

SECTION 9: Title V Board of Health Regulations

1. As Built Plans:

- A. In an effort to provide us with uniformity of subsurface sewage disposal system plans, the Board requires the Assessors sheet number, lot number(s), and street name for specific identification.
- B. The Board also requires the engineer to provide certified “as built” plans of subsurface sewage systems and foundations.

2. Cesspool Regulations: All cesspools are considered a failed system and shall be upgraded to meet standards set forth in Title 5 at the time of title transfer.

3. No Discharge Area:

- A. Authority:
These regulations are pursuant to Chapter III, Section 31, M.G.L.
- B. Purpose:
This regulation is intended to protect the public health and the coastal waters of the Town of Wareham.
- C. Provisions:
 - 1) The Wareham Board of Health prohibits all vessels from discharging any sewage, whether treated or untreated, into the coastal waters of Wareham as determined by the State of Massachusetts and designated by the United States Environmental Protection Agency.
 - 2) Boat sewage shall be disposed of through available boat sewage pumpout facilities within the Town of Wareham, or through other approved means outside of the Town of Wareham boundaries. Port-a Potties and all similar container devices shall be emptied at onshore dump stations, restrooms, or by other approved means outside of the Town of Wareham boundaries.
 - 3) All vessels registering for mooring (harbor permits) within the Town of Wareham shall be inspected by the Harbormaster, or his designee, for compliance with the Marine Sanitation Device Coast Guard Regulation.
 - 4) Any violation of the NDA regulation shall be punishable by a fine of \$50.00 and a warning for the first offense, a fine of \$200.00 for the second offense, and a fine of \$500.00 and a loss of mooring rights for one year upon conviction of a third offense.
 - 5) This Board of Health regulation may be enforced by the Wareham Board of Health, the Shellfish/Harbormaster Department, and any applicable State and Federal enforcement agencies.

4. Private Drinking Water Regulations:

- A. These regulations pertain to those water systems that are not presently regulated by the Commonwealth of Massachusetts Department of Environmental Protection.
- B. Definitions:
 - 1) Private Drinking Water Supply: A system for the provision of drinking water for human consumption.

- 2) The system has less than fifteen (15) service connections and regularly serves an average of less than twenty-five (25) individuals daily, at least sixty days of the year.
- C. Laboratory Certification:
- 1) No laboratory shall conduct the analyses of drinking water required by these regulations and report to the supplier of the water and to this Board of Health for the purpose of complying with these regulations, unless the DEP has certified the laboratory as being capable of conducting uniform, professional and reliable analyses, and as being capable of documenting the validity of analytical data introduced.
 - 2) Laboratories shall conduct analyses, documentation of analytical results, and date reporting in compliance with the regulations and guidelines contained in the Massachusetts Drinking Water Regulations, unless amended herein.
- D. Private Water Sample Collection:
- 1) Private water samples shall be collected, contained, and preserved (if necessary), prior to delivery to a certified laboratory for analysis, according to the MA Drinking Water Regulations.
 - 2) Sufficient information shall accompany each sample to permit absolute identification. The specific information which must be provided to the certified laboratory when submitting a sample for analyses include:
 - (a) The sample source;
 - (b) The location of the sampling site;
 - (c) The date and time of the collection;
 - (d) Prescribed sample preservation techniques employed (if preservation is necessary);
 - (e) The name and signature of the person collecting the sample;
 - (f) The name and signature of the person possessing the sample after the collection and prior to laboratory receipt of the sample.

5. Required Private Water Certification:

- A. No private water supply shall be made operable for the purpose of obtaining drinking water, excepting supervised testing or cleansing of the system, or collecting water samples; without first obtaining the Certification of Private Water Supply from the Board. Failure to comply with this requirement is subject to a fine, not to exceed \$50.00 at the discretion of the Board. Each day of operation of the private water system for the purpose of obtaining drinking water without certification by the Board shall constitute a separate offense.
- B. Private water samples shall be analyzed and results of the analyses submitted to this Board of Certification of Private Water Supply.
- C. This Board prior to use shall certify new systems. Whenever an onsite sewage disposal facility or new home construction is to be serviced by the public water system, the private water system shall be certified prior to the issuance of a Certificate of individual sewage disposal system or a Certificate of Occupancy by this Board.

