



Truro Board of Health

Tuesday April 18, 2023
Remote Meeting- 4:30 PM

Remote Meeting Access Instructions

This will be a remote meeting. Citizens in Truro can view the meeting on Channel 18 and on the web on the "Truro TV Channel 18" button found under "Helpful Links" on the homepage of the Town of Truro website. 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>**

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*

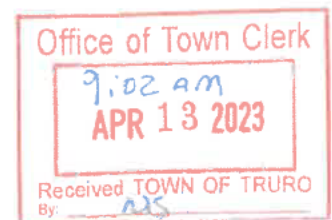
II. AGENDA ITEMS

1. **Request for Local upgrade approval: 70 Shore Road**
2. **Change of Manager: 570 Shore Road, Sand Bars Inn.** Todd Souza, proposed new manager
3. **Proposed amendments to Board of Health regulations**
 - a. **Section V-** transfer station rules and regulations, articles 2 ,7
 - b. **Section VI-**local septic regulations to supplement title 5
4. **Water Resources Report for April 2023**

III. MINUTES

IV. REPORTS

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



Fee: \$75.00



APPLICATION FOR BOARD OF HEALTH VARIANCES

Date: 4/5/23

Property Owner's Name: Dorothy Mowery

Mailing Address: P.O. Box 536 North Truro, MA 02652

Address of Property: 70 Shore Road

Map and Parcel Number: Map # 36 Parcel # 100

Design Engineer/Sanitarian David D. Coughanowr

Firm/Company Name: Eco-Tech Phone #: 508 364-0894

Address: 155 George Ryder Rd South Chatham, Ma 02633-1621

Please check type of variance requested:

Title 5 Variance Request: Section 310 CMR 15.211(1)

Board of Health Variance Request: Section/Article _____

David D. Coughanowr

Signature (Representative)

April 4, 2023

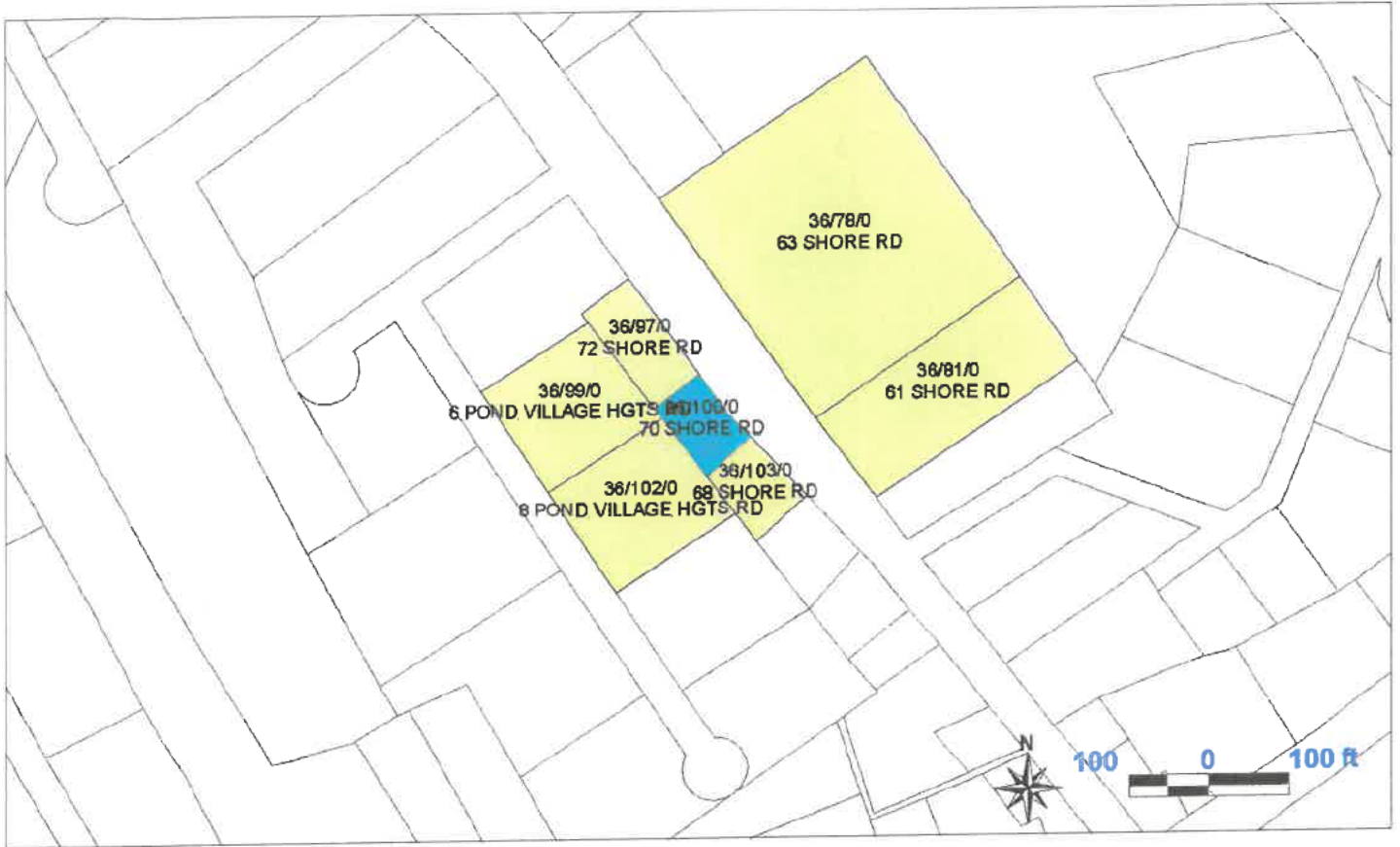
Date

Dorothy R. Mowery
Signature (Property Owner)

4/7/23

HEALTH DEPARTMENT
TOWN OF TRURO
APR 06 2023
RECEIVED BY.

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
968	36-78-0-R	BOESPFLUG REALTY TR TRS. BOESPFLUG CLAUDIA	63 SHORE RD	PO BOX 841	TRURO	MA	02666
971	36-81-0-R	MCKEAN NATHANIEL S & JACKETT BRAUNWYN K	61 SHORE RD	PO BOX 612	NO TRURO	MA	02652
986	36-97-0-R	BEAN NANCY E & OBRIEN CHRISTINA	72 SHORE RD	100 TRUMBULL ST, UNIT 407	HARTFORD	CT	06103
988	36-99-0-R	ROBERTS ELIZABETH COWLEY	6 POND VILLAGE HGTS RD	PO BOX 663	N TRURO	MA	02652
989	36-100-0-R	MOWERY DOROTHY R	70 SHORE RD	PO BOX 536	NO TRURO	MA	02652-0536
991	36-102-0-R	BRADY DAVID	8 POND VILLAGE HGTS RD	PO BOX 345	NO TRURO	MA	02652-0345
992	36-103-0-R	RENEY MICHAEL	68 SHORE RD	37 RUTLAND SQ #4	BOSTON	MA	02118

HEALTH DEPARTMENT
 TOWN OF TRURO
 APR 06 2023
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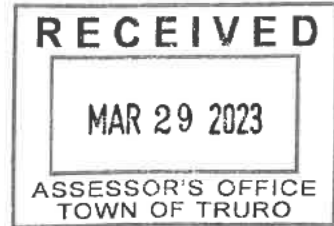


TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form



DATE: March 29, 2023

NAME OF APPLICANT: Dorothy Mowery

NAME OF AGENT (if any): David Coughanour - Eco-Tech

MAILING ADDRESS: 155 George Ryder Rd South/Chatham, MA 02633

CONTACT: HOME/CELL [REDACTED] EMAIL [REDACTED]

PROPERTY LOCATION: 70 Shore Rd
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 36 PARCEL 100 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:
(please check all applicable)

FEE: \$15.00 per checked item

(Fee must accompany the application unless other arrangements are made)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Board of Health ⁵ | <input type="checkbox"/> Planning Board (PB) | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission | <input type="checkbox"/> Special Permit ¹ | <input type="checkbox"/> Special Permit ¹ |
| <input type="checkbox"/> Conservation Commission ⁴ | <input type="checkbox"/> Site Plan ² | <input type="checkbox"/> Variance ¹ |
| <input type="checkbox"/> Licensing | <input type="checkbox"/> Preliminary Subdivision ³ | |
| Type: _____ | <input type="checkbox"/> Definitive Subdivision ³ | |
| | <input type="checkbox"/> Accessory Dwelling Unit (ADU) ² | |
| <input type="checkbox"/> Other _____ | | |
- (Please Specify) (Fee: Inquire with Assessors)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 3/29/2023 Date completed: 3/29/2023
List completed by: [Signature] Date paid: 3/29/2023 Cash/Check # 1111

