



# Truro Board of Health

Tuesday May 2, 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 (*continued from April 18, 2023*)
  - a. **Request for waiver of time:** 70 Shore Road, owner Dorothy Mowry
2. **Change of Manager:** 670 Shore Road, Pilgrim Colony Condo Association, Jill Bitway, proposed new manager
3. **Change of Manager:** 510 Shore Road, Sea Haven, RKM, proposed new manager, will be off-site, (3units)
4. **New Farmers Market Permit:** Koni Coffee Company, James DeRosier

## III. PUBLIC HEARING

### 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

## IV. MINUTES

## V. REPORTS

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



Fee: \$75.00



**APPLICATION FOR BOARD OF HEALTH VARIANCES**

Date: 4/5/23

**PAID**

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:

\_\_\_\_\_

Fee: \$75.00



**APPLICATION FOR BOARD OF HEALTH WAIVER OF TIME**

BOH Reg. Section VI, Article 3(1)a. Required Upgrade Upon Property Transfer

Date: 4/27/2023 Board of Health Hearing Date: May 2, 2023  
Address of Property: 70 Shore Road  
Map & Parcel: Map 36, parcel 100  
Anticipated Date of Property Transfer: June 15  
Length of Time Requested to Complete Upgrade: \_\_\_\_\_  
Design Engineer/Sanitarian: ECO-TECH Phone #: 508-364-0894

**SELLER'S INFORMATION:**

Seller/Property Owner's Name: Dorothy Mowery  
Mailing Address: PO Box 536, No. Truro 02652  
Phone #: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
Seller's R.E. Broker: Natalia Weiner Phone #: \_\_\_\_\_  
Email: \_\_\_\_\_ Gibson Sothaby-Harwich off.

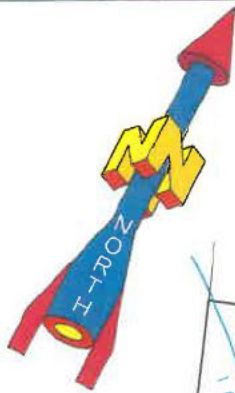
**BUYER'S INFORMATION:**

Buyer's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
Buyer's R.E. Broker: \_\_\_\_\_ Phone #: \_\_\_\_\_  
Email: \_\_\_\_\_

