

Please note that these regulations are to be read along with the State Title 5 Regulations. All numbering refers to the State Regulations. Where regulations are not in agreement, the stricter regulation applies.



PLYMPTON TITLE 5 SUPPLEMENTAL REGULATIONS

Section 1: AUTHORITY

All new subsurface sewage disposal systems must fully conform to the minimum requirements as set forth in Chapter 111, Section 127A of the Massachusetts General Laws, in 310 CMR 15.000 (Title 5) of the State Sanitary Code and as hereby supplemented by the regulations of the Plympton Board of Health adopted under the authority of Chapter 111, Section 31 of the General Laws.

Section 2: PURPOSE

These regulations are intended to protect the public and environmental health, provide adequate water supply and wastewater treatment, and ensure the residents a safe, clean and healthy environment to live in.

Section 3: 310 CMR 15.000 TITLE 5

These local regulations are in addition to Title 5. The provisions in these regulations are severable. If any provision is declared to be invalid or inapplicable to any particular circumstance, that invalidity or inapplicability will not affect the enforceability of the remainder. The vocabulary unless otherwise noted is defined in Title 5. A copy of 310 CMR 15.000 will be needed to use these regulations since many sections of it are not copied here.

Supplement to Regulation 310 CMR 15.000

Corrections of failure in existing sewage disposal systems shall be required to meet Title 5 of the State Sanitary Code and Chapter 111, Section 127A of the General Laws and all applicable Local Regulations.

Any new building proposed in the Town of Plympton must have well water testing done and collected by a State Certified Lab. The well water must have a satisfactory Bacteria and General Chemistry Test and, when required by the Plympton Board of Health, a satisfactory EPA Method 524 well test.

For additional inspections requested or resulting from violations of Title 5 of the State Sanitary Code and/or these regulations, e.g., deficient design, inferior materials or poor workmanship, the Plympton Board of Health shall charge an additional fee which is listed on the current fee schedule.

These Septic (sanitary) Regulations are to be coordinated with all state and local Laws and Regulations on Septic (sanitary), Well, Building and Zoning as applicable.

15.019 Disposal System Installer's Permit

Supplement to Regulation 310 CMR 15.019

Septic Installer permits expire on the last day of the calendar year. Renewal applications for the following year will be accepted prior to the new year. No person shall install or repair any subsurface sewage disposal system without a current installer's permit from the Plympton Board of Health. A new septic installer must submit with the appropriate fee, proof of liability and worker's compensation insurance and three copies of other town's septic installer's licenses to be licensed by the Plympton Board of Health. Such permit shall be valid until the end of that calendar year, unless revoked for cause. The Board of Health will not allow any installer found in violation of a Plympton Regulation and/or Title 5 to start another system until the original violation has been resolved. The BOH may suspend or declare invalid the Installer's Permit for up to 6 months if violations continue. Installation of a system without a permit will result in a \$1,000 fine plus double fees.

15.021 Certificates of Compliance

Supplement to Regulation 310 CMR 15.021

(4) The "As Built" must include all setbacks as required by Title 5 and further must include the location of the well, be stamped and signed by the designer, signed by the installer and delivered by the installer to the Plympton Board of Health before the Certificate of Compliance is issued.

15.023 Approving Authority Access

Supplement to Regulation 310 CMR 15.023

The Board of Health requires the following inspections by a member or designee of the BOH prior to issuing the Certificate of Compliance:

- *Percolation test
- *Excavation prior to stone (bottom hole)
- *Inspection of fill for remove and replace
- *Final inspection before it is backfilled

15.104 Percolation Testing

Supplement to Regulation 310 CMR 15.104

(1) Percolation tests will be scheduled at any time convenient for the soil evaluator and the agent for the Board of Health. Percolation tests may be performed at any time of the year provided the soil to be tested is below the frozen soil layer. Percolation tests performed before January 1, 1996 are invalid.

Percolation tests will be scheduled after the following have been received:

- a. All outstanding fees and taxes owed to the Town of Plympton are paid
- b. Conservation Commission Site Review
- c. Wetlands are flagged (if necessary) by a certified botanist

15.107 Hydrogeologic Properties

Supplement to Regulation 310 CMR 15.104

(1) The hydrogeologic properties of the proposed disposal area shall be identified and recorded on the evaluation form with respect to the following:

(g) location of every water supply, public and private

(3) within 200 feet of the proposed system location in the case of private water supply Wells.

15.203 System Sewage Flow Design Criteria

Supplement to Regulation 310 CMR 15.203

The minimum septic design for any dwelling will be 110 gallons per day over the required proposed bedroom design and the minimum septic design for any dwelling unit will be 440 gallons per day.

However, in no case shall the proposed design criteria exceed Title 5 nitrogen loading requirements. The minimum leading area for all leaching trenches, galleys, fields and chambers shall be 750 square feet for up to and including a four (4) bedroom home. Then 1,000 square feet for a five (5) bedroom home, 1250 square feet for a six (6) bedroom home, 1500 square feet for a seven (7) bedroom home and so on, adding 250 square feet for each additional bedroom.

