

Office of
BOARD OF HEALTH
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**SUPPLEMENTARY RULES AND REGULATIONS TO THE STATE
ENVIRONMENTAL CODE: TITLE 5, 310 CMR 15.000**

**“STANDARD REQUIREMENTS FOR THE SITING, CONSTRUCTION,
INSPECTION, UPGRADE AND EXPANSION OF ON-SITE SEWAGE
TREATMENT AND DISPOSAL SYSTEMS AND FOR THE TRANSPORT
AND DISPOSAL OF SEPTAGE”**

Revision F-September 2023

The following regulations are in accordance with Massachusetts General Laws, Chapter 111, Section 31, health regulations and 310 CMR 15.000, Massachusetts State Environmental Code, Title 5. This document replaces all previous sanitary sewage disposal regulations of the Rehoboth Board of Health. These regulations shall remain in full force and effect until further ordered and may be amended, added to, or modified in accordance with the provisions of Massachusetts General Laws Chapter 111, Section 31.

**Regulation Proposal on Vote of Board
Public Informational Meeting May 23, 2024
Vote of Board September 24, 2024
Review by Selectman October 7, 2024
Review by Town Attorney August 27, 2024
Public Hearing June 25, 2024
Effective Date November 1, 2024**

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General Requirements

1.0 System Design Plans

1.1 Plans submitted for Board of Health approval

A minimum of 4 copies of site plans and septic system design must be submitted with the Town of Rehoboth “Application for Disposal Works Construction Permit” form. Include computations for sizing of system and other supporting data on forms located online.

All plans are to be stamped, signed, and dated by a Commonwealth of Massachusetts Registered Professional Engineer or Registered Sanitarian responsible for the system design. The minimum sheet size for all plans is 18” x 24”. All of the following contents must be shown on supporting plan drawings to scale of 1” = 30’ or larger. The parcel perimeter must be shown in its entirety. A reduced scale for the perimeter is acceptable.

A set of house plans must be included with new construction design plans at time of septic plan submittal to the Health Department.

Any Accessory Dwelling Unit (ADU) shall have a separate individual septic tank and leaching area.

1.2 Property Location

All plans must include identification by street number and name, utility pole number, north arrow, percolation test numbers, and assessors’ map and lot numbers of locus and abutters.

1.3 Property Areas

Facility plans shall include dimensions and lot lines stated clearly. All plans must include a locus plan. Existing and proposed grade elevations shall be shown in increments of one foot, referenced to a permanent fixed benchmark within 75 feet of all system components. When site is to be cleared for proposed new construction, engineer shall indicate on the plan the benchmark to be set prior to

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construction of foundation. Once house is constructed, the as built shall reflect the top of finished foundation.

1.4 Buildings

Plans must clearly outline exterior dimensions of buildings, including elevations at finished level of basement and top of foundation.

1.5 Sewerage Disposal System

System must be located on the same property as the building to be served by the septic system. Plans must show precise location of all proposed septic system components, including the reserve area. Elevation of all components tied to a permanent benchmark must be shown by use of a profile.

1.6 Groundwater and Percolation Tests

Show exact location of groundwater and percolation test sites and site numbers of test pits. Include soil evaluator's report. Tests must be witnessed by an authorized agent of the Rehoboth Board of Health.

1.7 Proximity to Wells and Abutters' Systems

Distances to and location of all wells and septic systems located within 200 feet of the proposed septic system must be shown on the design plan. Systems with a percolation rate of 3 minutes or less must have a minimum distance of 150 feet from all domestic water supply wells; systems with a percolation rate greater than 3 min/inch must have a minimum distance of 100 feet from all domestic water supply wells. All locations are to be determined by a professional land surveyor, a registered professional engineer or Massachusetts registered sanitarian.

1.8 Filled or to be Filled Areas

Excavated or to be excavated areas within 50 feet of the outside area of the sewage disposal system must be shown on proposed disposal design plan. Show all existing, and proposed, contours in increments of one foot, referenced to a permanent benchmark.

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1.9 Features of Lot

Features of lot, including, but not limited to wetlands, streams, ponds, tidal water, rivers, sewage disposal systems and wells within 200 feet of proposed well or septic system, must be shown on design plan. Include basic floodplain elevations. Existing topography shall be shown in 1 ft. intervals.

