



Truro Board of Health

Tuesday October 18, 2022

Remote Meeting- 4:30 PM



REGULAR MEETING

Remote Meeting Access Instructions

This will be a remote meeting. Citizens in Truro can view the meeting on Channel 18 and on the homepage of the Town of Truro website on the "Truro TV Channel 18" button found under "Helpful Links". To view, click on the green "Watch" button in the upper right of the page. **To provide comment during the meeting, please call in toll free at 1-866-899-4679 and enter the following access code when prompted: 972-302-709; or access the meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/972302709>** There may be a slight delay (15-30 seconds) between the meeting and the live-stream and television broadcast. If you are watching the meeting and calling in, please lower the volume on your computer or television during public comment so that you may be heard clearly. We ask that you identify yourself when calling in to help us manage multiple callers effectively. Citizens may also provide public comment for this meeting by emailing the Health Agent Emily Beebe at ebeebe@truro-ma.gov with your comments.

I. PUBLIC COMMENT: *Please note that the Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda*

II. AGENDA ITEMS

1. **Municipal Water Service connection request:** Stones Throw Condominiums, 6 Shore Road; Barbara Correa, Trustee
2. **Local Waiver request:** (request for waiver of time for the septic upgrade relative to the transfer of deed) 71 North Pamet Road, Truro Conservation Trust
3. **Appeal of Health Agents decision:** (relative to system inspection failure) 11 Snow's Field Road, Edward and Barbara Oswalt
4. **Board of Health Regulation revisions:** final draft- review and discussion
5. **Water Resources Update:** October 2022

III. MINUTES: Sept 6, 2022

IV. REPORTS

- o Report of the Chair
- o Health Agent's Report;



TOWN OF TRURO

BOARD OF HEALTH

P.O. Box 2030, Truro MA 02666

Tel: 508-349-7004 Fax: 508-349-5508

TRURO WATER SERVICE APPLICATION FOR NEW OR EXPANSION OF EXISTING WATER SERVICE

APPLICANT INFORMATION

Date: 10/11/22 Name: Stones Throw Condominium Trust
Water Service Address: 6 Shore Rd Map Parcel/Lot _____
Mailing Address: PO Box 383 City/State/Zipcode N Truro MA 02652
Phone Number: Trustee - Barbara Correa 978-790-4415 Email Address: stonesthrowboard@gmail.com

EMERGENCY TELEPHONE NUMBERS

Plumber Name: Flying Plumbers Phone Number: 508-487-3069
Property Manager: Michael Correa Phone Number: 978-790-1736
Other Name & Phone Number: Trustee - Barbara Correa 978 790 4415

TYPE OF SERVICE REQUESTED:

- ☒ New Water Service: Proposed Title 5 Design Flow: 3,630 1 system @ 8 BRs
☐ Expansion of Water Service: 1 system @ 9 BRs
Existing Title 5 Design Flow: _____ Proposed Title 5 Design Flow: _____ 1 system @ 16 BRs
☐ Water Service for Condominium Conversion (separate meters, tap etc.) # of Units _____

Type of Facility:

- | | | |
|--|---|---|
| <input type="checkbox"/> Single Family | <input checked="" type="checkbox"/> Condo <u>28 units</u> | <input type="checkbox"/> Multifamily Dwelling |
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Motel | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Retail | <input type="checkbox"/> Office Building | <input type="checkbox"/> Industrial: _____ |

Meter installations fifty (50) feet or greater from the curb stop must be in a meter pit adjacent to the curb top. Concrete meter pits are required in roads or driveways.

I hereby agree to abide by all the rules and regulations of the Provincetown Water Department now in force or to be established by the Water and Sewer Board and declare that there is no other means of supplying potable water on-site (e.g. private well).

Applicant Signature: Barbara Correa

Trustee Stones Throw Condominiums

ONCE TRURO & PROVINCETOWN OFFICIALS HAVE APPROVED THE APPLICATION, PLEASE SUBMIT A
COPY TO THE TRURO HEALTH DEPARTMENT

SIGNATURES OF APPROVAL ***OFFICIAL USE ONLY*******

TRURO BOARD OF HEALTH

DATE OF APPROVAL

TRURO BOARD OF SELECTMEN

DATE OF APPROVAL

**PROVINCETOWN WATER &
SEWER BOARD**

DATE OF APPROVAL

Emily Beebe

From: Director-DWP, Program (DEP) <program.director-dwp@state.ma.us>
Sent: Thursday, August 11, 2022 11:16 AM
Subject: Important: EPA New Health Advisories for Some PFAS



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Bethany A. Card
Secretary

Martin Suuberg
Commissioner

August 11, 2022

IMPORTANT INFORMATION

EPA's NEW HEALTH ADVISORIES FOR SOME PFAS

Dear Public Water Supplier:

On June 15, 2022, the U.S. Environmental Protection Agency (EPA) released four drinking water Health Advisories for per- and polyfluoroalkyl substances (PFAS) including two compounds (PFOS and PFOA) already regulated by MassDEP. EPA issued final values for GenX and PFBS and interim values for PFOS and PFOA. The interim values are based on draft, yet to be finalized, toxicity values. All these advisories are non-enforceable and non-regulatory and provide technical information to states' agencies and other public health officials. As you probably are already aware, PFAS are a group of manufactured chemicals that have been used in industry and consumer products since the 1940s. There are thousands of different PFAS, some of which have been more widely used and studied than others. The two EPA Interim Health Advisories and two Final Health Advisories are listed at

(<https://www.epa.gov/newsreleases/epa-announces-new-drinking-water-health-advisories-pfas-chemicals-1-billion-bipartisan>)

- Interim Health Advisory for PFOA = 0.004 parts per trillion (ppt)
- Interim Health Advisory for PFOS = 0.02 ppt
- Final Health Advisory for GenX chemicals (HFPO)- replacement chemical for PFOA = 10 ppt
- Final Health Advisory for PFBS- replacement chemical for PFOS = 2,000 ppt

EPA's Health Advisories are not acute levels requiring immediate action, but were set to be protective for all consumers, including sensitive populations, drinking water over a lifetime (2 liters/day for 70 years). In addition, the

Interim Health Advisories for PFOS and PFOA are far lower than detectable levels using the currently available laboratory analytical methods and equipment.

EPA is also moving forward to develop a proposed National Primary Drinking Water Regulation for PFOS and PFOA, which EPA plans to propose before the end of 2022 and to issue as a final regulation in 2023. The establishment of a national standard or Maximum Contaminant Level (MCL) requires that EPA set the level as close as feasible to the health based Maximum Contaminant Level Goal after taking costs, benefits, feasibility, and public comments into consideration. MassDEP looks forward to engaging with EPA throughout these efforts, and to communicating with the public and with public water systems to help them understand what actions are being taken.

The release of the new EPA Health Advisories is of interest and, in consultation with other states, MassDEP is evaluating their basis and implications and this information will be taken into account in the three-year review process underway to update the MassDEP PFAS regulations. Under the regulations already in effect, MassDEP has an on-going PFAS program that works to reduce PFAS levels in drinking water. In October 2020, Massachusetts established an enforceable MCL of 20 ppt for the sum of six PFAS substances (PFOS, PFOA, PFHxS, PFNA, PFHpA, and PFDA), called PFAS6, for Community (COM) and Non-transient Non-Community (NTNC) Public Water Systems (PWS). At this time, water from all COM and NTNC PWS in Massachusetts have completed at least one round of sampling of their finished water sources for PFAS.

MassDEP is currently working with PWS with sources above the PFAS6 MCL to lower the concentration of PFAS6 in their water. All PWS water quality testing results are available on the EEA data portal:

<https://eeaonline.eea.state.ma.us/portal#!/search/drinking-water>.

What should PWSs know about GenX and PFBS?

- The testing of PWS sources in Massachusetts included testing for GenX and PFBS and neither GenX nor PFBS have been detected above the EPA Final Health Advisory levels.

What should PWSs do about PFOA and PFOS?

- Please review the EPA information at [Per- and Polyfluoroalkyl Substances \(PFAS\) | US EPA](#)
- If your PWS is already working with MassDEP to comply with the MassDEP PFAS6 Maximum Contaminant Level, please continue to do so. MassDEP will provide you with any updated guidance, as needed.
- If you are yet to perform initial PFAS6 sampling or your PFAS6 results are below the PFAS6 MCL but above the new EPA Health Advisory, please contact your MassDEP Regional Office Drinking Water Program contact to schedule an appointment to discuss your systems' plan.

MassDEP held a briefing for PWS on July 20, 2022, and the presentation slides and PWS questions and answers from the briefing are available at <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>.

Additional information on PFAS is available on the MassDEP webpage. We will be updating the information to include references to the new EPA Health Advisories <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>.

PWS are encouraged to contact MassDEP at program.director-dwp@mss.gov, Subject : PFAS, with questions and concerns.

Fee: \$75.00



TRURO HEALTH &
CONSERVATION DEPARTMENT
24 Town Hall Road, Truro 02666

APPLICATION FOR BOARD OF HEALTH WAIVER OF TIME

BOH Reg. Section VI, Article 3(1)a. Required Upgrade Upon Property Transfer **HEALTH DEPARTMENT TOWN OF TRURO**

SEP 28 2022

RECEIVED BY

Date: 9/26/22 Board of Health Hearing Date: 10/18/22

Address of Property: 71 NORTH PAMET ROAD

Map & Parcel: 047-134

Anticipated Date of Property Transfer: 10/31/22

Length of Time Requested to Complete Upgrade: 8 MONTHS

Design Engineer/Sanitarian: SCHOFIELD BROTHERS Phone #: 5082552098

SELLER'S INFORMATION:

Seller/Property Owner's Name: ESTATE OF NANCY FALES

Mailing Address: DIANE ALLISON, ESQ 134 EAST AVENUE, NORWALK, CT.

