

**TOWN of NORTH ATTLEBORO • BOARD of HEALTH**  
**SEPTIC MANAGEMENT REGULATION**  
Effective January 1, 2012

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**ARTICLE I                      PURPOSE**

**WHEREAS:**

- The purpose of this regulation is to protect all existing and potential ground and surface water supplies in North Attleboro, as well as their recharge areas, from contamination due to septic system or cesspool failure;
- The preservation of North Attleboro's groundwater supply is of paramount importance;
- A significant portion of North Attleboro is not provided with municipal sewerage, and its Comprehensive Wastewater Management Plan has identified areas that will not be seweraged for another twenty years or more, if at all;

*Purpose continued:*

- There are portions of North Attleboro where septic systems do not work well;
- The Board of Health wishes to supplement Title 5 of the State Environmental Code, 310 CMR 15.00 with certain standards more stringent than found in Title 5 because of certain unique conditions in North Attleboro, and;
- The Board of Health wishes to improve the longevity of the existing municipal sewer system in North Attleboro, and;
- The Board of Health wishes to amend, repeal and re-organize certain of its regulations previously adopted.

**NOW THEREFORE**, this Board of Health adopts the following regulation under the authority specified in Article II herein, as a preventative public health measure to protect all existing and potential ground and surface water supplies in the Town of North Attleboro.

## **ARTICLE II            AUTHORITY**

The Board of Health, acting under the authority of M.G.L. c.111 §31, and amendments and additions of the Commonwealth of Massachusetts hereto, and by any other power thereto enabling, and acting thereunder and in accordance therewith have, in the interest of and for the preservation of the public health, duly made and adopted the following rules, regulations, and specifications for septic management in the Town of North Attleboro.

## **ARTICLE III DEFINITIONS**

The following definitions shall apply in the interpretation, implementation and enforcement of this regulation.

*Applicant* – any person who applies to the Board of Health for a permit to engineer, inspect, install or repair subsurface sewage disposal systems in the Town of North Attleboro.

*Board of Health* or *Board* – the North Attleboro Board of Health, and/or any person authorized to act as its agent or representative.

*Cesspool* - any subsurface sewage disposal system consisting of a pool, pit or container into which sewage is discharged and from which it seeps. Cesspools do not comply with North Attleboro standards, are not permitted for new construction or repairs, must categorically fail a Title 5 inspection, and must be fully upgraded to Title 5 standards upon property transfer or failure of any kind.

*Common Sewer Line* - any underground pipe or network of pipes used to convey sewage to a wastewater treatment facility.

*Customer* or *Client* – the property owner, person or authorized agent being serviced by the applicant who requests, contracts for, obtains or purchases services to design, inspect, install, repair or remove a Septic System in the Town of North Attleboro subject to this regulation.

*CWMP* – the Comprehensive Wastewater Management Plan of the North Attleboro Board of Public Works as certified November 12, 2010 or most recently amended.

*Department* or *MDEP* - the Massachusetts Department of Environmental Protection.

*Definitions continued:*

Deep Observation Hole – An open pit dug to permit examination of the soils and to obtain data relative to the mean annual high groundwater elevation.

Design Engineer shall mean a Professional Engineer registered to practice civil or sanitary engineering in the Commonwealth of Mass. A Registered Sanitarian may also perform septic system design for approval by the Board of Health

DPW – the North Attleboro Department of Public Works

Environmentally Sensitive Area - any natural feature or natural resource (e.g. wetlands) regulated by or through an agency of the Massachusetts Executive Office of Energy and Environmental Affairs.

Effluent – Sanitary sewage discharged into the environment, whether or not treated.

Emergency Repair – The repair of a system which is necessary to prevent sewage backup into a building, surface breakout of sewage, or to alleviate an imminent danger to public health, safety, or the environment in accordance with 310 CMR 15.353.

Failed System - A system which fails to protect public health and safety or the environment as set forth in 310 CMR 15.303 or 15.304.

I/A Systems - Innovative or alternative systems designed to provide or enhance on-site sewage disposal which either do not contain all of the components of a septic system constructed in accordance with 310 CMR 15.00 or which contain components in addition to those specified in 310 CMR 15.00 and which are proposed to the MDEP and/or the Board for remedial, pilot, provisional or general use purposes.

Leaching Facility – A system of trenches, galleries, chambers, pits, fields or beds together with effluent distribution lines and aggregate which is installed in appropriate soil to receive effluent from a septic tank and transmit it to the soil interface for treatment in a biological mat and disposal to underlying soils.

MDEP – the Massachusetts Department of Environmental Protection.

Operator – any person who individually, jointly, or severally with others, owns or controls a septic design, installation, and/or hauling business that has been permitted to operate in the Town of North Attleboro by the Board.

Owner - any person named in a deed on file with the Bristol County Registry of Deeds as the legal and rightful owner of a residential or commercial property subject to this regulation.

Permit - Board approval in writing to design, inspect, install, repair or remove a subsurface sanitary sewage disposal (Septic) System in the Town of North Attleboro. Said approval shall be granted solely for the conduct of such services pursuant to this regulation. Said permits are exclusive of the applicant's compliance with other licensing or permitting requirements that may exist within the Board's jurisdiction.

Permitee – the holder of a Permit granted by the Board pursuant to this regulation.