1.10 Location of Wetlands

No applications for sewage disposal systems will be accepted for sites affecting bordering vegetated wetland areas until the bordering vegetated wetlands delineation flag line has been reviewed and accepted by the Rehoboth Conservation Commission. No new house lot leaching facility may be placed within 60 feet of a bordering vegetated wetland as defined in Massachusetts General Laws, 310 CMR 10.55, including all revisions in effect at the time of application. Any approval for a sewage disposal system for an existing house, where the system is located within sixty feet of a bordering vegetated wetland shall require approval from the Board of Health, such approval to be contingent upon approval from the Conservation Commission.

1.11 Zoning By-Laws

Plans must contain adequate information to show compliance with zoning by-laws.

2.0 System Installation Inspections

2.1 Requests for Inspections

Requests for inspections must be at the Board of Health office a minimum of 24 hours in advance for any required inspections.

2.2 A minimum of 3 on-site inspections will be required:

First Inspection- At completion of excavation to inspect soils at the bottom of the system.

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Second Inspection- After stone and distribution system pipes are in place and prior to final cover. Inspection must be performed with all system components exposed. Pea stone must be on site for inspection if used.

Third Inspection- Final cover to grade. This inspection will include an interior inspection to ensure water treatment system is not backwashed to septic and to verify the absence of a garbage disposal and to ensure the number of bedrooms are as stated on the system design.

Further inspections may be required at the discretion of the Board of Health or its authorized agent if during any of these inspections the soil conditions are unsatisfactory or less favorable than shown or observed at the time of the percolation and ground water tests. The Board of Health or its agent may require further excavation to a depth where the soil is suitable or may require a complete redesign of the leaching system based on soil conditions found to exist at the time.

2.3 Disposal System Installer

The installer must have a valid license issued by the Rehoboth Board of Health. Trench permits must be issued from the Health Department prior to work being started on the system, which are located online in the Online Permits. Design plans stamped and approved by the Board of Health or its authorized agent must be on site and available for review during construction.

Installer shall furnish a license or certificate for any specific septic systems such as a certification to install Presby, Geomat, Infiltrator, advanced nitrogen reduction systems, when required by manufacturer.

2.4 System As-Built

A Commonwealth of Massachusetts Registered Professional Engineer or Registered Sanitarian shall conduct a final inspection of the installed system and prepare an as-built plan of the sewage disposal system and well location for all new construction and repaired systems. Two copies of the as-built plan, stamped, signed and dated are to be submitted to the Board of Health after completion of the

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system installation. As-built plans shall conform to all requirements of 310 CMR 15.220 and shall include the following additional information.

- Zoning of lot.
- Owner's name and address, map/lot number, street address of lot, and the area of the lot.
- Ties to the septic tank, distribution box and to at least two corners of the soil absorption system from a permanent fixed point.
- Top of foundation, elevation, finish grade elevation at the house foundation, a minimum of two points over the soil absorption system and as required adjacent to the system relative to the 15 foot breakout requirements (as required by Health Agent).
- Invert elevations at foundation, tank, distribution box, and soil absorption system.
- Location and exact distance to well from septic system.
- Rough Grading Plan. Minimum of 9" over entire system.

A Certificate of Compliance will NOT be issued unless the as-built plan has been submitted to the Board of Health office.

3.0 Dwelling Occupancy

3.1 A Certificate of Compliance will be issued in accordance with 310 CMR 15.000 and the Rehoboth Board of Health supplementary rules and regulations upon completion of the final inspection. No new system may be put into use without a Certificate of Compliance. Repaired systems may be utilized after the 3 on-site inspections have been completed.

4.0 Percolation Testing, Soil Evaluation and Ground Water Level Determination

All percolation tests are to be witnessed in their entirety by the Board of Health or its authorized agent. All soil evaluation tests must be performed by a Certified Soil Evaluator.

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4.1 Ground Water Observation Pit

Deep hole observation pits must be to a minimum depth of 10 feet or refusal, if less, or where human safety may be in jeopardy. New Construction percolation tests shall be marked with 4" PVC pipe, marked with permanent marker the Test Hole #, Date of Test, Firm performing the test. Pipes shall be a minimum of 5ft, with a minimum of 2ft exposed.

4.2 Permissible Periods for Testing

Anytime of the year weather permitting.