¹ Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

² Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

³ Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

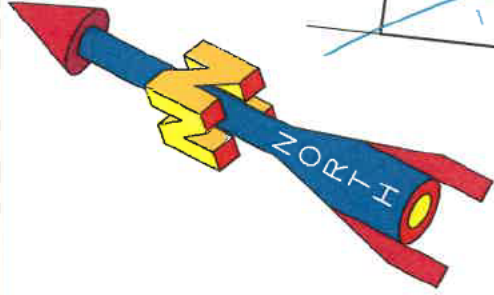
⁴ All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

⁵ Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

HEALTH DEPARTMENT
TOWN OF TRURO

APR 06 2023

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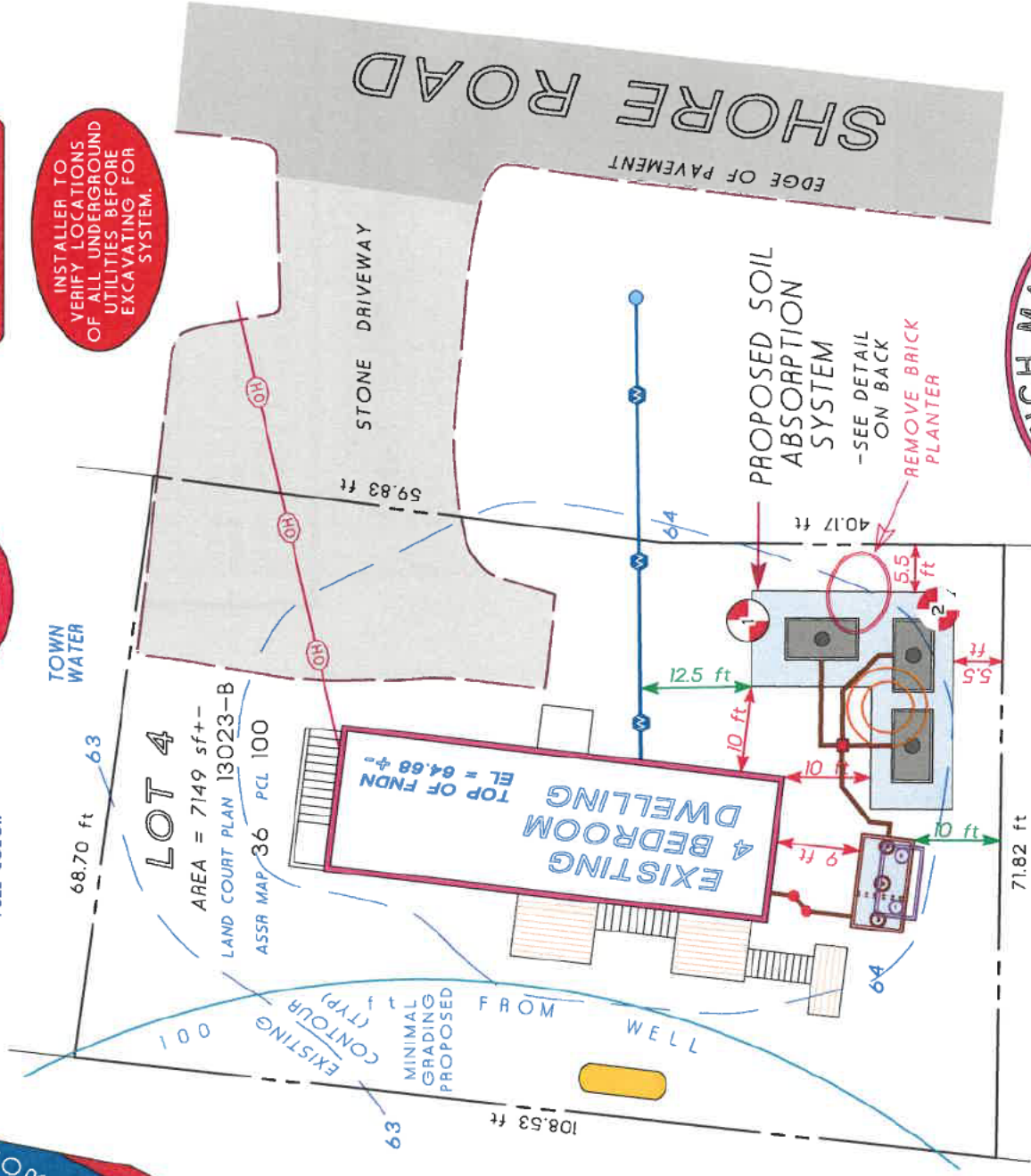


THIS IS A
COLOR
PLAN
USE COLOR PLAN ONLY
FOR INSTALLATION
FULL DETAIL IS BEST
VIEWED IN
FULL COLOR



UTILITIES	
WATER LINE	
WATER GATE	
OVERHEAD WIRE	
UNDERGROUND PROPANE TANK	

INSTALLER TO VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES BEFORE EXCAVATING FOR SYSTEM.



LEGEND	
REMOVE EXISTING 1000 GAL SEPTIC TANK	
INSTALL 1500 GALLON 2 COMPARTMENT 'FAST' SEPTIC TANK	
REMOVE EXISTING LEACH PIT	
DISTRIBUTION BOX	
TEST PIT	
CLEAN OUT TO GRADE	

PLAN

SCALE: 1 in = 20 ft



PRINT ON 8-1/2 x 14 in PAPER FOR PROPER SCALE

NO OTHER WELLS WITHIN 100 ft OF THE PROPOSED LEACHING GALLERY

PUMP AND REMOVE EXISTING SEPTIC TANK. EXISTING LEACH PIT TO BE PUMPED AND REMOVED. REMOVE ALL ASSOCIATED CONTAMINATED SOILS AND REPLACE WITH CLEAN MEDIUM SAND PER TITLE 5.



RECEIVED BY:

VARIANCES REQUESTED
310 CMR 15.21(1) - SOIL ABSORPTION SYSTEM TO CELLAR WALL: 20 ft MIN REQUIRED - VARIANCE TO 10 ft SEPARATION REQUESTED.

310 CMR 15.21(1) - SOIL ABSORPTION SYSTEM TO PROPERTY LINE: 10 ft MIN REQUIRED - VARIANCE TO 5.5 ft SEPARATION REQUESTED.

310 CMR 15.21(1) - SEPTIC TANK TO CELLAR WALL: 10 ft MIN REQUIRED - VARIANCE TO 9 ft SEPARATION REQUESTED.

SOIL TEST LOG

DATE: MARCH 28, 2023

SOIL EVALUATOR: DAVID D. COUGHANOWR, ASE #461
WITNESSED BY: AROZANA DAVIS, HEALTH DEPT.

TEST PIT 1 NO GROUNDWATER ENCOUNTERED
PERC AT 76 in - 2 MIN/INCH IN C SOILS

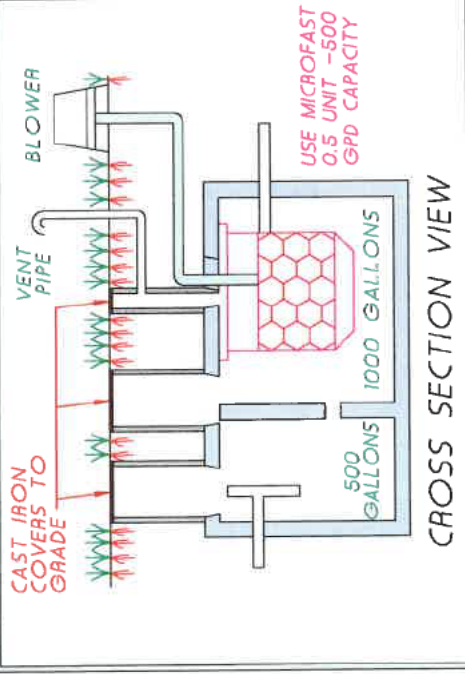
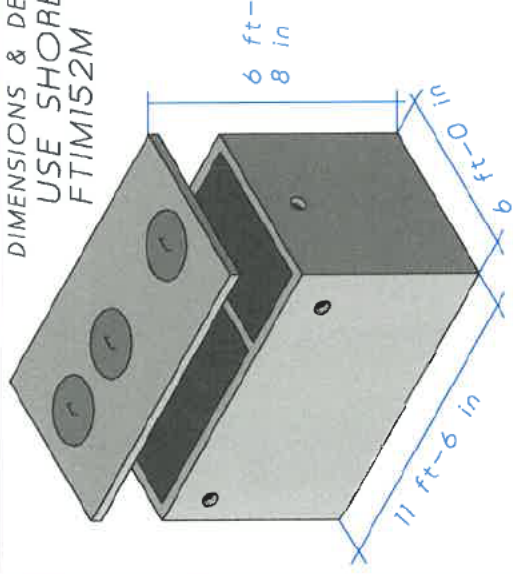
ELEVATION	DEPTH	SOIL	USDA	SOIL	SOIL	SOIL	OTHER
	(INCHES)	HORIZON	SOIL	COLOR	MOTTLES	MOTTLES	
			TEXTURE	(MUNSELL)			
64.05	0-12	FILL					
	12-14	O	LOAM	10 YR 2/2	NONE	NONE	FRIABLE
	14-15	E	LOAMY SAND	10 YR 3/1	NONE	NONE	FRIABLE
	15-22	A	LOAMY SAND	10 YR 4/4	NONE	NONE	FRIABLE
60.88	22-38	B	LOAMY SAND	10 YR 5/6	NONE	NONE	LOOSE
53.88	38-122	C	MED-CSE SAND	10 YR 6/4	NONE	NONE	LOOSE