Person – an individual, any form of business or social organization, or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

*Definitions continued:*

Qualified Engineer – a professional engineer or registered sanitarian experienced in matters of wastewater treatment and disposal.

Residential or Commercial Property - any combination of land and buildings used for human habitation or the operation of a business engaged in the sale of goods and/or services.

Sanitize – make clean and free of agents of infection or disease.

Septic System or System- any subsurface sewage disposal system, which shall include both systems with a septic tank and leaching facility and subsurface systems with tight tanks.

Soil Site Evaluator – A person approved by MDEP pursuant to 2310 CMR 15.101 as capable of determining the suitability of a specific site for the use of an on-site subsurface sewage disposal system in compliance with 310 CMR 15.000.

System Inspector - any registered sanitarian; certified health officer; Massachusetts-registered professional civil, environmental or sanitary engineer, or a MDEP-approved system inspector as defined in 310 CMR 15.340 (1,b).

Title 5 – Title 5 of the Massachusetts Environmental Code, 310 CMR 15.000: Standard Requirements for the Siting, Construction, Inspection, Upgrade and expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage.

Town – the Town of North Attleboro, its employees, agents or duly authorized representatives.

Toxic or Hazardous Material - any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies and/or other hazards to human health if such substance or mixture were discharged to land or water in the town. Toxic or hazardous materials include without limitation: synthetic organic chemicals; petroleum products; heavy metals; radioactive or infectious wastes; acids and alkalis and all substances defined as Toxic or Hazardous under M.G.L. c.21C and c.21E, or Massachusetts Hazardous Waste Regulations 310 CMR 30.00, and also include solvents, thinners and pesticides in quantities greater than normal household use.

Waste Hauling - any handling, hauling, clearing, collection or removal of sewage or septic-related materials, including associated vehicle operations and maintenance, or any combination thereof.

#### **ARTICLE IV GENERAL REQUIREMENTS**

A. Title 5 shall be the basis for Septic System design, except as provided otherwise in this regulation and these rules.

B. No System or facility to be used for treating, neutralizing, stabilizing or disposing of wastewater from homes, public, commercial or industrial buildings, or any types of establishments, shall be located, constructed, altered, repaired, or installed until a septic management Permit for such work shall have first been issued by the Board.

*General Requirements continued:*

C. Any septic management Permit issued by the Board shall remain in effect for two (2) years from the date of issue, except that the Board may grant an extension for one (1) additional year providing that all work shall be completed and a Certificate of Compliance shall be issued within three (3) years of the date of issuance of the original Permit. Groundwater observations and percolation testing results shall be valid for 3 years from the date of observation.

D. No occupancy permit shall be issued for any dwelling or other building to be inhabited until the Board has approved such dwelling or other building, and the lot as suitable for human habitation.

E. When reviewing an application for any septic management Permit, the Board in its exclusive discretion may determine that the assistance of outside professional expertise and/or consultants is warranted due to the size, scale or complexity of a proposed project or matter (or the issues raised thereby), or because of a project's potential impact(s) on the Town. The Board may require the applicant to pay a fee consisting of the reasonable costs incurred, or to be incurred, for the engagement or employment of such outside professional expertise and/or consultants as may be selected by the Board to assist in the review of the application.

F. No structures or improvements such as garages, pools, tennis courts, etc. shall be constructed on or above any land designated for future use as a septic system reserve area.

G. An individual Septic System and all its connecting sewer lines must be installed on the same lot as the facility discharging sewage into said Septic System.

H. A shared Septic System may only be approved by the Board if each individual lot that is proposed to use the shared Septic System can support it within the requirements of Title 5 and this regulation without a obtaining a variance. The areas proposed on each lot of a shared Septic System that would otherwise support individual Septic Systems on each lot shall not be used for any other purpose. In its exclusive discretion, the Board may require financial and legal guarantees to insure that inspections of the shared Septic System, maintenance, repairs, and if necessary, replacement of the System will occur without delay or expense to the Town. The Board may in its discretion require periodic inspection of a shared system as a condition of approval to ensure that its continued use conforms to Title 5 and this regulation.

I. The DPW's CWMP map which identifies those areas not expected to be served by the Town's municipal sewer system for twenty years or more is available on-line and at the DPW offices during normal business hours.

J. All Persons licensed by the Board to pump and haul septage (Operators) shall submit septic tank and Cesspool pumping records conducted in the Town to the Board within 14 days of pumping. The list (or copies) shall indicate: the date and location of each location serviced, the property Owner's name and address, the number of gallons pumped, and whether the system pumped is a cesspool or a septic tank. Any Person not in full compliance with this section may be subject to suspension or revocation of their license.

## **ARTICLE V**

## **SPECIFICATIONS FOR SEPTIC SYSTEMS**

A. No building or plumbing permit shall be issued until the Board has first approved a proposed building lot as suitable for human habitation and (if required) a disposal works construction Permit has been obtained to install a Septic System. An application for such a Permit shall be in a form prescribed by the Board and accompanied by a Septic System design plan prepared by a Design Engineer proposed by the Applicant and licensed by the Board.

