regulations at a meeting of the Board of Health on Wednesday, **June 17, 2020**.

PURPOSE: To protect the public by enhancing environmental investigation, documentation, design, construction and final approval for an on-site system for disposal of sewage. These regulations will serve as a supplement to current State Environmental Code 310 CMR 15.000, Title 5.

DEFINITIONS:

Abutter – Person or entity that shares the same boundary line including land ownership(s) across a street, road, avenue or private way.

Additives – Any solid or liquid material or biological agent marketed primarily for cleaning, treating, degreasing, unclogging, disinfecting, deodorizing or otherwise affecting the performance of any component of an on-site system.

Complete application – All application forms related to on-site disposal of sewage shall be deemed completed when all related fees to the application process has been paid for. This shall include but not limited to fees for maximum groundwater observation, percolation witness fees, soil profile observation fees, and all plan review fees pertaining to land development and construction.

Design Professional - A Registered Sanitarian that is registered in the Commonwealth of Massachusetts or a Professional Engineer that is registered in the Commonwealth of Massachusetts with the discipline in sanitary engineering, environmental engineering and/ or civil engineering.

Form 1 – A Board of Health application form for review and approval purposes for properties served by on-site wastewater disposal that are subject to changes of use, increase in wastewater design flow, change(s) in foundation size(s) and shape(s) as well as proposed accessory structure(s).

Professional Land Surveyor - A Professional Land Surveyor registered in the Commonwealth of Massachusetts will be recognized as the professional whose stamp will certify potential lot lines, existing lot lines (without reference) and ownership of land.

Upgrade – A pre-existing non-conforming system replaced by a system designed and constructed to current standards which may include variance(s) granted by the local Board of Health. No increase in design flow.

Repair – To replace a component or components to an existing system that will not involve an increase in design flow.

New construction – An on-site system that will serve a building that is proposed, under construction or newly constructed. An increase in design flow for an existing system serving a construction project that will generate additional wastewater flow.

Alter – Any minor modification or change to an existing system.

I. GENERAL

1. Responsibility: All permitted person(s) or entity carrying on an activity regulated by 310 CMR 15.000, The State Environmental Code and Norfolk Board of Health On-site Sewage Disposal Regulations will be held accountable for compliance. Issuance of a Board of Health permit does not relieve the permittee of the responsibility to conform to the State or local regulations.

2. Disposal Works Installer's Permit: No person(s) or firm shall engage in the construction, alteration, installation or repair of any individual sewage disposal system without first obtaining a Disposal Works Installer's Permit from the Board of Health. Such permits shall expire at the end of the year in which they are issued unless earlier revoked for cause by the Board of Health or their agent.

3. Notification of Work: The licensed installer shall notify the Board of Health at least three (3) working days prior to start of construction. Forty-eight (48) hour notice shall be given for inspections.

4. Possession of Plan: During construction of an on-site wastewater disposal system, permitted by the Board of Health, a copy of the approved design plan shall be in the possession of the licensed installer while installing the system. The plan shall be available to the Board of Health Agent at the time of any inspection.

5. Inspection Accessibility: All manholes, cleanout covers and inspection ports over baffles as well as soil absorption systems must be loose for easy removal. Heavy covers shall be moved from system components before inspections. Inspections shall not be made when snow covers the ground unless arrangements have been made to remove the snow over the system for inspection purposes.

6. Installer's Sketch: Installers that have a permit approval for septic minor alteration(s) shall submit to the Board of Health office a sketch showing the dimensions from the building corners to the component(s) that they have replaced.

7. Temporary Sanitary Facility: Permitted projects and/or outdoor affairs which involve outdoor activities for a period of four (4) hours or longer per day shall provide sanitary facilities as determined by the Board of Health or Health Agent.

8. Additives to Septic Systems: Only additives that are approved by the Department of Environmental Protection are allowed. The published list can be found on their web site www.mass.gov.

II. GENERAL PROCEDURES FOR OBTAINING A DISPOSAL SYSTEM CONSTRUCTION PERMIT:

1. The applicant shall submit a complete application for Site Evaluation on a form provided by the Board of Health Office. The completed form includes an application fee set by the Board of Health.

