

CHAPTER 300, ARTICLE 7
**Minimum Requirements for Subsurface Disposal of Sanitary
Sewage**
[Amended 12-17-2012; 9-9-2015; 03-28-2019]

The purposes of Article 7 of the Regulations of the Sharon Board of Health are is to provide for the protection of public health, safety, welfare and the environment by requiring the proper siting, construction, upgrade and maintenance of on-site sewage disposal systems and treatment works and appropriate means for the transport and disposal of septage as necessitated by local conditions. This article must be read together with 310 CMR 15.000 (Title 5), which contains many other provisions and requirements relevant to on-site sewage disposal systems. The provisions of Title 5 shall govern, except where more stringent standards are set by this Article 7. Article 7 is promulgated pursuant to the authorities of MGL c. 111, §§ 17, 27, 27A, 30, 31, 31A, 31B, 31C, 31D, 31E, 122, 124, 127A, 127B, 127C, and MGL c. 21A, § 13.

§ 300-7.1. Definitions.

- A. The provisions of Regulation 15.002, Definitions, of the State Environmental Code, Title 5 (310 CMR 15.00 et seq.), shall apply, except where higher standards are established by these regulations.
- B. Additional definitions. The words, terms, phrases, abbreviations and acronyms listed below for the purpose of these regulations shall be defined and interpreted as follows:

BASEMENT — Any area in a dwelling unit where more than half of its floor-to-ceiling height is below the average grade of the adjoining ground. All basement areas shall be considered uninhabitable space. No plans will be endorsed which propose the creation rooms in such areas which could be used for the provision of private sleeping accommodations. Finished basements shall be designed with an open floor plan with no separate enclosures, the only exception being a vented, utility room.

BEDROOM — Any area in a dwelling unit which is or could be used for the provision of private sleeping accommodations for residents of the premises, whether such area is designated as a bedroom, guestroom, maid's room, dressing room, den, study, library, or by another name, unless more than half of its floor-to-ceiling height is below the average grade of the adjoining ground. Any room intended for regular use by all occupants of the dwelling unit such as a living room, dining area or kitchen shall not be

considered a bedroom, nor shall bathrooms, halls or closets having no horizontal dimension over six feet. **Rooms which have an access doorway, 48 inches wide or greater, with a cased opening and no closets shall not be considered a bedroom.**

BOARD OF HEALTH — A board appointed by the Board of Selectmen for the purposes of implementing the health laws of the commonwealth and the Town. The Board includes persons duly authorized to act on its behalf.

DEP — The Massachusetts Department of Environmental Protection.

HEALTH ADVISORY BOARD — A committee appointed by the Board of Health to provide advice and expertise in matters of public health.

LARGE SYSTEMS – Any on-site system for the treatment of sanitary sewage with a design flow of 10,000 gallons per day (gpd) but less than 15,000 gpd that is regulated under 310 CMR 15.304 of Title 5.

LOT — An area of land in one ownership, with definite boundaries

~~**MAJOR ADDITION** — Any increase in square footage to living area greater than 120 square feet in area. Living area shall not include unfinished basements and attics, garages, decks, unheated porches, and unheated storage areas.~~

~~**MINOR ADDITION** — Any increase in square footage to living area equal to or less than 120 square feet in area. Living area shall not include unfinished basements and attics, garages, decks, unheated porches, and unheated storage areas.~~

MIDSIZE SYSTEMS — Any on-site system for the treatment of sanitary sewage with a design flow 2,000 gallons per day (gpd) or greater, but less than 10,000 gallons per day (gpd).

NATURALLY OCCURRING SOIL — Soil which was deposited on a site by natural causes and not by human action.

~~**SOIL ABSORPTION SYSTEM** — A system of trenches, galleries, chambers, pits, field(s) or bed(s) together with effluent distribution lines and aggregate which is installed in appropriate soils to receive effluent from a septic tank or treatment works.~~

~~**TITLE 5** — The State Environmental Code, Title 5 (310 CMR 15.000 et seq.), including all subsequent revisions thereto.~~

~~**TREATMENT WORKS** — Any on-site system for the treatment of sanitary sewage with a design flow above 2,000 gallons per day (gpd) or with an innovative alternative (IA) system.~~

~~**TREATMENT WORKS PERMIT** — A nontransferable permit issued by the Board of Health for construction, alteration or repair or any other work on a treatment works.~~

~~TREATMENT WORKS OPERATIONS PERMIT~~ — A nontransferable permit issued by the Board of Health for the operation of a treatment works.

TREATMENT WORKS BUILDING — That part of a treatment works which houses the devices or facilities that are used to store, treat, neutralize, stabilize or disinfect sewage.

