

CONCORD BOARD OF HEALTH REGULATIONS
CHAPTER 3.00: WASTEWATER MANAGEMENT

3.01: Purpose and Authority

- (A) “The Town of Concord is committed to protecting the environment and public health. Effective care of onsite (i.e., Title 5) systems and other decentralized wastewater systems is essential to keeping this commitment. The Town will enhance its oversight of these systems in a fair, reasonable, and cost-effective manner to ensure they are well managed and that system owners have the information and tools necessary to protect their private investment and the public good. The onsite/decentralized program will be dynamic and evolving over time to ensure that decentralized systems become and remain a sustainable component of Concord's comprehensive wastewater management program.”¹
- (B) This regulation is promulgated pursuant to the authority granted to the Concord Board of Health by MGL Ch. 111, §. 31 and MGL Ch. 111, §. 127.

3.02: Definitions

- (A) The definitions in 3.02 shall be considered in addition to the definitions contained in 310 CMR 15.002 and any other applicable law or regulation as determined by the Board of Health.

"Board of Health" or "Board" – the legally constituted Board of Health for the Town of Concord, or its appointed agents or representatives.

“Disposal Works Construction Permit” – written approval issued by the Board of Health in accordance with 310 CMR 15.020 and Concord Board of Health Regulation 3.04(A) authorizing the construction, upgrade, expansion, or repair on an onsite wastewater system.

“Innovative-Alternative Technology” – see 310 CMR 15.281(3)

“Onsite Wastewater System Inspector” – equivalent to “System Inspector” in 310 CMR 15.002.

“Operations and Maintenance” – the required upkeep of an innovative-alternative technology as defined by the Massachusetts Department of Environmental Protection written approval for the selected technology.

"Owner" – every person who alone or with others, jointly or severally (a) has legal title to any residential or commercial property or parcel of land, vacant or otherwise; or (b) has care, charge or control of any residential or commercial property or parcel of land, vacant or otherwise, in any

¹ Stone Environmental, Inc and BETA Group, Inc. (2002) *On-site/Decentralized Wastewater Management Program: Final Report*, p. 12. Prepared for Concord Public Works/Health Division.

capacity including but not limited to agent, executor, executrix, administrator, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; or (e) any officer or trustee of the association of unit owners of a condominium.

"Permit" – any annual, one-day, or individual permit which is issued by the Board in accordance with its regulations, which is not altered or defaced in any way, and has not been suspended, revoked or expired by the Board of Health or its agent.

"Person" – any individual, partnership, association, firm, company, corporation, department, agency, group (including a city, town, county, state, or other governmental unit) or any other entity responsible in any way for any activity subject to these regulations.

“Sewer Improvement Fee” – shall mean a fee established pursuant to Article 25 of the 1989 Annual Town Meeting of the Town of Concord

3.03: Applicability

- (A) The provisions of this regulation shall not limit the authority of the Board of Health or its agents to require inspections or otherwise exercise their authority pursuant to 310 CMR 15.00 and/or MGL Ch. 111, as they deem necessary. Wherever this regulation is more stringent than Title 5, the Board's regulation shall prevail. This regulation supersedes all earlier wastewater regulations adopted by the Concord Board of Health.

3.04: Permits

(A) Disposal Works Construction Permits

- (1) A Disposal Works Construction Permit is required prior to commencement of the installation, upgrade, repair, or construction of any onsite wastewater system or component thereof, within the Town of Concord.
- (2) All Disposal Works Construction permits issued by the Board of Health shall expire two (2) years from date of issue.
 - (a) The Public Health Director may grant one (1) permit renewal with a term expiring not later than one (1) year from the original expiration date of the permit, with such additional conditions or restrictions as may be reasonably required.
- (3) The Board of Health, and/or their Agent shall have the authority to place written conditions upon any Disposal Works Construction Permit at the time of issuance. Said conditions shall become part of the permit.

- (a) Violation of any permit condition(s) shall result in the revocation of the permit and any additional enforcement measures as allowed by applicable state and local laws and regulations.
 - (4) Notwithstanding 3.04(A)(1-3), a Disposal Works Installer, licensed pursuant to 3.04(B) is permitted to engage in an emergency repair as defined in 310 CMR 15.353, except that the application for the required Disposal Works Construction Permit must be submitted within 48 hours of the commencement of the emergency repair work.
- (B) Disposal System Installer's Permit
- (1) No individual shall engage in the repair, construction, modification, upgrade, installation, or emergency repair of an onsite wastewater system within the Town of Concord without first being granted a Disposal Works Installer's License by the Concord Board of Health.
 - (2) An applicant for a Disposal System Installer's Permit shall submit an application to the Concord Health Division with all required supporting documentation, as noted on the application.
 - (3) The initial granting of a Disposal System Installer's Permit to a new applicant shall be on a probationary basis.
 - (a) The Agent of the Board of Health, after inspecting the probationary applicant's quality of work shall render one of the following three decisions:
 1. Granting of a full Disposal System Installer's Permit
 2. Continuance of the probationary period for a fixed number of installations, modifications, upgrades, and/or repairs
 3. Denial of a full Disposal System Installer's Permit
 - (4) Pursuant to 1.07(A), the Concord Board of Health, through an adjudicatory hearing process, may suspend, revoke or refuse to renew the permit or registration of any person who violates any provision of its regulations.
- (C) Permit to Pump and Haul Septage
- (1) No individual shall engage in the pumping and/or hauling of septage, sewage, or wastewater system residuals from onsite wastewater systems, portable toilets, or wastewater treatment facilities within the Town of Concord without first being granted a Septage Hauler Permit by the Concord Board of Health.

