

TOWN OF CHELMSFORD

Chapter 201 BOARD OF HEALTH REGULATIONS

ARTICLE VI SUBSURFACE SEWAGE AND WASTEWATER DISPOSAL

GROUNDWATER PROTECTION

(Added 4-10-1987; amended 4-3-1995, 1-11-2021, 6-7-2021, 7-12-21, 3-7-22)

**§201-24. REGULATION IN ADDITION TO STATE CODE**

The Chelmsford Board of Health enforces the following additional regulations in conjunction with all applicable State regulations (Title V – The State Environmental Code)

- A. Grease Trap (External) – A grease trap (capacity to be determined at time of septic system design by flow estimate) must be installed for all food service establishments. This excludes Cottage Kitchens not located in Zone 2 and who operate less than 25 hours a week on average. Cottage Kitchens are only allowed to cook Non-TCS (Time Temperature Control for Safety) Foods.

**§201-25. GROUNDWATER PROTECTION; DISCHARGE OF WASTEWATERS FROM ALL DEVELOPMENTS.**

- A. Authority: – The Board of Health, in accordance with 105 CMR 400.00, State Sanitary Code, Chapter 1 shall protect the health and well-being of the Town of Chelmsford.
- B. Purpose: – The purpose of this regulation is to protect the groundwater resource of the Town of Chelmsford. The intent of this regulation is to prevent the contamination of subsurface potable water supplies from non-sanitary wastewater being introduced into the ground from a facility with a higher likelihood of such a discharge when compared to typical residential usage.
- C. Definitions: – Definitions used herein are as indicated in 310 CMR 15.000.
- D. Applicability: – This regulation applies to the following situations:
  - a. A property or facility with an on-site subsurface sewage disposal system governed by 310 CMR 15.000 (Title 5 of the Massachusetts Environmental Code)
  - b. A property or a facility has a disposal area located within a Zone I or Zone II protection zone of a public water supply as identified on the Mass GIS mapping system or the Town of Chelmsford MA GIS mapping system.
  - c. A property or facility with non-residential usage either wholly (examples would include schools, office buildings, manufacturing establishments, transportation hubs, etc.) or partly (examples would include an apartment building with ground-level commercial or retail use, a school campus with dormitories and a maintenance garage, etc.).

The intent of this regulation is not to govern wastewater from typical residential facilities and activities such as houses, apartments, trailer parks, etc. nor their associated ancillary uses such as swimming pools, parking garages, tennis courts, etc., nor is the intent of this regulation to govern a disposal area which is not within a Zone I or a Zone II.

E. Requirements:

1. The following activities are prohibited:
  - a. Generation or discharge of non-sanitary sewage
  - b. Generation or discharge of commercial sewage waste
  - c. Generation or discharge of industrial waste
  - d. Operation or disposal of waste from a treatment works
  - e. Disposal of waste in a Class I, II, III or IV well as regulated by the underground injection control program (310 CMR 27)
  
2. For a property or facility subject to these regulations, the following is required:
  - a. The facility generating wastewater shall be examined on an annual basis. A report must be provided describing the sources of wastewater generated at the site and their disposition and management. Said report shall be completed by a civil, environmental, or sanitary engineer licensed in Massachusetts, or by a Massachusetts-licensed registered sanitarian. Written notice of the date and time of the examination shall be provided at least 7 calendar days beforehand to the Chelmsford Board of Health so a concurrent examination can occur if desired. A written report regarding the sources of wastewater at the facility or property, as well as their disposition or management, shall be provided to the Board of Health within 14 calendar days of completion of the examination.
  - b. All residential and non-residential sewage shall receive treatment by a DEP-approved Secondary Treatment Unit authorized for General Use. Sanitary sewage which may be managed by a humus/composting toilet, or a greywater system is exempt from this requirement.
  - c. The onsite wastewater system shall be designed and constructed to provide a mechanism for collecting water samples for analysis at a point after the Secondary Treatment Unit but prior to the disposal area. The water sample collection mechanism shall be built and maintained to be easily accessible and secure from damage or contamination.
  - d. The DEP-approved Secondary Treatment Unit authorized for General Use shall be examined twice per year within 14 days of March 15 and within 14 days of September 15. Examination shall be completed by a wastewater treatment plant operator licensed in Massachusetts with at least a Grade II Municipal license. Written notice of the date and time of the examination shall be provided at least 7 calendar days beforehand to the Chelmsford Board of Health so a concurrent examination can occur if desired. A written report regarding the operation of the Secondary Treatment Unit and other components of the onsite wastewater system shall be provided to the Board of Health within 14 calendar days of completion of the examination.