- D. Whenever an existing well is altered by relocating, construction or repair to the well (excluding pump and/or distribution system), or installation of any water treatment equipment (excluding filters to remove particulate matter.)
- E. Prior to sale of property, which included the private water supply, the seller shall provide the new owners a copy of the current Certification of Private Water Supply.

6. Required Test Parameters:

- A. Private water samples shall be analyzed for the following parameters (maximum allowable concentration of contaminants):
 - 1) Iron: .03 mg/1
 - 2) Manganese: .05mg/1
 - 3) Sulfate: 250mg/1
 - 4) Chloride: 250mg/1
 - 5) Hardness: 150mg/1
 - 6) pH: 6 to 8
 - 7) Nitrate: 10mg/1
- B. The Board of Health will grant no variances allowing the use of water with or without treatment, which exceeds the maximum allowable concentration of total coliform bacteria. The Board will not approve new sources of private water that exceeds standards other than total coliform bacteria unless treatment is provided which renders water of acceptable quality to the user. Analyzing the treated water for the contaminants listed above and submitting the test results to the Board must demonstrate efficiency of treatment.
- C. If the Board determines that water treatment is sufficient to reduce the contaminant concentrations listed above a variance will be granted for the use of the private water system providing that the person complies with the following:
 - 1) Inspection of the treatment equipment installation and certification by the Board's plumbing inspector to the effect that the installation meets existing codes and that no bypass plumbing exists which would supply untreated drinking water to the user.
 - 2) Registry of the variance by an agent of the Board at the expense of the person obtaining the variance on the certificate of Title of property containing the water supply, treatment equipment, and all user water outlets.
 - 3) All treatment equipment shall be properly maintained at all times by the user and subject to compliance inspection by the Board upon 24 hours notice that an inspection will be made.
 - 4) Upon inspection by this Board, if treatment deficiencies are indicated, the Board may cause treated and/or raw water samples to be collected and analyzed at user expense to demonstrate compliance with the paragraph above.
 - 5) Failure to comply with all condition of the variance shall, at the discretion of this Board, result in revocation of:
 - (a) The variance allowing use of the treatment equipment
 - (b) The Certification of Private Water Supply
 - (c) The Certificate of Occupancy of the water user or owner

- 6) Owners who sell, rent or lease property listed in the variance shall inform prospective buyers, tenants, or lessees, respectively, of all aspects of the variance, such information shall be signed by both the owner and the buyer, tenant, or lessee. The owner retains responsibility for all compliance with the condition of the variance, such information shall include (but not limited to):
 - (a) Treatment equipment owner's manual, spare parts and supplies availability
 - (b) Estimated maintenance costs
 - (c) Full explanation of the owner's commitments to comply with the conditions of the variance

7. Public Drinking Water Well Construction:

- A. No well shall be installed until a permit to install has been obtained from this Board or its agent. This Board shall set the fee for this permit from time to time.
- B. A plot plan shall be submitted to the Board prior to the issuance of a permit to install the well. The plot plan shall be constructed by a professional engineer to surveyor and shall include, but not be limited to the following:
 - 1) Boundaries and area of the property containing the well
 - 2) Location of abutting streets and private ways
 - 3) Location of the homes and septic disposal systems serviced by the well
 - 4) Distances from the well to the nearest street, home leaching field, and property boundary.
- C. Newly created lots after January 1, 2014 must meet the 150' setback to a well from a subsurface sewage disposal system. Existing lots must meet the 100' setback to a well from a subsurface sewage disposal system.
- D. All well points shall be constructed of stainless steel. All elbows or connectors used on plastic pipe below finished grade shall be constructed of durable plastic or stainless steel.
- E. Evidence of the yield of the well shall include a demonstration test by the well contractor, in a manner satisfactory to the Board's agent, that the well will deliver a minimum of five gallons per minute for a four-hour continuous period. The water flow requirement may be lowered when large storage, and/or storage pressure tanks are provided.

8. Flood Plain District – Health Regulation:

- A. The Wareham Board of Health, in reviewing all proposed water and sewage facilities to be located in the flood plain district established under the zoning by-law shall require new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.
- B. New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

9. Garbage and Rubbish – Odor Oxidizer: From July 1 through October 31 of each year which is considered the "odor season", all restaurants, retail and wholesale food markets, fish markets and seafood processor plants shall apply an odor oxidizer, such

as hydrated lime or sodium bicarbonate or masking agent to all food wastes in sufficient quantities to retard or eliminate offensive odors.