TEST PIT 2 NO GROUNDWATER ENCOUNTERED
- 2 MIN/INCH IN C SOILS

ELEVATION	DEPTH	SOIL	USDA	SOIL	SOIL	SOIL	OTHER
	(INCHES)	HORIZON	SOIL	COLOR	MOTTLES	MOTTLES	
			TEXTURE	(MUNSELL)			
64.00	0-10	FILL					
	10-12	O	LOAM	10 YR 2/2	NONE	NONE	FRIABLE
	12-18	A	LOAMY SAND	10 YR 4/3	NONE	NONE	FRIABLE
60.67	18-40	B	LOAMY SAND	10 YR 5/6	NONE	NONE	LOOSE
53.00	40-132	C	MED-CSE SAND	10 YR 6/3	NONE	NONE	LOOSE

1500 GALLON "FAST" DUAL COMPARTMENT SEPTIC TANK

DIMENSIONS & DETAIL
USE SHOREY
FTM152M



- NOTES**
- INSTALLER TO OBTAIN DISPOSAL WORKS PERMIT BEFORE STARTING WORK.
 - ALL COMPONENTS INSTALLED SHALL MEET THE MINIMUM REQUIREMENTS OF MASSACHUSETTS TITLE 5 SEPTIC CODE (310 CMR 15).
 - ECO-TECH RAPID RESPONSE RECOMMENDS THE INSTALLATION OF LOW FLOW FIXTURES & APPLIANCES, AND PERIODIC PUMPING OF THE SEPTIC TANK.
 - SYSTEM IS NOT DESIGNED TO WITHSTAND VEHICULAR LOADING. DO NOT PARK OR DRIVE VEHICLES OVER SEPTIC SYSTEM.

DESIGN CALCULATIONS

DESIGN FLOW: 4 BEDROOMS X 110 GPD = 440 GPD
SEPTIC TANK: 440 GPD X 2 DAYS = 880 GALLONS
REMOVE EXISTING 1000 GALLON SEPTIC TANK. INSTALL NEW 1500 GALLON "FAST COMPATIBLE" SEPTIC TANK.
DISTRIBUTION BOX: INSTALL 3 OUTLET H-20 D-BOX

SOIL ABSORPTION SYSTEM:

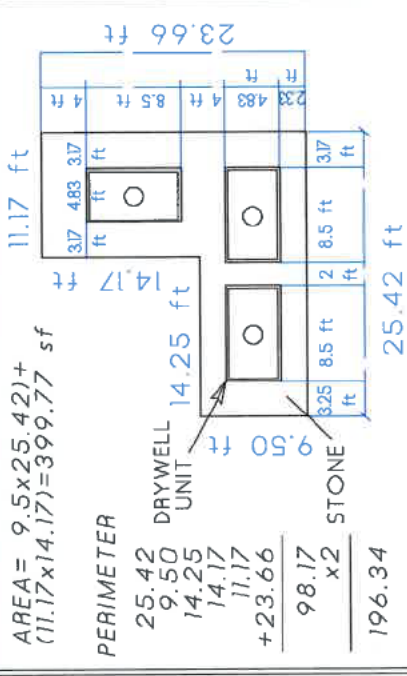
THE LONG TERM ACCEPTANCE RATE FOR A CLASS ONE SOIL WITH A PERCOLATION RATE BELOW 5 MINUTES PER INCH = 0.74 GALLONS PER DAY PER SQUARE FOOT. THE 39.5 ft x 10.33 ft x 2 ft LEACHING GALLERY DEPICTED BELOW CAN LEACH:

BOTTOM AREA + SIDEWALL AREA = 596.11 sf
FLOW CAPACITY = 0.74 x 596 = 441 gal/day

INSTALL THE LEACHING GALLERY AS CONFIGURED BELOW
FLOW CAPACITY = 441 gal/day WHICH EXCEEDS
THE 440 gal/day REQUIRED FOR A FOUR BEDROOM DESIGN.

SOIL ABSORPTION SYSTEM CONSTRUCTION DETAIL

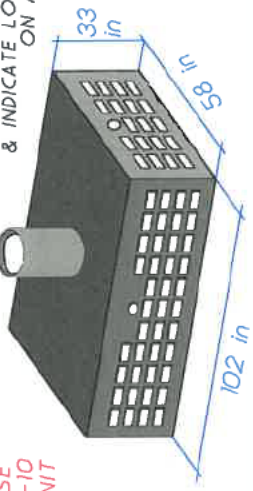
USE SHOREY PRECAST 500 GALLON LEACHING DRYWELL



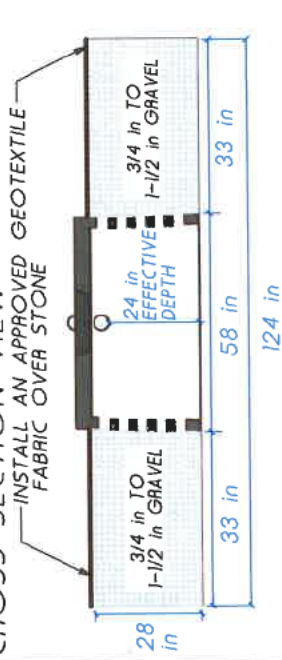
500 GALLON DRYWELL DIMENSIONS & DETAIL

USE H-10 UNIT

INSTALL ONE INSPECTION RISER TO WITHIN THREE INCHES OF FINAL GRADE & INDICATE LOCATION ON AS-BUILT



CROSS SECTION VIEW



ALL STONE TO BE DOUBLE WASHED AND FREE OF IRONS, DUST AND FINES IN PLACE

F L O W P R O F I L E

TOP OF FOUNDATION EL = 64.68 +- 6 in OF FINAL GRADE

ALL PIPE TO BE 4 in SCH. 40 PVC AND TO PITCH AT 1/8 in/ft MIN

APR 10 2023

RECEIVED BY: _____

TOWN OF TRURO

Health Department

P.O. Box 2030, Truro, MA 02666

PH: 508-349-7004, Ext. 131 Fax: 508-349-5508

Email: abeebe@truro-ma.gov or adavis@truro-ma.gov



APPLICATION TO NAME A MANAGER

This application is used for a Change of Manager, Add Co-Managers or to Name a Property Management Company as Manager with the Board of Health

Section 1 - Business Information

Date: 4-10-23

Print Name of Applicant: Todd Souza

Business Name or DBA to be managed: Sandbars Managed by Vacasa Number of Units: 16

Street Address of Business: 570 Shore Rd 02652 Business Email: TODD.SOUZA@vacasa.com

Mailing Address of Business: (Check if New Address) _____

Section 2 - Manager Information

Name of Previous Manager: Jacobner / Beachtree On-Site Manager Unit #: 8

Name of New Onsite Manager: Todd Souza On-Site Manager Unit #: 8

Name of Property Management (10 Units or less): _____

Mailing Address of New Manager and/or Property Management Company: 570 Shore Road

N. Truro, MA 02652 Phone (24 hours/day) _____ mail: _____

Name of Co-Managers: _____ Unit # _____ Phone (24hrs/day): _____

_____ Unit # _____ Phone (24hrs/day): _____

_____ Unit # _____ Phone (24hrs/day): _____

I have read & understand the Board of Health Manager Regulation, Section III, Article 4. Signature of New Manager, Co-Managers or Contact Person for Property Management is required.