- (2) Pursuant to 1.07(A), the Concord Board of Health, through an adjudicatory hearing process, may suspend, revoke or refuse to renew the permit or registration of any person who violates any provision of its regulations.

3.05: Fees

- (A) Fees for permits and registrations issued pursuant to this Chapter shall be proposed by the Public Health Director and approved by the Town Manager in accordance with the Town of Concord Bylaws.

3.06: Siting of Onsite Wastewater Systems

- (A) Onsite wastewater systems shall be constructed not less than the minimum distances from items listed in 310 CMR 15.211 with the following additions and/or modifications listed in Table 1.

Table 1: Minimum Setbacks for Onsite Wastewater System Components		
Item	Soil Absorption System	All Other Components ¹
Wetland resource area as defined in 310 CMR 10.00 or the Town of Concord Wetlands Bylaw, whichever is more stringent	If design flow <2,000 gpd 75 feet	If design flow <2,000 gpd 50 feet
	If design flow ≥2,000 gpd 100 feet	If design flow ≥2,000 gpd 75 feet
Pier or sonotube-type foundations	10 feet	10 feet
Above-ground pools with a depth greater than three (3) feet	10 feet	10 feet
Geothermal heating/cooling system wells	50 feet	50 feet
Irrigation wells	50 feet	50 feet
1. Components as defined by the Agent of the Board of Health		

3.07: Design of Onsite Wastewater Systems

(A) Soil Absorption Systems

- (1) Soil absorption systems constructed in areas where the underlying naturally occurring soil material has a percolation rate of greater than 20 minutes per inch shall have a minimum of 6" of clean imported fill material meeting the specifications of 310 CMR 15.255(3) placed below the bottom of the system.
 - (a) The Board of Health or its Agent may require this minimum 6" of fill at its discretion, regardless of the type of underlying soil material.

- (2) The minimum depth of clean, double-washed, stone aggregate, 3/4" - 1 1/2" in size, shall be 12 inches measured below the invert of the distribution pipes in bed/field configurations with aggregate as the distribution media.
- (3) Laterals and manifolds in soil absorption systems utilizing pressure distribution shall be equipped with appropriately locatable and accessible sweeps at their distal ends to facilitate proper maintenance.

(B) All Other System Components

- (1) A two-compartment septic tank, or two single compartment septic tanks, compliant with 310 CMR 15.224 shall be installed any time a septic tank(s) is replaced.
- (2) An effluent tee filter, approved by the Massachusetts Department of Environmental Protection, shall be fitted in the outlet of each primary septic tank installed under these regulations.
- (3) Risers, fitted with cast-iron manhole frames and covers or approved equivalents, shall be affixed to any system component with a depth greater than nine (9) inches, bringing the access to a point six (6) inches or less from the final grade elevation.
- (4) Pumps and other electrical controls shall be installed by a Massachusetts Licensed Electrician only after an Electrical Permit has been granted by the Town of Concord Building and Inspections Division.

3.08: Building Permit Reviews

- (A) Property owners shall not apply for building permits for interior renovations, footprint and/or roofline expansions, new construction, or changes in use until after the Board of Health reviews the proposed plans.
- (1) Applicants shall submit, to the Health Division, a "Form C" for properties served by an onsite wastewater system, or a "Form S" for properties served by the Town of Concord Sewer System; along with the appropriate fee and supporting documentation.
 - (2) If a property is connected to the Town of Concord Sewer System, and requires a building permit for an addition or alteration, Concord Public Works Sewer Regulations require the Board of Health to review the project for potential increases in flow to the sewer system. The purpose of this review is to provide a basis or the calculation of a Sewer Improvement Fee, if any, is due to the Town as a result of the proposed construction or change in use.²

² See Article V of "Rules and Regulations Governing Sewer Connections and Use" adopted by the Concord Public Works Commission, as amended.

- (B) For residential structures, the Health Division will review documentation provided by the applicant and compare it to information on file, for a determination if any change in room count will result in a calculated increase in bedrooms, pursuant to 310 CMR 15.002(2).
- (C) For non-residential structures the Health Division will review the submitted documentation and compare it to information on file to determine if the proposal constitutes a change in use or expansion of use that will result in an increase in design flow as defined in 310 CMR 15.203.
- (D) For all structures where a footprint alteration is proposed, the Health Division will apply the most recent applicable setbacks in 310 CMR 15.211 and section 3.06(A), Table 1, of these regulations. All proposed footprint alterations are required to be in compliance with the above-referenced setback requirements.

