

**The Commonwealth of Massachusetts
Town of Chesterfield
Board of Health
P.O. Box 89
Chesterfield, Massachusetts 01012**

BOARD OF HEALTH REGULATIONS

Chapter 1 On-Site Disposal Works and Wells

1. Applications for disposal works construction permits, groundwater tests and percolation tests shall be in accordance with The State Environmental Code Title V: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage as adopted on September 23, 1994, and any subsequent amendments.
2. No deviations from approved plans may be made without prior written permission from the Board of Health.

Chesterfield Board of Health
John Chandler, Chair
Kirke Henshaw, Member
Peg Whalen, Secretary

Effective September 1, 2023

BOARD OF HEALTH POLICIES AND PROCEDURES

On-Site Disposal Systems

Chesterfield has no municipal sewage treatment facilities. Given the extremely low population density, septic waste is most economically disposed of by individual “septic systems” with each dwelling served by its own system. A system typically begins with a water pipe leading from the building to a septic tank. Bacterial action in the tank converts waste into two components: sludge, a semi-solid which settles in the tank; and a leachate, a liquid, which is conducted away from the tank and discharge into a soil absorption system (SAS). Percolation tests and soil evaluation determine the suitability of the soil at a given location for the subsurface disposal of septic waste into a SAS.

1. GENERAL

- 1.1. The Board of Health of Chesterfield, Massachusetts has adopted the following policies and procedures pertaining to the disposition of sanitary sewage within the Town of Chesterfield, effective March 20, 2006. [See State of Massachusetts DEP at <https://www.mass.gov/orgs/massachusetts-department-of-environmental-protection>]

- 1.2. These policies and procedures shall apply to all new construction and to repairs to existing systems.

2. PERCOLATION TESTS AND SOIL EVALUATIONS

- 2.1. Percolation tests shall be performed by a Massachusetts Registered Professional Engineer, Massachusetts Registered Sanitarian, or an Approved Soil Evaluator and witnessed by a member of the Board of Health or a designated agent of the Board.
- 2.2. Soil Evaluations shall be done prior to or in conjunction with percolation tests and shall be performed by an Approved Soil Evaluator and witnessed by a member of the Board of Health or a designated agent of the Board.
- 2.3. Applications for tests and/or evaluations must be made at least one (1) week in advance on the forms provided by the Town of Chesterfield and must be accompanied by the minimum witness fee (check or money order only). A separate application for tests must be prepared for each prospective building site/building lot. Checks should be made payable to “Town of Chesterfield”.
- 2.4. Applicants responsible for securing the services of a Professional Engineer, Sanitarian and/or a Soil Evaluator and an excavation contractor and ensuring their presence at the designated place and time of the test(s).
- 2.5. Percolation test holes and deep observation holes shall be dug in the presence of the Board of Health witness.
- 2.6. All parties shall comply with all provisions of the Title V and Chesterfield Board of Health Policies and Procedures during percolation tests and soil evaluations. Failure to do so will result in the nullification of test results.
- 2.7. **Witness Fees.**
 - 2.7.1. The minimum fee shall cover the two-hour period commencing at the time and place agreed upon by the Board of Health witness and the applicant or their agent. Postponements due to inclement weather are allowable, and the witness or agent shall reset appointments as required. Refunds for cancellations shall not be granted unless 24-hour notice of cancellation is provided to the Board of Health witness. Re-application shall be required, together with the minimum fee, in “no-show” or other situations resulting in forfeiture of the witnessing fee.
- 2.8. Results of Percolation Tests and Soil Evaluations
 - 2.8.1. The Soil Evaluator shall forward an edified copy of their report to the Board of Health within 60 days of the date of the field testing. The Board of Health will issue official approval within 60 days of receiving the report.

- 2.8.2. Official approval of percolation test results shall be issued by the Board of Health within 60 days after the Board receives a plot plan, drawn by the Professional Engineer, Sanitaria or Soil Evaluator who conducted the tests(s). The plot plan must show the precise location of the percolation test(s) and observation pits.