Todd Souza
SIGNATURE

Todd Souza
PRINT NAME

4-10-23
DATE

SIGNATURE

PRINT NAME

DATE

SIGNATURE

PRINT NAME

DATE

Section 3 - **Office Use Only**

Team Inspection
(if over 3yrs since last one)

Board of Health Hearing

Scheduled Date 7/15/2020

Fee \$45.00

Paid

75.00

PAID
PAID

4/11/23
V. A. Pheme

Article 11 Effective Date

This regulation shall be published in a newspaper having circulation in the Town and shall be immediately posted in the Town Hall and at the Transfer Station. Any and all new contracts signed by the Town after its effective date or renewals of existing contracts shall be consistent with the provisions of this regulation.

Article -12 Repeal of Conflicting Bylaws

All bylaws or parts of bylaws, ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this bylaw are hereby repealed to the extent of such inconsistency.

SECTION V - TRANSFER STATION RULES & REGULATIONS

Amended: 12- 20-12; 3- 19-13; 4-22-15; 7-21-15; 12-6-17; 8-6-19

Article 1 General Provisions

- (1) **Authority** : The following rules and regulations are promulgated under the authority of Chapter III, Sections 31, 31A , 31B 150A of the Massachusetts General Laws and Section IV, Article 4 of the Truro Board of Health Regulations.
- (2) **Purpose**: The transfer station is operated and maintained by the Town of Truro for disposal of acceptable waste generated within the boundaries of the Town of Truro. All refuse and other wastes originating outside the town's boundaries are prohibited.
- (3) **Definitions**:

Acceptable Waste - Any waste currently accepted at the transfer station as posted at the facility.

Brush – Tree trimmings, bushes, shrubs.

Commercial Waste – All types of solid waste from manufacturing operations or commercial establishments, including, but not limited to, restaurants, markets, motels, campgrounds, office buildings and retail stores, landscapers.

Compostables - Organic materials, such as food and yard debris, and other nutritive matter that may be used to improve and fertilize soil.

Composting - means a process of accelerated biodegradation of organic materials using microorganisms under controlled conditions in the presence of oxygen using windrows or piles, including but not limited to, covered aerated piles or bays. For the purposes of 310 CMR 19.000, composting is not aerobic digestion or conversion.

Construction and Demolition Waste – All lumber, pipes, bricks, shingles, sheetrock, masonry and other construction materials resulting from the construction and demolition of buildings and other structures. Construction and demolition waste is free of refuse.

Hazardous Materials – Solvents, oils, chemicals, pesticides, herbicides, explosive materials, nuclear or radioactive materials.

Household Hazardous Waste – Materials used in a home that may contain oils, solvents, degreasers, heavy metals such as mercury, caustic materials such as drain cleaners, pesticides, herbicides, fungicides, rodent poison, disinfectants, oven cleaners, pool cleaners and chemicals, photo and hobby chemicals, acids, paint thinners, auto and marine paint, metal and furniture polish, wood preservatives, bug and tar remover, gasoline, radiator flush, camp fuel.

Household Waste – Any refuse or garbage that is generated within a residential dwelling by an owner and/or tenant of said property. Household waste does not include items such as stoves, refrigerators or other appliances, mattresses, brush, white goods, lawn mowers, hazardous materials or household hazardous waste.

Liquid Waste – Material that drains freely or contains free draining liquids. Contained liquid wastes generated by and produced in the normal operation of a household, excluding septage shall not be considered liquid wastes unless expressly excluded through 310 CMR 10.017 or these regulations.

Metal - Includes but not limited to refrigerators, washing machines, clothes dryers, air conditioners, ranges, stoves, metal furniture, appliances, structural members and pipes up to 4 feet long, small wire and metal fencing in bundles up to 4 feet long, small metal scrap, bicycles, lawn mowers, tubs, sinks and single family furnaces.

Organic Material- means food material and vegetative (plant) material from any entity that generates more than one ton of those materials as solid waste disposal per week, but excludes material from a residence. Food Material means material produced from human or animal food production, preparation and consumption activities; and consists of, but is not limited to, fruits, vegetables, grains, fish and animal products and byproducts

Picking – Unauthorized removal of products and materials from the Truro Transfer Station.

Recyclable or Recyclable Material – A material or by-product which are reused; used as an ingredient or a feedstock in an industrial or manufacturing process to make a marketable product; used in a particular function or application as an effective substitute for a commercial product or commodity.

Recyclables- Materials that would otherwise be thrown away as trash that are turned into new products.

Refuse – Solid waste materials, including garbage and rubbish, exclusive of building demolition debris and body wastes.

(a) **Garbage** – the animal, vegetable or other organic waste resulting from the handling, preparation, cooking, serving or consumption of food.

(b) **Rubbish** – solid wastes; such as cardboard, plastic, paper, glass, metal, yard trimmings, packing materials.

Refuse Hauler – Individuals or companies who collect and/or transport refuse from private or

commercial sources.

Reusable Goods – items, such as, but not limited to textiles, furniture, books, household items, electronics from an individual that no longer needs or uses it and is redistributed to those who can still find use in the item. The term “Reusable goods” does not apply to refuse, garbage, hazardous materials composted material.

Solid Waste – Waste Materials including garbage and rubbish, exclusive of building, demolition and body wastes. (See refuse)

Unacceptable Waste – Any waste currently not accepted at the transfer station as listed in Article 4.

Yard Waste – Grass clippings, weeds, garden materials, shrub clippings, leaves, pine needles, bark mulch, wood chips and brush less than one inch in diameter.

Article 2 Transfer Station Permits

1) Use of Transfer Station

No person shall enter or dispose of any materials at the Transfer Station unless they are the holder of a valid permit issued in accordance with this Regulation.

License Plate Recognition Software is now being used to monitor use of use of the Transfer Station. Physical stickers will no longer be distributed. Instead, cameras have been installed to read each license plate as vehicles enter the facility. The cameras will take a picture of each license plate and software will compare the plate numbers in the pictures to a listing of authorized users.

2) Eligibility

The following individuals shall be eligible for a Transfer Station Permit:

1. Owners of residential property located in the Town of Truro, as that term is defined herein;
2. Occupants of residential properties located in the Town of Truro, as that term is defined herein;
3. Provided however, that transfer station permits shall only be available for residential addresses with habitable dwelling units that are occupied for at least a portion of the year.

3) Definitions

Owner – for purposes of this Regulation, the term Owner shall refer to the individual listed on the deed or other instrument of ownership on record with the Barnstable County Registry of Deeds for residential properties located in the Town of Truro. If the property is held in trust, only the trustee may be considered an Owner for purposes of this Regulation. Beneficiaries shall not be considered Owners for purposes of this Regulation.

Occupant – for purposes of this Regulation, the term Occupant shall refer to any individual residing at a residential address in the Town of Truro for any period consisting of two or more consecutive

nights, with a lease or the written permission of the Owner or by virtue of being the Owner's spouse, domestic partner or dependent over the age of eighteen years old.

4) Types of Permits and Eligibility

Annual Permits – shall be valid for a period of one year from date of purchase and shall be available to (1) Owners and/or (2) Occupants, provided that the Occupant is authorized to occupy the premises for a period of at least twelve months out of the year.

~~Six Month Permits~~ – shall be valid for a period of six months from the date of issue and shall be available to (1) Owners and/or (2) Occupants, provided that the Occupant is authorized to occupy the premises for a period of two to six consecutive months.

Monthly Permits – shall be valid for a period of thirty days from the date of issue and shall be available to (1) Owners and/or (2) Occupants, provided that the Occupant is authorized to occupy the premises for a period of at least thirty consecutive days.

Weekly Permits - shall be valid for a period of seven days from the date of issue and shall be available to (1) Owners and/or (2) Occupants, provided that the Occupant is authorized to occupy the premises for a period of up to twenty-nine consecutive days.

~~Swap Shop Permit~~ – shall be valid for a period of one year from date of purchase and shall be available to Owners and/or Occupants and taxpayers.

5) Limitations

1. The number of permits that may be issued and active for a particular household or household held in a trust at any time shall be limited to three annual and one weekly or monthly at a time.
2. Permits shall only be issued upon presentation of proof of eligibility and payment of the applicable fee.
3. Annual permits shall only be issued to Owners and to Occupants whose vehicle registration shows the address for which the permit is issued; or the name on the vehicle registration corresponds with the Truro address as noted on the deed or lease.
4. Only the vehicles associated with the permit shall be allowed to enter the Transfer Station. If a permit holder will be using an alternative vehicle for any portion of a permit period, the permit may be transferred to the alternative vehicle, provided appropriate documentation (such as a copy of a lease) is provided.
5. Permits may not be transferred to any other person or entity. If the permit holder ceases to qualify, the permit will be revoked.
6. Any permit may be revoked. The Owner or Occupant may appeal to the BOH for any violation of the Transfer Station Rules and Regulations or any other provision of law relative to the use of the Transfer Station.
7. All waste brought to the Transfer Station shall originate within the Town of Truro and shall be related solely to the use of the property for which the permit is issued. Evidence of dumping any

waste from other municipalities shall be a violation of these regulations, and is a ticketing offense under the non-criminal violation provisions stated in Section 1, article 3.2.