Phone #: 2032277470 Fax: _____

Email: _____

Seller's R.E. Broker: NA

Phone #: _____

Email: _____

BUYER'S INFORMATION:

Buyer's Name: TRURO CONSERVATION TRUST

Mailing Address: P.O. BOX 729, N. TRURO, MA 02652-0729

Phone #: 5084879330 Fax: -

Email: fredgaechter@comcast.net

Buyer's R.E. Broker: NA

Phone #: _____

Email: _____

Please attach the following to this form: (1) a narrative explaining why you can't comply with Section VI, Article 3(1)a, Required Upgrade Upon Property Transfer, and (2) a statement from your engineer/designer, stating that they have been retained by the seller/buyer to complete the Title 5 upgrade.

Diane Allison, Trustee Nancy Fales Trust
Signature (Property Owner) Edgar Fales Trust

Date

Alfred Gaechter, President
Signature (Buyer)

Date



Truro Conservation Trust

P. O. Box 327
North Truro, MA 02652

www.truroconservationtrust.org

September 28, 2022

HEALTH DEPARTMENT
TOWN OF TRURO

SEP 28 2022

RECEIVED BY

Trustees

Fred Gaechter
Chair
Paul Wisotzky
Vice Chair
Eric Bingham
Treasurer
Robert Daglio
Secretary

Tom Bow
Brian Boyle
Carl Brotman
Michael Kaelberer
Jean Krulic
Meg Royka
Irma Ruckstuhl
Andrianne Snow

Trustees Emeritus

Robert Bednarek
Betsey Brown
Ansel Chaplin
Charles Davidson
Carol Green
William Worthington

To: Truro Board of Health

From: Truro Conservation Trust (TCT)

Re: Cesspool Replacement Extension Request for 71 N. Pamet Road Truro

Board of Health,

The TCT is acquiring the above referenced property and house as a bequest from the Estate of Nancy Fales. We were informed of this bequest in August 2022. Hence, there is no traditional Seller or Buyer; the TCT is the inheritor of the property. The estate's attorney – Diane Allison of Gunn, Godfrey, and Allison of Norwalk Connecticut has established a mutually agreement tentative date of October 31, 2022 for the legal transfer of ownership to the TCT.

While becoming familiar with the property and house, we determined from the Truro Health Agent's office that the septic system for this property is a cesspool and that an upgrade to a Title 5 system is required before or upon transfer of ownership. Because of the bequest situation, i.e., no acquisition cost by the TCT to the estate, the TCT ("buyer") will assume the responsibility for upgrading the current septic system, not the estate ("seller").

We have retained the engineering firm Schofield Brothers to design the new system. Due to the heightened local demand for such upgrades, the anticipated completion of the system design is 3-4 months hence. Similarly, contact with system installers has determined that estimates of the system installation are approximately 3-4 months after design. We are anticipating Ken Rose as the installation contractor.

Consequently, the TCT respectfully requests an extension of the requisite date for completing the upgrade to 8 months from the date of Board approval of the extension.

It is the Trust's intention to sell this house, while maintaining ownership of the property, as "workforce" housing. We are currently in discussions with the Town of Truro to determine its interest in acquiring the house for rental to or purchase by a current or future Town employee. Absent such an agreement, the

TCT will identify a qualified person/family to purchase or lease the house under an affordable housing agreement.

From the date that the TCT accepts ownership of the property until the upgraded Title 5 system is installed, inspected, and certified, the house will remain vacant. It is our understanding that the house has been a summer rental property for numerous consecutive years, including 2022, and that the current septic system has not failed and is functioning properly.

Thank you for considering this extension application.

A handwritten signature in black ink that reads "Fred Gaechter". The signature is written in a cursive, slightly stylized font.

Fred Gaechter

Chairman, TCT – on the Behalf of the Board of Trustees

HEALTH DEPARTMENT
TOWN OF TRURO

OCT 06 2022

RECEIVED BY:

October 5, 2022

Town of Truro

Board of Health

Attn: Tracey Rose, Chair

This is to inform you that we are in the process of putting our house at 11 Snows Field Rd on the market due to medical conditions and relocating to Florida.

We were advised by our Realtor to have a septic inspection done prior to listing. We had the inspection completed on September 28, 2022 and it was deemed passing Title V requirements. (see attached report). We also had it pumped out on October 4, 2022.

On October 4, 2022 we received an email (copy attached) from Arozana that our Title V system came in as passing but due to no design plan on file it was deemed non-confirming.

We have an original copy of the Title V system compliance with a permit number and approval by the Health Agent (attached).

As this is a passing system that meets all sanitary requirements under Title V except "no plan on file" we feel strongly that this system should be passed as stated in the inspection report. There is a possibility non was required in 1975, the year of installation, or the plan was misplaced.

In conclusion, we respectfully request that the Board of Health approve our current Title V system as passing.

Thank you for your consideration and time in this matter.

Sincerely,



Edward and Barbara Oswalt

11 Snows Field Rd

Truro, MA 02666

Email: edoswalt@comcast.net

Tel: 508-221-8345

Arozana Davis

From: Arozana Davis
Sent: Tuesday, October 4, 2022 3:43 PM
To: caperanch@comcast.net
Cc: Chris Lucy (homely1@comcast.net); Susan McCabe; Emily Beebe; Courtney Warren
Subject: 11 Snows Field Rd
Attachments: Waiver of Time Application.pdf

Good Afternoon Ms. Oswalt,

I am writing in regards to the septic system inspection report that was filed for your property at 11 Snows Field Rd. The system came in as passing, per the inspector Chris Lucy, but after further digging by our Department, we have deemed the system as failed.

The local Board of Health Regulations state that upon the septic inspection process, which occurs for the transfer of property or for a building permit, if there is no design plan for the system, then the system is non-conforming. If a system is non-conforming upon inspection, then the system is failed. This means that you will need to hire an engineer/designer to start the process for the upgrade of your system.

This upgrade will need to occur prior to the transfer of your property. Should you wish to try for a waiver (so that the buyer can install it), then you will need to fill out the attached form (\$75.00 fee) and both you and buyer will need to sign it. The Board of Health typically likes to see a proposed design plan for this process.

Please be aware that local designers/engineers are extremely busy with the construction boom and the cesspool upgrade mandate, so this process will take some time.

I am sorry to be the bearer of bad news, but if you have any questions, please feel free to reach out to either myself, Courtney, or Emily.

Respectfully,

Arozana

Arozana D.T. Davis / Assistant Health & Conservation Agent / Town of Truro / 24 Town Hall Rd, Truro MA 02666

/ P: 508-214-0202 / F: 508-349-5508 / adavis@truro-ma.gov

THE COMMONWEALTH OF MASSACHUSETTS

BOARD OF HEALTH

Town OF Truro

Certificate of Compliance

THIS IS TO CERTIFY, That the Individual Sewage Disposal System constructed () or Repaired ()
by Kenneth Pina
at Lot 67 Snow Field Rd. Installer
has been installed in accordance with the provisions of Article XI of The State Sanitary Code as described in the
application for Disposal Works Construction Permit No. 75-36 dated

THE ISSUANCE OF THIS CERTIFICATE SHALL NOT BE CONSTRUED AS A GUARANTEE THAT THE
SYSTEM WILL FUNCTION SATISFACTORY.