B. In order for the Board to consider an application for a Permit for new Septic System construction, the Applicant shall first:

1. Secure the services of a Design Engineer who will prepare a design plan for the proposed Septic System and conduct or otherwise arrange for any necessary soil or other tests required for proper design. The Design Engineer shall notify the Board of the intention to conduct such soil tests and obtain an appointment with the Board in order that the tests be performed in the presence of the Board or its duly authorized and qualified representative.

C. A Septic System design plan shall be prepared for submission to the Board by a Design Engineer, drawn to a scale not less than 1" = 40' unless otherwise agreed to in writing by the Board and showing: the source of water supply; the location of house, garage, and/or other structures including chimneys and decks; the layout and profile of the Septic System itself; the locations of all water lines including lawn sprinklers and other underground utilities (where applicable) as well as the driveway, foundation drain (where needed), manholes and cleanout plugs and the location of any streams, brooks, great ponds, rivers, swamps, wetlands, wells and drains, within 150 feet of the proposed Septic System. This design plan shall show sufficient grades and spot elevations necessary to determine surface runoff flow over the Septic System and around the house, including but not limited to the centerline and gutter line elevation of the road along the entire frontage of the lot, basement floor, top of foundation and garage floor. The plan shall include an elevation schedule for the Septic System, including the invert elevations at the house foundation, at the inlet to and discharge from the septic tank, the inlet to and discharge from the distribution box, the leaching system components, and the finished grade of the construction area. A permanent benchmark shall be shown on the plan submitted. Assumed datum may be used in the discretion of the Board.

1. In addition to the layout of the proposed Septic System, a suitable area shall be designated and shown on the design plan as being reserved for such expansion of the Septic System as may become necessary. The area designated shall be known as the "reserve area" and provide for 100% relocation of the leaching area and be in an area suitable for sewage disposal in accordance with Title 5 and this regulation. Complete design of such reserve leaching structures shall also be shown on the design plan submitted.

2. Sufficient additional elevations shall be shown on the design plan including final grades over the leaching facility and at each of the four corners of the building to indicate clearly how surface drainage is to be handled. Where appropriate, it shall be necessary to consider the effect of surface drainage on nearby properties. No "low spots" that allow "ponding" of rainfall runoff shall be permitted. Lot grading shall not cause runoff to concentrate and adversely affect abutting properties.

D. For Septic Systems with daily design flows less than 1000 GPD, all private or public wells or other known water supplies located within two hundred (200) feet or less of the designed Septic System, including reserve areas, shall be located and shown on the design plan.

*Specifications for Systems continued:*

E. For Septic Systems with daily design flows greater than 1000 GPD, all private or public wells or other known water supplies located within five hundred (500) feet or less of the designed Septic System, including reserve areas, shall be located and shown on the design plan.

F. Detailed drawings of proposed septic tank and distribution box construction, and longitudinal and cross-sectional details of the proposed leaching system, shall be shown on the design plan submitted. Likewise, materials to be used for the building sewer and all distribution lines shall be specified on the design plan submitted as well.

G. Septic System design plans for Residential Properties shall include provisions for the proper number of bedrooms. Garbage grinders are NOT ALLOWED to be used in conjunction with any Septic System in the Town.

H. All Septic System design plans submitted must show the name of Applicant for whom the plans have been prepared as well as the date, scale, location of lot, locus of site, and be legibly stamped and signed by the Design Engineer responsible for the design plan.

I. Any Septic System design plan that indicates some portion of the proposed Septic System or component repair, including the associated grading, is within five (5) feet of a property line shall require a surveyor's stamp.

J. Upon request, a conference can be arranged with a Design Engineer of the Board's choosing to review a proposed layout before final design plans are drawn up for submission to the Board for approval. The Applicant shall be responsible for the fee of the Design Engineer chosen by the Board, if necessary, payable in advance of the conference requested.

K. No basement floor shall be designed or constructed less than 18 inches above the high ground water elevation. The practice of filling land which is ordinarily submerged during any portion of the year in order to provide sufficient area to make a lot more suitable for building purposes shall not be acceptable, and such lands will be considered unsuitable for human habitation. Anyone contemplating the purchase of land for building purposes should make careful inquiry into the problems of maximum water table, drainage, and soil conditions before committing themselves to an irrevocable purchase agreement.

**ARTICLE VI**                      **PERCOLATION TESTING**

A. Stabilized rate percolation testing shall be conducted on any lot proposed to include an approved Septic System in order to determine the suitability of the soil at the proposed leaching elevation and to a depth of four (4) feet below this elevation.

B. The percolation testing season for all new construction, including any increase in septage flow, shall be fixed between, and limited to, October 1<sup>st</sup> to June 1<sup>st</sup> annually, without exception. Percolation testing required for existing septic system upgrades or emergency repairs to existing Septic Systems, whether residential or commercial, may be performed at any time during the year.

C. A report of at least three (3) passing percolation tests per lot must be provided to the Board, including one at each end of the proposed leaching facility and one in the proposed reserve area, with the time for each incremental inch drop for each test included in the report. If the soil conditions are variable amongst the percolation test sites or, in its exclusive discretion, the Board may require additional percolation tests at various elevations.

