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BOARD OF HEALTH  
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**TEWKSBURY BOARD OF HEALTH**  
**REGULATIONS FOR THE SUBSURFACE DISPOSAL OF SEWAGE**

**1.0. PURPOSE**

The Tewksbury Board of Health is responsible for the protection of the Public Health and Welfare in the Town of Tewksbury. In an effort to protect the public, the following regulations are promulgated to supplement those of Title 5 of the State Environmental Code: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage (310 CMR 15.000).

**2.0. Authority**

2.1. These regulations are adopted under the authority of M.G.L.c. 111, §§21 and 127, as well as 310 CMR 11.02, Title 1 and 310 CMR 15.000, Title 5 of the State Environmental Code.

**3.0. Applicability**

- 3.1. These regulations shall apply to all installations of septic systems in the Town of Tewksbury, for both commercial and residential applications.
- 3.2. These regulations shall supercede all previous regulations pertaining to septic systems.
- 3.3. All revisions to these regulations shall become effective upon publication of a notice of the changes in a local newspaper.
- 3.4. These regulations may be cited "Septic System Regulations".

**4.0 Definitions**

4.1. Unless otherwise defined in these regulations, all definitions shall be those used in 310 CMR 15.000, Title 5.

**Board** shall mean Board of Health.

**Failed System** shall be defined as a septic system that meets one or more of the following conditions:

- A. Evidence of septage flow to the ground surface.
- B. Evidence that the septic system is in such a state that it will not function as originally intended.
- C. Any other failure to meet operating standards intended to protect the public and environmental health.
- D. Any condition meeting the failure criteria listed within 310 CMR 15.000.

**Licensed Installer** shall mean a person licensed by the Tewksbury Board of Health to install septic systems.

**Licensed Pumper** shall mean a person licensed by the Tewksbury Board of Health to pump and transport the wastes from a septic system.

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**Tewksbury Waters** shall mean all waters within the Town of Tewksbury, except vegetative wetlands.

**Title 5** shall refer to Title 5: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, 310 CMR 15.000.

**Wetlands** shall include, but not be limited to, all areas defined as wetlands under the Wetlands Protection Act; all streams, surface water bodies, and swamps; all areas subject to regulation under the Town of Tewksbury Wetlands Protection Bylaw; and any other area considered by the Board to be periodically or continuously wet or under water due to rain or surface water runoff.

#### 5.0 Minimum Requirements

- 5.1. PERMIT A Disposal System Construction Permit shall be required to construct, repair, upgrade, or abandon a septic system. No permit shall be issued unless it is proven that potable water is available to the lot to be served by the septic system.
- 5.2. PLANS Three (3) site plans of the proposed work shall be submitted with each permit. At a minimum, the following shall be included on the plan:
  - A. The stamp and signature of a Professional Engineer or other professional authorized by law to prepare septic plans.
  - B. The location and dimensions of the system, including the 100% expansion area, and any required excavation.
  - C. Location of observation holes and percolation tests, as well as their results.
  - D. Location of any streams, wetlands, surface and subsurface drains, or other feature of environmental concern within 100' of the proposed system, as well as any proposed well on the lot.
  - E. Location of any known or proposed water supplies within 200' of the proposed system, as well as any proposed well on the lot.
  - F. Location of any water lines and other underground utilities on the property.
  - G. A profile of the proposed system showing maximum groundwater elevation in the area of the sewage disposal system, and a profile of the system, including all elevations.
  - H. Space for the signature of the Approving Authority.
  - I. The scale shall be no less than 1"=20'.
  - J. All calculations for the system design, and calculations showing that the proposed leaching facility is large enough for the proposal.

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- K. Topography of the lot shall be shown at two-foot intervals. Existing and proposed grades must be included.
- L. Where side slope breakout is a possibility, calculations shall be shown proving that this is not a concern.
- M. The proposed elevations of the top of the foundation and the basement floor.
- N. An orientation showing the direction of North.