DATE Oct. 14, 1975

Inspector Louis Ciampa





October 13, 2022



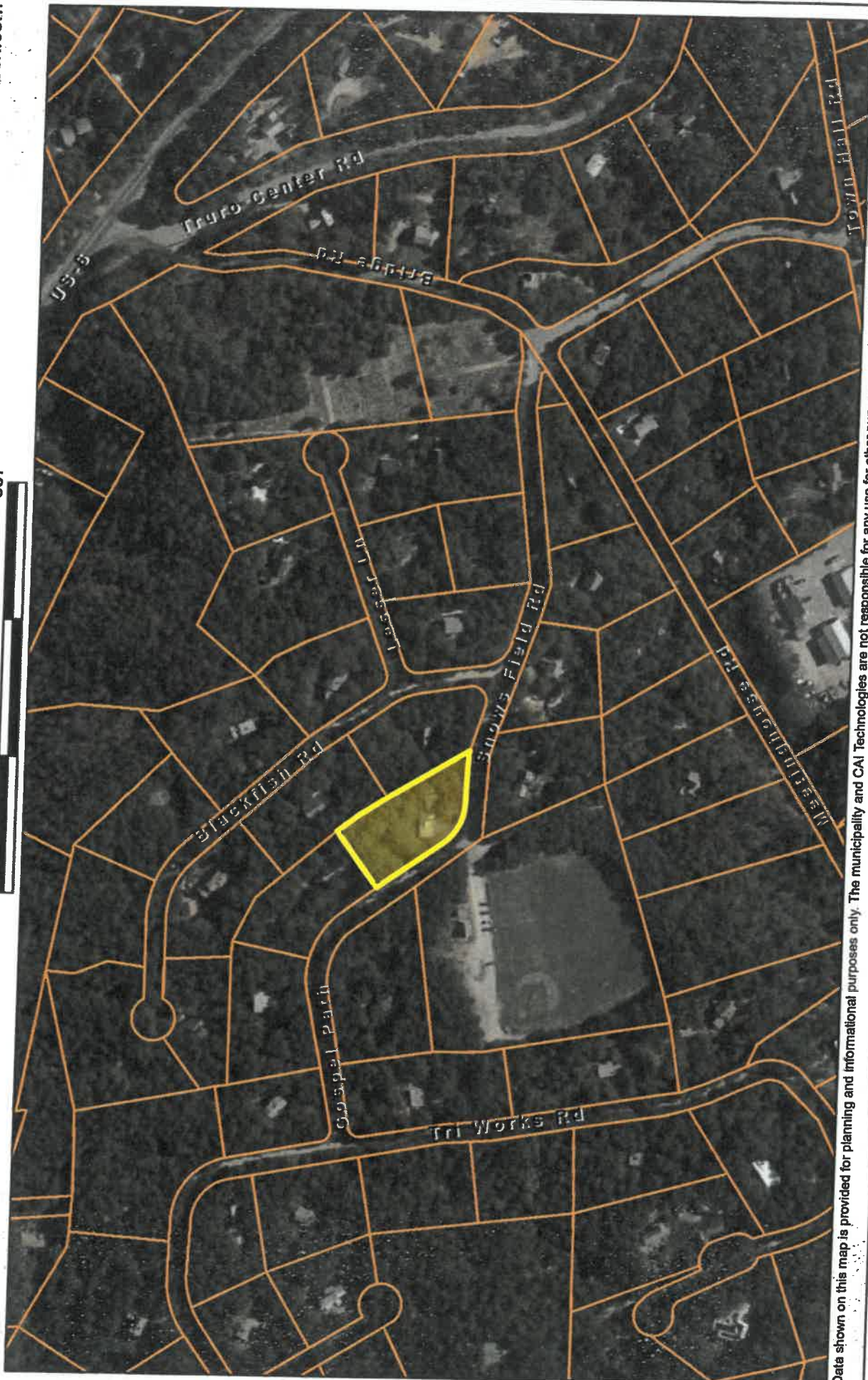
11 Snows Field Rd

Truro, MA

1 inch = 279 Feet



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



CERTIFICATE OF ANALYSIS

Barnstable County Health Laboratory (M-MA009)

Recipient: Susan McCabe
Kinlin Grover RE
PO Box 862
Truro, MA 02666

Order No.: G22235348
Report Dated: 10/11/2022
Submitter: Susan McCabe
Description: RE Kit- 11 Snows Field Rd.

Laboratory ID#: 22235348-01

Sample #:
Collection Address: 11 Snows Field Rd., Truro
Sample Location:

Matrix: Water - Drinking Water
Sampled: 09/29/2022 8:45 By: SM
Received: 09/29/2022 11:00 By: Ryan
Turn Around: Standard

Routine

ITEM	RESULT	UNITS	RL	MCL	METHOD #	ANALYST	TESTED	TIME
Nitrate as Nitrogen	0.22	mg/L	0.10	10	EPA 300.0	CL	09/30/2022	
Copper	0.11	mg/L	0.10	1	EPA 200.8	CL	10/07/2022	12:45
Iron	ND	mg/L	0.10	0.3	EPA 200.8	CL	10/07/2022	12:45
Manganese	ND	mg/L	0.025	0.05	EPA 200.8	CL	10/07/2022	12:45
Sodium	15	mg/L	2.5	20	EPA 200.8	CL	10/07/2022	12:45
Total Coliform	Absent	P/A	0	0	SM 9223B	RG	09/29/2022	16:32
Conductance	140	umohs/cm	2.0		EPA 120.1	LX	09/29/2022	15:14
pH	5.9	PH AT 25C	NA		SM 4500-H-B	LX	09/29/2022	15:14

Based on the results of the parameters tested, the water is suitable for drinking.

Attached please find the laboratory certified parameter list.

Approved By: 
(Lab Manager)



CERTIFICATE OF ANALYSIS

Barnstable County Health Laboratory (M-MA009)

Recipient: Susan McCabe
Kinlin Grover RE
PO Box 862
Truro, MA 02666

Order No.: G22235348
Report Dated: 10/11/2022
Submitter: Susan McCabe
Description: RE Kit- 11 Snows Field Rd.

Laboratory ID#: 22235348-01

Sample #:

Collection Addr: 11 Snows Field Rd., Truro

Sample Location:

Analyst: LX Method: EPA 524.2 Dilution: 1

Matrix: Water - Drinking Water

Sampled: 09/29/2022 8:45 By: SM

Received: 09/29/2022 11:00 By: Ryan

Turn Around: Standard

Date Analyzed: 10/03/2022 @

EPA 524.2 - Volatile Organics by GC/MS

Parameter	Result ug/L	MCL ug/L	MDL ug/L	Parameter	Result ug/L	MCL ug/L	MDL ug/L
Dichlorodifluoromethane	ND		0.50	Chloroethane	ND		0.50
Chloromethane	ND		0.50	Chloroform	1.2	70	0.50
Vinyl chloride	ND	2.0	0.50	cis-1,2-Dichloroethene	ND	70	0.50
Bromomethane	ND		0.50	cis-1,3-Dichloropropene	ND		0.50
1,1,1,2-Tetrachloroethane	ND		0.50	Dibromochloromethane	ND		0.50
1,1,1-Trichloroethane	ND	200	0.50	Dibromomethane	ND		0.50
1,1,2,2-Tetrachloroethane	ND		0.50	Ethylbenzene	ND	700	0.50
1,1,2-Trichloroethane	ND	5.0	0.50	Hexachlorobutadiene	ND		0.50
1,1-Dichloroethane	ND		0.50	Isopropylbenzene	ND		0.50
1,1-Dichloroethene	ND	7.0	0.50	Methylene chloride	ND	5.0	0.50
1,1-Dichloropropene	ND		0.50	Methyl-tert-butyl ether	ND		0.50
1,2,3-Trichlorobenzene	ND		0.50	Naphthalene	ND		0.50
1,2,3-Trichloropropane	ND		0.50	n-Butylbenzene	ND		0.50
1,2,4-Trichlorobenzene	ND	70	0.50	n-Propylbenzene	ND		0.50
1,2,4-Trimethylbenzene	ND		0.50	p-Isopropyltoluene	ND		0.50
1,2-Dibromo-3-chloropropane	ND		0.50	sec-Butylbenzene	ND		0.50
1,2-Dibromoethane (EDB)	ND		0.50	Styrene	ND	100	0.50
1,2-Dichlorobenzene	ND	600	0.50	tert-Butylbenzene	ND		0.50
1,2-Dichloroethane	ND	5.0	0.50	Tetrachloroethene	ND	5.0	0.50
1,2-Dichloropropane	ND		0.50	Toluene	ND	1000	0.50
1,3,5-Trimethylbenzene	ND		0.50	Total xylenes	ND	10000	0.50
1,3-Dichlorobenzene	ND		0.50	trans-1,2-Dichloroethene	ND	100	0.50
1,3-Dichloropropane	ND		0.50	trans-1,3-Dichloropropene	ND		0.50
1,4-Dichlorobenzene	ND	5.0	0.50	Trichloroethene	ND	5.0	0.50
2,2-Dichloropropane	ND		0.50	Trichlorofluoromethane	ND		0.50
2-Chlorotoluene	ND		0.50				
4-Chlorotoluene	ND		0.50				
Benzene	ND	5.0	0.50				
Bromobenzene	ND		0.50				
Bromochloromethane	ND		0.50				
Bromodichloromethane	ND		0.50				
Bromoform	ND		0.50				
Carbon tetrachloride	ND	5.0	0.50				
Chlorobenzene	ND	100	0.50				

Compound	% Recovered	QC Limits (%)	
1,2-Dichlorobenzene-d4	100%	70	130
p-Bromofluorobenzene	84%	70	130

Attached please find the laboratory certified parameter list.

Approved By: [Signature]
(Lab Director)

ND = None Detected

RL = Reporting Limit

MCL = Maximum Contaminant Level

3195 Main Street, PO. Box 427, Barnstable, MA 02630 Ph: 508-375-6605

Page 1 of 1

**SECTION VI - LOCAL SEPTIC REGULATIONS TO SUPPLEMENT
TITLE 5, STATE ENVIRONMENTAL CODE**

Amended February 2, 2010; June 5, 2012; October 2, 2018, December 4, 2018, May 18, 2021

Commented [EB1]: Last Edits September 1, 2022

Article 1 - General Provisions

- 1) **Authority.** In accordance with Massachusetts General Laws, Chapter 111, Sections 31 and 127A, the Truro Board of Health hereby adopts the following regulations to supplement the provisions 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 (hereinafter, "Title 5"), and shall take effect upon passage.
- 2) **Purpose.** The purpose of this article is to ~~provide a greater degree of~~ **provide** protection to the environmental and public health, prevent the spread of disease, and provide ~~greater~~ clarification of the definitions used by the Board in applying the provisions of Title 5 and the Truro Board of Health Regulations pertaining to on-site sewage treatment and disposal systems. Of specific concern is the need to protect the groundwater, which is the sole source of drinking water for Truro, Wellfleet and Provincetown.
- 3) **Enforcement.** Enforcement of the provisions contained in this Section VI will be carried out in accordance with the provisions of Title 5 of the State Environmental Code set forth at 310 C.M.R. 15.000, et seq. and all enforcement methods outlined in Section I of these Board of Health Regulations.
- 4) **Definitions.** With the exceptions listed below, the definitions provided in the State Building and Sanitary Codes, Title 5 and the Wetland Protection regulations shall apply. All time frames referenced herein shall be counted as calendar days. The following terms used by the Board in applying the provisions of Title 5 and the Truro Board of Health Regulations pertaining to on-site sewage treatment and disposal systems, shall be defined as follows:

Accessory Dwelling Unit (ADU): A complete, separate housekeeping unit containing both a kitchen and sanitary facilities, as defined by the Truro Zoning Bylaws section 40.2.

