



Acton Board of Health

472 Main St.
Acton, MA 01720
Phone: (978) 264-9634
Fax: (978) 264-9630
Email: Health@acton-ma.gov



Public Health
Prevent. Promote. Protect.

Doug Halley, Health Director

ONSITE WASTEWATER SYSTEM POLICY #033009

Introduction

The Acton Board of Health, through the adoption of this policy, finds that certain variances and approvals allocated to the Local Approving Authority pursuant to the applicable sections of 310 CMR 15.00; and variances to specific sections of Articles 11 and 16 of the Acton Board of Health Regulations are allowed to be granted by the Public Health Director in accordance with this document.

This policy shall only govern the granting of variances and approvals for repair and/or replacement of malfunctioning onsite wastewater systems. Any proposal requesting a variance or approval listed in this document that meets the definition of “new construction” as listed in 310 CMR 15.002, unless otherwise noted as included, shall be required to seek the necessary variance or approval at a regular meeting of the Acton Board of Health through already established procedures.

Variations and Approvals Allowed Under this Policy

310 CMR 15.000 (Title 5) – citations are taken directly from the regulations

Local Upgrade Approvals pursuant to 310 CMR 15.405(1)

310 CMR 15.405(1)(a)

Reduction of system location setbacks otherwise established in 310 CMR 15.211 for property lines provided that the system is within the property lines, a survey of the property line is required if a component is to be placed within five feet of the property line, and no such reduction shall result in the soil absorption system being located less than ten feet from a soil absorption system on an abutting property;

Approved Health Department Action:

The Public Health Director may approve a reduction to the required setback to property lines by no more than half than the required under 310 CMR 15.211 and such approval will be subject to the “Standard Conditions” imposed on each permit issued by the Acton Board of Health and reasonable conditions for compensating environmental compliance that the Director

sees fit to impose on the project, such as, but not limited to, use of dual compartment tanks, effluent tee filters, and/or additional settling tanks.

Reduction by more than half the required setback to property line shall require Board of Health action.

310 CMR 15.405(1)(b)

Reductions of system location setbacks from cellar wall, crawl space, swimming pool, or slab foundations; an increase in the maximum allowable depth of system components required by 310 CMR 15.221(7), from 36” to 72” below finish grade, provided that adequate venting and adequate access are provided and H-20 loading is provided for all system components; a decrease in the liquid depth of the septic tank required by 310 CMR 15.223(2) from four feet to three feet;

Approved Health Department Action:

The Public Health Director may approve a reduction to the required setbacks to cellar wall, crawl space, swimming pool, or slab foundation by no more than half the required under 310 CMR 15.211 and such approval will be subject to the “Standard Conditions” imposed on each permit issued by the Acton Board of Health and reasonable conditions for compensating environmental compliance that the Director sees fit to impose on the project, such as, but not limited to, use of dual compartment tanks, effluent tee filters, and/or additional settling tanks.

Reduction by more than half the required setbacks to cellar wall, crawl space, swimming pool, or slab foundation shall require Board of Health action.

310 CMR 15.405(1)(c)

Up to a 25% reduction in the required subsurface disposal area design requirements;

Approved Health Department Action:

The Public Health Director may approve up to a 25% reduction to the required subsurface disposal area design requirements and such approval will be subject to the “Standard Conditions” imposed on each permit issued by the Acton Board of Health and reasonable conditions for compensating environmental compliance that the Director sees fit to impose on the project, such as, but not limited to, use of dual compartment tanks, effluent tee filters, and/or additional settling tanks.

Reduction by more than 25% of the required subsurface disposal area design shall require Board of Health action.

310 CMR 15.405(1)(g)

Reduction of system location setbacks from water supply lines

Approved Health Department Action:

The Public Health Director may approve a reduction of system location setbacks from water supply lines provided that disposal facilities are at least 18 inches below water supply lines and whenever sewer lines must cross water supply lines, both pipes shall be constructed of a class 150 pressure pipe and shall be pressure tested to assure watertightness and such approval will be subject to the “Standard Conditions” imposed on each permit issued by the Acton Board of Health and reasonable conditions for compensating environmental compliance that the Director sees fit to impose on the project, such as, but not limited to, use of dual compartment tanks, effluent tee filters, and/or additional settling tanks, barriers, and/or use of I/A technology.

310 CMR 15.405(1)(h)

The local Approving Authority may reduce the required four foot separation (in soils with a recorded percolation rate of more than two minutes per inch) or the required five foot separation (in soils with a recorded percolation rate of two minutes or less per inch) between the bottom of the soil absorption system and the high groundwater elevation only if all of the following conditions are met:

1. An approved Soil Evaluator who is a member or agent of the local Approving Authority determines the high groundwater elevation.
2. A minimum three foot separation (in soils with a recorded percolation rate of more than two minutes per inch) or a minimum four foot separation (in soils with a recorded percolation rate of two minutes or less per inch) between the bottom of the soil absorption system and the high groundwater elevation is maintained.
3. The system is a failed or non-conforming system serving an existing building with a design flow of less than 2,000 gpd.
4. No increase in design flow is allowed.
5. No reduction in required soil absorption system size or setbacks from public or private wells, bordering vegetated wetlands, surface waters, salt marshes, coastal banks, certified vernal pools, water supply lines, surface water supplies or tributaries to surface water supplies, or drains which discharge to surface water supplies or their tributaries, is allowed.

Approved Health Department Action:

The Public Health Director may approve a reduction of the required separation to ESGHW when the criteria listed above are met and such approval will be subject to the “Standard Conditions” imposed on each

permit issued by the Acton Board of Health and reasonable conditions for compensating environmental compliance that the Director sees fit to impose on the project, such as, but not limited to, use of dual compartment tanks, effluent tee filters, and/or additional settling tanks.