WATER RESOURCE PROTECTION DISTRICT — The Surface Water Resource Protection District and the Groundwater Resource Protection District are zoning overlay districts established by the Sharon Zoning Bylaw.[±]

WATER BODIES — As defined in the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and its regulations, codified at 310 CMR 10.00 and the Town of Sharon Wetlands Protection Bylaw, Chapter 262 of the Town Bylaws.

WETLANDS — As defined in the Massachusetts Wetland Protection Act, MGL c. 131, § 40, and its regulations, codified at 310 CMR 10.00 and the Town of Sharon Wetlands Protection Bylaw, Chapter 262 of the Town Bylaws.

§ 300-7.2. General requirements.

- A. Incorporation. The provisions of regulations of the State Environmental Code, Title 5 (310 CMR 15.00 et seq.) shall apply, except where higher standards are established by these regulations.
- B. Required approvals.
 - (1) No building permit shall be issued, nor shall any dwelling place or other building be constructed, until the Board of Health has approved the proposed lot as suitable for the proposed on-site ~~subsurface~~ sewage disposal system ~~or treatment works~~ and a permit for the installation has been obtained.
 - (2) Deep hole observation logs or percolation tests must be witnessed by the Board of Health or its designee.
 - (3) No on-site ~~subsurface~~ sewage disposal system ~~or treatment works~~ shall hereafter be constructed, altered, repaired or installed in the Town of Sharon until a permit for said work has first been obtained from the Board of Health.
 - (a) Permits shall become void 12 months after the date of issue unless construction is completed within that period, and they are nontransferable. The Board may, in its discretion, allow a twelve-month extension.

- (b) A fee, as established in the Board's schedule of fees, shall accompany each permit application for construction, alteration, repair, or addition to an on-site **subsurface** sewage disposal system ~~or treatment works~~ to serve a new or existing structure. Permit application fees are nonrefundable.

- (c) The permit application for construction of an on-site **subsurface** sewage disposal system ~~or treatment works~~ must be accompanied by the following:
 - [1] A plan prepared in accordance with Title 5 and § 300-7.4 of this regulation;
 - [2] Percolation test results, and on-site suitability reports by an approved soil evaluator witnessed by a representative of the Town of Sharon;
 - [3] If a wetlands line is located on the plan which accompanies the application, or if the Board or its agent questions the possibility of wetlands within 200 feet of the property, confirmation in writing by the Conservation Commission that the Conservation Commission or its agent has approved the wetland delineation.
 - [4] The permit application must be signed by the owner of record for the property. If the permit application is made by someone other than the owner, the application shall be signed by both the owner of record and the applicant.

C. Additional requirements for wastewater **midsize treatment works systems**.

- (1) No construction of any structure which relies upon a **midsize treatment works systems** shall be constructed until a **treatment works disposal system** construction permit has been issued by the Board.

- (2) As part of the application for a **midsize treatment works system construction permit**, the applicant shall submit a detailed estimate of the cost for constructing the **midsize treatment works system**, the estimated useful life of each major component and the estimated annual operations and maintenance cost. Based on this data, and any other reasonable estimates made by the Board, the Board shall establish a system of financial responsibility for the **midsize treatment works system** pursuant to which the applicant shall, prior to the commencement of construction under the **disposal system**

~~treatment works~~ construction permit, make an initial deposit of funds in a specially segregated account for such purpose, equal to the Board's estimate of the annual operation and maintenance costs plus an estimated amount for replacement reserve. Any funds expended during the year shall be accounted for in the annual financial report required by July 1 of each year and must be shown to have been replaced in this account by the same date.

- ~~(3) No treatment works shall be operated until it has received a treatment works operations permit from the Sharon Board of Health containing conditions deemed necessary for safe and effective operation.~~
- (3) A disposal ~~treatment works~~ system construction operations permit is issued in the name of the record owner of the lot on which the ~~midsize treatment works system is~~ shall be constructed after the owner has proven to the reasonable satisfaction of the Board that the owner has the capabilities, financial and otherwise, to maintain and operate the ~~midsize treatment works system. The treatment works operations permit is not transferable without the approval of the Board. The fee for the treatment works operations permit is established in the schedule of fees.~~ The owner must obtain approval from the Board prior to any transference of a system operator.
- ~~(4) Treatment works operations permits shall be valid for one year and the applicant must file an application for renewal 30 days prior to expiration.~~
- (4) Prior to the issuance of a certificate of compliance ~~the commencement of operation of the treatment works~~, the owner shall record in the Registry of Deeds a covenant and restriction in the form and substance satisfactory to the Board, binding and enforceable against the premises served by the ~~midsize treatment works system~~ and the owner thereof, to maintain the ~~midsize treatment works systems~~. The covenant and restriction shall run in favor of and be enforceable by the Town and shall be superior in title to any liens (including mortgages, labor and mechanics liens and the like) on or interests in the premises, except for the lien for real estate taxes. The covenant and restriction shall be enforceable against any or all of: the operation and maintenance fund, the premises, or the owner thereof, as the Town may elect in its discretion.

