

**Town of Southwick
Board of Health**
454 College Highway, Southwick, MA 01077
Phone: (413) 569-1212 Fax: (413) 569-5001

**SOUTHWICK BOARD OF HEALTH
DISPOSAL SYSTEM
REGULATIONS**

Table of Contents

1. Purpose	1
2. Authority	1
3. Scheduling of Soil Suitability Assessments	1
4. Results of Soil Suitability Assessments	2
5. Disposal System Construction Permit.....	2
6. Disposal System Construction Installer.....	2
7. Disposal System Construction	3
8. Disposal System Inspection	3
9. Appeals	3
10. Variances	3
11. Enforcement	3
12. Severability	4
13. Effective Date	4

1. PURPOSE

The purpose of these regulations is to provide for the protection of the environment, and the protection of the public health, safety, and general welfare by requiring the proper siting, construction, upgrade, and maintenance of on-site sewage disposal systems in the Town of Southwick.

2. AUTHORITY

- A. Under the provisions of the *Massachusetts General Laws, Chapter 3, Section 31*, the Southwick Board of Health has adopted the following regulations governing disposal systems effective November 3, 2022.
- B. Except as provided below, the provisions of 310 CMR 15.00 of the *State Environmental Code, Title 5: 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* apply to the disposal of sanitary sewage in the Town of Southwick.
- C. These regulations shall apply to all construction.

3. SCHEDULING OF SOIL SUITABILITY ASSESSMENTS

- A. Application for all soil suitability assessments shall be made prior to the assessment on forms provided by the Board of Health. Each application for a soil suitability assessment shall be accompanied by the minimum fee payable to the Town of Southwick.

- B. Soil suitability assessment shall be scheduled at the convenience of the Board of Health. Applicants are responsible for securing the services of the engineer, registered sanitarian, or certified soil evaluator approved by the Southwick Board of Health, and an excavation contractor.

4. RESULTS OF SOIL SUITABILITY ASSESSMENTS

- A. At the time of the assessment, the approved person performing the assessment shall record all the necessary measurements to mark the exact test site for future reference. For a new installation, the approved person performing an acceptable assessment must bury a four (4) inch diameter PVC pipe, four (4) feet below existing grade and extending at least one (1) foot above existing grade at the exact percolation test locations. The PVC pipe must be labeled with the percolation test date, location, etc.
- B. Soil suitability site assessment results shall be deemed valid for a period of five (5) years from the date of the site assessment.
- C. Validity of a soil suitability assessment after expiration shall be reviewed on an individual basis. Verification of the assessment results, the precise location of the assessment tests, and any change in the topography or drainage at or near the assessment sites shall be provided to the Board of Health. The Board of Health at any time may require additional percolation tests or soil evaluation tests to be performed for confirmation of a previous test at the expense of the owner.

5. DISPOSAL SYSTEM CONSTRUCTION PERMIT

- A. Each *Disposal System Construction Permit Application* for new installation must be accompanied by a minimum permit fee payable to the Town of Southwick.
- B. The Board of Health requires one original *Disposal System Construction Permit Application* and four (4) copies of the Disposal System Construction Design plan.
- C. Prior to the review of a *Disposal System Construction Permit Application*, the Board of Health shall receive a written statement from the Conservation Commission stating whether or not the lot upon which the system is to be installed is in compliance with the *Wetlands Protection Act*.
- D. In the case of new divisions of land, the applicant of the *Disposal System Construction Permit* shall include a plan in which a professional land surveyor (PLS) has field located the soil suitability assessment sites.
- E. The Board of Health, at its discretion, may require the *Disposal System Construction Permit Application* and the Disposal System Construction Design plan to be reviewed by an independent engineer/sanitarian of its choosing, with the fee incurred for such engineering services to be borne by the applicant of the *Disposal System Construction Permit*. These fees are payable to the Town of Southwick.

6. DISPOSAL SYSTEM CONSTRUCTION INSTALLER

Disposal system installers must demonstrate proficiency in the installation of septic systems acceptable to the Board of Health. This demonstration of proficiency may include, but may not be limited to the following:

- A. Passing of a written test with a minimum grade of 70% as administered by the Board of Health.
- B. Written verification that demonstrates that the applicant has performed similar work for a period of at least two (2) years.
- C. Documentation of contractor liability insurance.