*Percolation Testing continued:*

- D. The slowest percolation rate obtained shall govern the leaching area requirements of the primary and reserve areas.
- E. For new construction, a percolation rate greater than thirty (30) minutes per inch (MPI) shall be considered a failing percolation test. Existing residential septic system upgrades may have percolation rates of up to 60 MPI.
- F. Percolation tests may not be performed in holes made in frozen soil or that have remained open to the atmosphere for more than three (3) days.
- G. Percolation tests shall be deemed valid for a period up to three (3) years, provided the soils within the site evaluated remain otherwise undisturbed and unaltered during that period.
- H. Leaching areas shall not be located closer than twenty-five (25) feet from a failing percolation test, until or unless a passing percolation test can be obtained between the leaching area(s) and the failing percolation test.
- I. Depending upon the amount of rainfall, the Board may adjust high groundwater levels using the “Frimpter Method” or such other approved method as necessary and/or as it may deem appropriate in its exclusive discretion.
- J. A Soil Evaluator certified by the Department of Environmental Protection and licensed by the Board must perform all percolation tests. All percolation tests shall be observed by a duly authorized agent of the Board who shall be similarly licensed.
- K. Two-compartment septic tanks shall be required in all areas of the Town.
- L. In the exclusive discretion of the Board, one (1) or more new percolation tests may be required where physical changes have occurred that may impact the percolation rate(s) since prior testing or for verification of a percolation rate.

**ARTICLE VII SOIL EXAMINATION via DEEP OBSERVATION HOLES**

- A. For **NEW CONSTRUCTION**, including an **INCREASE IN DESIGN FLOW** for existing commercial or residential premises.
  - 1. A minimum of two (2) Deep Observation Holes must be dug at the proposed elevation of each leaching area to determine the character of the soil. One of these observation holes shall be dug in the area in which the primary leaching area is to be located, and the other in the “expansion” area.
  - 2. Deep Observation Holes shall be dug to a depth of at least ten (10) feet (unless unattainable due to bedrock, etc.) and show at least four (4) feet of consistent, naturally occurring soil material below the bottom elevation of the proposed leaching system.
  - 3. More than the minimum number of Deep Observation Holes may be required to accurately determine the character of the soil where the soil structure or percolation rate varies, or where large disposal areas are required and additional holes must be excavated to determine the nature of the subsoil, presence of ledge, the elevation of the maximum water table, etc.



*Soil Examination via Deep Observation Holes continued:*

4. The results of the percolation tests and Deep Observation Hole soil examinations performed must be tabulated and shown on each Septic System design plan, showing test dates, pertinent evaluations, soil logs to a depth of four (4) feet below the elevation of the bottom of the leaching facility, and the locations of all test holes made. A perforated 10-foot pipe must be installed in each deep trench and a water table reading must be taken in seven to ten (7-10) days in the presence of, and as scheduled with, the Health Agent.
5. Grain size determination by use of sieve analysis of the soil is not allowed for new construction or an increase in design flow.
6. In its exclusive discretion, the Board may require additional Deep Observation Holes at various elevations.

**B. For SEPTIC SYSTEM REPAIRS**

1. At least one (1) Deep Observation Hole must be excavated and a minimum of one (1) stabilized rate percolation test must be performed in the proposed disposal area.
2. Groundwater elevations for upgrades to a failing system shall be based upon redoximorphic features or other methods described in 310 CMR 15.103 as determined by a licensed Soil Site Evaluator.
3. If necessary, grain size determination by use of sieve analysis of the soil shall be allowed for System repairs only.

**ARTICLE VIII      SEPTIC SYSTEM CONSTRUCTION**

**A. NEW CONSTRUCTION**

1. Applicants shall submit fee payment, two (2) copies of the application form and two (2) full-size paper copies of a Septic System's design plans to the Board, together with a report of the Design Engineer preparing each design plan including all of the data requested in the Board's specifications, plus applicable soil suitability forms and MDEP Forms 11 and 12. Incomplete submissions shall not be acted upon and will be returned to the Applicant. Following approval by the Board, one (1) electronic copy of the foregoing shall also be submitted to the Board within 30 days of said approval.
2. The Applicant will be notified when the Board has taken final action on an application as submitted. If approved, one copy of the application and a stamped "APPROVED" copy will be returned to the Applicant. If not approved, one copy of all the material submitted will be returned to the Applicant with written advice as to the reasons for disapproval. The Board shall not review any plan unless it is complete in all respects, and has had any and all changes required by the Board inscribed or drawn on the plan by the Qualified Engineer.
3. A copy of the stamped, Board-approved Septic System design plan shall remain on-site at all times during construction.

*New Construction continued:*

4. Septic System construction shall be performed only by firms or individuals who have obtained a disposal works installer's Permit from the Board to perform such work. The installer shall notify the Board at least three (3) business days prior to start of construction to determine the Board's inspection requirements. The Board shall have three (3) business days to inspect any Septic System from the time the inspection is requested, except that weekend days and any Massachusetts-recognized holidays shall not be included.
5. Any construction, repair, renovation or addition work that will result in an increase in design flow on a property according to Title 5 guidelines for estimating flow (e.g. increasing the number of bedrooms in a dwelling from 3 to 4) shall be considered new construction.
6. For Septic Systems with pumps, the volume of the pipes, leaching chambers, contactors, infiltrators, or other devices used for dispersing effluent must be greater than or equal to the dosing volume of the system, and the corresponding calculations must be included on the design plan. Septic System designs that incorporate two leaching areas shall alternate pump cyclic dosings between the two leaching facilities.