~~D. Wastewater treatment works.~~

- (5) No discharge from a ~~midsize treatment works system~~ is permitted into any surface water for wetland, as defined by MGL c. 131, § 40, unless a National Pollution Discharge Elimination System permit has been obtained from the Environmental Protection Agency.
- (6) ~~Location.~~ No ~~midsize treatment works system~~ shall be constructed within 100 feet of a property boundary or within 100 feet of any structure (with the exception of the treatment building itself). Additionally, no septic tank shall be constructed greater than 50 feet from the treatment building.
- (7) Disinfection of ~~midsize treatment works systems~~ effluent, if required by the Board, shall be accomplished by either ultraviolet radiation or ozonation or other systems approved by the Board of Health.
- (8) ~~Sludge removal.~~ All sludge must be disposed of off-site during normal business hours Monday through Friday, except in emergency situations. The Board will review the applicant's plan for sludge removal, including the method of transport, the route to be used, the frequency of removal, destination, and license status of the proposed sludge hauler. Each time sludge is removed from the site, a copy of the receipt must be provided to the ~~midsize treatment works system~~ operator and to the Board.
- (9) ~~Monitoring requirements.~~ A groundwater and/or influent and effluent monitoring program will be developed to the reasonable satisfaction of the Board on a case-by-case basis prior to issuing the permit. All monitoring results must be submitted to the Board within seven days of receipt. The Board may modify the monitoring program at any time.

§ 300-7.3. Inspections; certificate of ~~completion compliance~~.

- ~~A. No new or repair of a treatment works shall be backfilled until it has been inspected by the Board or its agent.~~
- A. No sewage disposal system shall be complete, and no new construction served by an on-site sewage disposal system ~~or treatment works~~ shall be inhabited, until a certificate of ~~completion compliance~~ has been issued by the Board.
- B. Certificates of ~~completion compliance~~ may contain continuing conditions, including, without limitation, deed restrictions, financial assurances and monitoring requirements which shall apply throughout the use of the on-site system ~~or treatment works~~. Such conditions shall be enforceable by the Board throughout the

entire period of use of the system ~~or treatment works~~ unless such conditions are revoked by the Board.

§ 300-7.4. Plan requirements.

- A. Any plan submitted for a permit to construct an on-site subsurface sewage disposal system ~~or a treatment works~~ to replace in its entirety an existing failed system, or for a lot not previously built upon, shall, as a minimum, include the following:
- (1) Six copies of a plot plan at a scale of one inch equals 20 feet, or one inch equals 40 feet, prepared and stamped by a Massachusetts registered professional engineer, or a Massachusetts registered sanitarian, along with the appropriate application forms and the necessary fee. Any plans requesting a variance to setback distances must also be stamped by a Massachusetts registered land surveyor.
 - (2) Name of present owner, applicant, surveyor and engineer.
 - (3) The lot to be served, including all dimensions, lot number and area of the lot.
 - ~~(4) The dimensions and location of the buildings on the lot, including garages and driveways.~~
 - ~~(5) Location and dimensions of the sewage disposal system, including the reserve area.~~
 - (4) Existing and proposed contours of the lot, street, and adjacent property.
 - (5) Finished street center-line grades opposite the front corners and middle of the lot.
 - (6) Proposed elevations of the top of the concrete foundation and basement floor.
 - (7) Location of underground utilities in the street, those which will service the lot, ~~and streams, surface and subsurface drains, and wetlands within 125 feet of the sewage disposal system,~~ known sources of water supply (including potable wells and irrigation wells) within 200 feet of the sewage disposal system and any proposed well to serve the lot.
 - (8) DEP Form 11, Soil Suitability ~~Assessment~~, and DEP Form 12 ~~Percolation Test~~ must be completed and submitted for each plan.
 - (9) A permanent benchmark shall be furnished within 50 feet of the sewage disposal system.

~~(12) Design calculations for both sewage flow and system capacity in accordance with the requirements of Title 5.~~

~~(13) Location and elevation and log of deep soil observation holes and the location and results of percolation tests. These tests shall have been taken in the area of the disposal system and reserve area. DEP Form 11, Soil Suitability, must be completed and submitted.~~

~~(14) A profile showing the on-site subsurface sewage disposal system to be installed or the treatment works, including any associated soil absorption system.~~

~~(15) A soils absorption system reserve area.~~

10) A complete listing of all variances sought from 310 CMR 15.000 and/or Article 7 of the Rules and Regulations of the Sharon Board of Health.