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

Dorothy Mowery  
Signature (Property Owner)  
4.27.23  
Date

\_\_\_\_\_  
Signature (Buyer)  
\_\_\_\_\_  
Date

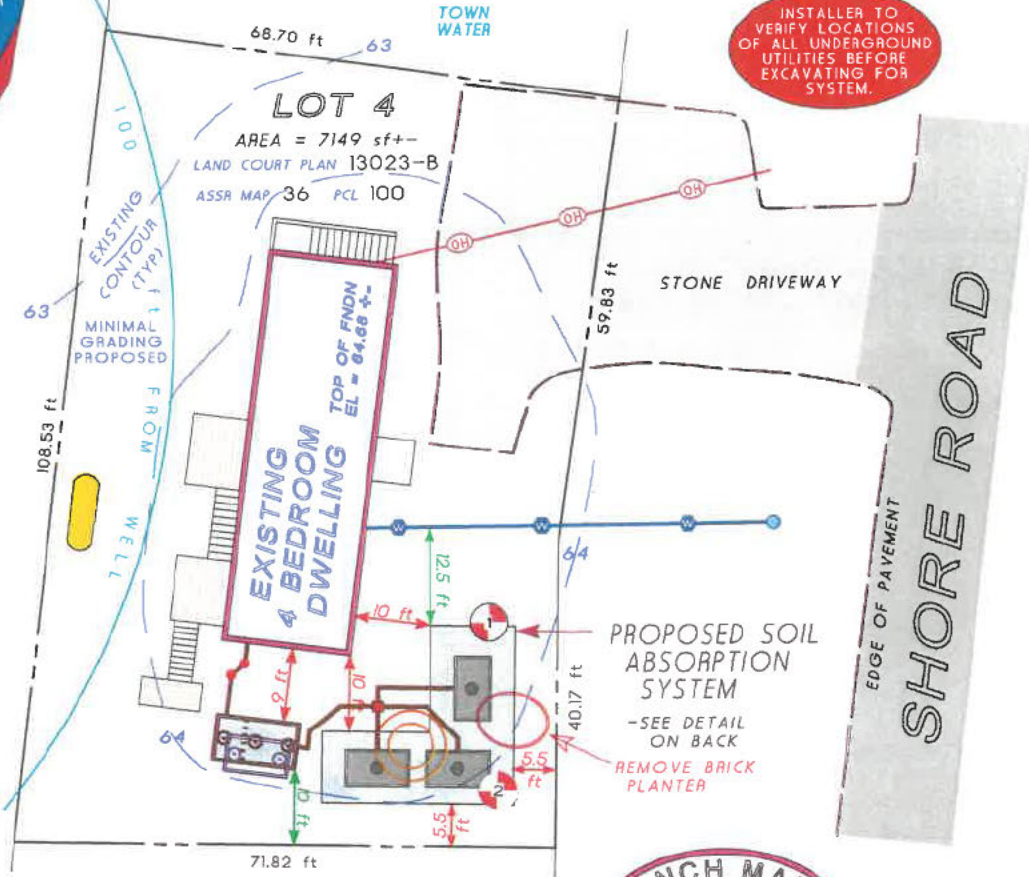


**THIS IS A COLOR PLAN**  
 USE COLOR PLAN ONLY FOR INSTALLATION  
 FULL DETAIL IS BEST VIEWED IN FULL COLOR



UTILITIES	
WATER LINE	
WATER GATE	
OVERHEAD WIRE	
UNDERGROUND PROPANE TANK	

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

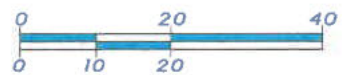


LEGEND SEPTIC COMPONENTS	
	REMOVE EXISTING 1000 GAL SEPTIC TANK
	INSTALL 1500 GALLON 2 COMPARTMENT "FAST" SEPTIC TANK
	REMOVE EXISTING LEACH PIT
	DISTRIBUTION BOX
	TEST PIT
	CLEAN OUT TO GRADE

TOWN WATER

# 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.

**BENCH MARK**  
 USGS DATUM ASSUMED  
 ELEVATION 64.68  
 TOP OF FOUNDATION

APR 06 2023

## VARIANCES REQUESTED

- 310 CMA 15.211(D) - SOIL ABSORPTION SYSTEM TO CELLAR WALL. 20 ft MIN REQUIRED - VARIANCE TO 10 ft SEPARATION REQUESTED.
- 310 CMA 15.211(K) - SOIL ABSORPTION SYSTEM TO PROPERTY LINE. 10 ft MIN REQUIRED - VARIANCE TO 5.5 ft SEPARATION REQUESTED.
- 310 CMA 15.211(D) - SEPTIC TANK TO CELLAR WALL. 10 ft MIN REQUIRED - VARIANCE TO 9 ft SEPARATION REQUESTED.

FOR INFO ON "FAST" SYSTEMS CONTACT MIKE MOREAU  
 mikem@jrsalesinc.com, 508-823-9566 OR GO TO  
<https://biomicrobics.com/resources/product-technical-downloads/microfast/>

THIS PLAN IS INTENDED SOLELY FOR INSTALLATION OF THE SEPTIC SYSTEM DEPICTED ON IT. FOR ANY OTHER CHANGES TO THE PROPERTY INCLUDING PLACEMENT OF ADDITIONS, SHEDS, FENCES OR SWIMMING POOLS, OWNER SHOULD CONSULT WITH A MASSACHUSETTS REGISTERED LAND SURVEYOR.



COMMONWEALTH OF MASSACHUSETTS  
 DAVID D. COUGHANOWR No. 1093  
 REGISTERED SANITARIAN

COMMONWEALTH OF MASSACHUSETTS  
 DAVID D. COUGHANOWR No. 401  
 APPROVED SOIL EVALUATOR

**ECO-TECH RAPID RESPONSE**  
 EST. 1995

**SEWAGE DISPOSAL SYSTEM PLAN**  
 -TO SERVE EXISTING DWELLING  
 DOROTHY R MOWERY  
 OWNER(S) OF RECORD  
 70 SHORE ROAD  
 NORTH TRURO, MA  
 PROPERTY ADDRESS  
 DATE: APRIL 5, 2023  
 PG. 1/2 JOB# ETE-4709

155 Geo Ryder Rd 5  
 Chatham, MA 02633  
 Davidcough@hotmail.com  
 508 364-0894

# SOIL TEST LOG DATE: MARCH 28, 2023

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

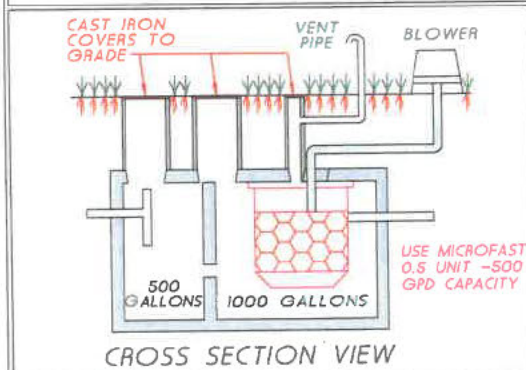
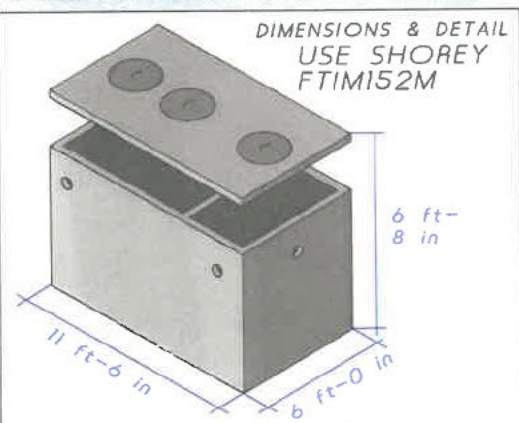
**TEST PIT 1** NO GROUNDWATER ENCOUNTERED  
 PERC AT 76 in - 2 MIN/INCH IN C SOILS