~~8. Swap shop permits are limited to 2 per household. Owners and Occupants must show proof of trash hauling service or equivalent. Disposal of refuse is not permitted with a Swap Shop only permit.~~

6) Required Documentation

1. If a property owner, ownership will be confirmed through the records of the Board of Assessors.
2. If an Occupant, an original written lease or other form of written authorization with Owner’s signature shall be presented with the application (designation form will be provided).
3. Vehicle Registration for each vehicle that will be used with the permit. If the vehicle is not registered to the applicant, sufficient proof of the applicant’s authorization to use the vehicle shall be presented.
4. Driver’s License.

7) Fees

- | | |
|--|--------------------|
| 1. Annual Permit | \$100.00 |
| 2. Six Month Permit | \$55.00 |
| 3.2. Monthly Permit | \$50.00 |
| 4.3. Weekly Permit | \$25.00 |
| 5. Recycle/Swap Shop Permit | \$10.00 |

Article 3 Operation of the Transfer Station

- 1) Operating days and hours will be established by the Department of Public Works (DPW Director) and approved by the Board of Health and shall be posted at Town Hall, Truro Library and Transfer Station.
- 2) The DPW Director will take all necessary steps to ensure an effective level of facility operation and service.
- 3) The DPW Director or their designee may, at their discretion, close the Transfer Station when there is an equipment problem, or any other problem that makes the transfer of refuse not feasible, or that may result in a health and safety hazard.
- 4) All materials accepted at the Transfer Station shall only be placed in those areas designated by the DPW Director or their designee.
- 5) All vehicles discharging refuse must stop at the gatehouse prior to unloading materials. Materials brought into the Transfer Station for disposal are subject to inspection by the DPW Director and/or their designee.

- 6) If the scale is out of service, refuse hauler trucks with a FULL LOAD are accepted at the Transfer Station. A fee shall be charged per Article 7 Fee Schedule for Refuse Haulers.
- 7) Trash compactor trucks shall be spot checked for compliance with the requirements of their haulers permits.
- 8) The permit holder is entitled to unlimited entry or disposal of reasonable quantities of ordinary household waste during normal business hours of operation.
- 9) All permits allow for a maximum of four bags (32 gallon capacity or less) per entry.

Article 4 Items Not Accepted at the Transfer Station

The following items are prohibited from disposal at the Transfer Station or Swap Shop:

- No automobiles or parts thereof unless listed.
- No asbestos of any kind, including shingles.
- No brush* or stumps at any time. (* Brush less than 1" diameter is accepted)
- No wooden furniture (dining room, particle board furniture, etc.)
- No wooden demolition debris (bathroom vanities, windows, cabinets, etc.)
- No demolition materials, which are those materials left after purposeful reduction or destruction of any structure or building or part thereof, including:
 - New construction or remodeling waste.
 - All Construction Debris.
 - Demolition materials from homeowners.
- No Hazardous Materials, except during the scheduled Household Hazardous Waste Collection. Automobile oil, anti-freeze or gasoline from residents may be accepted at the Transfer Station outside of the HHW Collection dates at the discretion of the DPW Director and/or his/her designee.

Article 5 Accident Prevention and Safety

1. Only the transfer station operators and permitted users unloading refuse shall be permitted within the transfer station and all users shall leave the solid waste facility immediately after unloading refuse.
2. Picking (unauthorized removal of materials and products) is prohibited.
3. All users of the transfer station must wear shoes that cover the entire foot. All workers entering the transfer station are required to wear closed-toe shoes. Sandals, flip-flops, Croc-type clogs or other strappy/open shoes are not acceptable. The Truro Transfer Station accepts a wide range of materials that are recycled or reused, such as scrap metal, electronics, batteries, used oil and other materials that may pose a hazards to workers and users.
4. Conduct by any/all persons utilizing the Transfer Station shall not be disruptive to the operation of the facility, its staff or other users of the facility.

Article 6 Refuse Haulers Permit

Amended: 10-19-21

In accordance with MGL Chapter 111, sections 31 and 31-A, the Truro Board of Health hereby adopts the following regulations pertaining to the permitting for the removal or the transportation of refuse through the streets of Truro, which shall be referred to as a “Truro Refuse Haulers Permit.”

All Commercial annual refuse permit holders with a valid trash haulers business licensed in the Town of Truro, offering “subscription service” trash collection to households, and Commercial businesses otherwise eligible for the Town’s solid waste and recycling program shall provide trash and recycling services in one bundled price. Residents subscribing to private waste collections shall not have the option of paying for trash collection service only.

1. Refuse haulers as defined herein must obtain a refuse haulers permit from the Truro Board of Health AND an Annual Commercial Refuse permit from the Department of Public Works.
2. Truro businesses or other commercial entities that do not use a commercial hauler to dispose of all refuse/recyclables at the Truro Transfer Station and that do not transport refuse/recyclables as a primary component of their business must obtain an Annual Commercial Refuse permit from the Department of Public Works.
3. Refuse Hauler permit applicants shall obtain an application from the Board of Health. The completed application shall include the following:
 - (a) Name (corporation and individual) address and phone number(s)
 - (b) Listing of owner(s) and vehicle operators.
 - (c) Date of application with owner/operator's signature.
 - (d) Vehicle description, load capacity and license plate number.
 - (e) Copy of the certificate of liability insurance must accompany the application.
 - (f) Current Tax Identification number for the business
 - (g) Front and back of the hauler application must be signed by the applicant prior to issuance
4. Collection vehicles shall carry a Refuse Hauler Permit (or copy) issued by the Truro Board of Health at all times.
5. Refuse haulers permitted by the Truro Board of Health and Commercial entities (as described in 5.2.2 above) permitted by the Department of Public Works are subject to disposal rates as outlined in the Fee Schedule of Article 3 below.
6. All vehicles transporting refuse and/or recyclables shall have an impervious liner on the floor and sides so that no dripping or leaking of draining water or liquid or any debris can occur.
7. Every vehicle used for hauling refuse shall be cleaned as often as may be necessary to prevent persistent odors.
8. All loads shall be properly secured and covered.
9. All waste brought to the Truro Transfer Station shall originate within the Town of Truro.
10. Improper disposal of waste is prohibited. “Improper disposal” shall include disposal of

recyclable materials mixed with trash. It is the responsibility of the hauler to separate recyclables from mixed trash before disposal at the Transfer Station.

- 11. Failure to comply with Section V of these regulations shall constitute a violation and may result in a show cause hearing before the Board of Health to determine whether the permit should be suspended or revoked and/or the issuance of fines in accordance with Section I of the Board of Health Regulations.

Article 7 Fee Schedule

Last Amended: 8-7-18, 12-4-18; 1-7-19; 12-17-19

1. REAL ESTATE OWNERS/YEAR ROUND RESIDENTS

- a. Transfer Station Annual Permit..... \$100.00
- ~~Swap Shop Only Permit (limited to 2 per household).....\$10.00~~
- Second Annual Permit..... \$25.00
- Third Annual Permit.....\$25.00
- b. ~~Six Month Permit.....\$55.00~~

2. REFUSE HAULER USERS

- a. Commercial Refuse Annual Permit (DPW).....\$125.00 per vehicle
- b. Truro Refuse Haulers Permit (BoH).....\$50.00
- c. Commercial Refuse Disposal Fee..... \$160/ton for household trash
- d. Commercial Refuse Disposal Fee..... \$130/ton for recyclables

3. SEASONAL PERMITS

- a. Monthly.....\$50.00
- b. Weekly.....\$25.00

4. PRICES FOR ITEMS

- a. Fuel oil tanks (see Fire Chief; Must be purged and cleaned).....\$25.00 per item
- b. "White Goods" and other large metal objects..... \$25.00 per item
- c. Gasoline tanks (see Fire Chief-Must be purged and cleaned) \$ 10.00 per item
- d. Automobile batteries \$4.00 per item
- e. 55 gallon drums (cleaned)..... \$15.00 per item
- f. Television and computer monitors.....\$20.00 per item
- g. Water Tanks..... \$5.00 per item
- h. Propane Tanks:
 - 1.) 1 lb – FREE
 - 2.) Any other size: \$15.00
- i. Tires.....\$6.00 per item
- j. Residential Toilets.....\$20.00 per item
- k. Soft furniture, box springs and mattresses..... \$45.00 per item
- l. Composters.....\$15.00 per item
- m. Recycling Containers.....\$6.00 per item
- n. Food Scrap Bucket.....\$6.00 per item

