



# TOWN OF YARMOUTH

1146 ROUTE 28

SOUTH YARMOUTH

MASSACHUSETTS 02664

Tel (508) 398-2231 — Fax (508) 398-2365

## BOARD OF HEALTH

### REGULATIONS GOVERNING THE INSPECTION AND MAINTENANCE OF ON-SITE SEWAGE DISPOSAL SYSTEMS

#### 1.0 PREAMBLE

1.1 Purpose. For the purpose of ensuring compliance with standards for the health and safety of the inhabitants of the Town of Yarmouth, and to provide for the pumping and disposal of the contents of septic tanks, cesspools, and other such on-site sewage disposal systems, it shall be the duty of the Board of Health to identify, correct, and prevent health hazards due to the improper or inadequate maintenance of on-site sewage disposal systems. To this end and, as an alternative to a system of common sewers, in order to protect the surface and ground-water resources of the town from pollution, the Board of Health and its agents are authorized to perform inspections of on-site sewage disposal systems, to regulate the maintenance of such systems, and to regulate the disposal and treatment of the contents of such systems. This regulation will enable the Town of Yarmouth, through the Board of Health, to operate and maintain a proper town-wide wastewater management system.

1.2 Applicability. To ensure compliance with the requirements of Title 5 of the State Environmental Code (310 CMR 15.00), every owner, agent, or occupant of premises in which there are located on-site sewage disposal systems shall keep such systems in proper operational order, including means of access for inspection and pumping, and shall have such systems cleaned and/or repaired at such time as ordered by the Board of Health or its agents.

#### 2.0 AUTHORITY

This regulation is adopted by the Board of Health of the Town of Yarmouth, Massachusetts, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws, and under Title 1 and Title 5 of the State Environmental Code (310 CMR 11.00 and 15.00), for the purpose of inspections and maintenance of on-site sewage disposal systems and private wastewater treatment facilities, and of the collection, treatment, and disposal of the contents of such systems and facilities.

#### 3.0 DEFINITIONS

3.1 Cesspool is a covered pit with open-jointed lining in its bottom portions into which raw sewage is discharged, the liquid portions of the sewage being disposed of by seeping or leaching into the surrounding porous soil, and the solids or sludge being retained in the pit to undergo partial

decomposition before occasional or intermittent removal. A cesspool is a single component for the final discharge of sewage with no additional leaching facilities. For purposes of this regulation only, in cases where an overflow leaching facility has been added to a cesspool, the cesspool shall be treated as a septic tank.

3.2 Failed System. An on-site sewage disposal system may be considered to have failed when, as determined by an agent of the Yarmouth Board of Health:

- 1) any component does not function as intended (Evidence of malfunction may include, for example, back-up of sewage into a building, ponded or excessive water around one or more system components, structural deterioration, and the water table above the base of the leaching system at any time.), or
- 2) effluent is caused to be discharged to the surface of the ground, or directly to any stream, pond, or other surface-water body, or to any gutter, street, roadway, or public place, or to any private property.

3.3 Grease Trap is a watertight structure in which grease is separated from sewage or wastewater.

3.4 Holding Tank (also Tight Tank) is any watertight structure, having an inlet but no outlet, that is designed for the temporary storage of sewage or wastewater for treatment and disposal at another location.

3.5 Leaching Facility includes leaching pits, galleries, chambers, fields, trenches, and any other structure approved under Title 5 (310 CMR 15.00) used for the dispersion of sewage effluent into the soil.

3.6 Maintenance includes the physical repair, replacement, and/or alterations of some or all components of the on-site sewage disposal system, as well as the removal of septage.

3.7 On-site Sewage Disposal System is a privy, cesspool, septic tank, holding tank, grease trap, or other structure, together with any associated sewer and/or leaching facilities, that is used to treat and dispose of sewage from any building or structure. The components of these systems typically consist primarily of subsurface structures.

3.8 Private Wastewater Treatment Facility is any structure, or combination of structures, that is intended for the treatment or disposal of wastewater; that is not an on-site sewage disposal system as defined in paragraph 3.7; and that is not owned or operated by any government or its agent. The components of these facilities typically consist of surface structures, or a combination of surface and subsurface structures

3.9 Privy is a structure used for the disposal of excreta without water transport. It consists of a shelter built above a pit or vault in the ground into which excrement is deposited.