Alter or Alteration: To make different by changing, adding and/or subtracting components, piping or location.

Bedroom

- a) Any room that meets the definition of a bedroom under Title 5 or any room or enclosed addition with at least 70 square feet of floor area and a building code conforming egress window, that provides minimum isolation necessary for use as a sleeping area. Rooms such as a finished basement with building code conforming egress may be considered a bedroom if it meets the definition. The definition does not apply to a bathroom, kitchen, hall, unfinished cellar, unfinished basement, unfinished attic, garage, unfinished area above a garage, unheated porch and open deck.

Formatted: Font: Bold

- b) Notwithstanding the foregoing, any existing dwelling with six (6) rooms shall be construed to have at least three (3) bedrooms. Any dwelling with seven (7) rooms shall be construed to have at least four (4) bedrooms. Any dwelling with eight (8) or nine (9) rooms shall be construed to have at least five (5) bedrooms. Any dwelling with ten (10) or eleven (11) rooms shall be construed to have at least six (6) bedrooms. Each additional room beyond eleven (11) shall be construed as an additional bedroom and the number of bedrooms for the purpose of sizing a subsurface sewage disposal system (proposed and existing) shall be adjusted accordingly.
- c) All lofts that do not meet the criteria above, finished basements that do not have a building code conforming egress, and rooms and with cased openings at least 60 inches wide shall be considered rooms for the purposes of this definition.
- d) Dwellings built before the 1978 Building Code will have their bedrooms determined on a case- by- case basis.

Buildable Upland: The area of contiguous upland on a lot exclusive of Wetland as defined herein.

Change of Use: With respect to properties with existing systems, a change in use will result when the use of the structure or the land is changed from one use group to another use groups as described in the Table of Uses in the Town's Zoning Bylaws, as may be amended from time-to-time; an alteration of the structure or the land within the same use group that changes the intensity of the use, i.e. a business use changing from retail to office space or a residential use changing from single-family or multi-family; or any change or alteration to the land or structure that results in an increase in actual or design flow to the system.

Design Flow: The quantity of sanitary sewage, expressed in gallons per day (gpd), for which a system shall be designed in accordance with 310 CMR 15.203.

Failed System: Any Septic System which fails to protect the public health, safety and environment as determined by the Truro Board of Health, including but not limited to:

- a) any system which must be pumped in excess of two (2) times in a twelve-month period;
- b) any system which includes a component that the Board of Health determines is structurally unsound;
- c) any system which discharges effluent directly or indirectly to the surface of the ground through ponding, surface breakout or damp soils above the disposal area or to a wetland;
- d) any system which meets any of the failure criteria itemized on the Title 5 Official Inspection form as described in 310 CMR 15.303 or 310 CMR 15.304;
- e) any system with a leaching area with less than 4-feet (for 1978-code systems) or 5-feet (for 1995-code systems) of vertical separation to ground water; this distance shall be measured in the field (not "per plan") by the inspector.

~~f) any cesspool as defined in title 5 shall be deemed failed and shall be replaced with a title 5 compliant system no later than December 31, 2023.~~

~~g) any systems with leaching areas/pits that are essentially at capacity, as defined in this section 6 article 3.1.i;~~

~~f)h) any systems that were not designed to accommodate the present existing use of the facility served;~~

~~g)i) any system deemed as failing to protect public health, safety and the environment.~~

To the extent such a waiver would be consistent with the provisions of Title 5, the Board of Health may waive a finding that any of the foregoing systems have failed if the Board

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determines, at its sole discretion, that the system will continue to protect the public health, safety and environment.

Innovative/Alternative (I/A) Technology: Technology that is certified for enhanced nutrient removal that is described in 310 C.M.R. 15.202 and 15.217, and which is approved by the Massachusetts Department of Environmental Protection pursuant to 310 CMR 15.280 through 15.289.

Living Usable space: all spaces within a building that may be used for the intended and/or approved use of the facility and which affect the design or actual flow to a septic system. For residential dwellings, usable space includes all finished areas intended for human habitation, including bedrooms, living rooms, offices, bathrooms and kitchens, but does not include unfinished storage areas (such as attics or unfinished basements) and screened in porches or sunrooms that do not have heat. excludes screened in porches and sunrooms

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Remedial Use: Use of I/A systems for the upgrade of a Failed or Nonconforming Septic System and there shall be no increase in the design flow served by the proposed I/A systems and no increase in habitable space or change use that, in the Board's judgement has the potential to increase sewage flow. The Board may consider a variance to this provision to allow the increase in flow from an "accessory dwelling unit" as defined herein and compliant with the Town of Truro conditions for the unit.

Nitrogen Credit is the use of I/A technology for development of a property beyond the standard of 110 gpd of wastewater flow per 10,000 sf of area. Nitrogen credit shall not be allowed for new construction, unless an ADU is being created.

Nitrogen Loading limitations: The 440 gpd per acre of land requirement for septic system design as described in title 5.

Non-conforming Septic System: Any system which, when installed did not comply with provisions of either the 1978 or 1995 iterations of Title 5, including cesspools and all similar systems in use prior to the adoption of the 1978 Code.

Title 5: Refers to Title 5 of the Massachusetts State Environmental Code, 310 CMR 15.000, et seq.

Title 5 Septic System: Includes any system installed in compliance with the 1978 or 1995 iterations of Title 5 but shall not mean cesspools or any similar system in use prior to the adoption of the 1978 Code.

TN: Means Total Nitrogen

Watersheds of Special Concern: Mapped watersheds designated by the Truro Board of Health and the Zone I and Zone II of public water supplies.

Wetlands: Any area that contains swamp, bog, dry bog, fresh or salt marsh, areas of exposed groundwater, embayment's, rivers, ponds, lakes, streams, inland banks, coastal banks, and coastal dunes, or any other area subject to the jurisdiction of the Conservation Commission as defined in G.L. c. 131, §40, 310 CMR 10.00, the Town of Truro Conservation Bylaw and/or regulations of the Conservation Commission, but not including buffer zones abutting such resources.

Article 2 - Variances

1. In addition to the variance criteria set forth in Section I of the Board of Health Regulations, an applicant may apply, and the Board of Health may grant a variance from

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this Section VI provided all of the following minimum criteria for said variance are also met:

- a) A satisfactory inspection by a licensed system inspector of all system components if the variance sought pertains to an existing system.
- b) The proposed or existing leaching facility has a minimum of five (5) feet of separation between the bottom of the leaching facility and the highest groundwater level as determined in 310 CMR 15.103(3); ~~and,~~
- c) The proposed or existing leaching facility meets the minimum Title 5 requirements regarding setback distances for Soil Absorption Systems (SAS) as set forth in 310 C.M.R. 15.211; ~~and,~~
- d) The existing system does not allow~~ing~~ surface breakout of the wastewater; ~~and,~~
- e) The existing system ~~does is~~ not require~~ing~~ pump-outs in excess of two (2) times in a twelve-month period; ~~and,~~
- f) The Board of Health determines that the grant of the variance will not pose a risk to the public health, safety or the environment and, ~~further,~~ meets all the variance requirements contained in Section I of the Truro Board of Health Regulations.

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2. All applications for variance must be accompanied by plans prepared by a qualified Professional Engineer or Registered Sanitarian and include all information required under 310 C.M.R. 15.220.

3. All application for variance shall include ~~current routine water quality analysis results from the on-site well at the locus property taken within one year of the date of application.~~

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2.4. ~~Expiration of All~~ variances shall ~~expire occur after if the system is not installed within 24 months of approval, or such shorter time as may be if the approved septic design has not been installed, or, at such time as~~ determined by the Board of Health.

Article 3 - ~~Triggers for u~~ppgrading ~~S~~septic ~~S~~ssystems

1. **Required Upgrades:** In order to improve the quality of water for the Town of Truro by elimination of septic systems which do not comply with Title 5 and the more protective regulations adopted by the Truro Board of Health, ~~persons who own property with non-conforming septic systems shall bring those systems into compliance by upgrading them to meet the standards of this Section VI and/or Title 5 in the following situations trigger an upgrade: all non-conforming and/or failed systems, as defined in this regulation, shall be upgraded to comply with the requirements of Title 5 and/or regulations of the Truro Board of Health which are in effect on the date of the triggering event:~~

a) ~~Any system inspected p~~Prior ~~At or within two years prior~~ to any sale or transfer of title to the facility served by the system in all circumstances described in 310 CMR 15.301.

a)b) Notwithstanding any exceptions set forth in 310 CMR 15.301(2), ~~inspection prior to transfer of deed and upgrade of n~~Nonconforming ~~or failed s~~Systems shall occur ~~at or within two years prior to:~~ transfers by inheritance, ~~transfers~~ between parents and

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their children, between full siblings, and where the grantor transfers the real property to be held in a revocable or irrevocable trust, where at least one of the designated beneficiaries is of the first degree of relationship to the grantor; and transfer shall include creation of an LLC;

- c) Prior to any change of use or increase in design flow of the facility served by a system;
- b)d) Prior to the subdivision or partitioning of a parcel on which a nonconforming or failed septic system is located;
- e)e) ~~If the~~Any system demonstrates ~~any of~~ the characteristics of a failed system as defined in this Section VI;
- f) ~~If the~~Any septic system that was not constructed according to the approved plan;
- d)g) ~~Any system with~~ or if the soil absorption system ~~is not designed to meet the design flow of the facility it serves; or, with inadequate design capacity to serve the facility as it exists at the time of inspection;~~
- h) ~~If a~~When a facility served by a 1978 code system that non conforming or failed system is replaced, relocated, added to or demolished, except when ~~the building~~ was destroyed by fire. A nonconforming-compliant system serving a facility destroyed by fire does not need to be upgraded to serve a new facility if the new facility is built in the same footprint as the original and provided that there is no change in use or increase in design flow of the facility and the system is not a failed system; ~~or~~
- e)i) The liquid depth in a leach pit is less than six inches from the inlet pipe invert or the remaining available volume within a leach pit above the liquid depth is less than 1/2 of one day's design flow.
- f)i) All non-conforming septic systems in the Beach Point and Pamet River Protection District or located within two hundred (200') feet of any Wetland or within the floodplain as mapped by FEMA shall be considered failing to protect public health, safety, welfare and the environment and shall be upgraded to meet the requirements of this Section VI and/or Title 5 by [date].
- g)k) Cesspools in Truro are herein defined as failed systems and shall be upgraded to meet the requirements of Title 5 prior to December 31, 2023. All new systems replacing cesspools shall be installed and certified by that date.