11) A certification that the plan meets the requirements of 310 CMR 15.000 and Article 7 of the Rules and Regulations of the Sharon Board of Health.

B. Within 30 days following completion of construction activities, two as-built plans conforming to § 300-7.4 shall be provided to the Board of Health. Plans shall also be provided in an electronic format acceptable to the Board of Health or its agent.

C. As-built plans must include a list of all variances granted by the Board of Health and a list of conditions, if any, imposed by the Board, before a certificate of compliance is issued.

§ 300-7.5. Construction standards for on-site ~~subsurface sewage disposal systems and treatment works.~~

All on-site systems ~~and treatment works~~ hereafter constructed shall be of material and design approved by the Board of Health. The minimum acceptable design will conform to the requirements of the State Environmental Code, Title 5, except for higher requirements noted below:

A. All components ~~within 10 feet of any area subject to vehicular traffic shall be capable of supporting AASHTO HS20-44 loads or as deemed necessary by the Board of Health or it's Agent.~~

B. Access shall be provided by twenty-four ~~inch diameter~~ cast iron frames and ~~grates covers~~ adjusted to grade as required by the Board of Health.

C. In general, the proposed grading of the lot shall shed water away from the building and the disposal system areas so as not to create

ponding of water within the immediate vicinity of the dwelling; also, the final grading shall slope up at least six inches in the first 10 feet from the edge of the traveled way along the entire frontage to prevent any street drainage from entering the lot. Use of a swale to prevent water from entering abutting property is suggested.

- D. All septic tanks hereafter constructed shall be two-compartment, watertight, and constructed of reinforced concrete, or an equal durable material. The minimum liquid capacity of a septic tank shall be determined in accordance with Title 5, but in no case less than 1,500 gallons.
- E. Pumps. Mercury liquid level control switches are prohibited.
- F. Soil absorption systems shall conform to the following:
 - (1) The minimum percolation rate for determining the leaching area requirements shall be 6.0 minutes per inch.
 - (2) Where leaching trenches are used, the area between the trenches is not to be considered suitable for a reserve area.
 - (3) Expansion areas shall be located at a minimum of 10 feet from the primary disposal area.
 - (4) No soil absorption system shall be constructed in soils with a percolation rate greater than 60 minutes per inch.
- G. **An innovative or alternative system may not be used to meet new construction requirements, unless a fully compliant, conventional system can also be sited.**
- H. **Shared systems, as defined in 310 CMR 15.000, shall not be allowed for new construction or upgrades of detached single family homes.**

§ 300-7.6. Interceptor drains.

Lowering the groundwater table through the use of interceptor or curtain drains to permit marginal or unacceptable conditions to meet minimum requirements for the installation of subsurface disposal systems for new construction is prohibited by the Board of Health. Such drains may be allowed or required to rehabilitate a system that has failed.

§ 300-7.7. Depth to groundwater.

- A. For areas located within Water Resource Protection Districts and Zone IIs, there must be five feet of naturally occurring soil between high groundwater elevation and the bottom of a leaching facility. The system will be designed to maximize this distance.

- B. For all other areas, there must be four feet of naturally occurring soil between the high groundwater elevation and the bottom of the leaching field.
- C. For new construction, the system may not be mounded above existing topography in order to achieve separation to groundwater.
- D. Nonindigenous soils added on top of natural topography shall not be included in calculating depth to groundwater.

§ 300-7.8. Special requirements for floodplains.

For systems located in floodplains, the bottom of the septic tank, distribution box, pump or dosing chamber, grease trap, and leaching facility shall be one foot above the base flood elevation (the level of inundation of the one-hundred-year-frequency storm event). Building sewers and sewer manholes shall be watertight to an elevation one foot above the base flood elevation.

§ 300-7.9. Automatic failures.

- A. At the time of inspection, all septic tanks 25 years of age or older shall be replaced unless structurally certified by a licensed Title 5 inspector to be **structurally** sound ~~proof~~ and leak-proof.
- B. At the time of inspection, all cesspools shall be replaced with systems in maximum feasible compliance with Title 5 and Article 7.

§ 300-7.10. Repairs and upgrades to existing systems.

The design and construction of repairs and upgrades to existing systems shall be in conformance with the requirements listed below. The Board of Health may modify the requirements when necessary for a particular situation.