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

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

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

## 1500 GALLON "FAST" DUAL COMPARTMENT SEPTIC TANK



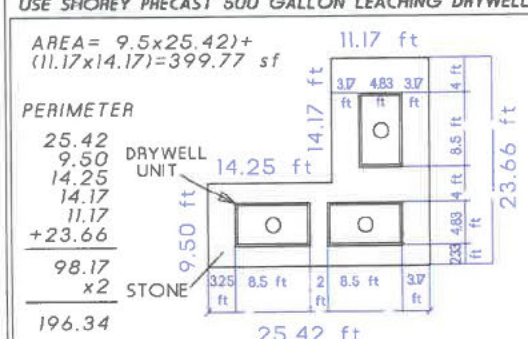
- NOTES**
- INSTALLER TO OBTAIN DISPOSAL WORKS PERMIT BEFORE STARTING WORK.
  - ALL COMPONENTS INSTALLED SHALL MEET THE MINIMUM REQUIREMENTS OF MASSACHUSETTS TITLE 5 SEPTIC CODE (310 CMR 15).
  - ECO-TECH RAPID RESPONSE RECOMMENDS THE INSTALLATION OF LOW FLOW FIXTURES & APPLIANCES, AND PERIODIC PUMPING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

## DESIGN CALCULATIONS

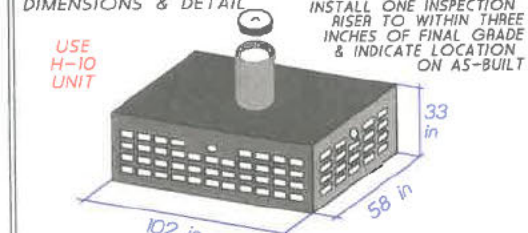
DESIGN FLOW: 4 BEDROOMS X 110 GPD = 440 GPD  
 SEPTIC TANK: 440 GPD X 2 DAYS = 880 GALLONS  
 REMOVE EXISTING 1000 GALLON SEPTIC TANK. INSTALL NEW 1500 GALLON "FAST COMPATIBLE" SEPTIC TANK.  
 DISTRIBUTION BOX: INSTALL 3 OUTLET H-20 D-BOX  
 SOIL ABSORPTION SYSTEM:  
 THE LONG TERM ACCEPTANCE RATE FOR 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

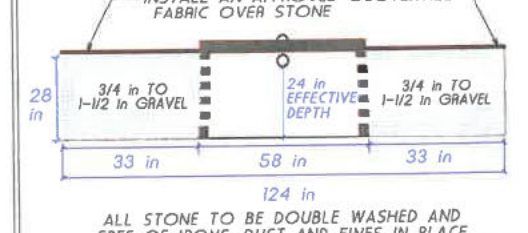


## 500 GALLON DRYWELL DIMENSIONS & DETAIL

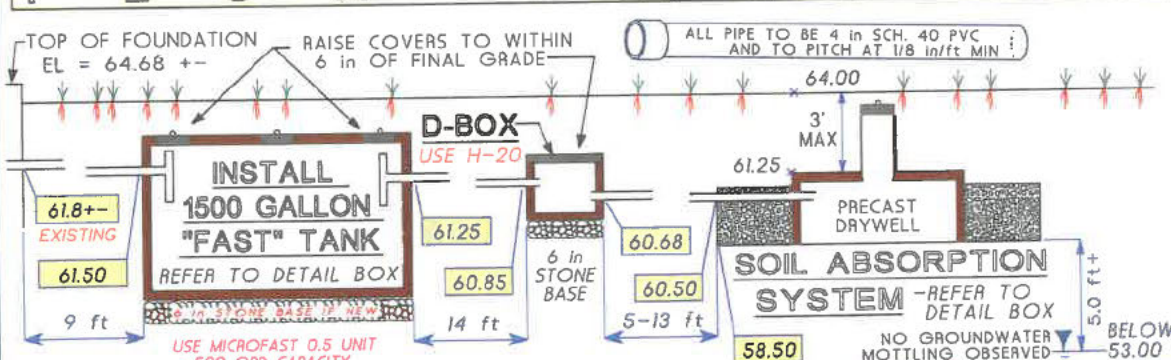


## CROSS SECTION VIEW

INSTALL AN APPROVED GEOTEXTILE FABRIC OVER STONE



## FLOW PROFILE



MAR 16 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: [ebeebe@truro-ma.gov](mailto:ebeebe@truro-ma.gov) or [adavis@truro-ma.gov](mailto: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: 2/23/23  
Print Name of Applicant: Jill Botway  
Business Name or DBA to be managed: Pilgrim Colony Condo Assn Number of Units: 9  
Street Address of Business: 670 Shore Rd Business Email: [REDACTED]  
Mailing Address of Business: ( Check if New Address) 45 Baldwin Farms South, Greenwich CT 06831

### Section 2 - Manager Information

Name of Previous Manager: Arthur D. Martinez On-Site Manager Unit #: 7  
Name of New Onsite Manager: Jill Botway On-Site Manager Unit #: 7  
Name of Property Management (10 Units or less): \_\_\_\_\_  
Mailing Address of New Manager and/or Property Management Company: 45 Baldwin Farms South, Greenwich, CT 06831 Phone (24 hours/day): [REDACTED]  
Name of Co-Managers: Terry McCumber 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.

