

**TOWN OF CHATHAM
BOARD OF HEALTH**

**MINIMUM REQUIREMENTS FOR THE SUBSURFACE DISPOSAL OF
SANITARY SEWAGE**

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The following regulations are promulgated by the Chatham Board of Health and replace all previous versions of said regulation with subsequent amendments. The regulations are adopted in accordance with the provisions of Chapter 111, Section 31, as amended, Massachusetts General Laws, and are being adopted to supplement, clarify, modify and augment the provisions of Title 5, of the State Environmental Code. Applicants shall refer to the Massachusetts Environmental Code for basic requirements.

SECTION 1 DEFINITIONS

- 1.1 **BEDROOM** - A room providing privacy, intended primarily for sleeping, and consisting of all of the following:
- a. floor space of no less than 70 square feet;
 - b. for new construction, a ceiling height of no less than seven (7) feet three (3) inches;
 - c. for existing houses, a ceiling height of no less than seven (7) feet;
 - d. the required ceiling height, as defined in (b.) and (c.) above, cover at least fifty percent (50%) of the required floor area, and that, for sloped ceilings, no part of the required floor area shall have less than five (5) feet in ceiling height;
 - e. an electrical service and ventilation; and
 - f. Must meet Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II; 105 CMR 410:000)

Living rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars, unfinished, unheated storage areas over garages, are not considered bedrooms.

For the purposes of this regulation a room with a 6' (minimum) cased opening for new construction or renovation, or a 4' cased opening for existing dwellings, that opens directly into another habitable room or a hallway that leads to a habitable room, does not provide the necessary privacy.

Rooms over free-standing garages that have heat and a bathroom, that provides privacy ARE considered bedrooms. Rooms over attached garages with direct access to the house that provides privacy ARE considered bedrooms.

Sunrooms are not considered a bedroom. A sunroom is a one-story structure attached to a dwelling with a glazing area in excess of 40% of the gross area of the structure's exterior walls and roof

Lofts or “bonus rooms” with walls open to below or open stair ways shall not be considered bedrooms.

Rooms that do not meet the strict definition of a bedroom may be reviewed by the Board of Health on a case-by-case basis.

- 1.2 **FAILED SYSTEM** - A system which fails to protect the public health and safety or the environment as set forth in 310 CMR 15.303 or 15.304, the Town of Chatham's MINIMUM REQUIREMENTS FOR THE SUBSURFACE DISPOSAL OF SANITARY SEWAGE, and/or the Town of Chatham's REAL ESTATE TRANSFER REGULATION.
- 1.3 **LOT AREA** - An area of land in one ownership that is not a Wetland Resource Area as defined below.
- 1.4 **MULTIPLE DWELLINGS** - This term shall include, but not be limited to, apartment complexes, condominiums, cottage colonies, hotels, motels, residential lots with more than one dwelling, residential lots with a main dwelling and guesthouse or attached unit.
- 1.5 **NONCONFORMING SYSTEM** - Any system which is not in full compliance with 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE, TITLE 5; THE TOWN OF CHATHAM NITROGEN LOADING REGULATIONS; and this Regulation, and for which a variance or local upgrade approval has not been obtained.
- 1.6 **ON-SITE SUBSURFACE SEWAGE DISPOSAL SYSTEM** - A system or series of systems for the treatment and disposal of sanitary sewage below the ground surface as defined by 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE, TITLE 5.
- 1.7 **UNFINISHED** - No insulation, drywall, or heat
- 1.8 **WETLAND RESOURCE AREA** -
Inland Wetland: Any natural or man-made stream, pond, lake, ditch, or other body of water, wet meadow, marsh, vernal pool, swamp, bog, bank, or areas where groundwater, flowing or standing surface water support a wetland plant community. The delineation of these areas shall be determined in accordance with the Chatham Wetlands Protection Regulations and policies/guidelines. The Conservation Commission may be consulted on the delineation(s).

Coastal Wetland: Any coastal bank, coastal beach, coastal dune, salt marsh, estuary, tidal flat, not including land subject to coastal storm flowage as determined by the 100-year flood plain. Delineation of these areas shall be determined in accordance with the Chatham Wetlands Protection Regulations and policies/guidelines. The Conservation Commission may be consulted on the delineation(s).