A. Repairs to existing systems.

- (1) A system determined to be in failure by the Board of Health shall be corrected in accordance with 310 CMR 15.353, Emergency Repair. If additional repair or replacement is required as determined by the Board of Health, all work must be completed within 30 days of the date of the emergency repair.
- (2) A system determined to be in failure at the time of a system inspection (310 CMR 15.301) shall be corrected as described in § 300-7.2.
- (3) In the event that any person subject to an order from the Board of Health, pursuant to § 300-7.2 and 310 CMR 15.026, as the

same may be from time to time amended, or such other applicable rule or regulation, does not repair a failed septic system within 30 days of the issuance of the Board's order, the Board of Health, after a properly noticed hearing in which the Board determines that the failed system presents a risk to the public's health, may cause such repairs to be made at the Board's direction and expense necessary to bring the system into compliance with these regulations and Title 5. The Board, its agents and contractors have the right to enter the premises of any person subject to a determination made pursuant to the preceding sentence for the purpose of repairing a failed septic system.

- (4) Repairs to failed septic systems undertaken by the Board of Health pursuant to § 300-7.2 shall comply with the relevant provisions of MGL c. 30B. All expenses incurred by the Board of Health in repairing a failed septic system pursuant to § 300-7.2, including, but not limited to, costs attributable to the design, materials, construction, inspection, and oversight of the repairs and any legal expenses incurred, shall constitute a debt to the Town of Sharon and may be recovered from the owner by an action in contract. Additionally, the Board of Health may impose a lien in accordance with the provisions of the second paragraph of MGL c. 139, § 3A, for the cost of all repairs, as outlined above, undertaken under § 300-7.2. Nothing in this regulation shall prohibit or otherwise limit the Board of Health from entering into agreements to repair failed septic systems pursuant to MGL c. 111, § 127B 1/2.

B. Upgrades to existing systems. The following actions are required whenever a building permit must be obtained from the Sharon Building Inspector:

- (1) Whenever an increase in living area is proposed, a certified licensed system inspector shall inspect the system. If the system is determined to be in failure as determined by Title 5, it shall be upgraded or replaced to meet current standards under Title 5 and this Article 7. Living area shall not include unfinished basements and attics, garages, decks, unheated porches, and unheated storage areas.

~~Whenever a minor addition is proposed, a certified licensed system inspector shall inspect the system. If the system is determined to be in failure as determined by Title 5, it shall be upgraded or replaced to meet current standards under Title 5 and this Article 7.~~

- ~~(2) Whenever a major addition is proposed, the following actions should be taken as applicable. For all systems, a certified~~

~~licensed system inspector shall inspect the system. If the system is determined to be in failure as defined by Title 5, it shall be upgraded or replaced to meet current standards under Title 5 and Article 7.~~

- (2) Any proposals which include an increase in design flow shall require the system to meet current standards under Title 5 and Article 7.

§ 300-7.11. Inspection of backfill.

The owner, person or agent responsible for the construction, alteration, repair or installation of ~~an any~~ on-site ~~subsurface sewage disposal~~ system ~~or a treatment works~~ and any associated soil absorption system shall have such work inspected by the Board of Health before such work is backfilled, and such backfilling shall thereafter be applied in a manner approved by the Board.

§ 300-7.12. Requirements for filing subdivision plans.

Any person who submits a preliminary or definitive subdivision plan to the Planning Board must also submit the following information to the Board of Health:

- A. A copy of the plan and other documents submitted to the Planning Board in accordance with Chapter 340, Subdivision Regulations, §§ 340-3.2 and 340-3.3, of the Planning Board regulations.
- B. Percolation test results and soil observations to a depth of 10 feet at a minimum frequency of one per every lot. Said tests shall be witnessed by an agent of the Board of Health and performed in accordance with Title 5 and reported by a registered professional engineer, sanitarian and/or licensed soil evaluator.
- C. Pursuant to 105 CMR 410.180, evidence satisfactory to the Board that the lot has a supply of potable water sufficient in quantity with adequate pressure and quality that has been determined to not endanger the health of any potential user.
- D. Review of plans within the Water Resource Protection District. When reviewing subdivision plans within Water Resource Protection Districts, the Board of Health shall evaluate the following issues:
 - (1) Do adequate geological characteristics (primarily concerning percolation) exist on each lot for building?
 - (2) Can adequate setbacks between private wells and septic systems be maintained within the proposed subdivision layout?