7. DISPOSAL SYSTEM CONSTRUCTION

- A. The contractor shall provide the Board of Health with the measurements to the septic tank and leaching system access manholes, pump chamber, distribution box, and any other pertinent structural components of the disposal system.
- B. Contractors shall submit a copy of the sieve analysis performed on fill used in fill system installations. If a copy of the actual sieve analysis cannot be obtained, the receipt from the supplier of the fill stating that the fill conforms to 310 CMR 15.255 *Construction in Fill* shall be submitted within three (3) months of installation.
- C. For lots without access to a public water supply, a building permit will not be issued until potable water is confirmed and a *Water Supply Certificate* for a private well and a *Disposal System Construction Permit* have been issued by the Board of Health. Refer to the *Southwick Board of Health: Private Well Regulations*.
- D. The *Southwick Board of Health Disposal System Regulations* and *Title 5* requirements must be complied with fully before the Board of Health will issue a *Certificate of Compliance*.
- E. Any other plumbing fixtures, e.g. garbage grinders, whirlpools, hot tubs, etc., installed after the issuance of the *Certificate of Compliance*, which may increase the total design flow, and which were not specifically addressed in the approved septic system plans, shall render the *Certificate of Compliance* null and void.

8. DISPOSAL SYSTEM INSPECTION

The Department of Environmental Protection (DEP) approved System Inspector is required to notify the Board of Health at least five (5) business days in advance of a pending disposal system inspection. Notification shall include date, time, and location of the disposal system inspection. A member of the Board of Health or its agent may witness any disposal system inspection.

9. APPEALS

Any person aggrieved by the final decision of the Board based on these regulations, may appeal that decision provided that a written request for a hearing is filed with the Board within seven (7) days of receipt of the decision.

10. VARIANCES

The Board of Health may grant a variance to the application of these regulations when, in its opinion, the enforcement thereof would do manifest injustice, and the applicant has demonstrated that the equivalent degree of protection will still be provided to the environment and public health without strict application to particular provisions of these regulations.

Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. The writing shall contain all the information needed to assure the Board that, despite the issuance of a variance, the public health and environment will be protected. A public hearing may be held for affected abutters at the discretion of the Board. Any grant or denial of a variance shall be in writing and shall contain a brief statement of the reason for approving or denying the variance.

11. ENFORCEMENT

The Board shall take enforcement action deemed appropriate and lawful to enforce these regulations.

The Board is hereby authorized to issue a *Cease and Desist Order* and other administrative orders to compel compliance with these regulations if any applicant or operator violates any part of these regulations.

12. SEVERABILITY

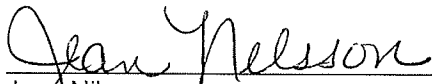
Each part of this regulation shall be construed as separate to the end that, if any provision, sentence, clause, or phrase thereof shall be ruled invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

13. EFFECTIVE DATE

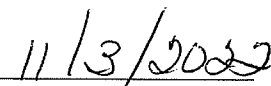
These regulations shall take effect upon passage.

Town of Southwick Board of Health


Susan Brzoska, Chairperson


Jean Nilsson

Mikenzie Cain


Effective Date

Adopted: May 1, 1987

Revised: 09/01/1987 - final septic inspection performed by designer and submit statement

11/19/1987 - CC sign-off, rebar, manhole risers, engineer's perc reports, review percolation site prior to excavation, tie measurements

01/31/1988 - old percolation tests reviewed

01/09/1989 - well regulations added

02/06/1989 - 5 feet above ground water, revised percolation season dates

04/26/1993 - 4 inch SDR 35 pipe shall be used for effluent of the septic tank to the distribution field and/or box

02/07/1994 - revised scheduling of percolation tests

01/20/1996 - revised to new Title 5 regulations, PVC pipe instead of rebar, land surveyor to field locate percolation sites, emergency repairs, system pumping reports submit monthly, septic inspection notification

03/30/1998 - enforceable schedule, expired percolation test policy, sieve analysis, quarterly pumping records

11/03/2022 - removed percolation season, removed sections addressing percolation test results prior to December 31, 1995 and after December 31, 1995, removed the 5 foot vertical separation for all new construction (will enforce Title 5 regulation), added section for Disposal System Construction Installer, Emergency repairs section removed, Disposal System Inspections require 5 business day notice.