5.3. PERCOLATION RATE Any rate over 20 minutes per inch shall be deemed unacceptable for the installation of a subsurface disposal system. Upgrades of existing systems shall be exempt from this regulation.

#### 5.4. SYSTEM COMPONENTS

- A. The minimum size septic tank shall have a capacity of 1,500 gallons.
- B. The minimum size grease trap for restaurants shall have a capacity of 5,000 gallons, unless otherwise waived at the discretion of the Director or the Board of Health. For restaurants connected to municipal sewer, in-ground traps shall be required, and in no case shall be sized smaller than that which would be required by Title 5.
- C. When a septic tank and/or in-ground grease trap is installed or replaced, or when a soil absorption system is upgraded, the septic tank and/or grease trap outlet tee shall have Septic Tank Effluent Filter installed in it.

5.5. SYSTEM SETBACKS The following setbacks shall be required, in addition to those of Title 5:

- A. No leaching facility shall be installed within 100 feet of any stream, open waters or other Tewksbury waters.
- B. All system components shall be located on the lot which said system serves.

#### 5.6. GROUNDWATER

- A. The Director of Public Health may restrict water table determinations when, in his/her opinion, conditions exist that would impede a proper determination. Such conditions could include, but not be limited to, extended periods of drought, extended period of rain, and testing of rapidly percolating sands during low ground water months where it is difficult to locate soil mottling.
- B. The cellar or basement floor of every new structure shall be at least 2 feet above the seasonal high water elevation as determined by a Title 5 Soil Evaluation.

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5.7. **SITE PLAN CHANGES** Any time there is a change in the site plan approved by the Board of Health, a revised plan shall be filed for approval before work continues. This shall include, but not be limited to, a change in the location of any septic system component, structure, or any other item that may affect the location or operation of the septic system.

5.8. **SUBSURFACE DRAINS** It shall be illegal to install any system or apparatus used to artificially lower the ground water table for new construction. This shall include, but not be limited to, French or Curtain Drains or any system or apparatus like them.

5.9. **TITLE 5** Title 5, 310 CMR 15.000, shall be adopted in its entirety as a local regulation.

5.10. **PRIVATE WELLS** Whenever a new well has been installed for the purpose of a potable water supply, it shall be tested by a Certified Water Testing Lab, and found to meet the standards set forth by the USEPA and Massachusetts Department of Environmental Protection, prior to being put into use. Said testing shall include:

- A. Coliform Bacteria
- B. Total Plate Count
- C. Nitrite and Nitrate
- D. Volatile Organic Chemicals
- E. Lead
- F. Copper
- G. Arsenic
- H. Pesticides and Herbicides
- I. pH
- J. Turbidity
- K. Total Dissolved Solids
- L. Iron
- M. Manganese
- N. Sodium

## 6.0. Installation

6.1. **INSPECTION** Every septic system shall be inspected by the Health Department prior to back filling.

- A. The number of inspections shall be whatever number the health inspector considers necessary. No system shall be covered without the approval of the inspector

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- B. The issuance of a Certificate of Compliance shall not be a guarantee that a system will work properly. The Design Engineer or Sanitarian, as well as the installer shall be responsible for ensuring that the system is installed in such a way that it will function as intended.
- 6.2. AS-BUILT An as-built plan shall be submitted each time a septic system is installed, upgraded, or repaired.
- A. The applicant shall be responsible for submitting a Certified As-built to the Health Department. Said as-built shall include the location of the system on the lot, as well as elevations of all system inverts and top of foundation elevations. It shall be considered a Certified As-built only if it contains a statement that the installed system meets all applicable codes and regulations and if it is stamped and signed by a Professional Engineer or Registered Sanitarian. A stamp and signature of a Registered Land Surveyor may also be required when the health inspector deems it necessary.
  - B. No certificate of Compliance shall be issued until a certified as-built has been received and the installer signs said certificate.
- 6.3. LICENSE Every person or business engaging in the installation, upgrade, or repair of a septic system shall obtain, for a fee, a license to do so from the Board, renewable annually.