**B. REPAIR, REPLACEMENT or ALTERATION of existing Septic Systems**

1. An application for a Permit to repair, replace or alter an existing Septic System shall be on a form provided by the Board and accompanied by a Septic System design plan prepared by a Qualified Engineer and proposed by the Applicant.
2. In order for the Board to consider an application for a Permit to repair, replace or alter an existing Septic System, the Applicant shall take the following steps:
  - a. Secure the services of a Design Engineer who will conduct or otherwise arrange any soil and other tests that may be necessary and design the proposed Septic System repair in accordance with Title 5 regulations.
  - b. Submit to the Board fee payment, two (2) copies of the completed application form and two (2) full-size paper copies of the Septic System repair plans prepared, signed and stamped by the Qualified Engineer, applicable soil suitability forms and MDEP forms 11 and 12. Following approval by the Board, one (1) electronic copy of the foregoing shall also be submitted to the Board within 30 days of said approval.
  - c. The Applicant will be notified when the Board will take final action on the proposed repair, replacement or alteration of the Septic System submitted. If approved, one copy of the application and a stamped "APPROVED" copy will be returned to the Applicant. If not approved, one copy of all the material submitted will be returned to the Applicant with written advice as to the reasons for disapproval. The Board shall not review or approve any plan to repair, replace or alter a Septic System unless it is complete in all respects, and has had any and all changes required by the Board inscribed or drawn on the plan by the Qualified Engineer.

*Repair, Replacement or Alteration of Existing Septic Systems continued:*

- d. Septic System construction, repair or alteration shall be performed by firms or individuals who have obtained a disposal works installer's Permit from the Board to perform the appropriate work. The installer shall notify the Board at least three (3) business days prior to start of such work to determine the Board's inspection requirements. The Board shall have three (3) business days to inspect any Septic System from time of request for inspection, except that weekend days and any Massachusetts-recognized holidays shall not be included.
- e. A copy of the stamped, Board-approved Septic System repair plan shall remain on-site at all times during such construction, repair or alteration work.

**C. PUMP SYSTEMS**

1. All force main sewer lines used for effluent pump and grinder systems shall be 150 lbs. psi flex or equivalent, with the force main bedded in a minimum of six (6) inches of sand. Depending on the configuration of the system and the pipe material, thrust blocks may also be required at bends and tees.
2. Rail lifting systems shall be provided for all pump systems that require a  $\frac{3}{4}$  horsepower pump or greater, or require more than a 1500 gallon pump chamber tank to allow for removal of the pump for maintenance, repair or replacement. For pump systems that require less than a  $\frac{3}{4}$  horsepower pump or less than 1500 gallon pump chamber tanks, a stainless steel chain may be used.
3. Rail systems for pumps 1 horsepower or less shall consist of  $\frac{3}{4}$ " PVC pipe with sealed ends and steel rebar within for support.
4. Rail systems for pumps greater than 1 horsepower shall consist of 2" stainless steel pipe.
5. Junction boxes for pump systems must be located outside of the pump chambers and shall require inspection by the Town electrical inspector.
6. For effluent pump systems, there shall be a drain hole to allow effluent to drain back from the force main. If a drain hole is used, the drain hole shall be located and installed downstream of the check valve and inside the pump chamber.
7. The maintenance of all pump systems shall be explained to the homeowner by the disposal works installer or building contractor prior to occupancy.

**D. CAPACITIES**

1. Septic Systems shall utilize reinforced concrete tanks and distribution boxes of approved design unless otherwise specifically permitted by the Board of Health. Concrete distribution boxes for the Septic System shall have sufficient outlets so that each line shall be connected separately to the distribution box. Additional openings, with watertight seals, shall be provided to facilitate future extensions to the Septic System.
  - a. Septic tanks shall have minimum liquid capacities of 1500 gallons.

*Construction - Capacities continued:*

b. Any food service establishment or retail food store with a deli shall have a grease trap attached to all ware-washing sinks, dishwashers and garbage grinders before any connection into the building sewer.

(1) All grease traps must be installed by a licensed disposal works installer and/or plumber with appropriate Building Department and/or plumbing permits.

(2) Exterior grease trap tanks shall have minimum liquid capacities of 1000 gallons.

(a) Exterior grease traps shall be sized in accordance with Massachusetts State plumbing codes.

(b) All exterior grease traps shall be pumped and maintained on a quarterly basis with appropriate records kept and forwarded to the Board within 14 days of each pump-out. Failure to submit exterior grease trap maintenance records in a regular and timely manner shall be cause for suspension or revocation of the establishment's license.

(3) Interior grease traps can be sized commercially, but must be equipped with automatic shut-off valves.

(a) All interior grease traps shall be cleaned no less than monthly, or routinely according to the manufacturer's instructions, whichever is less. A maintenance log shall be kept in the establishment to record the dates the units are emptied and cleaned.

2. Food establishment Septic tanks shall be sized at 300 percent of the daily flow in 24 hours for the first compartment and in 48 hours for the second compartment, as estimated in the State Sanitary Code, Title 5, or actual water meter readings, whichever is larger.

3. School Septic tanks shall be sized at 200 percent of the daily flow as estimated in the State Sanitary Code, Title 5, or actual water meter readings, whichever is larger.