Jill Botway  
SIGNATURE  
Terry McCumber  
SIGNATURE

Jill Botway  
PRINT NAME  
Terry McCumber  
PRINT NAME

2/23/23  
DATE  
3/15/23  
DATE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

### Section 3 - \*\*Office Use Only\*\*

Team Inspection (If over 3yrs since last one)	<input checked="" type="checkbox"/> Scheduled <u>4/18/23</u> Date	Fee <u>\$45.00</u>	Paid
Board of Health Hearing	<input checked="" type="checkbox"/> <u>5/2/23</u> Date	Fee <u>\$75.00</u>	

2/24/23  
REC'D  
1113

# TOWN OF TRURO

Health Department

P.O. Box 2030, Truro, MA 02666

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

Email: [ebeebe@truro-ma.gov](mailto:ebeebe@truro-ma.gov) or [adavis@truro-ma.gov](mailto:adavis@truro-ma.gov)

APR 21 2023

RECEIVED BY: \_\_\_\_\_



## 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: 4/20/2023

Print Name of Applicant: RKM Property Management

Business Name or DBA to be managed: Sea Haven Condominium Trust Number of Units: 3

Street Address of Business: 510 Shore Rd, N. Truro Business Email: info@rkmpropertymanagement.com

Mailing Address of Business: (  Check if New Address ) 74 Shank Painter Rd, Provincetown, MA 02657

### Section 2 – Manager Information

Name of Previous Manager: Russell Braun On-Site Manager Unit #: \_\_\_\_\_

Name of New Onsite Manager: RKM Property Management On-Site Manager Unit #: \_\_\_\_\_

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

Mailing Address of New Manager and/or Property Management Company: 74 Shank Painter Rd, Provincetown, MA 02657

Phone (24 hours/day): 508-487-1621 Email: info@rkmpropertymanagement.com

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.

Priscilla Silva  
SIGNATURE

Priscilla Silva  
PRINT NAME

4/20/23  
DATE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

### Section 3 - \*\*Office Use Only\*\*

Team Inspection  
(If over 3yrs since last one)

Scheduled

Date 01/30/2020

Fee  
\$45.00

Paid

Board of Health Hearing

Date 5/2/23

875.00

0103



PAID 5517

HEALTH DEPARTMENT  
TOWN OF TRURO

APR 21 2023

RECEIVED BY: NEW

FM# 2023-002

SUBMIT COMPLETED FORM TO THE HEALTH DEPARTMENT

Town of Truro

**Farmers Market/Ag Fair/Temporary Food Service Permit**

Applicant (check one)  private individual, organization or business  non-profit organization  
[must attach copy of Form 501(3)(c)]

Name of Business/Organization: KONI COFFEE COMPANY

Address: 199 COMMERCIAL ST 2ND FLOOR PROVINCETOWN, MA 02657

Authorized Representative or Contact:

Name: JAMES DEBONIS Email: JAMES@KONICOFFEE.COM

Address: \_\_\_\_\_

Telephone \_\_\_\_\_ Days: \_\_\_\_\_ Evenings: \_\_\_\_\_ Fax: N/A

Requested Location/Facility TRURO FARMERS MARKET

Requested Dates FULL MARKET JUNE - SEPT

Requested Times MON 9A-12P Rain Dates/Times (Must be completed) N/A

Before completing this application, read the temporary food service "Are You Ready?" Checklist. Have you read this material?  
 YES  NO

**FARMERS MARKET FOODS TO BE SOLD/SERVED**

**Foods to be Sold/Served**

- Packaged Baked Goods (breads, pies, cookies, cakes and confectionaries). Cream filled pastries, cheese cake or custard type pastries prohibited.
- Seed sprouts
- Jams or Jellies
- Shellfish: Lobster, Crab, Oysters, Clams
- Finfish
- Vinegar with or without herbs
- Dairy: Milk or milk products such as cheese.
- Meat or Poultry (processed in a federal/state licensed inspected facility)

Other: COFFEE, COLD BREW, TEA

**Food Sampling:** Y or  N If yes, attach sampling protocol.

**Base of Operations**

Foods prepared/processed at a Truro licensed facility. Name of licensed facility: \_\_\_\_\_

Foods prepared/processed outside Truro. Please attach a copy of your state or local food processing facility license, food establishment permit, food manufacturing license or residential kitchen permit and copy of your most recent inspection report.

**I agree to any conditions specified by the Board of Health, Board of Health Farmer's Market Policy, 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments - Chapter X, and the Federal 1999 Food Code.**

**PLEASE ATTACH COPY OF YOUR FOOD MANAGER CERTIFICATION AND ALLERGY AWARENESS TRAINING CERTIFICATE WITH THIS APPLICATION**



APPLICANT'S SIGNATURE

2/23/23  
DATE

**Market Manager Approval**

As the Market Manager for the Truro Farmer's Market, I have authorized the applicant to participate as a vendor. .

Market Manager Signature

4/20/23  
Date

**AGRICULTURAL FAIR/TEMPORARY FOOD SERVICE**

Menu: Attach or list all items. Any changes must be submitted and approved by the Health Department prior to the event.

**Organizations Conducting Food Preparation:**

List Names of all staff with a Food Manager Certification: (non-profit organizations, school events, church suppers and fairs exempt).