- (3) Will downgradient surface water or groundwater resources be impacted by the migration of sewage-derived contaminants?
 - (4) Will private wells in the proposed subdivision be subject to road salt contamination or other road-related contamination?
- E. **The Board of Health shall review the plans and report to the Planning Board within 45 days after the Definitive plans and other requested data is filed with the Board of Health as required in MGL c. 41, § 81U, and the Sharon Planning Board regulations or bylaws. The report shall indicate approval or disapproval of the plan. In the event of disapproval, the Board of Health shall name specific findings as to which, if any, of the lots shown on the plan cannot be used for building sites without injury to public health, and shall include such specific findings and reasons therefor. The Board of Health may require the submission of additional data which, in its opinion, is necessary to properly evaluate the subdivision from a public health standpoint.**

§ 300-7.13. Environmental Health Impact Report.

- A. The Board of Health may require the project proponent to submit an Environmental Health Impact Report pertaining to the proposed subdivision, to determine if the project is protective of public and environmental health and ensure that adequate protection against flooding, siltation, and other drainage problems is provided. This information may include, but is not limited to:
- (1) A geologic description of the parcel indicating location and depth of confining layers (silt and clay);
 - (2) Approximate aquifer thickness throughout the parcel;
 - (3) Groundwater flow direction, hydraulic gradient and groundwater velocity;
 - (4) Determination of downgradient receptors, including residences, surface water features and wetlands (on- and off-site);
 - (5) The projection of nitrogen concentrations downgradient of each septic system or protective zones of contribution of a well on each lot;
 - (6) The impact of nitrogen, phosphorus, and other contaminants on groundwater and downgradient wetlands, ponds, streams, rivers and/or other human or environmental receptors; and
 - (7) Precipitation effects.

B. Any applicant required to file an Environmental Health Impact Report shall have the burden of proving by submission of a preponderance of credible evidence that the proposed work shall not have an unacceptable significant and/or cumulative effect upon the public or environmental health.

~~C. The Board of Health shall review the plans and report to the Planning Board within 45 days after the Definitive plans and other requested data is filed with the Board of Health as required in MGL c. 41, § 81U, and the Sharon Planning Board regulations or bylaws. The report shall indicate approval or disapproval of the plan. In the event of disapproval, the Board of Health shall name specific findings as to which, if any, of the lots shown on the plan cannot be used for building sites without injury to public health, and shall include such specific findings and reasons therefor. The Board of Health may require the submission of additional data which, in its opinion, is necessary to properly evaluate the subdivision from a public health standpoint.~~

§ 300-7.14. Application review fees.

A. When reviewing any application for permit/approval, the Board, at its discretion, may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of a proposed project or because of a project's potential impacts. The Board may require that the applicant pay a review fee, consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.

B. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws and regulations.

C. In the case of the construction of a new ~~on-site subsurface sewage disposal system, or treatment works, with design flows greater than 1,500 gallons per day,~~ the applicant shall deposit with the Board of Health at the time of permit application the sum set forth ~~in~~ by the Board's ~~schedule of fees under "Sewage Disposal Permit Deposit" or "Treatment works Permit Deposit," as applicable,~~ in the form of a certified or bank check made payable to the "Town of Sharon."

D. Funds received by the Board pursuant to this section shall be deposited with the Municipal Treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be

made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application/permit.

- E. Review fees may only be spent for services rendered in connection with the specific project for which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
- F. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Health. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field.

§ 300-7.15. Scope of approval.

Neither the Board of Health nor any member or representative thereof assumes responsibility for the successful operation of any on-site ~~subsurface~~ sewage disposal system ~~or treatment works~~ and any associated soil absorption system or any portion thereof. Approval of any aspect of the testing, design or construction by the Board of Health shall not relieve the designer and the septic works installer of their sole responsibility for the design and construction of the system or works which fully conforms to all requirements of the State Sanitary Code, Title 5 and to all requirements of these regulations.

§ 300-7.16. Maintenance.

Every owner, occupant, or agent of premises where there is any private sewer, drain, or septic tank shall keep the same in a sanitary condition and shall have every septic tank emptied and cleaned when necessary or at such time as ordered by the Board of Health.

- A. ~~Biannual~~ Pumping of septic tanks is recommended at a minimum of every two years.

- B. Whenever a water closet, septic tank, or pipe becomes offensive or obstructed, the owner, occupant, or agent of premises shall cause the same to be cleaned or otherwise corrected.
- C. The owner, occupant, or agent of premises shall submit a copy of the pumper's signed receipt to the Board of Health as compliance.

§ 300-7.17. Location.

A. ~~Percolation and deep hole test determination of maximum groundwater elevation.~~ A minimum of one percolation test and two deep hole observation holes will be required for each proposed soil absorption system. The Board of Health may require additional tests as warranted by site conditions and the size of the facility. Tests may be performed at any time during the year. The maximum groundwater elevation will be determined by an approved soil evaluator and approved by the Board of Health or its agent.