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2. Multiple Systems on One Lot.

- a) ~~_____ In the event of the failure of one septic system on a lot that has~~ On a parcel with more than one non-conforming septic system, In the event of the failure of on septic system on a lot that has more than on system and a total design flow on the parcel of less than 2,000 gallons per day, the failing system shall be immediately upgraded and the remaining non-conforming septic systems shall be inspected by a Department of Environmental Protection system licensed Inspector, pursuant to Section 15.340 of Title 5 (hereinafter, "DEP System Inspector"); ~~except where the total cumulative flow is over 2000 gallons per day, then all systems shall be upgraded with pressure distribution in accordance with Title 5. If any of the remaining non-conforming septic systems shall is non-~~ conforming or fail inspection as defined in the Title 5 Official Inspection Form,

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and the Truro “addendum to MA title 5 inspection form” or if the inspection shall reveal that the system is a “Failed System” as defined in Article (3) set forth above, the non-conforming septic system shall be immediately that system must also be upgraded to a fully conforming Title 5 septic system.

a)b) If the design flow on a parcel is over 2,000 gallons per day, then all systems shall be upgraded- according to Title 5 and local Truro Board of Health regulations. with pressure distribution in accordance with Title 5.

3. Time for Upgrades and Administrative Consent Orders

PURPOSE: To allow the Town to execute an agreement with private property owners who need to upgrade, ~~or repair or replace~~ their cesspools or septic systems during the Municipal wastewater planning process, which may include the availability of public sewer at a later date.

DEFINITIONS:

ADMINISTRATIVE CONSENT ORDER (ACO) is a duly executed and recorded document that affords a property owner in Truro an opportunity to defer major repair, replacement and /or upgrade of a non-conforming or failed on-site wastewater treatment system until a municipal plan is available to direct the course of action for that owner, subject to certain conditions including but not limited to establishment of an escrow account to fund work required to achieve compliance. ~~or until a time frame specified and requires funds for a septic upgrade be placed in an escrow account.~~

SYSTEM INSPECTION REPORTS: Inspections of septic systems shall report on the functioning and condition of the system, and a description of the components. This report will be the basis to determine whether a property is eligible for an Administrative Consent Order (ACO) or will be required to upgrade immediately. If an inspection is required by Order of the Board of Health, or by the Truro Board of Health regulations, those properties with a cesspool system will not be required to submit a title 5 inspection form; however, a licensed inspector must provide the Board of Health with a letter describing the condition of the cesspool system and a description of its components.

TIME FOR UPGRADES

All onsite septic systems shall be upgraded within one hundred and eighty (180) days from completion of an inspection of the system, unless another time frame is specified in these regulations or order of the Board of Health, whenever an inspection determines that the system requires upgrade due to a condition identified in Section VI, Article 3 of the Truro Board of Health Regulation or Title 5.

The Board of Health may grant a variance extending the time for completing the required upgrade, subject to the property owner entering into an Administrative Consent Order approved by the Board within thirty (30) days from completion of the inspection.

Administrative Consent Orders shall be at the sole discretion of the Board whenever the Board

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determines that an extension of time to complete required work will avoid undue hardship or manifest injustice to the owner of the facility and will not jeopardize public health, safety or the environment. Without limiting the generality, the Board may but is not required to issue Administrative Consent Orders in the following circumstances: List examples here.

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Applications for Administrative Consent Order shall be in writing and must be received by the Board of Health within thirty (30) days of the completion of system inspection. Requests for Administrative Consent Order not received within said thirty days will be rejected unless the Board extends the deadline for good cause shown.

ADMINISTRATIVE CONSENT ORDER

Administrative Consent Orders shall be on such terms and conditions as the Board determines are in the best interests of protecting public health and the environment until such time as the system is upgraded.

All Administrative Consent Orders shall have the following minimum terms:

1. The Board of Health agrees to extend the time for upgrading the system for *(a specified period of time)*, provided that there is compliance with the terms of the ACO;
2. The Property owner agrees to deposit *(a predetermined sum of money)* into an interest-bearing escrow account in an amount sufficient to ~~(TASK=complete the required upgrade/have design plans developed/have a sewer connection plan developed/satisfy the sewer connection fees)~~; said sum may be paid in installments;
3. ~~(This sum will be based on estimated costs for plans, estimated costs for I/A system installation or cost to connect to a wastewater sewer)~~
4. _____
5. The Property owner agrees to upgrade the system or connect to a public sewer upon expiration of the stay;
6. The Property owner agrees to periodic inspections and pumping of the system as needed;
7. The Property owner agrees to abate any imminent health hazards arising prior to upgrade of the system, which may require earlier repairs or upgrade;
8. Stipulated penalties for failing to comply with the ACO; and
9. The Property owner agrees to record the ACO in the chain of title to the property and that the ACO will be binding on any successors in interest.

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Commented [EB10]: The task to be paid for in part or in full shall be agreed upon by the BoH and the owner of the facility

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Notwithstanding the terms of this Regulation or an ACO issued pursuant thereto, the Board reserves the right to issue any such order as may be deemed necessary to protect public health and the environment from an imminent hazard caused by any onsite septic system, including requiring pumping, repairs, or immediate upgrades.

All requests for an ACO shall be processed in accordance with Section I, Article 21 of the Truro Board of Health Regulations and Title 5 and shall be within the sole discretion of the Board.

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Proposed amendments to Truro BoH regulations

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Article 4– Required Septic System Inspections

1. A current Inspection Report completed by a MA licensed Septic System Inspector shall be filed in the following circumstances:

- a. At or within two years prior to the time of sale or transfer of title to the facility as defined in Article 4 of this Section VI and title 5, 310 CMR 15.301;
- b. With an application for a building permit that proposes an increase in living-useable space as determined by the Truro Health Agent, ~~if~~ if an applicant or a direct abutter is aggrieved by the determination of “increase of usable living space” by the Health Agent, the applicant may appeal this determination to the Truro Board of Health within ten (10) days of receipt of the Agent’s determination;
- c. With an application for a *special permit* that allows uses not otherwise permitted by the Truro Zoning Bylaw;
- d. With an application for a new license or transfer of an existing license relating to the use of the facility served by the system;
- ~~e. or Every three years at the~~ renewal of the annual operating permit for the operation of a motel, cottage colony, cabin, campgrounds, lodging house or restaurant. ~~(see also 2.h in this article)~~
- ~~e.~~ d.f. Prior to renewal of permits for a facility served by a shared system. Inspections for all shared systems are required once every 3 years. Shared systems include condominiums, motels and camps and cabins.
- ~~e.g.~~ Prior to any change in use as defined in these regulations.
- ~~f.h.~~ At such time as a property owner/business owner is so ordered by the Board of Health.

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2. Inspection Criteria:

All system inspections shall be documented in an official Title 5 inspection form and a Town of Truro Septic “addendum to MA title 5 inspection form”. An inspection shall not be considered complete unless all information required on both forms is provided. In addition to the inspection criteria set forth in Title 5, the following criteria shall be observed in conducting system inspections:

- a) An open inspection of all components of the system is required. If a component cannot be found or uncovered after a reasonable search, the inspector must provide evidence for the system’s success or failure. Replacement or installation of the component is required in this instance.
- b) The septic tank shall be pumped at the time of inspection if it has not been pumped within the past 3 years.
- c) Leach pits must have at least 6 inches of leaching capacity below the outlet invert in order to pass the inspection. The 6 inches of leaching capacity is determined by clean sidewall absent of staining or evidence of high water. The Inspector must clearly indicate on the inspection form the height of standing liquid in any leaching component, the level of staining in any leaching component, and the description of

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both sanitary tees in any inspected tank. In the case of missing sanitary tees, no passing report shall be issued unless there is proof (copy of permit) of the correction of the deficiency.

- d) Any work for the correction of component failures, such as, but not limited to, eroded distribution-boxes, new piping, sealing a tank or installing new tees will require a valid disposal works construction permit, inspection and issuance of a certificate of compliance.
- e) If the inspector finds that the access port covers of the septic tank inlet and outlet, distribution box and soil absorption system are not within 6 inches to grade, risers shall be provided as needed and the installation of risers shall be indicated in the septic system report.