- 1. \_\_\_\_\_ Exp. Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_
- 2. \_\_\_\_\_ Exp. Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

List Names of all staff with an Allergen Awareness Certification: (non-profit organizations, school events, church suppers and fairs exempt).

- 1. \_\_\_\_\_ Exp. Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_
- 2. \_\_\_\_\_ Exp. Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Base of Operation: (licensed fixed food establishment): \_\_\_\_\_

List each potentially hazardous food item, and for each item check which preparation procedure will occur.

Menu Items	Thaw	Cut/ Assemble	Cook	Cool	Cold Holding	Reheat	Hot Holding	Portion Package
1. _____								
2. _____								
3. _____								
4. _____								
5. _____								

**SECTION B: At the booth:**

Menu Items	Thaw	Cut/ Assemble	Cook	Cool	Cold Holding	Reheat	Hot Holding	Portion Package
1. _____								
2. _____								
3. _____								
4. _____								
5. _____								

Note: If your food preparation procedures cannot fit these charts, please list all of the steps in preparing each menu item on an attached sheet.

Food Sampling: Y or  N If yes, attach sampling protocol.

I agree to any conditions specified by the Board of Health, 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments - Chapter X, and the Federal 1999 Food Code. The above described establishment will be operated and maintained in accordance with the regulations.

APPLICANT'S SIGNATURE

DATE

**HEALTH DEPARTMENT APPROVAL**

*Board of Health Comments or Conditions:*

---

---

Approved \_\_\_\_ Not Approved \_\_\_\_

BOH or Health Agent

Date

APR 24 2023

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**ServSafe**  
National Restaurant Association

# ServSafe<sup>®</sup> CERTIFICATION

## JAMES DEROSIER

for successfully completing the standards set forth for the ServSafe<sup>®</sup> Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)-Conference for Food Protection (CFP).

22060601

CERTIFICATE NUMBER

10778

EXAM FORM NUMBER

5/2/2022

DATE OF EXAMINATION

Local laws apply. Check with your local regulatory agency for recertification requirements.

5/2/2027

DATE OF EXPIRATION



#0655

A handwritten signature in cursive that reads "Sherman Brown".

Sherman Brown  
Executive Vice President, National Restaurant Association Solutions



HEALTH DEPARTMENT  
TOWN OF TRURO

APR 24 2023

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# CERTIFICATE OF ALLERGEN AWARENESS TRAINING

Name of Recipient: JAMES DEROSIER

Certificate Number: 5831700

Date of Completion: 5/18/2022

Date of Expiration: 5/18/2027



*The above-named person is hereby issued this certificate for completing an allergen awareness training program recognized by the Massachusetts Department of Public Health in accordance with 105 CMR 590.009(G)(3)(a).*

*This certificate will be valid for five (5) years from date of completion.*



Massachusetts Restaurant Association  
333 Turnpike Road, Suite 102  
Southborough, MA 01772  
508-303-9905  
[www.massrestaurantassoc.org](http://www.massrestaurantassoc.org)

Issued By:

  
NATIONAL RESTAURANT ASSOCIATION  
800.765.2122  
[www.restaurant.org](http://www.restaurant.org)



Commonwealth of Massachusetts

Fee: \$200.00

Board of Health, Provincetown, MA

Application date:  
December 19, 2022

FOOD ESTABLISHMENT LICENSE

James DeRosier  
**Kohi Coffee Company**  
199 COMMERCIAL ST U11  
Provincetown MA

HEALTH DEPARTMENT  
TOWN OF TRURO

APR 24 2023

RECEIVED BY.