The high-water table for the site may be determined at any time during the year when both a certified soil evaluator and the authorized agent of the Rehoboth Board of Health witness and agree on the determination by Frimpter Method. The most restrictive indicator applies when mottling indicates the high ground water elevation is higher than actual water table observations or when the observed high ground water elevation is higher than indicated by mottling in the soil.

4.3 Foundation As-Built

A stamped foundation as-built plan with the floor elevations must be submitted to the Health Department prior to the system installation.

5.0 Septic Tanks

5.1 Septic tanks must comply with 310 CMR 15.223 and a minimum of a 1,500 gallon tank with 2 compartments. In a repair, if the tank exceeds 15 years of service life, it shall be replaced.

5.2 An effluent filter approved by DEP shall be installed in the outlet tee of the septic tank on all installations. A manhole set to grade must be placed above the outlet tee for access to the filter including pump tanks. All other tank access covers are to be extended to finished grade.

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5.3 When covers are brought to grade on septic tanks and pump chambers, the factory cover shall be left in place on the structure and a flush cover be provided at finish grade.

5.4 Garbage grinders are NOT ALLOWED.

6.0 Pump Chambers

6.1 All electrical boxes installed for pump chambers must meet NEC/NEPA codes for damp, hazardous environments and shall be installed in a hand hole outside of the tank access ports. Covers shall be a minimum of 30" in diameter. Pump and disconnect shall be accessible from the ground surface. The floats shall not be zip tied to the effluent line. They shall be hung from hooks in the access hole.

7.0 Distribution Boxes

7.1 The cover must be to finished grade. Fill all unused ports with cement. All inlet and outlet pipes must be sealed around their perimeter to assure water tightness and prevent seepage of effluent. The box shall receive rigid insulation to prevent freezing.

8.0 Soil Absorption Areas

8.1 Use of an on-site sewage disposal system or disposal area by more than one dwelling on a property is prohibited for new construction only.

8.2 Abandoned wells shall be filled with approved material. Their use for sewage disposal is prohibited.

8.3 Abandoned septic tanks, pits, and cesspools shall be filled with approved material and their use for further sewage or waste disposal is prohibited.

8.4 Soil absorption area calculations are to be performed using 310 CMR 15.203. In addition, septic system design shall increase the calculated system daily flow rates by 25% for sizing of the soil absorption system for residential and

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commercial. The minimum system sewage design flow for a single-family residence shall be based on the flow rate for three bedrooms. Elderly housing restricted to use by adults over 55 years of age in accordance with 42 USC 3601 is exempt from the 25% increase requirement.

8.5 The soil absorption area must be a minimum of 5 feet above the high ground water elevation for percolation rates less than or equal to 2mpi, and 4 feet above the high groundwater elevation for rates over 2mpi (per 310 CMR 15.212).

8.6 Low profile plastic chambers for the leaching area are NOT allowed. Chambers that have less than 5" from invert to filter bed shall be prohibited for use in new systems.

9.0 Alternative Systems

9.1 Alternative systems may be approved by the Board of Health where percolation and soil evaluations show the lot can support a conventional system meeting Title 5 and these supplementary rules and regulations. Prospective locations for a conventional system and reserve area must remain clear for future septic system use.

10.0 Sewage System Repairs

10.1 Emergency repairs on a system pursuant to 310 CMR 15.353 may be performed by an authorized disposal system installer and must be reported to the Rehoboth Board of Health within 3 working days of the repair. As-built plans by a registered professional engineer or registered sanitarian must be submitted to the Board of Health within 30 days of the emergency repair. Systems that can be pumped to prevent backup to dwelling or breakout to surface of ground do not constitute an emergency repair.

10.2 Septic System or cesspools requiring repair must be pumped as frequently as necessary to prevent backup to dwelling or breakout to surface of ground.

10.3 The components of a septic system, with the exception of the soil absorption system, may be replaced by an authorized installer per the original design on all

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systems installed per 310 CMR 15.000 as amended with prior notification to the Board of Health office. Soil absorption system repairs require Board of Health approval prior to any repair. The Board of Health may require additional percolation and/or soil evaluation prior to all soil absorption system repairs on systems with an unknown cause of failure.

10.4 Systems failing inspection per 310 CMR 15.303 must be upgraded to maximum feasible compliance with 310 CMR 15.000 within one year of failure determination.