Design calculations for sizing upgrade/replacement soil absorption systems are to be based on Title 5 Subpart C, Sections 15.201 through 15.292.

The utilization of a reserve area that allows a new soil absorption system to be constructed without benefit of an engineered plan will be allowed only if the existing system is 15 years old or less and a design plan is on file with the Board of Health and shows a reserve area. The replacement sewage disposal system shall be the same as the original system or an approved equal designed by a professional engineer or registered sanitarian. A "bottom hole" inspection of the system being constructed is required.

15.211 Minimum Setback Distances

Supplement to Regulation 310 CMR 15.211

All systems must conform to the minimum setback distances for septic tanks, holding tanks, pump chambers, treatment units and soil absorption systems, including reserve area measured in feet and as set forth below. Where more than one setback applies, all setback requirements shall be satisfied.

	<u>Septic Tank</u>	<u>Soil Absorption System</u>
Property line	20	20
In-ground swimming pool	20	20
Above ground swimming pool	10	10

	<u>Septic Tank</u>	<u>Soil Absorption System</u>
Private water supply	100	150
Irrigation well (non-potable)	50	50
Surface drains and drainage easement areas, streams, ponds, swamps and all other bordering vegetated wetlands	50	50
Subsurface drains and drainage easement areas and road catch basins	50	50

15.212 Depth to Groundwater

Supplement to Regulation 310 CMR 15.212

(1) In the Town of Plympton, notwithstanding the provisions of 310 CMR 15.212 and 310 CMR 15.255, for systems serving new construction, on any lot of less than five acres, there shall be a minimum vertical separation distance between the high groundwater elevation and the natural grade of the surface of the land on which any component of a proposed septic system, or any update that increases design flow, is to be placed of (a) four feet in soils with a recorded percolation rate of more than two minutes per inch; or (b) five feet in soils with a recorded percolation rate of two minutes or less per inch.

15.220 Preparation of Plans and Specifications

Supplement to Regulation 310 CMR 15.220

All known sources of pollution, including sewage disposal systems situated on abutting or nearby lots, within a 200-foot radius of each proposed well site must be located and accurately shown on the plan. All Septic Tank installations shall include a Zabel Filter or equivalent.

The plans and specifications for every on-site system shall be prepared as follows:

(2) Every plan submitted for approval must be dated and bear the stamp and signature of the designer. The location of the well supporting this system and all wells within 200 feet are required. A satisfactory bacteria and general chemistry test and a well report is required on the supporting well. A Zabel filter (or equivalent) must be installed on the tee exiting the septic tank.

Every plan for a system shall be of suitable scale (one inch = 40 feet or fewer for plot plans and one inch = 20 feet or fewer for details of system components) and shall include depiction of:

- (k) location of every water supply, public and private
 - (3) within 200 feet of the proposed system location
- (n) The minimum elevation of the cellar, basement, or lowest floor of the proposed building must be shown on the plan and must be above the adjusted springtime water level unless a suitable flood prevention measure is in place. This must be inspected by the Board of Health or its Agents.

15.221 General Construction Requirements For All System Components

Supplement to Regulation 310 CMR 15.221

- (5) All piping shall be a minimum of Schedule 40 PVC or better.

15.223 Septic Tanks

Supplement to Regulation 310 CMR 15.223

- (1) Septic tanks will have the following capacities:
 - (c) When a domestic garbage grinder is proposed or installed, the minimum liquid capacity of the septic tank shall be 200% of the design flow with a minimum tank size of 2000 gallons.

At the time of a septic system upgrade/replacement, a minimum 1,500 gallon septic tank shall be installed.

15.232 Distribution Boxes

Supplement to Regulation 310 CMR 15.232

- (2)(a) All distribution boxes shall be made of watertight concrete.

15.240 Soil Absorption Systems

Supplement to Regulation 310 CMR 15.240

- (4) Area requirements will be increased by 100% when garbage grinders are installed.
- (5) All soil absorption systems designed to serve a single dwelling shall be designed to serve a minimum of 4 bedrooms.

15.255 Construction in Fill

Supplement to Regulation 310 CMR 15.255

The purpose of this regulation is to protect, preserve and maintain the existing and potential groundwater supply and recharge areas within the Town; and to promote the health, safety and general welfare of the community by establishing limitations on the installation of, or updates that increase capacity of, on-site septic systems in certain areas with high groundwater elevations.

As the Town becomes more populated, there may be a need for the future development of a public water supply to serve all or a portion of the Town. The Town, however, has not identified any areas that can serve as suitable community well sites. In the meantime, the installation and expansion of on-site septic systems in areas of high groundwater will continue to pose a threat to the health and safety of the residents of the Town and the environment. Therefore, action must be taken to protect the Town's environmental resources and drinking water supply.

(1) Mounded systems for new construction must be on a lot that has 5 contiguous (two parcels sharing a common border fully touching along at least one side in order to form an integrated whole) acres or more.