SECTION 2 GENERAL REQUIREMENTS

- 2.1 **DISPOSAL SYSTEM INSTALLER 'S PERMIT** - No person or firm shall engage in the construction, expansion or upgrade of an on-site subsurface sewage disposal system without first obtaining a Disposal System Installers Permit from the Board of Health or its Agent. Such

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permits shall expire at the end of the year in which they are issued unless earlier revoked for cause by the Board of Health.

- a. Requirements for a Disposal System Installer's Permit.
 - 1. Copies of valid licenses from other towns (if applicable), and/or proof of experience in the disposal works field.
 - 2. Completed Disposal System Installers application.
 - 3. List of the equipment owned or available.
 - 4. Completion of oral or written quiz on knowledge of state and local regulations, with a passing grade.
 - 5. Approval of Health Agent
- b. The Health Agent has the ability to waive any of the above requirements
- c. Failure to meet any or all of these requirements may result in the Board of Health or its Agent not granting a license to the applicant.

2.2 **SEPTAGE HANDLER'S PERMIT** - No person or firm shall engage in the pumping or transport of the contents of any part of an individual sewage disposal system without first obtaining a Septage Handler's Permit from the Board of Health, in accordance with Massachusetts General Law Chapter 111, section 31A. The application for such a permit shall state the site of the disposal, and such site and method of disposal must have been approved by the Department of Environmental Protection, regardless of the stated volume of material disposed of at that site. Such permits shall be contingent upon compliance with this regulation and shall expire at the end of the year in which they are issued unless earlier revoked for cause. A list of permits issued shall be submitted the appropriate regional office of the Department of Environmental Protection at the beginning of each calendar year

2.4 **CERTIFICATES OF COMPLIANCE** - No Certificate of Compliance shall be issued by the approving authority unless construction of the septic system is completed by its attachment to the plumbing system of the building or dwelling being served. All septic systems shall be completed within three (3) years from the date of issue of the initial Disposal System Construction Permit.

2.5 **BUILDING , FOUNDATION , SPECIAL , OR PLUMBING PERMITS** - No building permit, foundation permit, or special permit, or plumbing permit shall be issued until a Sewer Entrance Permit or Disposal System Construction Permit has first been obtained, unless the Board of Health or their Agent determines that the existing on-site subsurface sewage disposal system is adequate for a proposed alteration or addition to the existing dwelling.

2.6 **FEES** - A fee for the issuance of a construction permit may be charged by the Board of Health at the time an application is made for the permit or permit renewal.

2.7 **CONNECTION TO COMMON SANITARY SEWER** - Onsite Subsurface Sewage Disposal Systems or other means of sewage disposal shall not be approved where a common sanitary sewer is accessible adjoining the property and where permission to enter such a sewer can

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be obtained from the authority having jurisdiction over it. The Board of Health may require the owner or occupant of an existing building or buildings, wherever a common sanitary sewer is accessible in an abutting way, to cause such building or buildings to be connected with the common sanitary sewer in a manner and within a period of time satisfactory to the Board of Health.

At the time a connection is made to the Town's sanitary sewer system, the existing on-site subsurface sewage disposal system, if any, shall be disconnected from the building plumbing, pumped dry, filled with clean sand and abandoned in accordance with applicable local and state regulations.

2.8 SEWAGE DISPOSAL SYSTEM IN FLOOD PLAIN ZONE -

SEWAGE DISPOSAL SYSTEM IN FLOOD PLAIN ZONE - Any sewage system located in a Flood Plain Zone, **Land Subject to Coastal Storm Flowage**, as delineated on the **FEMA NFIP FIRM (Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Maps)**, shall be so located that the bottom of the leaching portion of the system is at a minimum elevation 8 (NAVD 88) or 5 ft. above adjusted seasonal high ground water (ESHGW), whichever is higher, and in no case shall a variance be granted which would allow the elevation of the finished grades over the system to be less than one (1) foot above the **Base Flood Elevation (BFE)** [1]

2.9 SEWAGE DISPOSAL SYSTEM AND DOMESTIC WATER SUPPLY FOR ONE LOT AND MULTIPLE USE - Any well or individual sewage disposal system for a building or dwelling must be on the same lot as the structure being served.

