



TOWN OF BREWSTER

2198 MAIN STREET

BREWSTER, MA 02631

PHONE: (508) 896-3701 EXT 1120

FAX: (508) 896-4538

BRHEALTH@BREWSTER-MA.GOV

OFFICE OF
HEALTH DEPARTMENT

DESIGN, OPERATION AND MAINTENANCE REGULATIONS FOR SMALL WASTEWATER TREATMENT FACILITIES AND REPORTING REQUIREMENTS FOR ALL WASTEWATER TREATMENT FACILITIES THAT DISCHARGE OVER 2,000 GALLONS PER DAY

Authority: The Board of Health of the Town of Brewster, Commonwealth of Massachusetts, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws (M.G.L.) and any amendments additional thereto, and by any other power thereto enabling and acting thereunder and in accordance therewith, have, in the interest of and for the preservation of the public health, duly made and adopted the following regulations effective upon publication.

Purpose: To protect the public health, safety, welfare and environment and the groundwater and surface waters (fresh and saline) of the Town from contamination by effluents originating from privately owned small wastewater treatment facilities (SWWTFs) that discharge more than 2,000 gallons per day and less than 10,000 gallons per day. In addition, to protect the public health, safety, welfare and environment by requiring SWWTFs and all wastewater facilities discharging over 10,000 gallons per day to submit annual reports to the Brewster Board of Health, as set forth in Section 7.00 of this Regulation.

These regulations herein do not, and are not intended to cover all aspects of engineering design, operation and maintenance of SWWTFs. Rather they outline the specific Board of Health interests and policies that may not be adequately reflected in other existing regulations, policies and manuals. Where local regulations or specifications herein are stricter, they shall prevail. Where regulations, specifications, or guidelines of other political subdivisions or agencies of jurisdiction or as included herein are stricter, they shall prevail.

Applicability: This Regulation applies to all SWWTFs proposed in the town and also to interim or temporary wastewater disposal systems that may be used at facilities that will eventually use SWWTFs that discharge more than 2,000 gallons per day and less than 10,000 gallons per day. Section 7.00 of this Regulation shall also apply to all privately-owned sewage treatment and disposal systems that discharge more than 10,000 gallons per day.

Definition: For the purpose of this regulation a Small Wastewater Treatment Facility (SWWTF) means a privately-owned sewage treatment and disposal system that discharges more than 2,000 gallons per day and less than 10,000 gallons per day, and that includes works/equipment to provide secondary or other wastewater treatment. Sewage disposal systems commonly referred to as "Title 5 systems," that do not have works/equipment to provide secondary or other wastewater treatment, shall not be considered SWWTFs.

As regulated herein, a SWWTF shall include, but not be restricted to, all components of the system inclusive of sewers serving such facility; wastewater pumping stations, wastewater treatment works, sludge treatment and management works, disinfection equipment, advanced waste treatment works, subsurface disposal and land treatment systems, and wastewater recycling and reuse works.

1.00 Disposal Works Construction Permit:

No SWWTF to be used for treating, neutralizing, stabilizing, or disposing of wastewater from homes, public buildings, commercial or industrial buildings, or any types of establishments, shall be located, constructed, installed, operated, altered, or repaired before a Disposal Works Construction Permit for such shall have been issued by the Board of Health. No construction of any building or facility that relies upon such SWWTF shall be allowed until a Disposal Works Construction Permit shall have been issued by the Board of Health to the Responsible Party. Responsible Party shall mean the developer, project proponent, condominium association, or any other party approved by the Board of Health. The Disposal Works Construction Permit application materials are available from the BOH and the fee is indicated on the Board of Health Fee Schedule.

2.00 Review by Independent Registered Professional Engineer:

Prior to the issuance of a Disposal Works Construction Permit by the Board of Health for construction, installation, alteration or repair of a SWWTF, an independent Registered Professional Engineer may be retained by the Board of Health to conduct a review of the proposed project. The consultant will review all aspects of the proposal, including where applicable, the proposed design,

specifications, impacts to groundwater and surface waters, maintenance, construction, installation, repair or alteration of the SWWTF. The consultant shall be retained in accordance with M.G.L. Chapter 44, Section 53G.

3.00 Independent Professional Review Fee:

To offset the cost of this review to the town, the applicant will be assessed a fee in addition to the disposal works construction permit fee, commensurate with the complexity of the planned construction, installation, alteration or repair, and the time required to adequately review the plans and specifications, and the expected impacts to groundwater and surface waters. The fee shall equal two percent of the design engineer's estimated cost of the project or \$5,000, whichever is greater, and shall be deposited in a special account established by the Town of Brewster. The applicant shall pay the fee at the time of application. Any unused portion shall be refunded upon completion of the project or upon the Board of Health's determination that no independent review is necessary for the proposed project, in accordance with M.G.L. Chapter 44, Section 53G. In the event the Professional Review Fee does not cover the actual costs of the Independent Professional Review, the applicant is responsible for covering any difference in cost, prior to the issuance of any Disposal Works Construction Permit.