~~3. Failed systems shall include: cesspools; non-conforming systems as defined in Article 2; systems without adequate separation to groundwater; systems with leaching areas/pits that are essentially at capacity, as defined herein; systems that were not designed to accommodate the use; any system deemed as failing to protect public health, safety and the environment.~~

Commented [EB12]: Gregg Corbo suggests to shorten this and reference "as defined in article 1"

~~4.3~~ **All Inspections** shall be conducted by a MA licensed Title 5 inspector, using both the local and state inspection forms; the local form and required water test results shall be attached to the State form when filed in accordance with, and addition to, the requirements of Title 5 for septic inspection reporting.

~~5.4~~ **The septic inspector** must verify that the use of the facility (ie; # of bedrooms) matches the design flow of the system (ie; a 4 bedroom dwelling should have at least 440 gpd design flow). Design flow shall be based on the records on file at the office of the Board of Health and the actual use of the facility, including the number of bedrooms, shall be based on a visual inspection at the time of inspection.

~~6.5~~ **Difficulty in Locating Components:** If a complete inspection cannot be performed, the inspector must provide adequate documentation of the specific conditions which prevented a complete inspection and should indicate on the inspection form how the inspector attempted to locate components; in this instance the report shall indicate that the system "Needs Further Evaluation from the Local Approving Authority." The Local Approving Authority shall evaluate all "Needs Further Evaluation" entries on the inspection form and determine whether further investigation is required to adequately evaluate the system.

Article 5- Subdivision Plans

- 1) All new subdivision plans shall have the proposed well location and septic system on each lot. These locations shall meet all sideline and other setback and distance requirements.
- 2) The Plan shall be on file with the Building Commissioner and Health Agent.
- 3) Applications for septic and well permits shall adhere to the plan unless sufficient data isare presented to the Board of Health to justify the change.

Article 6 - Bedroom Count

(1) **Bedroom Count Determination.** Notwithstanding the general provisions of Section 15.002 of Chapter 310 of the Code of Massachusetts Regulations, there shall be no presumption that single-family dwellings have at least three bedrooms in the Town of Truro. In each instance, a specific determination relative to bedroom count must be made without reliance upon any presumptions. The Health Agent shall have the authority to make the initial bedroom count determination. If the Health Agent finds the determination in a specific instance should be made by the Board of Health, the Agent may, in their sole discretion, refer the matter to the Board of Health for a final determination. The Agent may also, in their sole discretion, refer the bedroom count determination to the Board of Health upon request of the applicant.

(2) **Deed Restriction.** A deed restriction may be required by the Board of Health to ensure that use of the septic system as proposed will not negatively impact the public health, safety, welfare or the environment.

(3) **Building Permits.** No building permit, ~~foundation permit, plumbing permit, special permit or variance~~ shall be issued until a Disposal Works Construction Permit has been issued for installation of a subsurface sewage disposal system designed to accommodate the bedroom count or the Board of Health has issued a written determination that the existing system is adequate for what is proposed.

(4) **Floor Plans and Inspections.** For existing facilities, in order to determine compliance with any provision of the foregoing regulations, a floor plan ~~prepared by a registered architect or engineer must be filed with the Truro Board of Health at the time of submission of an inspection report form~~ may be required ~~by the Health Agent to make a determination as to the design flow of the facility served by a system (i.e. the number of bedrooms). bedroom count.~~ If the Health Agent deems it necessary, they may refer the determination of ~~design flow the bedroom count~~ to the Board of Health for a vote. ~~If the Board of Health, by a majority vote of its members, deems that an inspection of an existing residence is necessary to confirm the bedroom count, the Health Agent, with the applicant's permission, shall inspect the premises and report their findings to the Board.~~

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(4)(5)

(5)(6) **Assessors' records, and old unstamped plans and the like** will not be considered as sufficient evidence of the size of the facility for purposes of determining design flow. In the event of a discrepancy between the results of the visual inspection and existing records, an in-person inspection by the Health Agent will be required and the Health Agent's determination of the size of the facility will be final.

Article 7 - Regulation of Separate Site Systems

1) Septic systems shall be constructed on the same lot as the facility to be served ~~unless the use of a shared or cluster system is approved by the Board of Health.~~

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2) Variances from this Article may be granted by the Truro Board of Health for structures in existence prior to March 31, 1995, provided all of the following conditions are met:

- a. The system can be installed on a contiguous property owned by the same person and title to the lots is merged by virtue of a deed recorded at the Barnstable County Registry of Deeds;
- b. The system is not being installed for the purpose of increasing the size or use of the existing structure; and,
- c. The system will replace or repair a pre-existing, non-conforming septic system or components.

3) Any grant of variance pursuant to this Article must also be made in accordance with Article 2 of this Section VI and Section I of the Truro Board of Health Regulations.

Article 8- Innovative/Alternative Technology

Preamble: In considering the permitting and use of various alternative septic treatment technologies in the Town of Truro, the Board of Health of the Town of Truro 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 required by the revised 310 CMR Section 15.285 (2d), 15.286 (5) and 15.288 (4), the Board of Health of the Town of Truro hereby reserves the right to impose any additional conditions or monitoring requirements it views as necessary to ensure the safe performance of any alternative onsite septic system which the Board agrees to permit in the Town of Truro.

1). **Applicability:** The use of I/A technology is required in the following circumstances:

- a) for flows greater than 600 GPD;
- b) for nitrogen credit applications (these are only allowed by request in limited circumstances in Truro);
- c) for upgrade of certain non-conforming systems as determined by the Board of Health;
- d) for upgrades of previously approved systems that exceed current nitrogen loading standards of 110 gpd/10,000sf of lot area;
- e) in certain cases where a variance is required and circumstances support the use of I/A to mitigate the environmental impact of the proposed system, as determined by the Board of Health.

2.Standards:

- a) In all of the circumstances described above, the I/A System shall be designed to achieve/produce no greater than 19 mg/l total nitrogen (TN) concentration in the effluent by using the secondary treatment achieved with an approved innovative/alternative (I/A) septic system. ~~At least 1 lab test showing TN shall be submitted annually to the Health department.~~

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~~b) Any existing facility with a design flow greater than 600 gpd shall be designed to achieve/produce no greater than 19 mg/l total nitrogen concentration in the effluent by using secondary treatment achieved with an approved innovative/alternative (I/A) septic system that complies with the requirements of this Section VI. At least 1 lab test showing TN shall be submitted annually to the Health department.~~

~~b)~~
c) I/A Systems shall be tested and reported on a quarterly basis, ~~unless approved for reduced testing~~ in accordance with O&M requirements, by means of obtaining an effluent sample from the distribution box or pump chamber to determine if the system meets the post-treatment standard of less than 19 mg/l total nitrogen. The results of such evaluations shall be submitted to the Board of Health within forty-eight hours of receipt thereof.

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3)Non-Performance.

- a) Non-performance includes any I/A system that has been determined to be failing to protect public health and safety, and the environment, ~~or~~ an I/A system with equipment failure or an unresolved alarm event, or components that are not functioning as designed, or components that are not functioning in accordance with the manufacturers specifications, or a system that is in violation of the terms of its approval by the Truro Board of Health.
- b) Non-performance requires written notification ~~by the operator~~ to the Truro Health Department within 48 hours receipt of lab test, along with a statement describing what corrective actions will be taken.
- c) Corrective actions must be taken ~~immediately~~ (within 48 hours of a lab report or field test) to address performance that does not meet the standards as defined herein, or specific to the approval by the Truro Board of Health.
- d) Lab tests showing exceedance of TN triggers a re-test immediately following corrective actions taken to address the exceedance, until the corrective measures are shown to have improved performance to meet the standards.
- e) Failure to comply with the process as described may result in a written warning from the Truro Health Department, followed by possible fines and a hearing with the Truro Board of Health that must be attended by the property owner and the licensed inspector.

4)Applications and Hearings.

- ~~a) Any application for a system proposing the use of I/A technology shall be submitted to the Truro Board of Health which shall hold a public hearing to consider its approval.~~
- ~~b)~~a) All applications shall include a copy of the Massachusetts Department of Environmental Protection approval letter appropriate to the I/A technology being used and the level of approval (i.e., General Use, Provisional Use, Remedial Use, Piloting Use, or site-specific Pilot Approval).
- ~~e)~~b) All applications for Pilot Approval shall include performance data from piloting sites where the I/A technology has been similarly configured and utilized.
- ~~d)~~c) Notice of the public hearing of the Board of Health for the consideration of applications ~~requiring for~~ I/A approval shall be in accordance with the provisions of the Open Meeting Laws in Massachusetts. Abutter notification will not be required unless mandated by Title 5.

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5)Monitoring and Reporting.