5. There is no charge for placement of the following items, at designated areas:

- a. All rechargeable batteries
- b. All types of fluorescent lamps/bulbs
- c. All types of computer parts
- d. All types of motor oil & filters

6. If scale is out of service

- Solid Waste- compacted.....\$36.00 /cubic yard
- Solid Waste-loose, or not compacted.....\$15.00 /cubic yard

- Recyclables..... \$20.00/cubic yard

**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

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 protection to 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,

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TITLE 5, STATE ENVIRONMENTAL CODE**

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Commented [EB1]: For discussion at 4-18-2023 BoH meeting

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- 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 system with leaching areas/pits that are essentially at capacity, as defined in this section 6 article 3.1.i;
- h) any systems that were not designed to accommodate the present existing use of the facility served;
- 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: ~~Undefined as the use of an I/A systems for the upgrade of a Failed or Nonconforming~~ Septic System when there is ~~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 in use that ~~may~~ 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 Accessory Dwelling Unit 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 requir~~e~~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.~~

Commented [GJCS]: Or any period of time you think is reasonable.

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 upgrading septic systems

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 nPrior.~~ 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 nNonconforming or failed sSystems 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 including~~ creation of an LLC;

- c) Prior to any change of use or increase in design flow of the facility served by a system;
- b)j) Prior to the subdivision or partitioning of a parcel on which a nonconforming ~~or failed~~ septic system is located;
- e)j) ~~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;~~
- e)h) ~~If a~~ ~~When a~~ facility ~~served by a 1978 code system the non-conforming or failed system-~~ is replaced, relocated, added-to or demolished, except when ~~the building was the facility 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~~
- f)j) 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.
- g)j) 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].~~
- h)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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Commented [GJC6]: The purpose of this change is not clear.

Commented [EB7]: This change allows a compliant system to remain in case of fire, meaning that it passes inspection. Otherwise there would be an automatic upgrade to at least the 1995 code.

Commented [EB8]: The Board should discuss whether they see value in retaining this section, as we do require an upgrade with a tear-down.

Commented [EB9]: Need date

2. Multiple Systems on One Lot.

- a) ~~On a parcel with more than one non-conforming septic system, in the event of the failure of one septic system on a lot that has with more than one 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 listed below.

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.

Examples of possible scenarios include:

- When an upgrade can be delayed until Best available technology (BAT) is available;
- When circumstances dictate that a solution cannot be implemented until a future date;
- When a property is a candidate for future sewer connection that may become available;
- When the size or location of the property dictates it be part of a shared system with another property;

All Administrative Consent Orders shall include 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 either pay a betterment fee or complete the installation; said sum may be paid in installments.
* (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- example \$48/gallon of title 5 design flow for installing a standard title 5; \$65/gallon of title 5 design flow for connection to the Provincetown sewer; \$97/gallon of title 5 design flow for installing an I/A or enhanced I/A title 5.)
3. The Property owner agrees to upgrade the system or connect to a public sewer upon expiration of the stay;
4. The Property owner agrees to periodic inspections and pumping of the system as needed;
5. The Property owner agrees to abate any imminent health hazards arising prior to upgrade of the system, which may require earlier repairs or upgrade;
6. Stipulated penalties for failing to comply with the ACO; and
7. 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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Notwithstanding the terms of this Regulation or an ACO issued pursuant thereto, the Board

Proposed amendments to Truro BoH regulations

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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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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 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.

Commented [EB11]: it was suggested that the Board consider setting a threshold value for the building permit, such as greater than \$10,000.

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

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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 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.~~

~~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.

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- 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 ~~is~~are 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.~~

~~(4)(5)~~ **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.

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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.
- 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.

Commented [EB13]: This would be in conflict with a future where shared-cluster systems may be prescribed

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.

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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.~~
- ~~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.

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).

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- 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.

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. ~~T~~his 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~~eporting 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.~~

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- 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.~~
- 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

For ~~all~~ systems designed and approved prior to ~~March 31, 1995~~~~2001~~, the size of the existing, ~~installed~~ system shall no ~~longer~~ be considered and all ~~previous approvals for "future use" are hereby expired.~~ ~~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.

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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.

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.
- 5)6) ~~A deed restriction is required by the Board of Health or their Agent prior to sign-off on all Accessory Dwelling Units specifying the terms of approval including 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 **nitrogen loading requirements** set forth in 310 CMR 15.214 and ~~contains~~ **shall have** at least ten thousand (10,000) square feet of Buildable Upland (as defined in Article 1 hereunder) for every 110 gallons per day of **title 5** 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

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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 p~~Pressure distribution may be required when indicated and determined by the Board, ~~iso mitigation 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

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.~~

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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 ensuring correction of any defective conditions upon discovery of same. Notwithstanding the foregoing, septic system repairs shall be conducted only by licensed septic installers.

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

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1. Leach areas 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 system inspection indicates that the septic tank has not been pumped within 3 years, system inspection 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.

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Article 165- 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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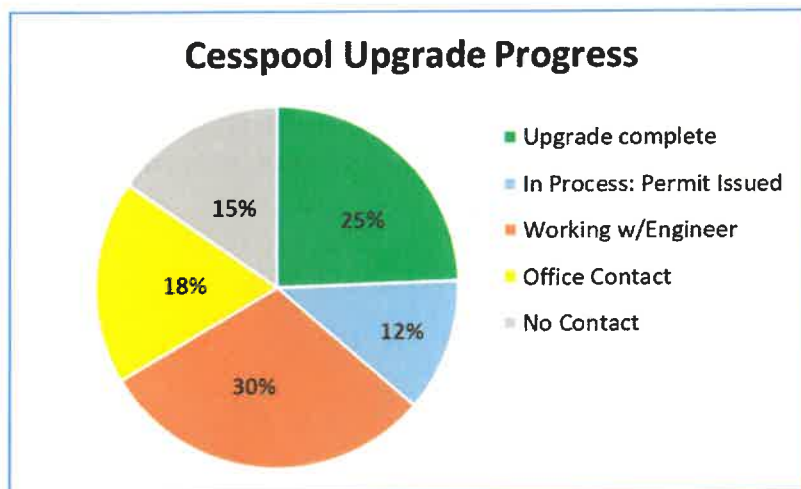
TOWN OF TRURO
HEALTH & CONSERVATION DEPARTMENT
24 Town Hall Road, Truro 02666
508-349-7004 x119

Memo to: Truro Board of Health
From: Emily Beebe, Truro Health & Conservation Agent 
Date: April 18, 2023
Re: **Water Resources Update April 2023**

Regarding cesspool upgrades to Title 5

To date, 37% of the properties with cesspools have either completed the upgrade process or have permits issued to do so. 30% are working with engineers and 18% 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 27 homeowners who we have not yet heard from, so that we may assist them in their efforts to comply.



Regarding Administrative Consent Orders (ACOs) Pending revisions to the Board of Health regulations incorporate the use of ACOs to form legal agreements between the Board of Health and property owners regarding the specific circumstances about their septic upgrade process. ACOs will include a compliance schedule that is specific and unique to each property.

Regarding stormwater management- Stormwater and Sediment control regulations will be advanced to the Fall Town Meeting. Regulatory Board comments will be pursued, and education about the goals of this bylaw will be developed.

Regarding Private well water quality:

Article 6, section 12 in the 2023 Annual Town Meeting warrant will fund “a hydrogeologic evaluation of a Truro Neighborhood (Pond Village)”. This article will fund the project to install monitoring wells, evaluate the groundwater flow direction and the basic water quality of the project area.

We hope that this project will increase the public's understanding about the source of their drinking water and will supply us with the data the Board of Health needs to change the current regulations about locating drinking water wells.

Regarding Wastewater Management Planning:

Article 6, section 13 in the 2023 Annual Town Meeting warrant will fund the second phase of the Comprehensive wastewater management plan. The Planning process is underway with funding from the Towns allocation of ARPA funding. The engineering firm completing the plan is GHD. Updates on planning progress will be available in the May water resources report.