4. Other non-residential Septic tanks shall be sized at 150 percent of the daily flow as estimated in the State Sanitary Code, Title 5, or actual water meter readings, whichever is larger.

5. Although I/A Systems will be considered on a case by case basis, sizing of an I/A system shall be subject to same sizing criteria. The burden of proof shall be upon the Applicant or their representative to obtain a waiver of this requirement.

**E. LEACHING FACILITIES**

1. The minimum leaching area to be installed shall be determined as set forth in Title 5 but no less than 330 gallons/day (3-bedroom residential design).

2. Unless varied pursuant to Article XIX herein, the bottom of any Leaching Facility shall be minimum of four (4) feet above the maximum ground water table in all cases and five (5) feet above maximum ground water where perc rates are two minutes/inch or less.

*Construction - Leaching Facilities continued:*

3. Leaching facilities must be constructed in accordance with the Septic System design plans filed with the Board.
4. The Board will not approve leaching chambers or leaching pits except under extremely unusual circumstances (e.g. replacement of a “failed” leaching area on a lot that has insufficient space to provide for leaching trenches or leaching fields.). The above-listed separation from groundwater requirements will still apply to such structures and to any I/A Systems that may be proposed under the same circumstances.

**F. SETBACKS**

1. All Septic Systems will be installed according to the requirements of Title 5, and unless otherwise authorized by the Board (e.g. repairs to existing dwellings), shall be no less than ten (10) feet from any property line.
2. No Leaching Facility of a single dwelling shall be constructed within 100 feet of any known well or other source of public or private water supply or tributary, nor within 25 feet of any catch basin, open swale or underground drain system, whether private or municipal.
3. Distances from a Leaching Facility to a wetland or great pond, swamp, brook, or tidal water; as defined in MGL c.151B §1 shall be no less than:
  - a. 75 feet for the Leaching Facility of a single dwelling
  - b. 100 feet for the Leaching Facility of a multiple unit dwelling
  - c. 100 feet for any Leaching Facility with a flow greater than 1000 gallons/day
  - d. All such distances shall be considered minimum distances which the Board may increase in its exclusive discretion for multiple dwellings or higher volume sewage discharges.

**G. SUBDIVISIONS**

1. Procedure for review of **PRELIMINARY PLANS** of a subdivision.
  - a. The Board or its designee shall review each preliminary subdivision plan and conduct such inspections as may be necessary to evaluate such plans properly.
  - b. Within 45 days of a preliminary subdivision plan being submitted to the Board, the Board shall notify the Town Clerk and the Person submitting said plan that it has been approved, approved with modifications, or disapproved, pursuant to MGL c.41 §81S.
  - c. If a preliminary subdivision plan is not approved as submitted, the Board shall state its reason(s) for such disapproval in writing to the Person submitting the plan.
2. Procedure for review of **DEFINITIVE PLANS** of a subdivision by the Board.
  - a. The Board or its designee shall review such plans and make such inspections as may be necessary.

*Construction - Subdivisions continued:*

b. The Board shall make a report to the Planning Board within 45 days of receipt of definitive subdivision plans and other data being filed with the Board as required by MGL c.41 §81U and this regulation. The report shall make findings as to specific features of the proposed plan including, but not limited to, which of the lots shown on the definitive plans, if any, cannot be used for building sites without injury to the public health and the reasons therefore. Where possible, the Board shall also make recommendations for the adjustment, correction or elimination of any findings thereof.

c. Failure to make the foregoing report to the Planning Board within 45 days of receipt of definitive subdivision plans by the Board shall be deemed an approval of such plans. When submitting its report to the Planning Board to indicate its findings, the Board shall make the report in one of the following forms

- (1) Approval of the definitive plan as submitted;
- (2) Disapproval of the plan as submitted, in whole or in part, with delineation of such findings as may be made, or;
- (3) Disapproval of individual lots on the plan for failure of the developer to provide sufficient information with respect to them.

d. Whenever specific lots are disapproved for building sites, the Board shall make recommendations which, if followed, will provide for review of the disapproval(s) and subsequent approval(s) of the lots, making them suitable for building sites.

3. Subdivision plans shall be submitted to the Board with the following **TECHNICAL DATA** included:

a. AS locus map of the proposed subdivision drawn to a scale of 1" = 100', properly dated and titled, and containing the following information, shall be submitted by the owner or developer.

- (1) Scale of 1" equals 40' or less;
- (2) Location of key;
- (3) Layout of streets;
- (4) Dimensions and area of each lot;
- (5) Location of proposed storm drains, retention ponds, swales and points of discharge of same;
- (6) Drainage easements;
- (7) Location of sources of private water supply;
- (8) Location of percolation test pits and deep observation pits;

*Construction - Subdivisions continued:*

- (9) Location of proposed sewage disposal facilities, with the elevation of the bottom of the leaching beds or trenches shown;
  - (10) Location of proposed public water lines throughout the subdivision, and;
  - (11) Location of wetlands, streams, hydrological features, ledge outcrops and existing cart paths, if any.
- c. A topographical map, which should be superimposed on the plat, showing existing and proposed contours at two feet intervals, shall be submitted by the owner or developer of a proposed subdivision showing the location of streams, ponds, swamps, open or subsurface land drains, outcroppings of ledge, and other topographical features needed to evaluate the site.
- d. A profile of the streets shall be submitted showing existing and proposed profiles, catch basins, manholes, and slopes and sizes of all storm drains and sanitary sewers.