In instances in which an authorized, valid and adequately documented percolation test and soil evaluation has been conducted but for which a Disposal Works Construction Permit has not been issued within two (2) years of said test, the Board of Health shall review such test results and may perform a site inspection to verify the location of the per tests and ensure the site has not been disturbed before a Disposal Works Construction Permit will be issued.

3.0 TITLE V

- 3.1 Title V system inspections under 310 CMR 15.301 shall be witnessed by a member of the Board of Health or its agent. If inspection shows distribution box outlets not to be level, corrective action shall be taken immediately by installation of “speed levelers” or other measures as approved by the Board of Health witness. The Board of Health shall collect a \$75.00 fee, in the form of a check or money order and an application 10 days prior to the scheduled witnessing of the inspection, in accordance with its most recently adopted fee schedule. Tank must be pumped at time of inspection.
- 3.2 The septic tank must not be pumped within 14 days prior to the Title V Inspection
- 3.3 Dwellings or systems subject to inspection under 310 CMR 15.301 that are not currently occupied or have not been receiving normal flows, whereas the facility is vacant or a seasonal use facility (vacant for 6 months or more), prior to the inspection shall be identified as “Needs Further Evaluation by the Local Approving Authority” on the Inspection Certification. Such “dormant” systems shall not be certified as a “Pass” until approximately 6-months of normal flows have been passing through the system, and the system has been subjected to a reinspection. The Board of Health shall then make a determination based upon the results of the initial inspection and the subsequent reinspection. This requirement shall not conflict with the requirements of 15.301(1).
- 3.4 The Board of Health shall not sign-off on any Building Permit application subject to the requirements of 15.301(5) until the proper system inspection report has been submitted to the Board for review. This includes any change in the type of establishment, increase in design flow (calculated or actual), or any expansion of use of the facility served for which a building permit or occupancy permit from the local building inspector is required.
- 3.5 Title V Inspection is required when a change or expansion of use (increase to flow) is proposed. A local upgrade is not required if the existing system can handle the proposed flow.
- 3.6 Shared systems (2 or more properties) that serve more than 1 dwelling must be inspected every three (3) years.

- 3.7 System Components: For new construction, all system components for an on-lot treatment and disposal system shall be located on the same lot served by the system, which shall be the same lot that generates the sewage effluent.
- 3.8 Location of System Components: The Board of Health shall not sign-off on a building permit that includes the creation of one or more additional bedrooms within the dwelling, any addition to the building footprint, or excavation of the exterior yard areas adjacent to the dwelling until the Board or its designated agent has been satisfied that the system is properly sized for the projected flows and that all system components have been located and field identified to preclude damage or encroachment during any construction activities. Buildings and surfaces such as concrete, asphalt, or gravel shall not be constructed over the disposal system components unless approved by the Board of Health.
- 3.9 Application for Witnessing Title V Inspection: Application, fee and supported documents must be submitted ten days prior to requested inspection date.

4.0 DISPOSAL WORKS CONSTRUCTION PERMITS

- 4.1 Applications for Disposal Works Construction Permits shall not be accepted for any parcel for which any percolation test or soil evaluation test(s) remain unpaid.
- 4.2 Applications for Disposal Works Construction Permits must be accompanied by a plan, in duplicate, of the proposed facilities. Plans will conform to the provisions of Title V.
- 4.3 Applications for Disposal Works Construction Permits shall be accompanied by a filing fee of \$75.00 (check or money order payable to "Town of Chesterfield"), which shall cover the cost of an on-site inspection of the installation by a member of the Board of Health, or its authorized agent.
- 4.4 The Board of Health, at its option, may require that proposed engineering plans for the disposal of sanitary waste be reviewed by (an) independent engineer(s) of its choosing, with the fees for such outside engineering services to be borne by the applicant for the construction permit.
- 4.5 The Board of Health shall respond to an Application for Disposal Works Construction Permit within 45 days of its receipt.