Regarding PFAS:

We have had contact with the DEP, and they are conducting a source investigation relative to the PFA's at Stones Throw Condominium. To be clear, Stones Throw is not a source- but because they operate a non-transient water supply well that has PFAS above the state standard, their SOP includes investigating what the potential source of the PFAs may be. They will develop access agreements and explore the history of properties within a 500 foot radius of the Stones Throw.

Possible sources would be locations where a fire had occurred, or even where a septic system was located.

Water Resources discussion with Provincetown:

We will be meeting with the Provincetown staff/consultant team 4/18 to discuss details on the water storage tank design/location alternatives, to review their report on future demand, and to discuss the joint water resources plan.

Minutes of the Truro Board of Health, Tuesday January 17, 2023

This was a remote meeting.

Board members in attendance:

Chair Tracey Rose, Vice Chair Jason Silva; Board Members: Brian Koll, Helen Grimm, Tim Rose; Alternate Candida Monteith; Also Present: Health Agent Emily Beebe, Assistant Health Agent Courtney Warren.

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:

No Public Comment.

Local Variance Request: 108 Slough Pond Road (continued from December 20, 2022):

Linda Cronin from CSN engineering represented the owners. The project requires a variance to install standard Title 5 systems instead of an innovative/alternative system due to the unique situation on the property. The property is 1.5 acres and developed with 3 structures: a bunkroom, main cottage and studio. All dwelling units are served by Clivus composting toilets; however, no plumbing or septic permits were obtained for the composting toilets and no building permit was issued for the studio, which was built in 2004. To mitigate this issue, the engineer proposed filing plumbing permits retroactively; the plumbing would then be inspected. The bedroom count on the property totals 7-bedrooms, which triggers the need for an I/A system under local BoH regulations. The proposal included decreasing the bunkroom from 4 to 3 bedrooms, bringing the property bedroom count to six. The septic system will only be utilized for gray water and the applicant is requesting a variance to allow use of a 1000-gallon tank for the studio. A 1500-gallon tank will be utilized for the other system serving the remaining buildings. Board Chair Tracey Rose asked the Health Agent for her opinion on the proposal. The Agent suggested that a deed restriction should be required to state that upon transfer of deed this matter would need to be returned to the Board of Health to discuss composters with the new property owners, and that the system approved was for gray water. Board member Jason Silva asked about potential rentals and the need for a 2-compartment tank. Board member Helen Grimm inquired about the timeline and sequencing of reconfiguring the bedrooms and installing the system. Linda Cronin stated that the owners want to get started on the project right away. The Agent suggested that since the use of the studio and bunkhouse were accessory to the Main house, it should be noted as such, and that if any were separately rented a 2-compartment tank would need to be installed.

Motion: Jason Silva moved to accept the variance to the I/A requirement with conditions including plumbing inspection of the composting toilets, a deed restriction denoting the presence of the composting toilets, and a notice of the need for a two-compartment tank if the cottage is rented separately (non-single-family use).

Second: Tim Rose; **Vote:** 5-0. The motion carried.

Local Variance Request: 18 Bay View Drive (continued from November 1, 2022):

Jane Petterson was on the call to represent the property owner. Chair Tracey Rose gave a brief summary of the variance request from the owner to not upgrade the existing cesspool before December 2023. The Health Agent described how to ensure the property remained at four legal bedrooms. Board Chair Tracy Rose asked whether the property was rented. Jane Petterson stated

that it had never been rented, and that the homeowners have agreed to a deed restriction stating that the space above the garage is not to be used as a bedroom. They are currently investigating the cost of installing proper egress windows for the bedrooms in the basement. Board Chair Tracey Rose inquired why they needed the variance for extending the time limit for the upgrade. Jason Ellis was on the call and added that the cost of the upgrade was the reason for the request for extending the deadline. The Health Agent suggested continuing the matter. Board member Helen Grimm asked whether the homeowner has explored the financing options available. The property will most likely transfer, but Jane Petterson will go over the financing options with them. **Motion: Board Member Jason Silva move to continue the matter until March 7, 2023. Second: Tim Rose; Vote: 5-0-0; the motion passed.**

Local Variance Request: 8 North Union Field Rd (continued from January 3, 2023): Marjorie Corea, Alan Corea and Danny Gonsalves (from Down Cape Engineering) were on the call to represent the variance request. Danny Gonsalves described the property as a three-bedroom dwelling on a 29,695 sq. ft. lot, which is 305 sq ft short of the 30,000 square foot threshold, and therefore not needing to upgrade to an I/A system. Danny Gonsalves requested that the board waive the requirement to install I/A and proposed a standard Title 5 three-bedroom system instead. A deed restriction had been discussed, which would describe the property as a two-bedroom property. At time of transfer, either the septic system could be upgraded to an I/A system to keep the three bedrooms or alternatively a bedroom could be removed. The Health Agent also gave a brief overview of the location, pointing out that the property is in the Zone2 of the North Unionfield public water supply wells. Board Chair Tracy Rose asked if they could eliminate a bedroom now. The owner stated that there are construction limitations that don't easily allow for that. Board member Jason Silva asked how many people currently reside in the house to which Marjorie Corea stated that only she lives there. He added that the deed restriction would be a good route because it would trigger the need for I/A when the use of the property changes.

Motion: Board Member Tim Rose moved to approve the variance to require I/A with the condition that a deed restriction be recorded. Additionally, if the property is rented, the septic system must be upgraded to an I/A system. Second: Brian Koll; Vote: 3-0-2; Board members Helen Grimm and Jason Silva abstained; the motion carried.

Update from DPW Director:

a. **Transfer station**

Jarrold Cabral gave an update on the Transfer Station operations. He described that both solid waste and recycling tonnage has decreased since last year, and that they no longer were taking commercial food waste. There has been a complete turnover in staff this year. A new supervisor is on board and hiring is continuing. Although no fee increases are recommended, they are proposing to eliminate the 6-month permit.

b. **Mill Pond Culvert restoration alternatives**

Jarrold Cabral gave a brief overview of the culvert and breach options for Mill Pond Road including issues with raising the road, the environmental benefits and the impacts from sea-level rise. This project would be primarily grant funded, and grant funding would not include any future maintenance or raising the road elevation. He reported that the public safety

aspects of the alternatives had been discussed with Chief Calise and impacts on police response time would be minimal. Chief Collins was concerned about access to certain areas of Mill Pond Road and that a turn-around would be needed for the emergency vehicles. This will be presented to the Climate Action Committee, the Energy Committee, and the Select Board. The larger breach option would reduce overall project costs, future maintenance costs and environmental impacts, and was therefore preferred. The elimination of vehicle traffic from implementation of the full breach option would lead to improvements in water quality with the removal of stormwater from the paved road. The resulting restoration of the salt marsh is beneficial in combatting climate change. Board member Jason Silva mentioned the importance of acting in a way that benefits the environment and mitigates the effects climate change and sea level rise.

There were several abutters on the call, including Carole Reichhelm, a direct abutter to the southwest of the culvert. She expressed surprise about the project proposal and asked the town to do more study because of the need for accommodating emergency access., Mill Pond data and project proposal is available on the Town of Truro Webpage under the Department of Public Works environmental projects. A public hearing will be held in March.

Water resources update:

The Health Agent presented her report: Cesspool upgrades are progressing; Administrative Consent Order meetings are beginning to happen with certain properties; A rough draft of general by-laws addressing stormwater management is currently being reviewed by the town's water resources consultant and will likely be brought to a future town meeting.

Citizen Jack Riemer asked about the need to locate a new public water supply as mentioned in a draft of the open space & recreation plan. He asked that the Board discuss this at a future meeting. He also asked about the PFAS that has been detected in the Stones' Throw Condominiums public water supply well. Chair Tracey Rose answered that this is a new situation and that DEP is working closely with the condominium association.

Re-organization of the Board:

Because Brian Koll had to leave the meeting before this agenda item came up, the Board decided to wait until the whole Board could be present for the reorganization.

Motion: Board Member Jason Silva moved to continue the reorganization of the Board until the next Board of Health meeting.

Second: Tim Rose; Vote: 4-0-0; The motion passed.

Minutes:

November 15, 2022

Motion: Board Member Tim Rose moved to approve the minutes for November 15, 2022;

Second: Jason Silva; Vote: 5-0-0; the motion passed.

December 6, 2022

Motion: Board Member Jason Silva moved to approve the minutes for December 6, 2022;

Second: Helen Grimm; Vote: 3-0-2; Tim Rose and Candida Monteith abstain from the vote because they were absent at the meeting; the motion passed.

Report of the Chair:

Chair Tracy Rose stated that she had nothing to report.