10. Medical Waste Transporters: Application must be made to the Wareham Board of Health for a permit to transport medical waste in Wareham.

11. Percolation Tests: All percolation tests will be taken in any wet area that has a questionable water table, only during the months of November through April. All tests will be at the discretion of the Board of Health. The Board of Health may require modifications if adverse conditions are encountered at other times of the year.

12. Roadside Stand Regulations:

- A. Must have toilet facilities on rented property.
- B. Must have portable water available on site.
- C. Shade must be provided for eatables offered for sale.
- D. The sale of fish or shellfish shall be governed by rules and regulations for the sanitary control of the shellfish industry relative to fish and fish products.
- E. All stands must be registered with the Board of Health and permit obtained from this governing body.
- F. All stands shall be set back 25 feet or more from the edge of the roadway, highway, street or other route of vehicular traffic.
- G. Proper containers shall be provided for fruits and vegetables that have decomposed.
- H. Shellfish must be maintained under proper refrigeration at all times, and kept in containers which are sanitary and protected from the direct rays of the sun and other elements conducive to spoilage or contamination.
- I. Mobile units shall conform to the preceding regulations when utilized as a roadside stand.

13. Septic System Additives/Cleaners Regulation:

- A. The Wareham Board of Health under the authority of Chapter III, Section 31 of M.G.L. and to protect the public health from contamination of ground and surface water bodies, prohibits the dispensing of the following chemicals, commonly found in septic system additives/cleaners, to an on site subsurface septic system.
- B. A list of prohibited chemicals follows:
 - 1) Methylene chloride
 - 2) 1,1,1 trichloroethane
 - 3) Trichloroethylene
 - 4) Tetrachloroethylene
 - 5) Carbon Tetrachloride
 - 6) Ethylene glycol monophenylether
 - 7) Acids (ex. H₂O₄, A12, (SO₄)₃)
 - 8) Orthodichlorobenzene
 - 9) Orthochlorotolunene
 - 10) Dichloromethane
 - 11) Petroleum distillates

- 12) Naphthalene
- 13) Benzenes
- 14) Bases (ex. KOH, CuSO₄)
- C. Further, any establishment which sells septic system additives/cleaners must post the following notice in the direct vicinity of these products so as to be noticeable to someone purchasing them:
 - 1) "WARNING: IT IS ILLEGAL TO INTRODUCE ANY OF THE ABOVE LISTED CHEMICALS INTO A SEPTIC SYSTEM IN THE TOWN OF WAREHAM."
 - 2) "A PRODUCT CONTAINING ANY OF THESE CHEMICALS CANNOT BE USED AS A SEPTIC SYSTEM ADDITIVE/CLEANER DUE TO THEIR CONTAMINATION EFFECT ON THE GROUNDWATER."
 - 3) "PLEASE READ THE LIST OF INGREDIENTS CAREFULLY!"

14. Sewage Disposal Permits:

- A. No person or firm shall engage in the construction, alteration, installation or repair of any individual sewage disposal system without first obtaining a Disposal Works Systems Construction Permit from the Wareham Board of Health. Such permits shall expire at the end of six months, unless earlier revoked for cause by this Board.
- B. Disposal Works Construction Permits shall expire six months from the date of issue.

15. Municipal Sewer Hookup – Existing Cesspools: Effective January 1, 1990 it shall be mandatory that once an establishment, dwelling, or institution has made connections to the municipal sewerage system, that the existing cesspools be emptied of all contents and that it further be filled in and covered to grade, causing this facility to be rendered safe and out of operation. The Board of Health shall be notified upon completion of the above.

16. Well Drivers Regulations:

- A. All well drivers and drillers doing business within the Town of Wareham must register with the Board of Health.
- B. All well drivers and drillers shall procure a permit from the Board of Health.
- C. A plot plan of lot and location of well to be driven must be approved by the Board.
- D. Any individual or homeowner who engages in digging his own well must abide by these rules.
- E. Upon completion of the well, a certified laboratory shall test a water sample and the results filed with the Board of Health.
- F. Violations of the above regulation shall be punishable by a fine not less than \$10.00 nor more than \$50.00.