2.10 ROAD TAKINGS - Any setback nonconformity created by the laying out and acceptance of a road or roads in the Town of Chatham as a public way or ways shall render the septic system as pre-existing nonconforming.

2.11 INDIVIDUAL LOTS CONTAINING MULTIPLE DWELLINGS AND/OR MULTIPLE SEPTIC SYSTEMS - Whenever the owner(s) of any such lot replaces a septic system or proposes an increase in sewage flow, the owner(s) shall upgrade any nonconforming system(s) on the lot. All such upgrades shall be in full compliance with 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE, TITLE 5, THE TOWN OF CHATHAM NITROGEN REGULATIONS, and this Regulation. The owner(s) shall upgrade these systems within one (1) year of discovery unless:

- a. The Board of Health sets a shorter period of time based upon the existence of an imminent health hazard; or
- b. The Board of Health, in accordance with the provisions of an enforceable schedule for upgrade, permits the continued use of the system(s). When seeking such permission, the applicant shall submit an approved engineering plan in full compliance with 310 CMR 15.000: THE STATE ENVIRONMENTAL CODE, TITLE 5 and this Regulation; a fiscal commitment to complete the upgrade of the system(s) within three (3) years; and an enforceable commitment to perform interim measures (e.g., regular pumping). Such permission shall expire in three (3) years or upon the failure of the applicant to meet interim measures set forth in the enforceable schedule for the upgrade.

SECTION 3 SYSTEM SEWAGE FLOW DESIGN CRITERIA

- 3.1 Each component of an on-site subsurface sewage disposal system shall be designed to treat sanitary sewage discharged from all buildings to be served by the system using the System Sewage Flow Design flows set forth at 310 CMR 15.203, Title 5.
- 3.2 On-site subsurface sewage disposal systems for other than single-family dwellings shall be designed for the actual design flow.
- 3.3 On-site subsurface sewage disposal systems for single-family dwellings shall be designed for the actual number of bedrooms. However, no system shall be designed for less than 220 gallons per day. On-site subsurface sewage disposal systems designed for less than three (3) bedrooms shall cause the property to be deed restricted to the actual number of bedrooms present.

SECTION 4 LOCATION

- 4.1 **REQUIRED DEPTH OF PERVIOUS MATERIAL** - Subsurface sewage disposal systems shall be located in an area where there is at least four (4) foot depth of naturally occurring pervious soil below the entire area of the leaching facility. The naturally occurring pervious soil shall have a percolation rate less than or equal to thirty (30) minutes per inch or twenty (20) minutes per inch for systems over two thousand (2000) gallons per day and the four (4) foot stratum must be free of impervious materials, such as layers of clay, silt, subsoil, or loam.
- 4.2 **DISTANCES**¹ - No disposal facility shall be closer than the distances stated to the components listed in the following table. The distance shall be increased where required by conditions peculiar to a location.

COMPONENT	SEPTIC TANK (ft.)	LEACHING FACILITY (ft.)
Full cellar wall, in-ground swimming pool Crawl space wall	10	20

¹ The applicant should be aware of his obligation to comply with the requirements of the Wetlands Protection Act, Massachusetts General Law Chapter 131, section 40.

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*Slab	10	10
Wetland Resource Area (see definition)	50	100
Subsurface Drains	25	25

* Top of leaching facility must be below the elevation of the bottom of the slab or floor of the dwelling.

SECTION 5 SEPTIC TANKS

GROUND WATER - The invert elevation of the septic tank outlet shall be at least one (1) foot above the maximum ground water elevation.

SECTION 6 DOSING TANKS

- 6.1 **BASE** - Dosing tanks shall be constructed on a level stable base that will not settle.
- 6.2 **VENTILATION** - Dosing tanks shall be constructed in a manner that will permit venting through the building sewer or other suitable outlet.
- 6.3 **GROUND WATER** - The invert elevation of the septic tank outlet shall be at least one (1) foot above the maximum ground water elevation.
- 6.4 **MANHOLES** - To provide access and to facilitate repair or adjustment of the pumps, dosing tanks should be provided with manholes at least twenty-four (24) inches in diameter with metal frames and covers to grade over each pump.
- 6.5 **INSPECTIONS** - Annual inspections are recommended to determine if the pumps are in working order.

