

CODE OF THE TOWN OF SUNDERLAND MASSACHUSETTS, Chapter 172, SEWAGE DISPOSAL SYSTEMS SUBSURFACE/Article 1 General Regulations [Adopted 3-24-1987] [revised 01-01-2016] §172-7 Construction Requirements

§ 172-7. Construction Requirements.

A. Prior to installation of any system, the application for disposal works construction and the disposal works construction permit must be complete with all fees paid.

B. Construction shall be done only by an installer with a current permit from the Board of Health and must be in compliance with Title 5 of the State Environmental Code and this regulation. Any construction being done by an installer without a valid permit will be stopped until such permit is obtained.

C. Effective leaching area: All soil absorption systems in Sunderland shall be sized using the long term acceptance rates as specified in 310 CMR 15.242 LTAR 6 Effluent Loading Rates, except when the system is preceded by a secondary treatment unit with General Use Certification that allows for a 50% reduction in effective leaching area, in which case DEP certified loading rates may apply, but no additional reduction in leaching area is allowed based on the certification of effective leaching area of the soil absorption system in itself.

The use of effective leaching area or equivalent language as listed in any innovative/alternative system that results in a smaller total leaching area than would be calculated using 310 CMR 15.242 is prohibited, except when the soil absorption system is preceded by a secondary treatment unit with General Use Certification that allows for a 50% reduction in effective leaching area.

Innovative/alternative systems that are approved by the Massachusetts Department of Environmental Protection may be used provided that the total leaching area is calculated based on the physical dimensions of the product and that the area meets the required area as calculated in 310 CMR 15.242.

D. Property Line setbacks: All septic tanks, soil absorption systems (primary and reserve), pump chambers, distribution boxes and piping shall be located at least 25 feet from an abutting lot line or public roadway layout line.

§ 172-8. Inspections

All Title 5 system inspections under 310 CMR 15.301 shall be witnessed by a member of the Sunderland Board of Health or its Agent. If inspection shows distribution box outlets not to be level, corrective action shall be taken immediately by installation of speed levelers or other measures as approved by the Board of Health witness.

§ 172-9. Violations and penalties.

Repealed 6 2015

§ 172-10. Effect on existing permits.

A. Any disposal works construction permit approved or issued by the Board of Health prior to the effective date of this regulation shall not be affected by this regulation for a period of three (3) years from the date of issuance. After three (3) years it shall become fully subject to this regulation.

§ 172-10.1 Variances.

The Board of Health may vary the application of any provisions of this Chapter with respect to any

particular case when, in its opinion:

- (a) the enforcement thereof would do manifest injustice AND,
- (b) in the case of repairs, the applicant requesting the variance has established that the proposed design provides maximum feasible compliance with the Board's regulations. The provisions of 310 CMR 15.404 & 405 will be used as guidance in the Board's decision.
- (c) in the case of new construction, the applicant requesting the variance has established that a level of environmental protection that is at least equivalent to that provided under the provision of the local regulation can be achieved without strict application of the provision of the local regulation from which a variance is sought. With regard to variances for new construction, enforcement of the provision from which a variance is sought must be shown to deprive the applicant of substantially all beneficial use of the subject property in order to be manifestly unjust.

All requests for variances shall be in writing and state the specific local regulation from which a variance is sought, the reason for the variance, a statement of how the criteria in 172-10 above are met, and engineering plans for the proposed disposal system. Four (4) complete sets of the request, exhibits, and plan shall be submitted. Requested variances from this code and from Title 5 shall be listed on the engineering plans for the system. No request shall be considered complete until the applicant has submitted and the Board has accepted a Disposal System Construction Permit application, with appropriate fees.

Public Hearing: No later than the next regularly scheduled meeting following receipt of the complete request for variance, the Board of Health will determine a location, date, and time for a public hearing on the matter and will then notify the applicant. The Board will hold a public hearing to consider the request within 30 days after the meeting at which the request was accepted and the hearing scheduled. After hearing testimony at the public hearing, the Board may continue the hearing to a specified date and time in order to obtain additional information to inform its decision.

§ 172-10.2 Abandonment of on-site septic systems Deleted 6 2015

§ 172-11. Authority; Purpose

A. Authority: These regulations are enacted by the Board of Health under the authority which includes but is not limited to one or more of the following: MGL Ch. 111, sections 31, 122, 187, 188, 310 CMR 11.02 and 310 CMR 15.000 (Title 5).

B. These Regulations of the Sunderland Board of Health are enacted for the purpose of protection of the citizens of the Town of Sunderland and also the protection of the environment. As a minimum code, Title 5 is incomplete and ambiguous in certain specifications and silent on other topics. Accordingly, local Board of Health regulations are necessary to assure more complete protection from sewage overflow to the ground surface, which is a source of filth and disease, and also to assure more complete protection from potential pollution of ground water, wells, surface waters, wetland complexes, and certain geologic and water-bearing deposits. Local regulations are also necessary for purposes of efficient administration and management, as well as for additional guidance in the process of construction and repair of septic systems. These regulations do not conflict with Title 5, but rather complement them, and provide additional guidance and protection.

§ 172-12. Definitions.
Deleted ó 2015

§ 172-13. Existing systems.
Deleted ó 2015

§ 172-14. Exemptions
Deleted ó 2015

§ 172-15 Enforcement.
Deleted ó 2015

§ 172-16. Instructions for Inspections.
Deleted ó 2015

§ 172-17. Severability

A. If any section, paragraph, sentence, clause or phrase of these regulations shall be deemed invalid by a court of competent jurisdiction, such decision shall not affect the remaining provisions of these regulations, which shall remain in full force and effect and, to this end, the provisions of these regulations are hereby declared severable.

§ 172-18. Effective Date.

A. These amended regulations were adopted by vote of the Board of Health of the Town of Sunderland at a public meeting held on 12-14-2015, the effective date of these amended regulations is January 1, 2016. A public hearing on the amended regulations was held on 12-14-2015. Notice of public hearing was made 11-27-2015 in the Greenfield Recorder.