3.10 Scum (also called Biscuit) is the mass of solids floating on the surface of the liquid in a septic tank or similar structure.

3.11 Septage is the material removed from any part of an on-site sewage disposal system, including scum, sludge, the material accumulated in grease traps, and associated liquids; or private-wastewater-treatment-facility sludge.

3.12 Septage Handler is anyone holding a valid Septage Handler's Permit issued by the Yarmouth Board of Health for the purpose of pumping and transporting the contents of any part of an on-site sewage disposal system or private wastewater treatment facility.

3.13 Septic Tank is a watertight receptacle, which receives the discharge of sewage from the sewer of a building or other structure, and is designed and constructed so as to permit the retention of scum and sludge, digestion of the organic matter, and discharge of the liquid portion to a leaching facility.

3.14 Sewage (also called sanitary sewage) is any water-carried putrescible waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, showers, dishwashers, or any other source.

3.15 Sewer is any pipe or conduit that carries wastewater, sewage, or other waste liquids.

3.16 Sludge is the mass of heavy solids removed from wastewater by the process of settling to the bottom of a container (such as a septic tank).

3.17 Wastewater is the water supply of a community after it has been fouled by various uses. From the standpoint of source, it includes the liquid and water-carried wastes (including sewage) from residences, commercial buildings, industrial plants, institutions, and other sites of human activity.

#### 4.0 INSPECTION AND MAINTENANCE OF ON-SITE SEWAGE DISPOSAL SYSTEMS

4.1 Agents of the Board of Health, or other designees as may be contracted with by the Town of Yarmouth, are hereby empowered to enter upon private property at any reasonable time for purposes of administration and enforcement of this regulation including for reasons of a failed system, maintenance, requested inspection, or other just cause. The Board of Health shall provide a minimum of thirty (30) days notice to the owner and/or occupant before making any routine inspection, but in a case of emergency the inspection shall be made as soon as possible. It shall be the responsibility and expense of the owner or occupant to locate and expose the first component of the system, i.e., the septic tank or cesspool. The manhole shall be capable of being easily opened by the inspector at the time of the inspection. The manhole shall be brought up to within twelve (12) inches of the finished grade in accordance with Title 5 (310 CMR 15.00).

4.2 Septage shall be removed from all on-site sewage disposal systems as often as is necessary for the proper operation of the system. All property owners, or other responsible parties, are required to remove the septage from their on-site sewage disposal systems at least once in every four years unless otherwise required under Title 5 (310 CMR 15.00) or any valid Town of Yarmouth

permit, or unless an extension is granted by the Health Agent. A septic tank or cesspool shall be pumped when the total thickness of solids (sludge plus scum) is equal to or exceeds thirty-three percent (33%) of the liquid depth of the tank or cesspool. If a property owner, agent, or tenant, believes that the septage removal is not necessary after four years, an inspection by an agent of the Board of Health may be requested. If, in the opinion of the Health Agent, the system does not require pumping or other maintenance, the septage removal may be postponed for up to two (2) years. Further extensions of up to two (2) years at a time may be granted as often as is reasonable in the opinion of the Health Agent after reinspections. Nothing in this section should be construed to suggest that septage may not be removed more often than once in four years.

4.3 If in the opinion of the Board of Health, maintenance of an on-site sewage disposal system is necessary to ensure its proper operation, to protect public health, or to protect ground-water or surface-water quality, the Board of Health shall notify the property owner in writing of the required maintenance and the time period in which such maintenance is to be completed. The property owner shall bear all expenses associated with said maintenance. The Board of Health shall require appropriate maintenance whenever the Board or the Board's agents determine that the system has failed as defined in Section 3.2 of this regulation, that the solids in a system exceed the limits defined in Section 4.2 of this regulation, the system is found to receive wastes from a source prohibited under Title 5 (310 CMR 15.00), or the system is found to violate any other state or local law, bylaw, rule, or regulation.

4.4 Restaurants, and other commercial establishments involved in food preparation, are encouraged to take all reasonable steps to separate, collect, and commercially recycle grease used in food preparation. However, in conformance with Title 5 (310 CMR 15.00) grease traps shall be inspected monthly by the owner or occupant, and shall be cleaned when the level of grease is twenty-five percent (25%) of the effective depth of the trap, or at least every three (3) months.