2. The applicant shall secure the services of a Massachusetts Licensed Soil Evaluator and a Design Professional to assist in soil profile exploration, system or facility design or other necessary tests that may be needed for design. The soil evaluator or design professional(s) shall contact the Board of Health for the purpose of obtaining an appointment with the Health Agent for tests that require Board of Health overview.

3. The applicant shall submit a complete application for a Disposal System Construction Permit on a form provided by the Board of Health. In addition to the application form and fee, a minimum of one (1) set of design plans bearing the Design Professional(s) and Professional Land Surveyor(s) original ink stamp(s) and signature(s) shall be provided.

* New construction – five (5) design plans.

* Upgrade/repair – five (5) design plans.

4. The Board of Health will review complete application(s) and may take whatever time necessary, up to forty-five (45) days (MGL 111 Sec 31E), to ascertain the compliance with these regulations and issuance of permits. Applications which are not complete will be subject to an additional forty-five (45) day review. The applicant may have to supply labor, equipment or other information the Board may need to make a decision. If further study by the Board or agent is needed there is no implied approval. No changes shall be made to approve plans without obtaining Board of Health approval.

5. Board of Health Disposal System Construction Permits will be valid only to the person or entity to which it is issued to. If there is a change in applicant then a Transfer Permit must be obtained from the Board of Health.

6. Board of Health Disposal System Construction Permits that require construction, filling or grading within 150 feet of wetland, floodway or 100 year flood boundary will require written concurrence from the Conservation Commission that the wetland line, floodway or flood boundary is correct as represented on the septic design plan.

7. Board of Health Disposal System Construction Permits that require filling in floodplain for the construction of the septic system will require that compensatory flood storage area and volume will be provided to the satisfaction of the Board of Health or agent.

8. No liability is incurred by the Town of Norfolk or its agent by reason of any approval or advice given for wastewater disposal or treatment system. Approval by the town is based on plans and specifications supplied by the applicant's application. No guarantee is intended or implied by reason of any approval given by the Norfolk Board of Health or the agent.

9. Reserve Area Utilized as Replacement for Failed System: Owners of existing Disposal System Construction permits for new construction approved after April 15, 1995 may opt to utilize the design's reserve area as a replacement for a failed primary soil absorption system. The work will require a new Disposal System Construction permit application requesting a repair or an emergency status. No

increase in original design flow will be allowed under this application. Only the original reserve area location will be allowed under this application. No modification or change to the original soil absorption system components will be allowed under this application. A certified as built produced by the original designer, original design company, a Massachusetts Professional Registered Engineer as defined in section Definitions or a Massachusetts Registered Sanitarian will accompany the Certificate of Compliance documenting completion of the work.

10. Permit Re-certification for Existing Design Flows: Owners of existing residential Disposal System Construction permits for new construction approved after April 15, 1995 may opt to recertify the design flow for their septic system to receive design credit if a garbage grinder is not part of the dwelling's wastewater discharge. The re-certification will require a new Disposal System Construction permit application requesting the re-certification. The application package will require a current Title 5 Official Inspection Report certifying the system as "Passed" stating the system is hydraulically sound, no garbage grinder exists and the dwelling has been occupied for a least three (3) months prior to the inspection with proof by providing water bill usage or if on a private well other documents providing proof of occupancy. A Design Professional as defined in section Definitions will be required to certify the re-certification of the existing design flow. The Design Professional will provide and certify a septic system plan for review. A suitable document will be required to be recorded in the Norfolk County Registry of Deeds which signifies that no garbage grinder shall be installed or used in the dwelling on subject property.

III. SPECIFICATIONS FOR SYSTEM DESIGN

1. Maximum ground water level(s) shall be determined during the period from December 15th through April 30th for septic system design and permits for a given year for new construction unless otherwise stated in regulations or changed by the Board of Health. Additional methodology and adjustment values maybe allowed by the Board or required. The analysis shall be supported by clear and convincing technical evidence to support such proposal by the design professional.