**IS HEREBY GRANTED A LICENSE**

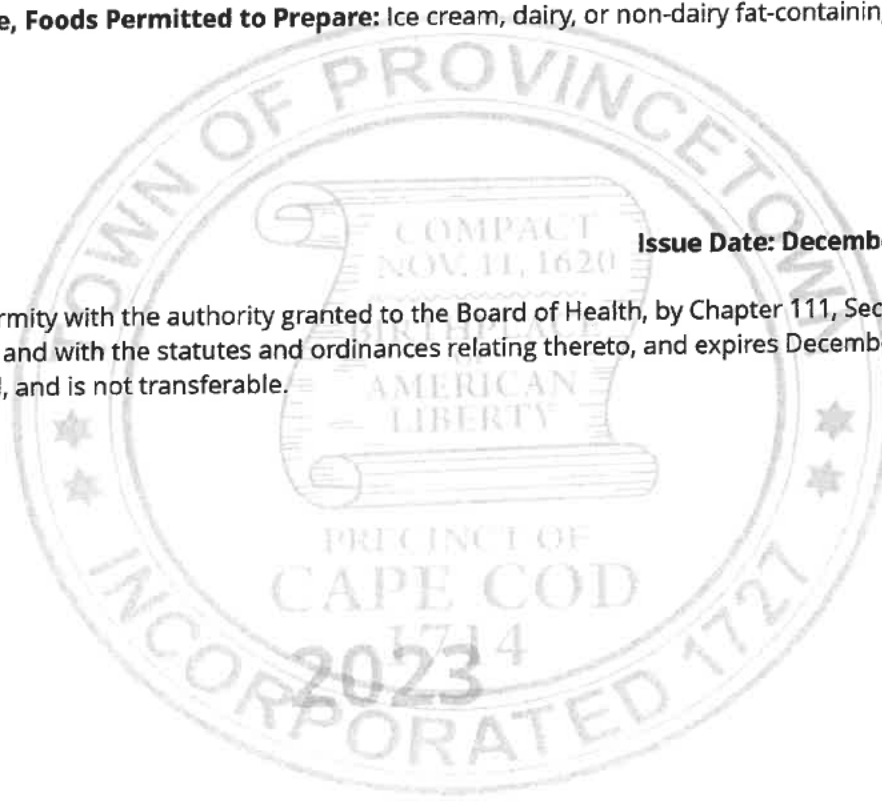
**TO OPERATE TYPE OF BUSINESS**

**Limited Facility Food Service, Foods Permitted to Prepare:** Ice cream, dairy, or non-dairy fat-containing beverages; Coffee & Tea;

**Permit No. BOH-20-2433 - 3**

**Issue Date: December 19, 2022**

This license is issued in conformity with the authority granted to the Board of Health, by Chapter 111, Section 31 of the Massachusetts General Laws, and with the statutes and ordinances relating thereto, and expires December 31, 2023 unless sooner suspended or revoked, and is not transferable.



Lezli Rowell,

Agent of the Board of Health



**THE COMMONWEALTH OF  
MASSACHUSETTS  
TOWN OF PROVINCETOWN**

**Fees  
\$\$105.00**

**COMMON VICTUALER LICENSE**

License Number: **LIC-23-2**

Issued Date: **January 17, 2023**

**Grantee:**  
Kohi Coffee Company

**Location:**  
199 COMMERCIAL ST U11

d.b.a. **Kohi Coffee Company**

**Manager:** James DeRosier

HEALTH DEPARTMENT  
TOWN OF TRURO

APR 24 2023

RECEIVED BY:

**IS HEREBY GRANTED A LICENSE**

in said PROVINCETOWN and that place only and expires ~~December 31, 2023~~  
12:00:00AM unless sooner suspended or revoked for violation of the laws of  
the Commonwealth of Massachusetts respecting the licensing of common  
victualers. This license is issued in conformity with the authority granted to the  
licensing authorities by General Laws, Chapter 140, and amendments thereto.

THIS ESTABLISHMENT IS  
LICENSED TO OPERATE FROM:

\_\_\_\_\_  
**Authorized Agent of the Licensing Board**

HEALTH DEPARTMENT  
TOWN OF TRURO

APR 25 2023

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**COLD BREW**

Single Origin 4.25 (12 oz) / 5.25 (16 oz)  
NoLA 4.50 (12 oz) / 5.50 (16 oz)

**ICED CHAI LATTE** 12 oz **5.25**

**ICED MATCHA LATTE** 12 oz **5.25**

**ICED TEA** 16 oz **3.75**

**FRESH SQUEEZED LEMONADE** 12 oz **4.00**

**COLD BREW "LATTE"** 12 oz **5.25**  
+ .95 Oat Milk  
+ .75 House-made Syrups (MOCHA, LAVENDER)

**HOUSE-MADE GRANOLA + YOGURT** **5.50**  
gluten-free/vegan, contains nuts

**OVERNIGHT OATS** **5.50**  
gluten-free/vegan

**PASTRY SELECTION**  
BY KōHi COFFEE COMPANY

**WHOLE BEAN COFFEE**

KōHi **MERCHANDISE**

\*Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions. Before placing your order, please inform your server if a person in your party has a food allergy.

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## TOWN OF TRURO



### HEALTH & CONSERVATION DEPARTMENT

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Memo to: Darrin Tangeman, Truro Town Manager  
Truro Board of Health  
From: Emily Beebe, Truro Health & Conservation Agent  
Date: April 24, 2023  
Re: Board of Health Regulation Changes

The Board of Health is amending two sections of their local regulations, specifically Section V: Transfer Station rules and regulations, articles 2 & 7, and Section VI: Local Septic Regulations to Supplement Title 5 State Environmental Code.

1. The changes to the Transfer Station regulations are limited to removal of 2 permit-types from the fee schedule, the 6-month permit, and the swap shop permit.
2. The changes proposed to the local Title 5 regulations will include some housekeeping to make the regulations more understandable but more importantly, will introduce the Administrative Consent (ACO) order process. These ACOs are legal agreements between property owners and the Board of Health to address special circumstances surrounding septic system upgrades. Examples might include Shore Road properties that might be eligible for a future sewer connection or a property with extenuating circumstances concerning their property configuration or legal issues. Providing there is no imminent health hazard, these agreements extend the time for an upgrade to occur, and the property owner must pay into an escrow account to be used to pay for the upgrade. This valuable tool will help the Board of Health protect the groundwater in town while allowing for the best possible solution for individual situations.

These draft regulations will be discussed at a Public Hearing scheduled for May 2, 2023. A copy of the proposed text for both section has been posted to our website.

I welcome the opportunity to answer any questions you may have, and to present these proposed changes to the Select Board.