**7.0. Maintenance**

- 7.1. GENERAL Every owner or agent of premises in which there are any private sewers, individual septic systems, or other means of sewage disposal shall keep said sewers and systems in proper working order. Should a sewer or septic system be found to be in a state of failure, the Board of Health or its agent shall order said owner or agent to cause the system to be pumped and/or repaired. Should said owner or agent fail to pump or repair the system within a time specified by the Board, the Board may cause it to be pumped or repaired, with the owner assuming all costs.
- 7.2. PUMPING Only Licensed Pumpers shall be allowed to pump a septic system. All wastes removed from a septic system or sewer shall be disposed of in a manner consistent with guidelines established by the Department of Environmental Protection and the Tewksbury Board of Health. Under no circumstances shall raw sewage be discharged on any land within the Town of Tewksbury without the approval of the Board of Health. All pumpers shall comply with any pumping manifest system implemented by the Board.

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7.3. CLEANERS No person shall sell, distribute, offer or expose for sale, or use any septic tank cleaners that contain acids, enzymes, emulsifiers, or any other chemical or substance without the express written consent of the Board of Health and the Department of Environmental Protection.

A. Any person selling, distributing or offering or exposing for sale any substance approved in Regulation 7.3. shall offer to every consumer of their product a Material Safety Data Sheet (MSDS) for said product.

### 8.0. Sewer

8.1. RESIDENTIAL The owner or other persons having control of any existing building or buildings hereafter erected or converted into a dwelling to be occupied by one or more families, and from which a public or private sewer is adjacent to the property and readily available shall cause such building to be connected with said sewer prior to its occupancy.

8.2. COMMERCIAL The owner or other persons having control of any existing building or buildings hereafter erected or converted into one or more COMMERCIAL businesses, and from which a public or private sewer is adjacent to the property and readily available shall cause such building to be connected with said sewer prior to its occupancy.

8.3. FAILED SYSTEMS The owner or other persons having control of any building, residential or commercial, which has a failed septic system and from which a public or private sewer is adjacent to the property and readily available shall cause said building to be connected with said sewer within 30 days of detection of said failure.

### 9.0. Variance

9.1. PROCEDURE Variance to any of these regulations may be requested in writing to the Board of Health. When such a request is received, a hearing shall be scheduled and conducted in conformity with the standards and procedures established in Title 5, and at the cost of the applicant. The Director of Public Health may approve requests for Local Upgrade Approvals.

9.2. APPROVAL Variances shall be granted only under the following conditions:

- A. Strict enforcement of these regulations will constitute manifest injustice, AND
- B. The granting of the variance shall not in any way impair the public or environmental health and safety.

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9.3. **CONDITIONS** The Board of Health or Director of Public Health may impose any conditions deemed appropriate in order to protect the public and environmental health.

**10.0. Penalties**

10.1. **FINE** Anyone found in violation of these regulations may be fined, upon conviction, up to \$2,000.00 per violation.

10.2. **SUSPENSION OR REVOCATION** Any person that is issued a permit or license by the Board of Health, and is found to be in violation of these regulations or those of Title 5 may be subject to the immediate suspension or revocation of said permit or license.

10.3. **NON-CRIMINAL CITATIONS** These regulations may be enforced through the use of Non-Criminal Citations as set forth in the Massachusetts General Laws Chapter 40, section 21D.

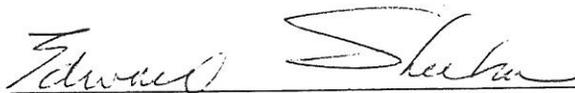
**11.0 Severability**

11.1. If any provision of these regulations is declared invalid or not enforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

Public Hearing: December 2, 1999

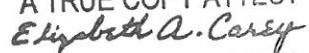
Legal Advertisements: November 10 and 17, 1999

Adopted: January 20, 2000

  
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Edward Sheehan, Chairman

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Susan Sullivan, Vice Chairman

  
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Stephanie Wilkie, Clerk

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