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OFFICE OF
HEALTH DEPARTMENT

LOCAL REGULATION TO SUPPLEMENT TITLE 5
STATE ENVIRONMENTAL CODE
MONITORING OF INNOVATIVE/ALTERNATIVE ON-SITE
SEWAGE TREATMENT SYSTEMS

- 1. Authority** – In considering the permitting and use of various alternative septic treatment technologies in the Town of Brewster, the Brewster Board of Health recognizes that there may be specific local circumstances which warrant the Board to require more stringent conditions for the installation and monitoring of these alternative systems than may be required by the Massachusetts Department of Environmental Protection. As allowed under Massachusetts General Laws, Chapter 111, Section 31 and as permitted by 310 CMR 15.003 (3), 15.285 (2), 15.286 (5) and 15.288 (4), the Brewster Board of Health hereby adopts the following regulations concerning all innovative/alternative sewage treatment technologies and all systems where the soil absorption system is designed for pressure distribution of effluent.
- 2. Purpose** – The purpose of this regulation is to provide a greater degree of protection to environmental and public health, to protect groundwater from contamination, prevent the spread of disease and provide specific reporting and monitoring requirement for the use of innovative/alternative sewage treatment technologies and pressure-distribution systems.
- 3. Monitoring Requirement** – The Brewster Board of Health hereby requires that all owners and operators of innovative/alternative sewage treatment technologies and pressure-distribution systems approved for use in Brewster submit for approval to the Board of Health a proposed monitoring and reporting plan to evaluate the performance of the system. This plan shall include a description of any long-term operation or maintenance requirements of the alternative system and any education, financial assurance or other mechanism proposed to ensure effective long-term operation and maintenance.
- 4. Reporting of Monitoring and Maintenance Results** – The Brewster Board of Health hereby requires that owners and operators of all innovative/alternative sewage treatment and pressure-distribution systems shall report the results of all operation, maintenance and monitoring activities required by the foregoing provision or by the Department of Environmental Protection to the Brewster Board through the Barnstable County Department of Health and Environment. Such reporting must be performed in the manner specified by the Board of Health in imposing the monitoring requirement or in the form approved by the Barnstable County Department of Health and Environment and must occur within 15 days after each maintenance or monitoring event.
- 5. Reporting of Malfunctioning Systems** – The Board of Health hereby further requires that when a system operator performs a system inspection and finds that a sewage treatment technology has malfunctioning components which have comprised the system's ability to treat sewage as designed, the operator shall report on the system's status and any planned corrective action, including a proposed deadline

for said corrective action, to the Brewster Board of Health and the Barnstable County Department of Health and Environment within 48 hours of inspection.

6. Malfunctioning Systems – If at any time a monitoring or maintenance report indicates that an innovative/alternative system or system using pressure distribution is in need of corrective action, the Brewster Board of Health may hold a hearing to inquire as to whether corrective action is needed. If at such hearing, the Brewster Board of Health determines that such system is in need of corrective action, it may take enforcement action, including but not limited to the imposition of fines, orders to take corrective action or cease operation of the system, or any other action otherwise necessary to protect public health, safety, welfare and the environment.

7. Right to impose Additional Conditions Reserved – The Brewster Board of Health hereby reserves the right to impose any additional conditions, effluent water quality standards and/or monitoring and reporting requirements it views as necessary to ensure the safe performance of any innovative/alternative sewage treatment systems and all pressure-distribution systems permitted within the Town of Brewster. Such conditions may include, without limitation, specification of site or effluent characteristics; flow limitations; monitoring, testing and reporting requirements; a requirement that a certified operator operate the system; or financial assurance mechanisms.

8. Certified Operator Requirement – If a condition of approval for an innovative/alternative system or pressure-distribution system is that it be operated by a certified systems operator, the owner or operator shall provide the Brewster Board of Health with documentation verifying that said system will be operated by an operator certified by the Board of Certification of Operators of Wastewater Treatment Facilities pursuant to the provisions of Massachusetts General Laws, Chapter 21, Section 34A. A list of such certified operators doing business within the Town of Brewster shall be on file with the Brewster Board of Health for inspection or examination by any person.

9. Enforcement – In addition to the remedies described in the preceding sections, 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.

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, then any person who violates any provision of this regulation shall be subject to the following penalties:

- A fine of \$30.00 for a first offense not corrected within 60 days of notice of the violation;
- A fine of \$60.00 for a second offense or failure to correct a prior offense within 120 days of notice of the violation;
- A fine of \$90.00 for a third offense or failure to correct a prior offense within 180 days of notice of the violation;

- A fine of \$120.00 for a fourth or subsequent offense or failure to correct a prior offense within 240 days of the notice of violation; and
- An additional fine of \$120.00 for failure to correct after each additional offense or 60 day period thereafter until compliance is met.

Each day any violation exists shall be deemed to be a separate offense.

Dr. Carmen Scherzo, Chairman

Joe Ford

Dr. Mary Chaffee

Annette Graczewski

Anne Bittner

Board
Of
Health

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