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           |
| <del>2. Six Month Permit</del>         | <del>\$55.00</del> |
| <del>3.2. Monthly Permit</del>         | <del>\$50.00</del> |
| <del>4.3. Weekly Permit</del>          | <del>\$25.00</del> |
| <del>5. Recycle/Swap Shop Permit</del> | <del>\$10.00</del> |

**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.

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

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

\*\*\*\*\*  
**SECTION VI - LOCAL SEPTIC REGULATIONS TO SUPPLEMENT  
TITLE 5, STATE ENVIRONMENTAL CODE**  
*Amended February 2, 2010; June 5, 2012; October 2, 2018; December 4, 2018; May 18, 2021*

Commented [EB1]: For discussion at the May 2, 2023 BoH public hearing

Commented [EB2]: For discussion at 4-17-2023 BOH meeting

**Article 1 - General Provisions**

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

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

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

**Bedroom**

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

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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.
- f.h. any systems that were not designed to accommodate the present existing use of the facility served.
- g-i. any system deemed as failing to protect public health, safety and the environment.

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

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

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

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

**Remedial Use:** Undefined as the use of an I/A systems for the upgrade of a failed or non-conforming 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 all~~ 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 ~~docs is~~ not require~~ing~~ pump-outs in excess of two (2) times in a twelve-month period; ~~and;~~
- f. The Board of Health determines that the grant of the variance will not pose a risk to the public health, safety or the environment and, ~~further,~~ meets all the variance requirements contained in Section I of the Truro Board of Health Regulations.

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

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

~~2.4. Expiration of All variances shall expire occur after if the system is not installed within 24 12-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 Ssystems

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

a. ~~Any system inspected prior~~ ~~At or within two years prior~~ to any sale or transfer of title to the facility served by the system ~~in all circumstances requiring inspection as 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 non-conforming or failed systems shall occur at or~~

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~~within two years prior to~~ transfers by inheritance ~~other than to a surviving spouse,~~ transfers between parents and their children, between full siblings, and ~~where the grantor transfers for~~ real property to be held in a revocable or irrevocable trust, where at least one of the designated beneficiaries is of the first degree of relationship to the grantor; and ~~transfer shall include~~ creation of an LLC.;

- c. Prior to any change of use or increase in design flow of the facility served by a system;
- ~~b, d.~~ Prior to the subdivision or partitioning of a parcel on which a ~~non-conforming -or failed~~ septic system is located.;
- ~~e, c.~~ ~~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.~~ ~~Any system with a 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.~~  
~~If a facility non-conforming or failed system is replaced, relocated, added to or demolished, except when the building was destroyed by fire. A nonconforming system serving a facility destroyed by fire does not need to be upgraded to serve a new facility if the new facility is built in the same footprint as the original and provided that there is no change in use or increase in design flow of the facility and the system is not a failed system; or~~
- ~~e, g.~~ The liquid depth in a leach pit is less than six inches from the inlet pipe invert or the remaining available volume within a leach pit above the liquid depth is less than 1/2 of one day's design flow.
- ~~f, h.~~ 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 the~~ December 31, 2025.
- ~~e, i.~~ 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 [EB8]: 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 [EB9]: The Board should discuss whether they see value in retaining this section, as we do require an upgrade with a tear-down.

Commented [ER10]: Need date

Commented [EB11]: See memo

## 2. Multiple Systems on One Lot:

- a. ~~\_\_\_\_\_ In the event of the failure of one septic system on a lot that has ~~On~~ a parcel with more than one non-conforming septic system, ~~In the event of the failure of one septic system on a lot 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 Title 5.~~ If any of the remaining non-conforming septic systems ~~shall is are non-~~~~

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~~conforming or fail inspection as defined in the Title 5 Title 5 Official Inspection Form, 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 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 Title 5 and local Truro Board of Health regulations.-~~

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### 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.~~

~~SEPTIC 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 by 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.~~

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

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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.

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

All requests for an ACO shall be processed in accordance with the variance process outlined in Section I, Article 2 of the Truro Board of Health Regulations and 310 CMR 305 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:

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- 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. c. 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)

Commented [E813]: It was suggested that not insert "including" because it already included in the building permit. Also we should use "or" instead of "and".

~~e. d.~~ 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.

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e. Prior to any change in use as defined in these regulations.

f. At such time as a property owner/business owner is so ordered by the Board of Health.

2. Inspection Criteria:

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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:

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a) An open inspection of all components of the system is required. If a component cannot be

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found or uncovered after a reasonable search, the inspector must provide evidence for the system's success or failure. Replacement or installation of the component is required in this instance.

b. The septic tank shall be pumped at the time of inspection if it has not been pumped within the past 3 years.

c. Leach pits must have at least 6 inches of leaching capacity below the outlet invert in order to pass the inspection. The 6 inches of leaching capacity is determined by clean sidewall absent of staining or evidence of high water. The Inspector must clearly indicate on the inspection form the height of standing liquid in any leaching component, the level of staining in any leaching component, and the description of both sanitary tees in any inspected tank. In the case of missing sanitary tees, no passing report shall be issued unless there is proof (copy of permit) of the correction of the deficiency.

d. Any work for the correction of component failures, such as, but not limited to, eroded distribution-boxes, new piping, sealing a tank or installing new tees will require a valid disposal works construction permit, inspection and issuance of a certificate of compliance.

e. If the inspector finds that the access port covers of the septic tank inlet and outlet, distribution box and soil absorption system are not within 6 inches to grade, risers shall be provided as needed and the installation of risers shall be indicated in the septic system report.

