

SECTION 8: Water Quality Protection

Pursuant to Chapter 111, Section 31 M.G.L., the Wareham Board of Health voted to establish regulations for the protection of water quality in the Town of Wareham.

1. Definitions

- A. Alternative System: A Massachusetts Department of Environmental Protection approved septic system designed to provide or enhance the removal of nitrogen in on-site sewage disposal.
- B. Buffer Zone: An area located within the Water Quality Protection Zone extending 150 feet from any surface water.
- C. Certified Vernal Pool: A surface water body that has been certified by the Massachusetts Division of Fisheries and Wildlife as a vernal pool in accordance with the "Vernal Pool Certification Guidelines" pursuant to the Massachusetts Natural Heritage and Endangered Species Program administered by the Massachusetts Department of Fish and Game at the time a permit application is submitted to the local approving authority.
- D. Design Flow: The quantity of sanitary sewage, expressed in gallons per day (gpd), for which a system must be designed in accordance with 310 CMR 15.203.
- E. Effluent: Sanitary sewage discharged into the environment, whether or not treated.
- F. Existing Systems: On-site subsurface sewage disposal systems including nonconforming systems that existed in the Water Quality Protection Zone prior to the effective date of this regulation.
- G. Failed System: An existing system which fails to protect public health and safety or the environment as set forth at 310 CMR 15.303 or 15.304, including nonconforming systems at the time of transfer.
- H. New Construction: The construction of a new building for which an occupancy permit is required or an increase in the actual or design flow to any system or an increase in the actual or design flow to any nonconforming system or an increase in the design flow to any system above the existing approved capacity.
- I. Nonconforming System: Any system which is not in full compliance with the standards and requirements of 310 CMR 15.000 and for which a variance or local upgrade approval has not been obtained. Nonconforming systems include, but are not limited to, cesspools, privies, failed systems, and systems with a design flow above 10,000 gpd.

- J. Soil Absorption System: A system of trenches, galleries, chambers, pits, field(s) or bed(s) together with effluent distribution lines and aggregate which receives effluent from a septic tank or treatment system.
- K. Surface Water: All waters including without limitation, rivers, streams, lakes, ponds, springs, reservoirs, impoundments, estuaries, wetlands, coastal waters, and certified vernal pools.
- L. Water Quality Protection Zone: An area extending 500 feet from any surface water.
- M. Wetlands: Any land area or surface area so defined by the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and regulations promulgated pursuant thereto at 310 CMR 10.00 or pursuant to Section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1341.

2. **Construction of New Buildings:** A buffer zone setback requirement of 150 feet from all surface water shall be required for new construction of all soil absorption systems.

Construction of all soil absorption systems located between 150 - 500 feet from any surface water shall be required to install a nitrogen reducing alternative system which achieves a rolling annual average total nitrogen (TN) effluent limit of 19 milligrams per liter or less.

Groundwater flow shall be indicated on all plans.

3. **Existing and Expanding Systems:** An increase in actual or design flow to an existing system within the Water Quality Protection Zone shall be required to install a nitrogen reducing alternative system which achieves a rolling annual average total nitrogen (TN) effluent limit of 19 milligrams per liter or less.

Existing failed systems located in the buffer zone shall be required to install a nitrogen reducing alternative system which achieves a rolling annual average total nitrogen (TN) effluent limit of 19 milligrams per liter or less.

A variance may be granted by the Wareham Board of Health upon receipt of an application for variance by the property owner and/or his agent.

4. **Operation and Maintenance Agreements:** At all times the permit holder shall maintain and comply with an Operation and Maintenance Agreement, which is subject to the prior approval of the Board of Health and its consultants and agents.

- A. Such Operation and Maintenance Agreement shall include a provision requiring the system operator to take immediate corrective action, and notification to the

Board of Health within seven (7) days, if the total nitrogen (TN) effluent limits are not in compliance with this regulation.

- B. The permit holder shall notify the Board of Health in writing within seven (7) days of any cancellation, expiration or other change in the terms and/or conditions of the Operation and Maintenance Agreement.
- C. The permit holder shall be required to repair, replace, modify or take any other action as required by the Board of Health, if the Board of Health determines that the system is not capable of meeting the required reduction in nitrogen in the effluent.

5. Monitoring:

- A. The Board of Health may require monitoring of approved systems that exceed monitoring specified in the Approval Letter issued by the DEP. Where applicable, the Board of Health shall require semi-annual measurement of total nitrogen (TN) in the effluent for the first two years after permit approval. After two years and upon a finding of compliance with this regulation, the Board of Health may reduce such monitoring to once a year.
- B. All measurements and samples collected shall be collected, transported and stored in such manner as outlined in the most recent edition of Standard Methods for the examination of Water and Wastewater, American Public Health Association and the latest EPA analytical procedures.
- C. The results of all such monitoring shall be subject to other requirements of Section D below.
- D. Any person or entity that owns, operates, inspects or monitors an alternative onsite septic system in Wareham shall provide the results of all monitoring and inspections to the Board of Health, or a contractor designated by the Board of Health, in a format designated by the Health Agent. All reports regarding maintenance, monitoring or inspections of alternative septic systems shall be submitted within 30 days of the time when the maintenance, inspection or monitoring was initiated. An annual reporting fee of \$50.00 shall be required from each system operator. The fee shall be paid to the Board of Health, which will be used to defray the cost of oversight, inspection, monitoring and enforcement.
- E. No operating permit shall be issued until the applicant has filed, with the Registry of Deeds, a notice indicating the presence of a system approved hereunder, and the existence of monitoring and reporting requirements and the requirement for a service contract for the life of the system. Proof of such recording shall be provided to the Board of Health prior to issuance of an occupancy permit.
- F. Such operation permit shall be renewed prior to transfer of ownership of property.

G. Any other conditions that may be deemed necessary by the Board of Health, including, but not limited to, issuance of a warranty for the system to be installed.

- 6. General Conditions:** Design, installation and use of an alternative septic system shall be in strict conformance with the company's DEP approved plans and specification, the DEP Approval a Letter and 310 CMR 15.000. Prior to the issuance of a Certificate of Compliance by the Board of Health, the System Installer and Designer shall provide, in addition to the certifications required by 310 CMR 15.021(3), certifications in writing to the Board of Health that the system has been constructed in compliance with the terms of the Approval Letter.

The results of all monitoring and inspections are to be submitted to the Board of Health or a contractor designated by the Board of Health, in a format designated by the Health Agent. All reports shall be submitted within 30 days of the inspection.

- 7. Severability:** The invalidity of any section or provision of this regulation shall not invalidate any other section or provision thereof.