4.00 SWWTF Financial Assurance Mechanism:

4.10 Purpose:

The Responsible Party shall establish and maintain a financial assurance mechanism that provides for the continued availability of an immediate repair and replacement account. The immediate repair and replacement account shall contain adequate funds to immediately correct any unanticipated problem related to a SWWTF so that any disruption of operation is minimized, and a violation of the terms and conditions contained in the Disposal Work Construction Permit does not occur.

4.20 Establishment:

The establishment of the immediate repair and replacement account is triggered upon the completion of construction or installation in the case of a new SWWTF, or upon the completion of any repair or alteration of an existing SWWTF, and shall be established prior to the issuance of a Certificate of Compliance. To create an immediate repair and replacement account, the Responsible Party shall deposit at least 25% of the estimated construction cost of a new SWWTF or 25% of the estimated present replacement cost of an existing SWWTF.

Once established and funded, the Responsible Party shall keep an amount equal to at least 25% of the estimated present replacement cost of the SWWTF for the immediate repair and replacement account and shall replenish the account within 90 days of any disbursement.

4.30 Financial Report:

On or before January 31 of each year, the Responsible Party shall submit to the Health Director/Board of Health an annual financial report identifying the initial and current balance in the immediate repair and replacement account and confirming the continuing availability of the funds in said account for the purposes specified in the Disposal Works Construction Permit and in Section 4.00 of this Regulation.

5.00 SWWTF Effluent:

<u>Test Frequency</u>	<u>Parameters</u>	<u>Limit</u>
Monthly	Total Nitrogen	10mg/liter
	Nitrate Nitrogen	10mg/liter

Upon construction or installation of a new SWWTF, or any alteration or repair of a SWWTF existing upon the effective date of this Regulation, the Responsible Party shall obtain monthly samples to be composite samples. The Health Department must be notified of any exceedance. An exceedance the following month will constitute a violation and will require an appearance before the Board of Health by the Responsible Party.

In addition, all SWWTF's shall be subject to local and State regulations applicable to Innovative and Alternative (I/A) Septic Systems.

6.00 Groundwater Monitoring Installation:

The Responsible Party shall install, at a minimum, ground water monitoring wells in accordance with the following:

- One up-gradient monitoring well
- Three down-gradient monitoring wells
- One monitoring well for ground water level only near the center of the leaching works
- Screen depths for the cluster wells shall be at elevations such that at least two screen depths will yield samples at a time of seasonal low groundwater (e.g., September sampling period)

Such locations shall be as approved by the Board of Health and as indicated appropriate from the results of the hydrogeological investigation. Monitor wells shall be installed and in place prior to issuance of the Certificate of Compliance and Annual Operations Permit. Additional monitoring wells or requirements may be required at the discretion of the Board of Health.

Monitoring shall begin one year before the startup of any new SWWTF to give background information on the groundwater quality.

7.00 Reporting of all SWWTFs and Wastewater Treatment Facilities that discharge over 10,000 gallons per day:

A registered Professional Engineer shall be hired by the Responsible Party to oversee the plant operations of all SWWTFs and wastewater treatment facilities that discharge over 10,000 gallons per day, and prepare an annual written report. The report shall summarize operating results, plant status, problems experienced, and any plant modification necessary. The engineer shall also appear before the Board of Health on an annual basis to discuss the facility's performance and other pertinent issues. Six copies of all reports and laboratory data shall be sent to the Board of Health. In addition, all groundwater monitoring monthly reports required through the Department of Environmental Protection permit conditions shall be sent to the town and summarized in the engineering report.

8.00 Variances:

Any request for modifications or exemptions from these provisions may only be provided by application for variance to the Board of Health. Any variances to these regulations issued by the Board of Health shall comply with the provisions outlined in the State Environmental Code, Title 5 and the Brewster Board of Health Regulation Regarding Variance Requests for on-site Sewage Disposal Systems applications.

9.00 Enforcement:

The Board of Health may enforce this regulation or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means, including but not limited to the following:

Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation shall be a fine of not more than \$1,000.00.

Whoever violates any provision of this regulation may be penalized by a non-criminal disposition process as provided in Massachusetts General Laws, Chapter 40, Section 21D and the Town's non-criminal disposition bylaw. If non-criminal disposition is elected, than any person who violates any provision of this regulation shall be subject to the following penalties at the Board of Health's discretion:

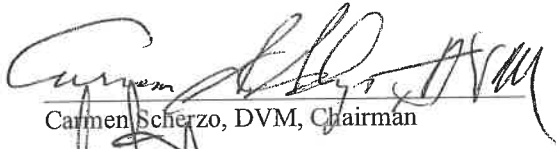
- A warning shall be issued for the first offense;
- A fine of \$100.00 shall be issued for the second offense;
- A fine of \$200.00 shall be issued for the third offense; and
- A fine of \$300.00 shall be issued for any subsequent offenses.

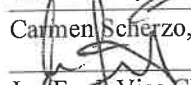
10.00 Severability:

If any part or portions of these regulations be adjudicated as invalid, the adjudication shall apply only to the material so adjudged and the remaining Rules and Regulations shall be deemed valid and of full force and effect.


Adopted; December 19, 1989
Effective: January 1, 1990
Amended: January 16, 2007
Effective: March 16, 2007
Amended: September 19, 2018
Effective: September 28, 2018

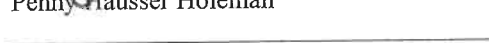
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