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

Commented [EB14]: Gregg could suggest to shorten this and reference "as defined in article 1"

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

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~~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.~~

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~~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.~~

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#### **Article 5- Subdivision Plans**

1. All new subdivision plans shall have the proposed well location and septic system on each lot. These locations shall meet all sideline and other setback and distance requirements.
2. The Plan shall be on file with the Building Commissioner and Health Agent.
3. Applications for septic and well permits shall adhere to the plan unless sufficient data ~~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 ~~to be~~ **requested by** the Health Agent to make a determination as to ~~the design flow of the facility served by a system (i.e. the number of bedrooms), bedroom count.~~ **If the Health Agent deems it necessary, they may refer the determination of ~~design flow the bedroom count~~ to the Board of Health for a vote. ~~If the Board of Health, by a majority vote of its members, deems that an inspection of an existing residence is necessary to confirm the bedroom count, the Health Agent, with the applicant's permission, shall inspect the premises and report their findings to the Board.~~**

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

#### **Article 7 - Regulation of Separate Site Systems**

- 1) Septic systems shall be constructed on the same lot as the facility to be served unless the use of a shared or cluster system is approved by the Board of Health.
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,
  - e. The system will replace or repair a pre-existing, non-conforming septic system or components.

Commented [EB15]: This would be in conflict with a future where shared-cluster systems may be prescribed

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

#### **Article 8- Innovative/Alternative Technology**

Preamble: In considering the permitting and use of various alternative septic treatment technologies in the Town of Truro, the Board of Health of the Town of Truro recognizes that there may be specific local circumstances which warrant the Board to require more stringent conditions for the installation and monitoring of these alternative systems than may be required by the Massachusetts Department of Environmental Protection. As allowed under Massachusetts General Laws Chapter 111, Section 31 and as required by the revised 310 CMR Section 15.285 (2d), 15.286 (5) and 15.288 (4), the Board of Health of the Town of Truro hereby reserves the right to impose any additional conditions or monitoring requirements it views as necessary to ensure the safe performance of any alternative onsite septic system which the Board agrees to permit in the Town of Truro.

1. ~~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. 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.

### 3.3 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.

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### 4.4 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. 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

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approval (i.e., General Use, Provisional Use, Remedial Use, Piloting Use, or site-specific Pilot Approval).

- e.b. All applications for Pilot Approval shall include performance data from piloting sites where the I/A technology has been similarly configured and utilized.
- d.c. Notice of the public hearing of the Board of Health for the consideration of applications ~~requiring for~~ I/A approval shall be in accordance with the provisions of the Open Meeting Laws in Massachusetts. Abutter notification will not be required unless mandated by Title 5.

#### **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. ~~This~~ plan shall include a description of any long-term operational or maintenance requirements needed to keep the system operational, and any educational, financial assurance or other mechanism proposed to ensure effective long-term operation and maintenance.
- b. Owners and operators of all I/A systems shall report the results of all operation, maintenance, and monitoring activities required by the foregoing provision or by the Department of Environmental Protection to the Truro Board of Health and to the Barnstable County Department of Health and Environment. ~~Such~~ reporting must be performed in the manner specified by the Board of Health or in the form approved by the Barnstable County Department of Health and Environment and must occur within forty-eight hours after each maintenance or monitoring event.
- c. The Board of Health ~~hereby further~~ requires that when a system operator performs a system inspection and finds that a sewage treatment technology has malfunctioning components which have compromised the system's ability to treat sewage as designed, the operator shall report on the system's status and any planned corrective action, including a proposed deadline for said corrective action, to the Truro Board of Health and the Barnstable County Department of Health and Environment within 48 hours of inspection.
- d. If at any time a monitoring or maintenance report indicates that an I/A system needs corrective action, the Truro Board of Health may hold a hearing to ~~inquire as to whether~~ determine corrective action is needed. If at such hearing, the Truro Board of Health determines that such system needs corrective action, it may take enforcement action, including but not limited to, an order to cease operation of said system or any other action otherwise necessary to protect public health, safety, welfare, and the environment.
- e. I/A Systems that do not perform are required to be immediately evaluated by the licensed operator for the purpose of the inspector forming a diagnostic opinion of what corrective actions would address the non-performance.
- ~~f. Non-performance includes any I/A system that has been determined to be failing to protect public health and safety, and the environment, or an I/A system with equipment failure or an unresolved alarm event, or components that are not functioning as designed, or components that are not functioning in accordance with the manufacturers specifications, or a system that is in violation of the terms of its approval by the Truro Board of Health, or a system that is not achieving the total nitrogen standard in these regulations.~~

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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.~~

**6.6) 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.

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**Article 9 - Required Setbacks for System Components**

Notwithstanding the provisions of ~~Title 5~~ 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>
<del>Surface Water (except Wetlands)</del>	<del>50'</del>	<del>100'</del>
<b>Wetlands</b>	<b>100'</b>	<b>150'</b>

**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 ~~contain~~ 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 CMR

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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, ~~so 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. ~~a)~~ name and address of applicant and business name under which applicant will operate.
- b. ~~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.

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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. ~~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 1<sup>st</sup> 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 16- Miscellaneous Provisions**

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

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