B. Minimum distances.

(1) No disposal facility shall be closer than the distances stated to the components listed in the following table:

	Tank	Component Absorption System	Sewer
	(feet)	(feet)	(feet)
Property Line	20	20	10
Street or sidewalk right-of-way	25	25	10
Subsurface drain or street drain	25	50	25
Drainage easement	25	50	25
Dwelling, cellar wall, inground pool	10	20	10
Well or suction line; surface water supply	75	125	75
Reservoir and tributaries to reservoirs	75	125	75
Water bodies, wetlands, stormwater	75	125	75

retention or
detention basin

Water line (pressure)	10	25	10 laterally (18 inches below)
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(2) The minimum property line and street or sidewalk right-of-way setbacks are reduced to 10 feet, provided that the applicant has demonstrated to the Board's satisfaction that:

- (a) The natural slope of the ground prevents septic tank or leaching field overflow from flowing toward the property line.
 - (b) The depth to maximum groundwater elevation exceeds five feet for the entire area between the septic system component and the property line.
 - (c) The area is not in a defined floodplain.
 - (d) The area is not subject to surface flooding.
- C. Any lot of less than 40,000 square feet in area shall be deemed too small for both water supply and sewage disposal on the same lot.
- D. Sewage generation exceeding six gallons per day per 1,000 square feet of lot area is prohibited within Zone IIs and the Water Resources Protection Districts as defined by Chapter 275 "Zoning".

§ 300-7.18. Town of Sharon licenses.

- A. No septic system installer may construct, alter, repair or install a septic system within the Town of Sharon without first obtaining a license from the Sharon Board of Health.
- ~~B. Anyone applying for a license to construct, alter, repair or install a septic system within the Town of Sharon must first satisfy testing requirements established by the Sharon Board of Health.~~

§ 300-7.19. Building in unsewered areas.

(Reserved)

§ 300-7.20. Garbage grinders.

No garbage grinder shall be installed in a new or existing building. It is noted that garbage grinders are not recommended where they discharge to subsurface disposal facilities.

§ 300-7.21. Septic tank cleaners or additives.

Septic tank chemical cleaners or additives shall not be used in septic systems without consent of the Board of Health. Published research articles have documented that septic system additives have not resulted in positive effects on the operation of on-site septic systems, and can contaminate groundwater aquifers, render leaching fields dysfunctional and result in costly repairs to homeowners.

§ 300-7.22. Privies and chemical toilets.

- A. ~~Construction—toilets.~~ Temporary chemical toilets for the convenience of persons engaged in construction work may be erected or installed with a permit, but only under the following conditions: The toilet must be so located as to cause no annoyance to persons residing in the vicinity. The person in charge of the premises shall cause the toilet to be maintained in a sanitary manner; and immediately upon completion of the work, he shall remove the toilet and leave the premises in a condition satisfactory to the Board of Health, making proper provision for the final disposal of the contents of the chemical toilet. Temporary chemical toilets may be erected and installed on Town property where deemed needed by the Board of Health.

§ 300-7.23. Variances.

- A. ~~Requirements. Every request for variance~~ Any variance request being presented to the Board shall be made in writing and shall cite the specific variance sought and the reasons therefor. The Board may require additional studies and/or outside professional consultations in connection with the consideration of the variance request. The cost of additional studies and/or consultant review of same shall be paid by the applicant before any decision is issued. The applicant shall give notice to all abutters and owners of land within 200 feet of the applicant's land via certified mail, return receipt, at least 10 days before the variance request hearing. The Board of Health may vary the application of any provisions of this article (except where expressly forbidden) with respect to any particular case when, in its opinion:
- (1) The enforcement thereof would do manifest injustice; and
 - (2) The applicant has proved that the same degree of environmental protection required under this article can be achieved without strict application of the particular provision; and
 - (3) In the case of new construction, enforcement of the provision from which the variance is sought would deprive the applicant of substantially all beneficial use of the property.

- ~~B. Annual compliance fees. An annual fee will be required for monitoring each on-site wastewater disposal installation requiring a variance from the requirements of Title 5 and/or Article 7, upon which reporting and testing requirements have been imposed, including annual, or more frequent, pumping, testing, or other actions by the owner, as required by their variance from Title 5 or Article 7, in accordance with a fee schedule developed by the Board of Health.~~
- C. Any variance granted by the Board and conditions thereof shall be incorporated into the disposal works construction permit ~~or large treatment system works.~~
- D. The Board may require various conditions it deems appropriate as part of any variance granted, including, among others, that a notice of all restrictions imposed on the use of the septic system as part of the variance granted by the Board must be recorded by the property owner at the Registry of Deeds.
- ~~E. Construction of the sewage disposal system for which a variance has been granted must be completed within one year of issuance of the disposal works construction permit. During the initial year, the Board may grant an extension of up to one year upon a showing by the applicant that extraordinary circumstances caused a delay in completion of the work.~~

§ 300-7.24. Severability.