- a) If an I/A system is approved, the applicant will be required to submit a proposed monitoring and reporting plan to evaluate the performance of the system to the Board of Health for approval; ~~This~~ plan shall include a description of any long-term operational or maintenance requirements needed to keep the system operational, and any educational, financial assurance or other mechanism proposed to ensure effective long-term operation and maintenance.
- b) Owners and operators of all I/A 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 Truro Board of Health and to the Barnstable County Department of Health and Environment. ~~Such r~~Reporting must be performed in the manner specified by the Board of Health or in the form approved by the Barnstable County Department of Health and Environment and must occur within forty-eight hours after each maintenance or monitoring event.
- c) 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 compromised 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 Truro Board of Health and the Barnstable County Department of Health and Environment within 48 hours of inspection.
- d) If at any time a monitoring or maintenance report indicates that an I/A system needs corrective action, the Truro Board of Health may hold a hearing to ~~inquire as to whether~~ determine corrective action is needed. If at such hearing, the Truro Board of Health determines that such system needs corrective action, it may take enforcement action, including but not limited to, an order to cease operation of said system or any other action otherwise necessary to protect public health, safety, welfare, and the environment.
- e) I/A Systems that do not perform are required to be immediately evaluated by the licensed operator for the purpose of the inspector forming a diagnostic opinion of what corrective actions would address the non-performance.
- ~~f) Non performance includes any I/A system that has been determined to be failing to protect public health and safety, and the environment, or an I/A system with equipment failure or an unresolved alarm event, or components that are not functioning as designed, or components that are not functioning in accordance with the manufacturers specifications, or a system that is in violation of the terms of its approval by the Truro Board of Health; or a system that is not achieving the total nitrogen standard in these regulations.~~
- ~~g) Non performance requires written notification to the Truro Health Department within 48 hours receipt of lab test, along with a statement describing what corrective actions will be taken.~~
- ~~h) Corrective actions must be taken immediately (within 48 hours of a lab report or field test) to address performance that does not meet the standards as defined herein.~~
- ~~i) Lab tests showing exceedance of TN standard triggers a re-test immediately following corrective actions taken to address the exceedance, until the corrective measures are shown to have improved performance to meet the standards.~~

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j) ~~Failure to comply with the process as described may result in a written warning from the Truro Health Department, followed by possible fines, and a hearing with the Truro Board of Health that must be attended by the property owner and the licensed inspector.~~

6) Record Notice at Barnstable Registry of Deeds.

- a) All applicants gaining Board of Health approval for the installation of any I/A systems shall be required to record at the Barnstable County Registry of Deeds a Notice that the property is served by an I/A system ~~, together with an explanation of the Inspection, Monitoring and Reporting requirements, including the requirement of a service contract for the life of the system.~~
- b) **No Certificate of Compliance** for the installation of an I/A system will be issued until proof of recording is filed with the Health Department.

Article 9 - Required Setbacks for System Components

Notwithstanding the provisions of Title 5, 310 C.M.R. 2.11, all systems shall conform to the following minimum setback distances for septic tanks and soil absorption systems (SAS), including reserve areas, as measured in feet and set forth below:

	<u>Septic Tank or Pump Chamber</u>	<u>SAS</u>
Surface Water (except Wetlands)	50'	100'
Wetlands	100'	150'

Article 10 - Existing Systems Serving New Construction

Commented [EB14]: This section needs discussion

For systems designed and approved prior to March 31, 1995, the size of the existing system shall not be considered in determining whether a change in use or new construction in the facility served by the system will result in an increase in design flow, i.e. an increase in the number of bedrooms, restaurant seats, retail space, office space etc. for facilities listed in 310 CMR 15.203(2) through (5), rather review of the existing use of the facility (i.e., existing bedroom count; existing restaurant seats; existing retail space, etc.) at the time of the change, as determined by the Truro Health Agent, will be used to make such determination.

No increase in design flow to any system shall be allowed unless the lot meets the requirements of 15.214, Nitrogen Loading Limitations, and Article 11 and Article 13 below. Should an increase in design flow be allowed, the system shall be upgraded in full compliance with Title 5 [and the regulations of the Truro Board of Health](#) for new construction.

Article 11 - Buildable Upland Calculations for Nitrogen Loading Limitations

When applying the nitrogen loading limitations set forth in Title 5 and this Section VI of the Truro Board of Health Regulations (see Article 14), only Buildable Uplands shall be included in the lot area calculations.

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Article 12 - Deed Restrictions

- 1) Any deed restrictions required under this Section VI or under Title 5 shall be submitted to the Health Agent for review before they are finalized and executed.
- 2) Each deed restriction shall ~~adequately~~ describe the property and all restrictions placed thereon (i.e., bedroom count limitations shall include the number and location of approved bedrooms; monitoring agreements shall describe the specific monitoring and maintenance requirements, etc.).
- 3) All deed restrictions ~~may shall~~ contain a provision permitting the Truro Health Agent to inspect the premises to ensure compliance with the provisions of the deed restriction at reasonable intervals and upon reasonable prior notice.
- 4) ~~All deed restrictions~~ A deed restriction required by the Board of Health, or their Agent shall be recorded at the Barnstable County Registry of Deeds ~~and proof~~ of recording shall be submitted to the Health Department prior to the issuance of the Certificate of Compliance for the system.
- 5) A deed restriction required by the Board of Health, or its their Agent shall be recorded prior to the issuance of the Disposal Works Construction permit, or approval/sign-off on any building permit, as determined to be required for compliance with these local regulations and Title 5 by the Board of Health or its Agent.
- 6) A deed restriction is required by the Board of Health or their Agent prior to sign-off on all ADU specifying approval and the requirement for year-round rental in perpetuity.

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Article 13 - Nitrogen Loading Limitations

- 1) The Truro Board of Health ~~hereby~~ requires that all properties within the Town of Truro meet the loading restrictions set forth in 310 CMR 15.214 and contain at least ten thousand (10,000) square feet of Buildable Upland (as defined in Article 1 hereunder) for every 110 gallons per day of design flow ~~and that a~~ All systems designed to serve said facilities must meet the same restrictions and requirements contained in Title 5 as the "Nitrogen Sensitive Areas" defined in 310 CMR 15.215 irrespective of whether the properties are located within "Nitrogen Sensitive Areas" as so defined.
- 2) Upgrades for systems that exceed current nitrogen loading shall include the use of I/A technology ~~the use of~~ pressure distribution may be required when indicated and determined by the Board, ~~so mitigate as a need for~~ certain variances such as depth to groundwater, lateral separation to marine water bodies or private wells.

Article 14 - Septage Haulers and Septic Installers Licenses

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1. A **Septic Installers license** is required in the Town of Truro for any work done to alter a septic system or its components, such as replacement of or connection to a building sewer, piping, tee replacement, tank and d-box replacement and tank -sealing.

2. **Septage Haulers License Application:** The Board of Health will issue Septage Haulers Licenses only upon written application that includes the following information:
a) name and address of applicant and business name under which applicant will operate.
b) written description of all equipment utilized in the business, including the capacity of any tanks; and an emergency contact name and number of a person available for contact 24 hours a day in cases of emergency.

~~3. **Inspection:** Prior to the issuance of the Septage Haulers License and annually thereafter, all equipment of the business must be inspected by the Health Agent. All equipment must be clearly marked and identified with markings indicating the capacity of the tank. Truck tanks must be cleaned and made free of sand and sludge for every inspection. Gauges must be cleaned and calibrated so that exact volume is easily determined.~~

~~3. **Septage Coupons:** Septage coupons must be ~~completely and~~ properly filled out. The name, date, location and volume for each system serviced must be provided. The signature of the hauler and the customer must be executed on each coupon in order to validate the origin of the waste in the Town of Truro. Septage haulers are required to supply accurate/legible information to the Board of Health as a condition of their License.~~

4. **Chemicals and Acids.** Use of chemicals and acids for cleaning cesspools and septic systems is prohibited.

5. **Failing Systems.** As a condition of their License, all Licensees shall accurately report all malfunctioning systems to the Board of Health, including but not limited to, the address of the malfunctioning system, the nature of the problem and the repairs,

~~6.1. Septage haulers are required to supply accurate/legible information to the Board of Health as a condition of their License.~~

~~7.6.~~ **Licenses.** Licenses go into effect January 1st of each year. The annual fee for Licenses shall be determined by the Board of Health each year.

~~8.7.~~ **Violations.** Failure to comply with any of these regulations shall constitute a violation which may result in a show cause hearing before the Board of Health to determine whether the License should be revoked. Violations may also result in the imposition of fines and/or any necessary legal action to be undertaken by the Board.

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Article 15- Maintenance requirements

All septic systems shall be maintained in proper working order and free from defects at all times and the owner of the facility shall be responsible for correcting any defective conditions upon discovery of same. Notwithstanding the foregoing, septic system repairs shall be conducted only by licensed septic installers.

Without limiting the generality of the foregoing, the following maintenance requirements apply to all systems :

1. Each area with pressure distribution must be inspected annually, by a professional engineer as required by PE per Title 5;
2. Maintenance Pumping of a septic tank must be completed when ordered by the Board of Health. If a septic tank has not been pumped within 3 years of a system inspection transfer of deed, the tank must be pumped as part of the septic inspection.
3. Maintenance by pumping septic tanks is recommended every 3- 5 years for residential systems, depending on the amount of use, or within such intervals required by the Board.
4. Maintenance of Grease traps includes quarterly pumping as required by Title 5.

Article 16- Miscellaneous Provisions

1. **As-Built Cards.** The measured location of all components of each septic system shall be recorded on a septic "As Built" card and filed with the Health Agent prior to the issuance of a Certificate of Compliance. The installer shall verify on said "As Built" card that the components are installed in accordance with the locations shown on the approved septic plan.
2. **Severability.** If any Article, section, paragraph, sentence, clause or phrase of these regulations should be declared invalid for any reason, such declaration shall not affect the remainder of these regulations which shall remain in full force and effect.