10.5 Repair variances that may be approved by the Health Agent:

- Sieve Tests
- Site well distance variances 150' to 100': except less than 100'
- Site foundation/slab distance to system components

All other variances shall have a hearing with the Board of Health.

11.0 Cesspools and Systems Failing Inspections Per 310 CMR 15.303

11.1 All cesspools and leaching pits that exceed 4ft in depth, shall be defined as a non-compliant system. Failed septic systems must be replaced with septic systems conforming to 310 CMR 15.000 and Rehoboth Regulations.

11.2 Cesspools must be replaced prior to construction that increases the design flow for the calculation of the septic system.

12.0 Title 5 Inspections

12.1 Inspections for the purpose of additions that do not increase design flow (i.e: garage, deck, in-ground pool, etc) may be limited to determining the location of system components to assure the proposed addition will meet setbacks for the existing septic system or cesspool. Systems with a plan on file with the Board of Health that shows the location of components do not require this inspection.

12.2 Title 5 system inspectors are required to report any evidence of discharge, ponding, surface breakout or damp soils above the disposal area or to a surface

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water of the Commonwealth. Inspectors who fail to report these conditions within 3 working days of observation will have their inspection privileges revoked in the Town of Rehoboth.

12.3 All system inspectors must register with the Board of Health before performing inspections within the Town of Rehoboth.

12.4 A copy of all Title 5 inspection reports must be submitted to the Board of Health per 310 CMR 15.301 (10) within 30 days of inspection.

12.5 No voluntary inspections shall be permitted. All Title 5 inspections performed by a licensed system inspector shall be reported to the Board of Health.

12.6 No inspection shall be performed within 30 days of a septic tank pump and any home that has not seen regular flows for more than 30 days shall be reviewed by the health agent and system inspector.

12.7 Photos of the distribution box shall be submitted to the health department regardless if it passes, fails, or conditionally passes.

13.0 Variances

13.1 Board of Health may consider variances for new construction or upgrade of existing systems. These supplementary rules and regulations may be waived by the Board of Health, only to minimum criteria established by Title 5, State Sanitary Code 310 CMR 15.000.

13.2 Every request for a variance shall be in writing and make specific reference to the State or Local regulation for which a variance is sought.

13.3 No application for a variance shall be complete until the applicant has notified all abutters, (within 100 feet of all lot lines and across the street), by certified mail at his/her own expense at least 10 days before the Board of Health meeting at which the variance request will be on the agenda. The notification shall reference the specific State or Local regulation for which the variance is sought, and the date, time, and place where the application for a variance will be discussed.

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The applicant shall deliver return receipt card of certified mailing to the Board of Health before, or at, the Board of Health hearing.

14.0 Violations

14.1 Violations of these supplementary rules and regulations and/or Title 5, 310 CMR 15.000 shall be punished by a fine, pursuant to Massachusetts General Laws, Chapter 111, Section 31, of the amount listed below:

First Offense	\$100.00
Second Offense	\$200.00
Third Offense	\$1,000.00

14.2 Each of these regulations shall be construed as separate to the end that if any regulation or sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force.

15.0 Subdivisions

15.1 Subdivision plans submitted to the Board of Health must show the following:

1. Proposed well to service proposed lot in compliance with Rehoboth Board of Health Well Regulations.
2. Proposed location of septic system in compliance with 310 CMR 15.000 and Rehoboth Board of Health Regulations.
3. Distances to proposed septic system and proposed well.
4. The Board of Health may require ground water flow studies per the Board of Health Regulations for a Hydrogeological Study.

17.0 Septage Waste Hauler

17.1 No person shall pump in the Town of Rehoboth without first obtaining a Waste Hauler's permit from the Board of Health. Each vehicle pumping in the Town of Rehoboth must carry a copy of the permit at all times. This requirement does not apply to waste storage in recreational vehicle holding tanks.

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17.2 Transport of effluent from portable sanitary facilities require a license.

17.3 Every portable sanitary facility must be cleaned and sanitized a minimum of every 3 days. The transporter is responsible for assuring that this requirement is met.

18.0 Septic System Maintenance

18.1 The Rehoboth Board of Health recommends that all septic systems be pumped a minimum of every two years to prevent sludge and scum layers from contaminating the soil absorption system. It is recommended that the effluent filter be cleaned every year.