For new construction, applications to determine maximum ground water shall be submitted prior to April 1st within each maximum ground water season. Applications received after April 1st shall be returned to the applicant unless in the opinion of the Health Agent adequate time is available to perform field observations within the maximum ground water season.

Failed septic system designs outside maximum groundwater season will use redoximorphic features (mottles) for determining maximum groundwater when available. Data from approved Disposal System Construction permits filed at the Board of Health Office representing abutting properties including subject property may be used as a reliable source to determine maximum groundwater subject to Health Agent's approval. Existing soil information shall not override required deep holes, percolation tests and observation for redoximorphic features at location of the failed septic system.

The Board of Health may allow soil information from approved Disposal System Construction permits, Department of Environmental Protection "Form 11 – Soil Suitability Assessment for On-Site Sewage Disposal" and Department of Environmental Protection "Form 12 – Percolation Test" filed at the Board of Health Office as a reliable source to determine maximum groundwater. Only Disposal System Construction permits, Board of Health Agent approved Department of Environmental Protection Form 11 and Form 12 servicing the project and abutting properties shall be allowed. All past recorded soil information for design will be subject to Health Agent approval. Approval will be based on soil

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consistency, year and month the information was witnessed, soil texture class, redoximorphic features, observations during times of annual high groundwater as set by the Board of Health and observations outside annual high groundwater season. Existing soil information shall not override required deep holes, percolation tests and observation for redoximorphic features that support the project's septic design(s).

2. Plan of system must contain the following information; the plan must list correct pertinent elevations, including elevation of road crown and gutter, cellar floor, top of foundation and garage floor. The plan shall show locations of any streams, seasonal brooks and swales. Elevations shall refer to NAVD 88 unless specifically otherwise allowed by the Board of Health Agent. Spot elevations and one (1) foot contours shall be used to indicate the ground elevations over the leaching facility and if necessary, the slope at the breakout elevation. All grading shall be designed to drain the property satisfactorily and prevent adverse storm water drainage conditions on adjoining property. The proposed final grading shall be shown in the septic system profile. Sufficient additional elevations must be shown including final grading at each of the four corners of the building to indicate clearly how the surface drainage on the property is to be handled.
3. The plan shall include a statement that there are no public wells within 500 feet; private wells within 200 feet; bordering vegetated wetlands within 150 feet; inland banks within 150 feet; surface waters within 150 feet; surface drains within 50 feet; open, surface subsurface or foundation drains which intercept high ground water within 50 feet; vernal pools within 100 feet; storm drainage leaching catch basins or dry wells within 50 feet; perennial stream within 200 feet and any boundary of a regulatory floodway or 100 year flood within 150 feet; unless shown on the plan.
4. Where "stepped" soil absorption systems are proposed, the plan shall include a cross section showing the existing grade, the proposed grade, the soil absorption system configuration, high groundwater and ledge or limiting soil layer.
5. Proposed septic tanks for family dwelling unit(s) with a design flow of less than 1000 gallons per day will meet design criteria specifications in 310 CMR 15.224: Multiple Component Tanks.
6. All plans submitted must be legible and must show the name and address of the applicant for whom plans have been prepared, the name and address of the owner of the property, date, scale, locus of lot, street number, lot number, Assessor's map and lot number and shall be signed and stamped by the professional designer responsible for the design including the signature and stamp of the Professional Land Surveyor, if needed. A revision box shall be included of each revision with a brief description of the changes.
7. Effluent loading rates as designated in Title 5 shall not be interpolated. Measured values shall be rounded up to the next percolation rate value as stated in Title 5.
8. Where vents are required by Title 5, they shall be equipped with odor control device(s) in the form of activated carbon filter(s) with the capability for easy replacement of media. If the vent pipe is directed back to the building's internal vent system so that the gases are vented above the roof line than the odor control is optional.

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9. Impervious barriers designed to prevent potential sewage breakout shall be no less durable than 40 mil high density polyethylene plastic (HDPE) and shall extend one foot below the lowest elevation beyond the 3:1 (horizontal: vertical) finished side slope(s) or natural down slope grade(s).