5. INSTALLATION/INSPECTIONS OF SEPTIC SYSTEMS

- 5.1 No deviations from approved plans may be made without prior approval of the Board of Health.
- 5.2 No component of a new installation or repair shall be covered or back-filled prior to inspection of the installation by a member of the Board of Health, or its agent. The installing contractor shall have the engineering drawings and the Construction Permit on hand at the time of inspection. The Professional Engineer or Registered Sanitarian, or an

authorized agent shall be present at the time of the inspection by the Board member or agent.

- 5.3 The contractor installing the system is to give a minimum of forty-eight (48) hours' notice to the Board of Health to schedule and inspection.
- 5.4 No person or company shall begin the repair or installation of a septic system without a current Septic System Installer's Permit. Failure to obtain a permit prior to construction will result in a fine of not more than \$100.00 assessed to the installer.
- 5.5 No repair of an existing septic system or construction of a new septic system shall begin without a current Disposal Works Construction Permit. Failure to obtain a permit prior to construction will result in a fine of not more than \$100.00 assessed to the applicant.

6. WELLS

- 6.1 Anyone installing a well must pull a permit that complies with Title V setback requirements, prior to drilling, and, if necessary, schedule a permit site visit to determine if the well is to be drilled in the right location.
- 6.2 Well permit form must be filed and authorized by the Board of Health.

7. SOLID WASTE DISPOSAL, MANDATORY RECYCLING, AND TRANSFER STATION

These regulations are promulgated under the authority of M.G.L. c. 111, ss.31, 31 A, 31 B and 150 A, M.G.L. c. 40 A through 44 F, Site Assignment Regulations for Solid Waste Facilities (310 CMR 17.00) and (310 CMR 19.00) Part III: Transfer Station Design and Operations Standards Chapter 105 (Sections 400.00 - 411.00 of the State Sanitary Code, Articles I & II) of the Code of Massachusetts Regulations (CMR). See the State of Mass DEP Waste Bans <https://www.mass.gov/regulations/310-CMR-19000-solid-waste-facility-regulations>.

The Board of Health provides a list of materials accepted for disposal at the Chesterfield Transfer Station and Recycling Center and any applicable disposal fees. Information on the State Sanitary Code can be found at: www.mass.gov/state+sanitary+code+regulations

RECYCLING IS MANDATORY IN THE TOWN OF CHESTERFIELD as adopted by the waste bans of the State of Massachusetts Department of Environmental Protection.

7.1 Permits and Fees

- 7.1.1 All residents must have a current, annual disposal permit affixed to the vehicle windshield. Permits may be purchased at the transfer station by paying the attendant by check, money order, or cash, checks made payable to "Town of Chesterfield". The permit fee is \$35.00/yr. Permits are available annually, and permit purchases at any other time during

the year expire at the end of the annual permit period regardless of time at purchase.

- 7.1.2 All residents must purchase a bag disposal punch card. Punch cards may be purchased at the transfer station by paying the attendant by check, money order, or cash, checks made payable to “Town of Chesterfield”. Card fee is \$30.00, with punches for up to 15 bags at \$2.00/bag. Punch card must be presented each time waste is deposited in the trash compactor. Cards allow for ½ bag, full bag, and multi-punch. Lost cards are not replaceable and require purchase of new card.
- 7.1.3 Refuse bag sizes are based on transfer station attendant judgment. Half (½) bag size is equivalent to tall kitchen can 13-gallon size bag, one (1) full bag is equivalent to a large 30-gallon black household trash bag, multi-bag punches are used for extra-large contractor size bags equivalent to over 33-gallon size bags. Size determinations are made at the discretion of the transfer station attendant.
- 7.1.4 The Board of Health provides a list of materials accepted for disposal at the Chesterfield Transfer Station and Recycling Center and applicable disposal fees on the town website: <https://www.townofchesterfieldma.com/board-health>.