18.2 Only system additives listed by the Massachusetts Department of Environmental Protection shall be used on septic systems within the Town of Rehoboth. The acceptance of these additives does not endorse their efficacy, but merely indicates that the Department of Environmental Protection has determined that they are not harmful to the system components, their intended function, or to the environment.

18.3 Water jetting, trenching or other alterations specifically used in the soil absorption field shall be prohibited.

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Glossary of Terms

Approving Authority The legally constituted body recognized as the Board of Health and/or the Massachusetts Department of Environmental Protection as having the rightful power to permit, certify, or approve the works for the disposal of sewage for the treatment of sewage or industrial wastes.

Certificate of Compliance Certificate issued by the Rehoboth Board of Health certifying the system has been installed in accordance with 310 CMR 15.000 and local regulations.

Designer A Commonwealth of Massachusetts Registered Professional Engineer or Registered Sanitarian as approved by the Rehoboth Board of Health.

Disposal System Installer A person licensed by the Rehoboth Board of Health to install or repair septic systems. Prior to licensing, this person must demonstrate the capacity or knowledge of the proper constructions and installation of systems in accordance with 310 CMR 15.000 by a written test provided by the Rehoboth Board of Health.

Emergency Repair The repair of a system necessary to prevent sewage backup into a building or breakout of sewage or to alleviate an imminent danger to public health. Systems that may be pumped to prevent backup or breakout do not constitute an emergency repair.

Elderly Housing A facility restricted to use by adults over 55 years of age in accordance with 42 USC 3601 as referenced in M.G.L 151B, Section 4, paragraph 7, not a single residence.

Facility Any real property including buildings thereon which are or may be served by an on-site disposal system where title is held in single ownership.

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Mottling

A redoximorphic color pattern in soil consisting of blotches or spots of contrasting high and low chroma colors, which may be an indication of the upper extent of soil saturation by groundwater.

***Note:** *This glossary only defines terms that differ from the glossary located in 310 CMR 15.000. Refer to 310 CMR 15.002 for additional definitions.*

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The Rehoboth Board of Health may establish fees for licenses and permits relative to septic system installations pursuant to M.G.L. Chapter 40, Section 22F. These fees are listed on the "Fee Schedule for the Rehoboth Board of Health" and may be adjusted from time to time by vote of the Board of Health to reflect the costs associated with providing these services. The adjusted costs will not affect current licenses or permits but will be applied to new and renewal licenses and permits.

Final Approval by the Rehoboth Board of Health


George Kellum IV, Chairman

9/24/24
Date


Katie Eyer, Vice Chairman

9/24/24
Date


Tom Carcieri, Member

9/24/24
Date

Mark Hass, Member

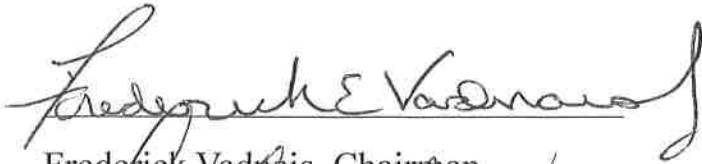
9/24/24
Date


Patrick Thibeault, Member

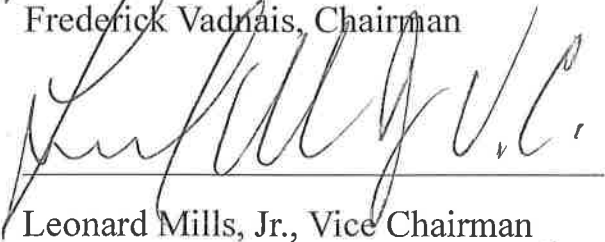
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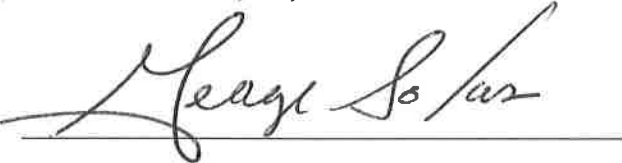
Reviewed by the Board of Selectmen on 10/7, 2024



Frederick Vadnais, Chairman



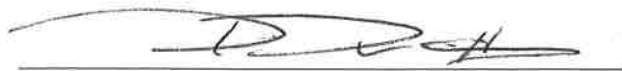
Leonard Mills, Jr., Vice Chairman



George Solas, Clerk



Robert Johnson II



David Pereira II