**H. AS-BUILT RECORDS**

1. The Design Engineer preparing the Septic System design plan(s) shall be responsible for preparation and submission of two (2) full-size paper copies and one (1) electronic copy of the final grading plan(s) of each Septic System “as built” to the Board, and for providing two (2) full-size paper copies to the property owner.
- a. As-built final grading design plans must indicate the location of the breakout distance of the Septic System and show the locations of all utilities (water, gas, water well, electric, etc.) water service, impervious barriers and any sleeving of pipes.
  - b. As-built final grading design plans must show the locations of all water service, gas service, underground cable utilities, underground stormwater recharge systems, foundation drains, roof leaders, impervious barriers and any sleeving of pipes.
  - c. Bulkheads, chimneys and decks shall be considered part of the building foundation and must be shown on all as-built final grading design plans.
  - d. As-built final grading design plans that include Septic System pumps must show each pump’s on, off, and alarm elevations and the location of the septic alarm system

**I. REVISIONS to SEPTIC DESIGNS**

1. Septic Systems shall be constructed in strict accordance with the approved plans. No changes may be made without prior written approval of the Board.

**ARTICLE IX LICENSURE FOR SEPTIC MANAGEMENT**

A. The following Persons must be licensed by the Board before performing septic management work in the Town, including percolation testing and soil site evaluations:

- 1. System Inspectors as defined herein;

*Licensure for Septic Management continued:*

2. Title 5 Inspectors;
3. Soil Site Evaluators;
4. Septic Haulers/Pumpers, and;
5. Disposal Works Installers.

**ARTICLE X**                    **TITLE 5 INSPECTIONS**

- A. All Title 5 inspections shall be conducted by a State-certified and Board-licensed System Inspector.
- B. Without exception, any Title 5 inspection of a Cesspool, regardless of Residential or Commercial Property, shall be deemed a failure which must be appropriately upgraded to come into full compliance with Title 5 standards and this regulation.
- C. All Cesspools must be abandoned per 310 CMR 15:354:1.
- D. Title 5 inspection reports shall be submitted to the Board within 30 days of the inspection.
- E. Notification of the Board shall be made in accordance with Section 1 of these specifications. Ordinarily, there shall be an inspection upon excavation of the leaching area, when the finished grading of the lot is completed. The entire system, including the building sewers, shall remain exposed for a second inspection, whereupon the distribution box shall be filled with water. An additional five (5) gallon container of water shall be available at the site of the distribution box for testing purposes. Further, the installer shall set up a transit or level at the site for both of these inspections.
- F. All Septic Systems will require an as-built plan of the Septic System's construction, and a final grade as-built plan with contours, within 14 days of completion in order to receive a certificate of compliance. The as-built plan shall be no less than, 1" = 40 scale, have all elevations of the system, including top of foundation and ties for the system to the house and shall be prepared by a Design Engineer.

**ARTICLE XI**                    **PRE-SALE MAINTENANCE OF SEPTIC SYSTEMS**

- A. In accordance with Title 5, and prior to the transfer of any Residential or Commercial Property on which an existing Septic System must remain in use due to lack of access to a Common Sewer Line, the Owner must:
  1. Engage the services of a System Inspector to inspect the subsurface sewage disposal system and, if the system is deemed a failed system by the Inspector, the owner shall be responsible for repairing and/or replacing the system in accordance with all applicable state and local regulations.
  2. Provide documentation of all the applicable work performed and any opinion(s) rendered to both the prospective buyer and the Board, unless all of these actions occurred prior to the property being offered for sale.
  3. Complete all the work related to maintenance, repair or replacement of the Septic System prior to the transfer in ownership.



*Pre-Sale Maintenance of Septic Systems continued:*

B. No Owner(s) of Residential or Commercial Property served by a Septic System may transfer ownership to another Person until the Board has:

1. Received a copy of the Title 5 inspection report of the subsurface sewage disposal system on the property, and/or;
2. Issued a certificate of compliance for any repairs or replacement required.

C. No Owner(s) of Residential or Commercial Property served by a Cesspool may transfer ownership to another Person until the Cesspool has:

1. Been properly abandoned and upgraded to a Title 5-approved Septic System and a certificate of compliance for said system has been issued by the Board, or;
2. Been properly abandoned pursuant to Title 5 and connected to a Common Sewer Line in accordance with existing Town Building Department and DPW requirements.

**ARTICLE XII**                      **RESPONSIBILITY OF REALTORS and MORTGAGE LENDERS**

A. Any real estate agent, broker or other Person representing the Owner(s) of a Residential or Commercial Property which is offered for sale, shall provide that Person with a copy or summary of this regulation.

B. Any banker, mortgage lender or other Person accepting a loan application from the prospective buyer of a Residential or Commercial Property shall provide that Person with a copy or summary of this regulation.

**ARTICLE XIII**                      **CONNECTIONS TO MUNICIPAL SEWER SYSTEM REQUIRED**

A. Owner(s) of Residential or Commercial Property shall connect the structures located on their property by a sufficient drain in accordance with existing Town Building Department and DPW requirements to any new Common Sewer Line installed by the Town that abuts their property and would provide a suitable gravity drain to said line from the property. Said connection shall be completed within two (2) years of reasonable notice of the availability of the line for connection by the Board. Through the permitting and inspection process of the DPW for such connections, the DPW shall notify the Board of the completion of each connection.