The provisions of Article 7 are severable. If any provision of Article 7 is declared to be invalid or inapplicable to any particular circumstance, the invalidity or inapplicability will not affect the enforceability of the remainder of Article 7.

§ 300-7.25. When effective.

This regulation shall take effect 30 days after the date of publication of a summary of the regulation.

~~§ 300-7.26. Pumping requirements and I/A system maintenance.~~

~~All systems upgraded pursuant to this section shall be pumped at least every two years. Innovative and alternative systems shall be maintained in accordance with manufacturer's recommendations.~~

~~§ 300-7.27. Inspection and sampling requirements for innovative/alternative systems for single-family homes.~~

~~A. The Department of Environmental Protection (DEP) and Sharon Board of Health (BOH) regulations require routine inspection and~~

~~testing of innovative and alternative wastewater disposal systems (I/A systems) to ensure proper operation. In accordance with DEP requirements, the I/A system must produce an effluent, prior to subsurface disposal, which meets or exceeds the following maximum allowable level for the following parameters:~~

~~**All I/A Systems:**~~

~~5-day biochemical oxygen demand _____ 30 mg/L
 Total suspended solids _____ 30 mg/L
 pH _____ 6 to 9 standard units~~

~~**Additionally, for Systems within Groundwater Protection Area:**~~

~~Total nitrogen _____ 25 mg/L~~

- ~~B. Based on an evaluation of system performance over time, the DEP has determined that, for single family homes not within a groundwater protection area (GPA), visual inspection of the effluent wastewater followed by field testing will demonstrate that the system is operating properly to achieve the required level of treatment. As such, and in accordance with the DEP's policy of January 1, 2006, the BOH requires system operators to perform and provide documentation for the field tests and, if applicable, laboratory analysis in accordance with the tables below.~~
- ~~C. The DEP has additional inspection and testing requirements for single-family homes within nitrogen sensitive areas. The tables below summarize the requirements for these systems.~~

First Year of Operation			
Single-Family Homes (<2,000 gpd)			
System Type	Inspection Frequency	Field Test	Laboratory Test
SFH not within GPA	Quarterly	DO, Turbidity, pH and Visual	pH, BOD5 and TSS
SFH within GPA	Quarterly	DO, Turbidity, pH and Visual	Carbonaceous BOD5, TSS, pH, and TN

~~TN = TKN + NO3 + NO2~~

~~**After First Year of Satisfactory Operation**~~

~~**Single-Family Homes (<2,000 gpd)**~~

~~**Laboratory Test**~~

System Type	Inspection Frequency	Initial Test	(if required based on field results)
SFH not within GPA	Twice per year	Field Testing for DO, Turbidity, pH and Visual	pH, BOD5 and TSS
SFH within GPA	Twice per year (after 1 year of quarterly lab testing)	Field Testing for DO, Turbidity, pH and Visual + Lab Testing for TN	Carbonaceous BOD5, TSS, pH and TN

$$TN = TKN + NO_3 + NO_2$$

~~D. Inspections required twice per year shall be performed during the first and third quarters. Field testing requirements include visual examination of the effluent for color, effluent pH to determine if the wastewater is between 6 and 9 standard units, dissolved oxygen to determine if the system is maintaining at least 2 mg/L, and turbidity, to determine if the system is maintaining levels less than or equal to 40 NTU.~~

~~E. If the effluent does not pass all of the field tests, the operator is required to collect a sample for laboratory analysis. If the laboratory tests indicate the system is not in compliance, a follow-up inspection and field testing to identify and correct the problem shall be completed within 60 days of the original inspection. Should the subsequent inspection and field test not meet required standards, the Board of Health shall be immediately notified with inspection results, details of the problems encountered, recommendations for repairing the system and a schedule for completing the work.~~

~~F. Reporting requirements.~~

- ~~(1) All inspection reports shall be submitted to the BOH within 30 days of sampling. The inspection report shall include the DEP approved inspection and O&M form for Title 5 I/A treatment and disposal systems and the manufacturer's inspection form.~~
- ~~(2) All alarm conditions must be addressed immediately and reported to the BOH within five days. The report must include the cause of the alarm condition and corrective actions performed to correct the condition.~~

~~G. The BOH reserves the right to inspect any I/A system at any reasonable times, or modify the inspection schedule and testing requirements.~~