Report of the Health Agent:

The Pond Road stormwater improvement plans have progressed to a 30% design level. This work was recently reviewed by staff, with the consultant HWG. Next steps will be to have discussions with adjacent property owners.

Board member Tim Rose moved to adjourn the meeting: Second: Board member Jason Silva; Vote: 4-0-0, the motion passed.

The meeting was adjourned at 6:59 P.M.

Respectfully submitted by Nina Richey

Minutes of the Truro Board of Health, Tuesday February 7, 2023

This was a remote meeting.

Board members in attendance:

Chair Tracey Rose, Vice Chair Jason Silva; Board Members: Brian Koll, Helen Grimm, Tim Rose; Alternate Candida Monteith; Also Present: Health Agent Emily Beebe, Assistant Health Agent Courtney Warren.

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:

Kevin Kuechler made a public comment regarding the nitrate data that was presented in the January water resources report. Carol Reichelm added a public comment regarding the Mill Pond Restoration Project and wanted to understand the Board of Health's role in the project.

Mill Pond Road Discussion: Jarrod Cabral, DPW Director summarized the Mill Pond Project and the alternatives being considered. He described the goal of the proposed project as the replacement of an undersized culvert leading to Mill Pond to restore the ecological function of the salt marsh. He described four different alternatives including two culvert options and two breach options. Water resources consultant Scott Horsley's comments were read into the record supporting the breach approach. When asked why the matter was before the Board, Mr. Cabral stated that it was in the purview of the Board of Health because of the impacts to water quality. He read the Select Board goals and objectives that were directly related to this project. He addressed safety issues raised about Depot Road by describing different traffic calming options to deter speeding and stated that raising the road would require a wider roadbed base which would add more fill to the salt marsh. Because Pamet Harbor is considered historic, the Historic Commission will be a part of the planning process. The Health Agent described the importance of salt marsh ecological health to address sea-level rise and it provides habitat for shellfish and finfish. Salt marsh filters nutrients from runoff, and sequesters carbon, all of which is why the project was before the Board of Health. Mitchell Buck from the Woods Hole Group described the NOAA projections for sea-level rise. He said that many factors need to be considered in the planning process; however, a restoration project was always a win-win.

Board member Candida Monteith was concerned with access to Mill Pond Road after the breach occurred, and suggested a wooden bridge be considered. Board member Tim Rose did not think the road should be removed and suggested shoring it up instead of creating a side slope. Board member Jason Silva suggested that there were 2 parts of the discussion- engineering, and water quality. Improving the water quality addresses the overall health and safety of the public and increasing tidal flow would be great. Carole Reichelm asked if equal water quality outcomes resulted from the restoration alternatives. Mitchell Buck responded that they only looked at restoration described as flushing levels, based on the size of the opening; the improvements *from flushing* were equivalent. Jarrod Cabral added that the removal of the impervious surface and vehicle travel would reduce stormwater inputs and was only a benefit with the breach design. He concluded stating that there would be a public hearing on March 8 about the project and that the Mill Pond Project data is on the Truro webpage.

Local Variance Request: 2 Ryder Hollow Rd, Map 63, Parcel 14; Chair Tracy Rose introduced the agenda item and reminded the Board about the importance of the Title 5 regulations and that towns could also adopt more stringent regulations to adapt to the conditions of that town. Laura Schofield, RS from Schofield Brothers Engineering, was on the call to represent the project. The owners are requesting a variance to the Truro Board of Health regulations for nitrogen credit in order to add a third bedroom as well as a variance to the local setbacks to wetland resource. By Title 5 regulations the lot is large enough for three bedrooms but because the local regulations allow only upland in the calculation of lot area, it falls short. To counter this, they propose to install an enhanced Innovative/Alternative septic system. Because the Nitroe system is under provisional approval, the design needed to show complete compliance with Title 5. Laura Schofield presented calculations of the nitrogen load scenarios using the Brewster Nitrogen Loading spreadsheet. This spreadsheet included nitrogen loading inputs from the site other than just the septic system. Based on her calculations the concentration of nitrogen at the site property line is 4.64 ppm nitrogen existing, but would be 1.16 ppm with the enhanced treatment. This is a 75% reduction of the nitrogen load. Laura Schofield believes that the proposed project complies with the intent of the Board of Health regulations. She also described the Nitroe system, and the Agent explained the “provisional” use approval. The former cesspool on this property was updated in 2021 and the property transferred in 2022. Chair Tracy Rose reminded the board that the definitions in section 6, article 1 of the regulations was created to prevent this type of request for nitrogen credit through I/A installation with the exception of an Accessory Dwelling Unit (ADU) being created. Board member Jason Silva can see both sides of this argument but stated that water quality should be the number one factor when deciding nitrogen credit. Chair Tracy Rose stated they might revisit the Article 1 regulation; however, the overall objective and big picture needs to be considered when factoring the intent behind the regulation. She added that the nitrogen numbers for this specific project are impressive, but it is important to consider the long-term consequences of approving a project like this one. Board member Helen Grimm added that although the nitrogen numbers are impressive, approval may set a precedent. Board member Tim Rose suggested a deed restriction. The Health Agent added that the variance process is in place so that the board can review projects that fall in their purview and may affect the overall health of the public leaving the approval or denial to their discretion. Each case is unique, and this project is complicated because it does offer an overall health benefit to the area. Laura Schofield added that while planning for the project she reviewed the regulations and expressed that the regulations stated intent is to protect groundwater and improve existing conditions, not to prevent development. She also added that the provisional permit stipulates constant evaluation of the system on-site. The system will continuously be monitored and not just installed and forgotten. Helen Grimm added that this project will allow the board to gather more information and agrees that there is concern about the precedent it might set.

Motion: Board Member Tim Rose moved to approve the variance request with a deed restriction limiting the property to three bedrooms and that the standard I/A system testing be in place; Second: Jason Silva; Vote: 4-0-1; Tracy Rose abstained; the motion passed.

The Board then went on to approve a finding that this approval was largely based on the presentation by the engineer which included unique nitrogen loading calculations regarding lot size and characteristics, size of structure, and the amount of development on the site.

Motion: Board Member Tim Rose moved to approve the finding; Second: Brian Koll; Vote: 5-0-0; The motion passed.

Discussion on DEP changes to Title 5: The Health Agent reviewed her memo to the Board and Town Manager about the impact of the proposed changes to Title 5 with nitrogen reduction as a primary objective. Currently Truro only has a TMDL for pathogens in the Pamet Harbor but no nitrogen TMDL as of yet. The town is working to develop a Comprehensive Wastewater Management Plan and that will eventually be used to create a targeted watershed plan. Since Truro and Wellfleet share a watershed, some of south Truro is impacted by Wellfleet's targeted watershed plan for their harbor. Laura Schofield noted that it is difficult to advise the seven property owners she is working with to upgrade their cesspools due to the uncertainty in the Title 5 regulations.

Karen Ruymann expressed concern about Scott Horsley's suggestion that we did not have a TMDL for Pamet Harbor- yet.. She asked if the board could discuss fertilizer use at a future meeting. She also suggested more educational outreach. Kevin Kuechler asked about sources of funding for enhanced I/A systems from the County/State/Town and if that could also extend to sewer projects.

Re-Organization of the Board

Motion: Tracy Rose nominated Jason Silva to be vice chair and Jason Silva accepted the nomination. Vote: 5-0-0; the motion passed.

**Motion: Tracy Rose nominated Tim Rose to be the clerk of the Board. Second: Brian Koll
Second: Brian Koll; Vote: 5-0-0; the motion passed.**

Motion: Jason Silva nominated Tracy Rose to be chair and Tracy Rose accepted the nomination; Vote: 5-0-0; the motion passed.

Minutes: December 20, 2022 Motion: Board Member Helen Grimm moved to approve the minutes from December 20, 2022; Second: Brian Koll; Vote: 4-0-1; Tim Rose abstained because he was absent from that meeting; the motion passed.

Report of the Chair:

Chair Tracy Rose had two topics to bring to the Board's attention and add to a future agenda: A dog leash by-law discussion and a fertilizer discussion.

Report of the Health Agent:

The Health Agent will investigate the dog leash by-law discussion in Falmouth. She reported that a draft stormwater by-law is being discussed. A discussion about fertilizer will also take place and a potential by-law could be included at a future town meeting. The Town is also discussing the means for disbursement of the Opioid settlement funds. The Outer Cape Agents are working together on the process and how this money may be spent.

Board member Tim Rose moved to adjourn the meeting: Second: Board member Jason Silva; Vote: 5-0-0, the motion passed.

The meeting was adjourned at 7:19 P.M.

Respectfully submitted by Nina Rich