3.09: Innovative-Alternative Technologies

- (A) Onsite wastewater systems which include innovative-alternative technology, installed pursuant to 310 CMR 15.280-289 in Concord shall be registered with the Board of Health. Each registrant shall be required to provide the Board with the following:
 - (1) The name, address, phone number, and emergency contact information for the owner and operations and maintenance service provider.
 - (2) A copy of the current operations and maintenance contract between the owner and the operations and maintenance service provider. Each contract shall be valid for no less than two (2) years and shall be renewed a minimum of sixty (60) days prior to expiration.
 - (a) A copy of the current contract shall be submitted to the Board of Health within thirty (30) days of any change in ownership, contract terms, or in the event of renewal.
 - (3) Any other relevant information required by the Board of Health or its Agent.
- (B) Onsite wastewater systems utilizing innovative-alternative technologies, solely for effluent disposal in the soil absorption system, installed pursuant to 310 CMR 15.280-289 in Concord shall not but subject to the requirements of 3.09(A) if the technology approval letter issued by the Massachusetts Department of Environmental Protection does not require an operation, maintenance, or inspection contract.

3.10: Onsite Wastewater System Inspectors

- (A) No person shall conduct an inspection of an onsite wastewater system pursuant to 310 CMR 15.301 within the Town of Concord unless:

- (1) He/she is certified and in good standing as a System Inspector pursuant to 310 CMR 15.340 and
 - (2) He/she is registered as an Onsite Wastewater System Inspector with the Concord Board of Health.
- (B) The Inspector shall complete every applicable section of the most recent version of the “Title 5 Official Inspection Form – Not for Voluntary Assessments, Subsurface Sewage Disposal System Form,” supplied by the Massachusetts Department of Environmental Protection, or such subsequent form published by the same.
- (C) The Concord Board of Health may revoke or suspend the registration and/or listing of an Onsite Wastewater System Inspector after opportunity for a hearing is conducted pursuant to MGL c. 30A and CBHR 1.0 and after the Board of Health determines that the Inspector has:
- (1) falsified an inspection report and/or
 - (2) fraudulently altered an inspection report and/or
 - (3) failed to properly inspect a system as required in 310 CMR 15.302 and/or
 - (4) failed to meet any provisions contained within this regulation

3.11: Wastewater Treatment Facilities

- (A) No system or facility to be used for treating, neutralizing, stabilizing, or disposing of wastewater from homes, public buildings, commercial or industrial buildings, or any other types of establishments shall be located, constructed, installed, operated, altered, or repaired until a Wastewater Facility Construction Permit for such shall have been issued by the Board of Health. No construction of any building or facility which relies upon such wastewater system or facility shall be allowed until a Wastewater Facility Construction Permit has been issued by the Board of Health.
- (1) Such system or facility as regulated herein shall include, but not be restricted to: sewers serving such facility, Wastewater Pumping Stations, Wastewater Treatment Works, All Wastewater Treatment Operations, Sludge Treatment And Management, Disinfection, Advanced Waste Treatment, Subsurface Disposal And Land Treatment, Wastewater Recycling And Reuse.
 - (2) Such system or facility as regulated herein shall be referenced as Wastewater Treatment Facility (WWTF).
- (B) Wastewater systems constructed under the jurisdiction of 310 CMR 15.00 and all other applicable sections of CBHR 3.00 shall not be subject to the requirements of this section.

- (C) A copy of all applications, reports, plans, specifications, data and supporting documents required by these regulations and by the regulations of any other agency in connection with the approval or operation and maintenance of the subject facility shall be submitted to the Board of Health.
 - (1) In the case of an application for a Wastewater Facility Construction Permit, all materials shall be submitted to the Board of Health simultaneous to the time of submittal to Massachusetts Department of Environmental Protection. A Board of Health Wastewater Facility Construction Permit, as required under this Section, will not be issued prior to issuance of a written approval by the Massachusetts Department of Environmental Protection.
- (D) All subsurface explorations for the siting of a wastewater treatment facility, as defined in 3.11(A), shall be witnessed by an Agent of the Concord Board of Health.
- (E) Construction inspections, for compliance with Wastewater Facility Construction Permit conditions, shall be required to be coordinated with the Agent of the Concord Board of Health.

3.12: Severability

- (A) Each section, paragraph, sentence, clause, phrase, and any other portion of this regulation shall be construed as separate to the end that if any portion thereof shall be held invalid for any reason, then the remainder of the regulation shall remain in full force and effect.

3.13: Effective Date

- (A) This regulation was adopted by the Concord Board of Health at a public hearing on November 18, 2008 pursuant to the authority granted by MGL Ch. 111, §. 31 and MGL Ch. 111, §. 127.
- (B) This regulation is effective as of January 1, 2009.