SECTION 7 PUMPS

- 7.1 **CONTROLS** - All controls are to be accessible twenty-four (24) hours a day.
- 7.2 **ALARM** - All pumps shall be equipped with an alarm powered by a circuit separate from the pump power and must be audible in a habitable area.
- 7.3 **STANDBY POWER** - Standby power shall be provided at apartment houses, condominiums, elderly housing, and all other premises that are not vacated during power

failure. An empty emergency overflow tank with twenty-four (24) hour storage capacity may be substituted where such a tank can be placed completely above ground water.

SECTION 8 DISTRIBUTION BOXES

- 8.1 **VENTILATION** - The distribution box shall be constructed in such a manner as to provide ventilation of the disposal field, either through a special vent or back through the building sewer.

- 8.2 **MANHOLES** - Systems designed for over two thousand (2000) gallons per day shall have a minimum eighteen (18) inch manhole over each distribution box, with metal frame and cover to finished grade.

SECTION 9 LEACHING GALLERIES AND CHAMBERS

When leaching is accomplished by chambers and galleries, the required leaching area must be divided in half and each facility is to receive equal flow through a distribution box.

SECTION 10 LEACHING TRENCHES

When leaching is accomplished by trenches, the flow must be divided in equal portions through a distribution box or by pressure distribution.

SECTION 11 INNOVATIVE ALTERNATIVE SYSTEMS

Owners and operators of all innovative/alternative sewage treatment technologies, including composting and incinerating toilets and tight tanks, shall report the results of all operation, maintenance, and monitoring activities to Barnstable County Department of Health and Environment. Such reporting must be performed in the manner specified by Barnstable County Department of Health and Environment and must occur within 15 days after each maintenance or monitoring event. Furthermore, when a system operator performs a system inspection and finds that a sewage treatment technology has malfunctioning components which have compromised the system's ability to treat sewage as designed, the operator shall report on the system's status and any planned corrective actions to the Chatham Board of Health and Barnstable County Department of Health and Environment within 48 hours of Inspection.

SECTION 12 HUMUS, COMPOSTING or INCINERATING TOILETS

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A Humus, Composting or Incinerating toilet shall not be constructed or continued in use unless the Board of Health has approved, in writing, its construction or continued use based upon determination by the Board of Health that the humus composting or incinerating toilet will not endanger the health of any person or cause a nuisance.

- 12.1 **LIQUID WASTEWATER** - There shall be no liquid wastewater discharge from the humus/composting toilet. If the humus/composting toilet produces a liquid by-product it must be discharged through a grey water system that includes a septic tank and leaching system, or removed by septage hauler and properly disposed.
- 12.2 **DISPOSAL OF WASTE**- All composting/humus or incinerating toilet byproduct must be disposed of, off the property, at a disposal site approved by the Board of Health.

SECTION 13 VARIANCES

- 13.1 Variances from this regulation may be granted by the Board of Health only if the applicant:
- a. Has established that enforcement of the provisions of this regulation from which a variance is sought would be manifestly unjust, considering all the relevant facts and circumstances of the individual case;
 - b. and the applicant has established that a level of environmental protection that is a least equivalent to that provided under this regulation can be achieved with out strict application of the provisions of this regulation from which a variance is sought.
- 13.2 Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore.
- No variance shall be granted except after the applicant has notified all abutters by certified mail at his own expense at least ten (10) days before the Board of Health meeting at which the variance request will be on the agenda. The notification shall state the specific variance sought and the reasons therefore.
- 13.3 Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of each variance shall be available to the public at all reasonable hours in the office of the Board of Health while it is in effect.
- 13.4 Any variance or other modification authorized to be made by this regulation may be subject to such qualification, revocation, suspension, or expiration as the Board of Health expresses in its grant. A variance or other modification authorized to be made by this regulation may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder

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thereof has been notified in writing and has been given any opportunity to be heard, in conformity with the requirements for an order and hearing as contained in 310 CMR 11.07 and 11.08

SECTION 14 GENERAL ENFORCEMENT

14.1 The provisions of Title 1 of the State Environmental Code (310 CMR 11.00) shall govern the enforcement of this regulation as supplemented herein.