7.2 Solid Waste Services and Restricted Disposal

- 7.2.1 All full year and partial year residents of Chesterfield are entitled to disposal services at the Chesterfield Transfer Station, unless revoked by the Board of Health or its agent.
- 7.2.2 The Board of Health provides a list of materials accepted for disposal at the Chesterfield Transfer Station and Recycling Center and applicable disposal fees. The State Sanitary Code can be referenced above.
- 7.2.3 Some “Recyclable” materials are banned from disposal include materials that are not accepted at the Springfield Materials Recycling Facility (SMRF) and/or materials that are subject to a ban on landfill disposal imposed by the Massachusetts DEP and/or the Chesterfield Board of Health. Materials currently accepted by the SMRF include recyclable paper and corrugated cardboard, metal/glass/aseptic containers, and certain non-black plastic bottles, jars, jugs and tubs, white goods/appliances, whole tires, Universal Wastes (products containing mercury), lithium batteries, non-vehicle lead acid batteries, paints, televisions & electronic monitors.
- 7.2.4 Materials currently restricted in the waste stream include dog waste, returnable deposit bottles and cans, recyclable paper and corrugated cardboard, fabric, clothing, shoes, leaves and yard waste, vehicle batteries, cathode ray tubes, asphalt/brick/concrete, and wood.
- 7.2.5 Every Resident or Business Owner must separate recyclable paper and mixed containers from commercial or household refuse, and in any contract with a licensed hauler for waste and recycling collection, unless a variance has been approved by the BOARD OF HEALTH or its agent.
- 7.2.6 No Resident may include more than 5% by volume of recyclable materials in their refuse.

7.2.7 Every Resident or Business Owner shall be responsible for the proper disposal of banned, electronic and hazardous waste and any other materials requiring special handling.

7.3 Mandatory Recycling

7.3.1 Residents must recycle per the State Sanitary Code, DEP 105 CMR 410.000

7.3.2 Residents must separate recyclable paper and mixed containers from commercial or household refuse, as endorsed by the Board of Health.

7.3.3 Residents are responsible for obtaining recycling bins, available at the Transfer Station upon request.

7.3.4 Items requiring recycling include, but may not be limited to, materials that are accepted at the Springfield Materials Recycling Facility (SMRF) and/or materials that are subject to a ban on landfill disposal imposed by the Massachusetts DEP and/or the Chesterfield Board of Health.

7.3.5 Materials currently accepted by the SMRF include recyclable paper and certain corrugated cardboard, boxboard, metal/glass/aseptic containers, and certain non-black plastic bottles, jars, jugs and tubs, glass bottles,

7.3.6 Items also requiring recycling include, but may not be limited to, white goods/appliances, whole tires, metal, metal wire, Universal Wastes (products containing mercury), florescent lightbulbs, lithium batteries, non-vehicle lead acid batteries, paints, televisions & electronic monitors/screens and devices with screens.

7.3.7 The Transfer Station Attendant is the final arbiter of what is accepted for recycling and what will be rejected, subject to disposal as trash, or otherwise banned.

7.4 Enforcement, Penalties and Appeals

7.4.1 Enforcement Agents may inspect refuse and recycling receptacles at any time.

7.4.2 Any Resident who violates Sections 7.2.3, 7.2.4, and 7.2.5 may be fined a minimum of \$50 dollars and not more than \$500 dollars for each such violation, as adopted here by the Board of Health and authorized by Chapter 105, Sections 410.910 and 410.920, of the CMR.

7.4.3 The provisions of these regulations shall be enforced by the Town of Chesterfield Board of Health and Police Department. These entities and their employees and agents are hereby designated as agents of the Town of Chesterfield and have the authority to issue fines pursuant to these regulations.

7.4.4 Any party cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Town of Chesterfield Board of Health within seven days,

excluding Saturdays, Sundays, and legal holidays, from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two weeks prior to the scheduled date.

- 7.4.5 If a complaint regarding a property is received by authorized Agents, or if the Agent has information that illegal dumping is taking place, or that banned materials/hazardous wastes are Effective: 7/16/09 Approved: 7/16/09 Page 6 included in refuse; Enforcement Agents may enforce these regulations through spot checks at any point from the place of pick-up to the place of disposal.
- 7.4.6 The Town of Chesterfield may pursue a criminal complaint against any party with four or more violations of these regulations within a one-year period.

8 FOOD ESTABLISHMENTS

- 8.1 Food establishments must comply with CMR410 per requirements of the State of Mass.

These regulations are effective September 1, 2023.