4.5 All septage removed from on-site sewage disposal systems shall be delivered to the Yarmouth-Dennis Septage Treatment Facility in conformance with the rules and regulations governing the operation of said facility, or to such other disposal facility as may be approved by the Massachusetts Department of Environmental Protection and the Yarmouth Board of Health.

4.6 Septage Handlers, as a condition of licensure by the Board of Health, shall provide the Board with such information as is reasonably obtained on any on-site sewage disposal system they service. Said information must include, but is not limited to, the owner and address of the system serviced, date of service, volume of septage or other waste pumped or transported, name and location of the receiving disposal facility, and the type, size, location, and condition of key components of the system. Said information shall be submitted to the Board or its agents no later than the seventh Town of Yarmouth working day following the date of service, shall be on a form approved by the Board, and shall be complete and accurate. Any septage handler, or other individual, firm, business, partnership, corporation, association, group, or government agency, who pumps or transport septage from

any source located in the Town of Yarmouth regardless of the disposal location, or who delivers septage or other waste from a source outside of the Town of Yarmouth to the Yarmouth-Dennis Septage Treatment Facility shall comply with these requirements.

#### 5.0 PRIVATE WASTEWATER TREATMENT FACILITY SLUDGE

Owners of private wastewater treatment facilities shall ensure that sludges generated by such facilities are properly removed at appropriate intervals to provide optimum efficiency of the system and to minimize the sludge volume. Unless determined to be unacceptable by the Yarmouth-Dennis Septage Treatment Facility operator, all such sludges shall be delivered to the Yarmouth-Dennis Septage Treatment Facility at a cost to be established by the Board of Management of the septage treatment facility. For all such systems whose design capacity exceeds 10,000 gallons per day, the Board of Health shall require a periodic written report by a registered professional engineer as to the actual quantities of sludge removed, the characteristics thereof, and any modifications in the sludge removal procedures required to comply with the intent of this regulation.

#### 6.0 VARIANCE

The Board of Health in any particular case may vary the application of any provision of this regulation when, in its opinion, (1) such action is in the public interest and not inconsistent with the intent and purpose of the State Environmental Code and this regulation; (2) strict enforcement would cause undue hardship and manifest injustice; and (3) the same degree of environmental protection required under Title 5 (310 CMR 15.00) and this regulation can be achieved without strict application of the particular provisions. The burden of proof shall rest with the applicant as to all elements required for the approval of any variance. Any request for a variance must be in writing to the Board of Health, and shall be acted on in accordance with procedures for the granting of a variance under Title 5 (310 CMR 15.00). A copy of any such variance, while it is in effect, shall be available to the public at all reasonable hours in the office of the Board of Health.

#### 7.0 ENFORCEMENT

The Board of Health, as permitted under the provisions of Chapter 111, Section 31, and under Title 1 (310 CMR 11.00), may issue administrative orders, enforcement orders, violation notices, requests for compliance, and other documents and correspondence to enforce the provisions of this regulation. The Board may pursue criminal or non-criminal prosecution, or civil litigation, or both in the courts of the Commonwealth of Massachusetts to enforce the provisions of this regulation.

#### 8.0 PENALTIES

Any penalty for failure to comply with any provision of this regulation shall be governed by Massachusetts General Laws, Chapter 111, Section 31. Each day of violation shall constitute a separate offense.

Further, the Board of Health, after notice to and after a public hearing thereon, may suspend, revoke, or modify any license issued by the Board for cause shown.

9.0 SEVERABILITY

Whenever possible, this regulation shall be deemed to be supplementary to (not contradictory with) local, state, and federal statutes, regulations, and bylaws. Each provision of this regulation shall be construed as separate to the end that if any provision or sentence, clause, phrase or word thereof shall be held invalid for any reason, such provision or sentence, clause, phrase, or word thereof shall be deemed to be severed from the others and struck from this regulation, but the remainder of that provision and all other provisions shall continue in full force and effect.

10.0 EFFECTIVE DATE

This regulation is to take effect on the date of publication of this notice in a local newspaper.

Barrie Cliff  
Barrie Cliff, Chairman

Edward Fettes  
Edward Fettes, Vice Chairman

Robert A. Tilley, M.D.  
Robert Tilley, M.D., Clerk

Elizabeth Sarnosky  
Elizabeth Sarnosky

Robert Brown  
Robert Brown

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