15.282 Types of Alternative Systems

Supplement to Regulation CMR 15.282

Portable toilets are not allowed for public use unless specifically approved by the Plympton Board of Health.

The Town of Plympton is uniquely situated insofar as it has no public water supply or sewer system. As such, all residential, commercial, agricultural and industrial uses deposit their wastewater flows into the same aquifer that is used for the Town's drinking water supply. Studies have shown that areas served by both on-site wells and septic systems are at greater risk of water supply contamination, and this risk is further exacerbated in areas with high groundwater levels. Rapid expansion and increases in population density also contribute to increase the risk of contamination. Although certain alternative technologies and mounded systems can be used to provide a greater degree of treatment, these systems do not always eliminate the threat posed by an increase in flow to a given area.

Although the Department of Environmental Protection has approved the use of certain alternative systems, such systems require a high degree of maintenance and oversight. The Town of Plympton does not have the resources to provide that level of oversight. Moreover, some of the alternative technologies in use today have not been proven to provide long-term functionality and environmental protection. Therefore, no new alternative systems will be allowed in the Town of Plympton, after March 9, 2021.

15.290 Shared Systems

Supplement to Regulation CMR 15.290

The Town of Plympton shall not allow any septic system to be shared with another building unless there is common ownership. If the ownership is divided in the future, each building must have its own septic system.

15.303 Systems Failing to Protect Public Health and Safety and the Environment

Supplement to Regulation 310 CMR 15.303

Cesspools in Plympton are considered to be nonconforming systems and are not recognized as a functioning system. At the time of a property transfer or a system upgrade/replacement all cesspools shall be upgraded to meet the standards of Title 5 and Plympton's Supplemental Title 5 Regulations. All cesspools shall be deemed a failure in a Title 5 Inspection. A cesspool is defined as a pit with open jointed linings or holes in the bottom and/or sidewalls into which raw sewage is discharged. The liquid portion of the sewage being disposed of by seeping or leaching into the surrounding soils, the solids or sludge being retained in the pit.

15.340 Approval of System Inspectors

Supplement to Regulation 310 CMR 15.340

(14) Inspectors must be licensed by the local approving authority. All Title V inspection reports shall include a water test for any drinking water well supporting the facility served by the system. Satisfactory bacteria and general chemistry test for any such well shall be shown before a system can be deemed passing.

15.505 Equipment

Supplement to Regulation 310 CMR 15.340

(1) No person shall use equipment to remove or transport the contents of privies, cesspools, septic tanks or tight tanks without a yearly permit from the approving authority.

ENFORCEMENT, HEARING & APPEAL

Section 1. ENFORCEMENT

- A. The Board of Health and its Agent(s) shall enforce these Regulations.
- B. Any person aggrieved by a failure or refusal to comply with these Regulations may notify the Board of Health. The Board of Health or their Agent shall investigate all allegations and shall respond within thirty (30) days of receipt of the notification. If the Board of Health determines that a violation of these Regulations has occurred, it may issue an Order as it deems appropriate to achieve compliance with these Regulations.

Section 2. HEARING

- A. Any person who receives an Order pursuant to these Regulations may request a Hearing before the Board of Health by filing within seven (7) days after the day the Order was served, a written petition to the Board of Health requesting a hearing on the matter. At the Hearing the petitioner shall be given an opportunity to be heard, with representation or counsel of his choosing and to show why the Order should be modified or withdrawn.
- B. After the Hearing, the Board of Health shall sustain, modify or withdraw the Order, and shall inform the petitioner in writing of the decision. The decision of the Board of Health shall, if possible, be issued within twenty-one days of the close of the Hearing.

Section 3. APPEAL

A. Any person aggrieved by the final decision of the Board of Health with respect to any Order issued under the provisions of these regulations may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

PENALTIES

Unless otherwise noted in these regulations, any person, corporation, or their agent that violates any section of these regulations shall be subjected to a fine of not more than five hundred dollars (\$500.00), per section violated, with each day of violation constituting a separate and distinct offense.

Any violation of these regulations shall be a basis for suspension or revocation of a license or permit granted herein, at the discretion of the Plympton Board of Health.

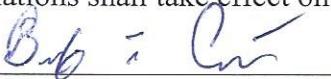
SEVERABILITY

If any provision, clause, sentence or paragraph of this Regulation or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application, and to this end the provisions of the Regulations are declared to be severable.

These supplements to Title V of the State Environmental Code are herewith adopted by unanimous vote of the Plympton Board of Health on February 14, 2023 and supplant all other existing Supplements and/or Regulations thereto.

These Regulations shall take effect on February 14, 2023.

Signed:


Brad Cronin, Chairman

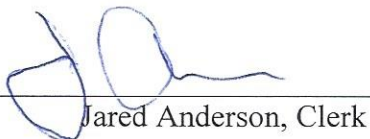
Date: February 14, 2023

Signed:


Harry Weikel, Jr., Vice Chairman/Treasurer

Date: February 14, 2023

Signed:


Jared Anderson, Clerk

Date: February 14, 2023