- e. Effluent sample(s) shall be collected twice per year within 14 days of March 15 and within 14 days of September 15. Effluent shall be collected from a location in the flow path following the DEP-approved Secondary Treatment Unit and prior to the disposal area. Effluent shall be collected by an employee of a DEP-approved laboratory. Written notice of the date and time of the sample collection shall be provided at least 7 calendar days beforehand to the Chelmsford Board of Health so a concurrent examination can occur if desired. A written report describing the findings of the effluent sampling along with copies of the laboratory analysis reports shall be provided to the Board of Health within 21 calendar days of sample collection.
- f. Effluent samples shall be analyzed for the following parameters:
  - i. pH, temperature and specific conductance – field analysis of grab sample to be completed at each site examination
  - ii. Total nitrogen, Total phosphorous, Orthophosphate, VOC scan (EPA method #624 or approved equal) – laboratory analysis of grab sample to be completed at each site examination
- g. The onsite wastewater system shall be subject to an annual Permit to Operate. Permit is issued by the Board of Health and renewable on January 1 of each year provided all other aspects of the regulation have been complied with. Application for renewal of said permit shall be submitted by November 30 and shall contain all reports and data as described above as well as the required fee(s).

F. Variance: -

- 1. Variances to these regulations shall be granted for seriously aggrieved parties by the Board of Health when, in its opinion:
  - a) The person requesting a variance has established that enforcement of the provision of these regulations from which a variance is sought would be manifestly unjust, considering all the relevant facts and circumstances of the individual case; and
  - b) The person requesting a variance has established that the level of public health and environmental protection, that is at least equivalent to that provided under these regulations, can be achieved without strict application of the provision of the 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.

- 2. Every request for a variance shall be made in writing and shall state the specific variance(s) sought and reason, therefore. The request for variance must indicate the current property owner as well as the applicant, if different.
- 3. No variance request shall be heard except after the applicant has notified all abutters as well as abutters located across a street or way by certified mail at his or her own expense at least (14) days prior to the Board of Health meeting date at which the variance request will be on the agenda. The notification shall state the specific variance(s) sought and the reason(s) therefore, shall indicate the date, place, and time of the hearing, and shall indicate

that the abutters may view the proposal at the Health Department during regular business hours. The applicant shall also notify the water supplier who owns or uses the public well that the property or facility is located within, which has a protection Zone I or Zone II, by certified mail at his or her own expense at least (14) days prior to the Board of Health meeting at which the variance request will be on the agenda.

4. No hearing will be scheduled unless the design plan or other information submitted has been reviewed and found to be technically complete and accurate.
5. Cancellation of a public hearing shall require re-notification of abutters by the applicant.

As advertised, a public hearing was held on January 11, 2021, at a regularly scheduled Board of Health meeting. These regulations were accepted and approved by vote of the Chelmsford Board of Health on January 11, 2021 and are to be in full force and effect as of January 11, 2021. These regulations shall be available in the office of the Chelmsford Board of Health and the Town Clerk. 201-24 of this regulation was amended and approved by vote of the Board of Health at a regularly scheduled Board of Health meeting on June 7, 2021.

As advertised, a public hearing was held on July 12, 2021, at a regularly scheduled Board of Health meeting. Amendments to this regulation were accepted and approved by vote of the Chelmsford Board of Health on July 12, 2021, and are in full force and effect as of July 12, 2021.

This regulation has been amended, voted on, and unanimously approved at a regularly scheduled Board of Health meeting on March 7, 2022, and will go into effect on March 7, 2022. The changes approved at the Board of Health's March 7, 2022, meeting consisted of an administrative correction.