10. The minimum setback from private potable wells shall be determined by the soil percolation rate and vertical clearance of the leaching area above maximum high groundwater (MHG) as follows:

	Distance from well (ft)	Height above MHG (ft)
Percolation rate less than 5 min/inch	150	4
	125	5
	100	6
Percolation rate than 5 to 10 min/inch	125	4
	100	5
Percolation rate greater than 10 min/inch	100	4

11. The use of interceptor drains, French drains or curtain drains to lower groundwater to permit the installation of on-site septic systems for new construction is prohibited.

12. Designs that require a pump, the professional designer shall provide the following: specifications of the pump, name of pump manufacturer, performance curves, calculations for the total dynamic head and corresponding pump flow rate in gallons per minute. The pump rate must be shown to provide a minimum velocity in the force main piping of 2.5 ft per second. If circumstances arise that the flow rate is required to be less than 2.5 ft per second then the design shall be approved on a case by case basis.

13. The pump electrical system shall be equipped with a transfer switch to allow connection to a generator. Buildings that are dependent on private well(s) for potable water source may opt out of this requirement. Pump chamber tank(s) designed to meet a one (1) day design flow emergency storage capacity may opt out of this requirement.

14. The pump shall be located beneath the access manhole of the pump chamber.

15. Prior to the inspection of the pump system, the professional designer shall conduct a flow rate test for each pump and certify such in writing to the Board of Health. The designer shall provide drawings and completed calculations showing the actual inside dimensions of the pump chamber, the on-off elevations of the switches, the volume to be pumped for each cycle, the actual total dynamic head, the pump performance curve (Total Dynamic Head vs. Flow Rate) and the manufacturer's stated flow rate for the actual total dynamic head calculated.

16. The Board of Health may establish special conditions necessary to ensure adequate protection of public health, safety, welfare and the environment, and to ensure appropriate evaluation and testing for all Disposal Construction Disposal Permits issued by this office.

IV. EXISTING STRUCTURE OVERVIEW

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1. Requirement for Form 1: No existing Board of Health Certificate of Compliance shall be deemed valid for additions or alterations, changes of use or increases in design flow to existing buildings served by on-site wastewater disposal systems (10,000 gallons per day and under) until the Board of Health or agent has reviewed the construction proposal and issued an approval. The applicant shall complete a "Form 1" application with appropriate fee(s) as set by the Board of Health for review.

V. VARIANCE PROCEDURES:

1. The Board of Health may vary the application of the above rules and regulations with respect to any particular case when, in their opinion, the enforcement thereof would be manifestly unjust considering all the relevant facts and circumstances of the individual case; and the applicant requesting the variance has established that an equivalent level of public health and environmental protection will otherwise be provided without strict application of the provisions for which the variance is sought.

2. All variance requests shall be in writing and shall make reference to the specific regulation for which a variance is sought and a statement which provides evidence of the conditions stated in Section V: Variance Procedures (1).

VI. PENALTIES:

1. Any person who shall violate any provision of these regulations for which penalty is not otherwise provided for in any of the General Laws or in any other provisions of Title 5 or Title 1 of the Environmental Code (310 CMR 11.00) shall upon conviction, be fined not less than \$10.00 nor more than \$500.00.

2. Any person who shall fail to comply with any Order issued pursuant to the provisions of these regulations shall upon conviction, be fined not less than \$10.00 nor more than \$500.00. Each day's failure to comply with an Order shall constitute a separate violation.

ADOPTION:

The above regulations (including therein the title thereof) pursuant to all powers and authority of this Board are unanimously adopted by the Board of Health of the Town of Norfolk in meeting assembled this day of Month, Year, to be effective on Month, Year and shall be published in a newspaper circulated in this Town and a copy thereof shall be deposited in the Office of the Town Clerk within ten (10) days after the effective date.

Adopted: February 11, 1997

NORFOLK BOARD OF HEALTH

Revised: March 26, 2015

Ilene Segal, Member

June 17, 2020

Effective Date:

Fran Sullivan, Member

Thomas R. Gilbert, Chairman