B. Where new Common Sewer Lines are installed by the Town in Environmentally Sensitive Areas, the Owner(s) of Residential or Commercial Property shall complete the required connection(s) within six (6) months of reasonable notice from the Board, weather permitting, but in no case in more than two (2) years of said notice with a variance from the Board.

C. No Owner(s) of Residential or Commercial Property may transfer ownership to another Person if a Septic System or Cesspool is in use on the property and the property is located on, or adjacent to, a public way that is served by a Common Sewer Line. The Owner must:

1. Abandon and replace the subsurface sewage disposal system with a connection to the Common Sewer Line before the transfer in ownership, provided the sewer connection is acceptable to and approved by the DPW;

*Connections to Municipal Sewer System Required - continued:*

2. Complete all excavation, construction and related work prior to the transfer in ownership, and;
3. Provide documentation of the sewer connection to both the prospective buyer and the Board, unless all work was completed prior to the property being offered for sale.

#### **ARTICLE XIV            VARIANCES**

A. The Board may vary the application of any provision of this regulation, unless otherwise prohibited by state law or regulation, in any case when, in the opinion of the Board, lot size restrictions or hydrogeological conditions make enforcement of the provision impractical or, the Owner has demonstrated a degree of environmental protection equivalent to that required under this regulation. The Board may also vary the application of any provision of this regulation in any case when, in the opinion of the Board, enforcement will do manifest injustice or when the Owner, by reason of having previously qualified for a real estate tax abatement due to financial hardship, can demonstrate that enforcement of the provision will impose an unreasonable burden.

B. Every request for a variance shall be made in writing on a form provided by the Board and shall be subject to a public hearing before the Board. The Owner must at his or her sole expense notify all abutters by certified mail at least ten days prior to the public hearing and is responsible for payment of the advertisement. Professional representation shall be required for all variance requests which require abutter notifications.

C. MDEP forms 9A and 9B must accompany all requests for a variance.

D. Due to the convergence of conditions noted in the CWMP within the non-sewered areas of North Attleboro, there shall be no variances whatsoever granted from the provisions of Title 5 for new construction, for any Systems in Environmentally Sensitive Areas, or for any Cesspools, **without exception**.

E. Variances may be considered for Septic Systems installed five (5) years or less prior to completion of a Common Sewer Line nearby. For example: if an Owner installs a new Septic System two (2) years before a Common Sewer Line is completed by the Town, the maximum variance the Board could consider granting would be limited to three (3) years.

F. Any variance granted by the Board shall be in writing. Any denial of a variance by the Board shall also be in writing and shall contain a brief statement of the reasons for such a denial.

#### **ARTICLE XV OTHER APPLICABLE LAWS**

This regulation shall not be interpreted or construed to supersede or nullify the requirements of Title 5 or any other applicable local, state or federal environmental protection or public health codes, regulations or statutes.

#### **ARTICLE XVI            RIGHT OF ENTRY**

The Board or its agent(s) may enter upon privately-owned property, with reasonable notice and at reasonable hours, for the purpose of ensuring compliance with this regulation.

**ARTICLE XVII      ENFORCEMENT**

A. In the sole discretion of the Board, any Person who violates any provision of this regulation shall be punished by specific penalties pursuant to the non-criminal method of disposition as provided in M.G.L. c.40 §21D, or to a criminal complaint that may be brought through Attleboro District Court. If more than one provision of this regulation is violated, each violation shall constitute a separate offense.

B. Non-Criminal Disposition penalties will begin with the levy of fines not less than \$100.00 for the first violation, \$200.00 for the second, and \$300.00 for each successive violation, a criminal complaint will result in a fine of not more than \$1,000, and each day or portion thereof during which a violation continues shall constitute a separate offense.

C. If any violator of this regulation also holds any license(s) and/or permit(s) issued by the Board, said license(s) and/or permit(s) may be suspended for up to twenty-four (24) hours for each violation of this regulation, consistent with the Permit Policy of the Board, effective July 1, 2008.

**ARTICLE XVIII      SEVERABILITY**

In the event that any provision of this regulation is declared invalid or unenforceable for any reason, all other provisions will be unaffected and shall remain in full force and effect. To that end, the provisions of this regulation are hereby declared severable.

**ARTICLE XIX      EFFECTIVE DATE**

This regulation supersedes and replaces the following regulations of the Board: Regulations Affecting the Sale of Residential and Commercial Properties Served by Septic Systems and Cesspools adopted November 4, 1993 and amended August 4, 1994 and April 20, 1995, Regulations of Connections to New Sewer Lines adopted July 18, 1996, and Rules & Regulations for Septic Systems and Cesspools adopted May 8, 1997 and amended on April 9, 1998 and August 22, 2005. This regulation shall take effect on January 1, 2012 following its adoption by the Board at its regularly scheduled meeting of December 21, 2011, and as required by M.G.L. c.111 §31, a copy of the regulation has been filed with the MDEP.

**By the North Attleboro Board of Health:**

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Donald M. Bates, Chairman

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John J. Donohue, Jr., Member

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Jonathan D. Maslen, Member