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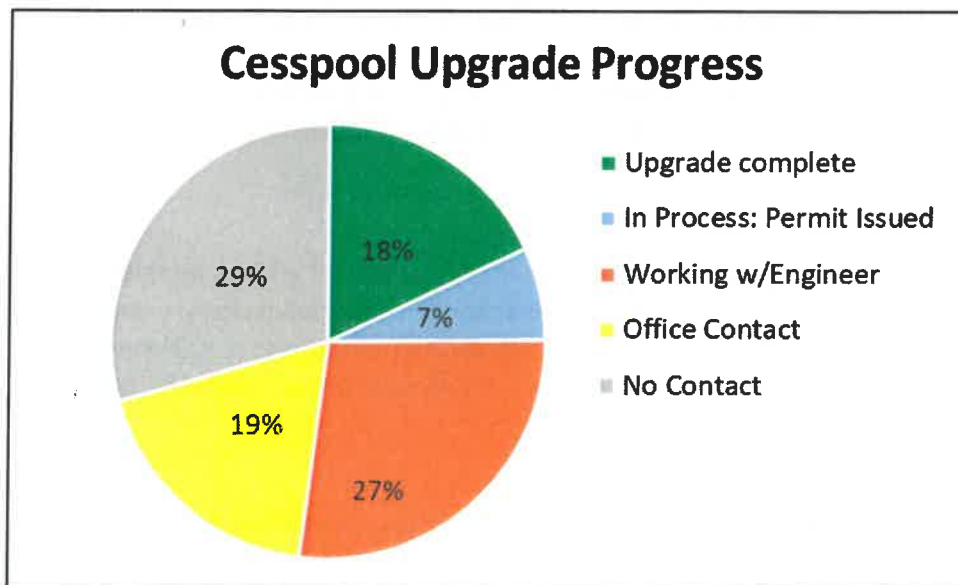
TOWN OF TRURO
HEALTH & CONSERVATION DEPARTMENT
24 Town Hall Road, Truro 02666
508-349-7004 x119

Memo to: Truro Board of Health
From: Emily Beebe, Truro Health & Conservation Agent
Date: October 14, 2022
Re: **Water Resources Update: October 2022**

Regarding cesspool upgrades to Title 5

To date, 25% of the properties with cesspools have either completed the upgrade process or have permits issued to do so. 27% are working with engineers and 19% have contacted our office with questions but may not yet be under contract with an Engineer/designer.

Our current challenge is making direct contact with the 51 homeowners who we have not yet heard from, so that we may assist them in their efforts to comply.



FINANCING:

The Barnstable County Health department has secured grant funding to enhance their septic loan program. They have not yet updated their program. We will be meeting with them in early November about their program changes and will report out once the information is released.

Loans are still available with a 5% interest rate.

The Truro regional Housing Rehabilitation grant Program is now being administered by TRI, the Resource Inc. This program provides income-based assistance for homeowners needing to make critical home repairs including septic system upgrades. Call 508-694-6521 with questions, or go to their website: <https://www.theresource.org/truroeasthamprovincetown>

Regarding Administrative Consent Orders (ACO's) On 10/18/2022 the Board of Health will considering the adoption of language to bring the use of ACO's into their local title 5 regulations. The ACO is a tool that the Board of Health will use to form legal agreements with property owners regarding the specific

circumstances about a septic upgrade process. Once an understanding with a property owner has been forged, we will schedule a hearing with the Board of Health to discuss the situation that may trigger the use of an ACO. ACO's will have the authority to allow agreements to include establishing an escrow account, and also will typically include a compliance schedule that is specific and unique to a single property.

Regarding the Massachusetts Estuaries project (MEP)

We have no additional information about the MEP since our September report was submitted but we continue to reach out.

Regarding stormwater management

H&C staff have completed our first round of stormwater sampling at several locations on the Pamet, the Bound Brook area, Great Pond, the Village Pond and East Harbor/Pilgrim Lake. Sample analysis will give us a picture of what is moving into our surface waters from our roads and highways.

Mapping the data is underway.

Regarding Pond water quality:

As the cyanobacteria monitoring season ends, Pilgrim/Village Pond remained in acceptable condition after regular testing through the summer by the APCC cyanobacteria bacteria monitoring program.

The public Health advisory for Snow pond issued 9/8 by the Cape Cod National Seashore was lifted on September 23; a PH advisory for Ryder Pond was issued on 9/19, and just released 10/14.

Regarding Private well water quality:

Water testing kits are available at the Truro Health Department. Please call for a kit on Mondays, as the building is closed to the public on that day. A courier from Barnstable County lab picks up water samples on Tuesday and Thursday mornings each week at the Wellfleet Health Department at 220 West Main Street in Wellfleet. Please refer to the Truro Health department web page for more information on water testing your private well.

Regarding MA DOT:

The Outer Cape Conservation Agents are discussing a coordinated approach to engage the DOT about stormwater management.

Upcoming Water Resources discussion:

The Select Boards of both Truro and Provincetown will meet jointly on **October 24 at 6 PM** in Provincetown, and the meeting will be available virtually as well. The Boards will meet to hear an update about the Municipal Water Supply, the activities of the Municipal Water department, and future joint efforts regarding Water Resource Management.

Minutes of the Truro Board of Health, Tuesday September 6, 2022

This was a remote meeting.

Board members in attendance:

Chair Tracey Rose, Vice Chair Jason Silva, Board Members: Helen Grimm, Brian Koll, and Tim Rose; Also Present: Health Agent Emily Beebe **Absent:** alternate member Candida Monteith
The meeting was called to order at 4:33 PM by the Chair, who described the remote meeting procedures and the process for public participation.

PUBLIC COMMENT: There was none.

Change of manager: Beach Point Pagodas, 169 Shore Rd:

John Flores, an owner at the complex, was on the call to represent the change of manager request. He will be a new co-manager. Chair Tracy Rose reviewed the responsibilities expected from a co-manager to which the applicant agreed. **Motion: Board Member Brian Koll moved to approve the change of manager; Second: Board Member Tim Rose; Vote 5-0-0, Motion approved.**

Variance Request/Local Upgrade Approval, 32 Cooper Road, 32 Cooper Lutz Road LLC:

Sara Lutz, the owner, and Ryder and Wilcox Engineer Stephanie Sequin represented the project. Stephanie Sequin described the project as an upgrade from a cesspool to an innovative/alternative septic system. The lot is 42,400 square feet and located at the top of a coastal bank. The proposed system is a Microfast system using Cultec recharging units which are plastic units configured without stone to minimize impact during installation. They propose to reduce the leaching capacity by 23%, which is allowable under Title V since there will be no increase in flow. Variances being requested are a 50-ft variance from the top of the coastal bank for the soil absorption system and a 10-ft variance from the coastal bank for the septic tank. There is also a request for a variance between the SAS and the property sideline. The variance to the coastal bank cannot be avoided for the SAS siting; the Septic tank variance appeared justified as the location proposed will minimize impacts on the site; and the sideline setback variance is needed to keep the SAS 100' from the locus well. Board member Jason Silva added that the upgrade from a cesspool to an I/A system is a drastic improvement for the environment and added that the reduction for the soil absorption system is allowable given the challenging conditions of the lot.

Abutter Paul Scheufele inquired about how the approval of the variance request to the sideline setback would affect any future development of his property and stated that he did not want to see approval of variances to his property lines. Board member Jason Silva thanked the abutter for coming forward and asking his questions. Abutter Paul Scheufele explained that, if possible, he would appreciate the property line setbacks to be respected while avoiding any deleterious effect to the groundwater. The Health Agent explained that the setbacks are compliant regarding groundwater wells but do not meet the setbacks for property lines because variance requests under title 5 were organized in a hierarchy of preferred use; a sideline setback variance was preferred to a well setback variance under the local upgrade process of "maximum feasible compliance". Discussion ensued about the ways that the system could or could not be relocated on the property and how best to balance the benefits of the upgrade with the abutter's requests. Board member Tim Rose suggested extending the impermeable barrier to mitigate the concerns of the abutter about his property line.

Motion: Board Member Tim Rose moved to approve the variance request with the condition that the barrier shall be extended to the north; **Second:** Board Member Brian Koll; **Vote:** 3-1-1 with Board member Helen Grimm voting against and Board member Jason Silva abstaining; the motion carried.

Board of Health Regulation revisions: final draft and discussion:

The Board of Health regulation revisions have been reviewed extensively and the final draft was presented and discussed by the Board. The Board agreed to finalize the discussion at the next public hearing which will be advertised in the Provincetown Independent.

MINUTES:

July 19, 2022

Motion: Board Member Jason Silva moved to approve the minutes.

Second: Board Member Tim Rose; **Vote:** 5-0-0; the motion passed.

August 2, 2022

Motion: Board Member Helen Grimm moved to approve the minutes.

Second: Board Member Brian Koll; **Vote:** 4-0-1 with Tim Rose abstaining; the motion passed.

Report of the Chair:

The chair had attended the Charter Review Committee (CRC) meeting. She briefly explained the discussion held by the committee to address a citizens petition submitted to the 2020 Annual Town meeting that effectively make Health Board members elected, not appointed. The charter change was not supported by the CRC.

Health Agent's Report:

Brian Koll gave a report on the current Monkey Pox situation. The reported cases of Monkey Pox have steadily declined since their peak in August. Currently, there are 20,000 reported cases nationwide. There are two variants, one more severe than the other. There is medication to treat infection and Monkey Pox cannot be casually transmitted. The vaccine is now easier to access and more readily available than the medication. The Health Agent announced the Flu and COVID-19 vaccine booster Clinic that will take place in October.

Motion: Board Member Tim Rose moved to adjourn the meeting.

Second: Board Member Helen Grimm; **Vote:** 5-0-0; the meeting was adjourned at 6:21 PM.

Respectfully submitted by Nina Richey