310 CMR 15.405(1)(i)

A sieve analysis may be performed in accordance with Department guidance if a percolation test in accordance with 310 CMR 15.104 and 15.105 can not be performed as determined by the local Approving Authority.

Approved Health Department Action:

The Public Health Director may approve a sieve analysis provided that the total daily flow of the site where analysis will be performed does not exceed 2000 gpd.

310 CMR 15.405(1)(j)

Reduction of the requirement of a 12 inch separation between the inlet and outlet tees and high groundwater.

Approved Health Department Action:

The Public Health Director may approve a reduction of the required separation provided ESGHW elevation does not exceed the elevation of the invert of the inlet/outlet and provided that all boots or pipe joints are sealed with hydraulic cement or installed with watertight sleeves and the tank is proven watertight. Expandable foam spray is not an acceptable alternative for sealing pipe joints.

310 CMR 15.405(1)(k)

The two deep holes per disposal area as required by 310 CMR 15.102, may be reduced to one provided at least one deep hole has been performed in the proposed disposal area.

Approved Health Department Action:

The Public Health Director may approve a reduction to the required number of deep holes per disposal areas if it has been determined by the Health Department that the deep hole adequately characterizes the soils for the purpose of designing the soil absorption system.

Alternative System Use Approvals pursuant to 310 CMR 15.281 through 310 CMR 15.288

Alternative technologies with valid MassDEP general, remedial, provisional or piloting approval letters used to improve existing conditions at particular sites (including upgrade or

replacement of failed or nonconforming systems) which only require the authorization of the Local Approving Authority are subject to this policy.

Approvals which require submission to MassDEP are **not** subject to this policy and require Board of Health action.

Alternative technologies with valid MassDEP general, remedial, provisional or piloting approval letters used for “new construction” as defined by 310 CMR 15.002, unless otherwise included in future policy amendments, are **not** subject to this policy and require Board of Health action.

Articles 11 and 16 of the Acton Board of Health Regulations

Siting of Onsite Wastewater Systems

11-6.1.1

No sewage disposal system with a capacity of less than 2,000 gallons per day shall be constructed within seventy-five (75) feet of any wetland (Any land area or surface area so defined by the Massachusetts Wetland Protection Act, MGL, Ch.131, s. 40 and/or the Town of Acton Wetlands Protection Bylaw.)

Approved Health Department Action:

The Public Health Director may approve a reduction twenty-five (25) feet or less provided that nitrogen removal technology will be included with in the constructed sewer disposal system and such approval will be subject to the “Standard Conditions” imposed on each permit issued by the Acton Board of Health and reasonable conditions for compensating environmental compliance that the Director sees fit to impose on the project, such as, but not limited to, use of dual compartment tanks, effluent tee filters, and/or additional settling tanks, barriers, and/or use of I/A technology.

Reduction by more than twenty-five (25) feet shall require Board of Health action.

16-4.2.10

All leaching areas within an aquifer zone shall be set back one hundred (100) feet from any recharge, retention, detention or surface drainage area.

Approved Health Department Action:

The Public Health Director may approve a reduction fifty (50) feet or less provided that nitrogen removal technology will be included with in the constructed sewer disposal system and such approval will be subject to the “Standard Conditions” imposed on each permit issued by the Acton Board of Health and reasonable conditions for compensating environmental compliance that the Director sees fit to impose on the project, such as, but not limited to, use of dual compartment tanks, effluent tee filters, and/or additional settling tanks, barriers, and/or use of I/A technology.

Reduction by more than fifty (50) feet shall require Board of Health action.

Procedure for Variance Requests

- 1) Applicant submits a request for the approvals and/or variances in the form of a letter to the by Acton Health Department office.
- 2) The Environmental Health Inspector will review the requests using the following standards.
 - (a) The person requesting a variance/approval has established that enforcement of the provision of 310 CMR 15.000 or Article 11 and 16 of the Acton Board of Health 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/approval has established that a level of environmental protection that is at least equivalent to that provided under 310 CMR 15.000 or Article 11 and 16 of the Acton Board of Health Regulations can be achieved without strict application of the provision of 310 CMR 15.000 or Article 11 and 16 of the Acton Board of Health Regulations from which a variance is sought.
- 3) The Environmental Health Inspector will then submit the results of his/her review along with a recommendation to the Public Health Director for final determination.
- 4) The Public Health Director may then grant and/or deny the variance(s)/approval(s) requested by the applicant in part or as a whole. The Public Health Director will notify the applicant in writing of his/her determination.
- 5) Variances and/or approvals issued by the Public Health Director will be subject to the "Standard Conditions" imposed on each permit issued by the Acton Board of Health and any reasonable conditions as the Director sees fit to impose on the project.
- 6) The variance(s) and/or approval(s) granted by the Public Health Director shall run concurrent with the Disposal Works Construction Permit and shall expire two (2) years from the date of issuance, with the option, as allowed Acton Board of Health Regulations 11-3.1, of a one (1) year extension.
- 7) The Public Health Director may, at his/her judgment, refer any application for variances/approvals to the Board of Health for action at their next regular meeting.
- 8) The applicant may request an appeal of decision before the Acton Board of Health, provided that such request is submitted to the Health Dept in writing.

Approval of Policy by the Board of Health

This policy (Policy #033009: Onsite Wastewater System Variance Policy) is hereby approved by the Acton Board of Health and shall become effective on May 18th, 2009.

The Acton Board of Health reserves the right to modify and/or rescind this policy at their discretion, through a majority vote of the Board.

Signed, this May 18th, 2009

Jon Bick

Wm. Medina

Patrick Henry-Sant

William Taylor