SECTION 15 ORDERS: SERVICE and CONTENT

15.1 If an examination as provided for in Title 1 (310 CMR 11.00) reveals failure to comply with the provisions of this regulation, the Board of Health shall order the person(s) responsible to comply with the violated provision(s).

15.2 Every order authorized by this regulation shall be in writing. Orders issued shall be served on all persons responsible for the violated provision(s). An order shall be served on the designated person:

- a. Personally, by any person authorized to serve civil process, or
- b. by any person authorized to serve civil process by leaving a copy of the order at his last and usual place of abode, or
- c. by sending him a copy of the order by registered or certified mail, return receipt requested, if he is within the Commonwealth, or
- d. if his last and usual place of abode is unknown or outside the Commonwealth, by posting a copy of the order in a conspicuous place on or about the affected premises and by advertising it for at least three (3) out of five (5) consecutive days in one or more newspapers of general circulation within the municipality wherein the building or premises affected is situated.

15.3 Subject to the emergency provision of Title 1, any order issued under the provisions of this regulation shall;

- a. Include a statement of the violation or defect, and may suggest action which, if taken, will affect compliance with this regulation,
- b. allot a reasonable time for any action it requires, and
- c. inform the person to whom it is directed of his right to a hearing, of his responsibility to request the hearing, the time frame in which the response must be made, and to whom the request shall be directed.

SECTION 16 HEARING

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- 16.1 **PROCEDURE FOR REQUESTING AND HOLDING A HEARING** - Unless otherwise specified in this regulation, the person or persons to whom any order has been served pursuant to any section of this regulation may request a hearing before the Board of Health by filing with the Board within seven (7) days after the day the order was served a written petition requesting a hearing on the matter. Upon receipt of such a petition, the Board shall set a time and place for such a hearing and shall inform the petitioner thereof in writing. The hearing shall be commenced not later than forty-five (45) days after the day on which the order was served. The Board, upon application of the petitioner, may postpone the date of the hearing for a reasonable time beyond such forty-five (45) day period if, in the judgment of the Board, the petitioner has submitted a good and sufficient reason for such postponement.
- 16.2 **HEARING A PETITION** - At the hearing, the petitioner shall be given an opportunity to be heard and to show cause why the order should be modified or withdrawn.
- 16.3 **PROCEDURE BY THE BOARD AFTER A HEARING** - After the hearing, the Board of Health shall sustain, modify, or withdraw the order and shall inform the petitioner, in writing, of its decision. If the Board sustains or modifies the order, it shall be carried out within the time period allotted in the original order or modification.
- 16.4 **PUBLIC RECORD** - Every notice, order, or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the clerk of the town, or in the office of the Board of Health.
- 16.5 **HEARING PE TITION NOT SUBMITTED OR ORDER SUSTAINED** - If written petition for a hearing is not filed with the Board of Health within seven (7) days after the day the order was served or if after the hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

SECTION 17 APPEAL

Any person aggrieved by the decision of the Board of Health may seek relief therefrom within thirty (30) days in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

SECTION 18 PENALTIES

- 18.1 Any person who shall violate any provision of this regulation for which penalty is not otherwise provided in any of the General Laws of the Commonwealth or in any other provision of this regulation or Title 1 of the State Environmental Code shall, upon conviction, be fined not less than Ten Dollars (\$10) nor more than Five Hundred Dollars (\$500).
- 18.2 Any person who shall fail to comply with any order issued pursuant to the provisions of this regulation shall, upon conviction, be fined not less than Ten Dollars (\$10) or more than Five

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Hundred Dollars (\$500). Each day's failure to comply with an order shall constitute a separate violation.

SECTION 19 SEVERABILITY

Each section of this regulation shall be construed as separate to the end that if any clause, phrase, section, or sentence thereof shall be held invalid for any reason, the remainder of this regulation shall continue in full force.

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January 9, 2003

August 3, 2006.

May 3, 2007

Effective: May ? 2022

Signed:

John Beckley, Chairman

Noble Hansen, M.D., Vice Chairman

Carol Boyce, Member

Ronald Broman, Member

Edward Sheehan, Member