

09.1

**WASTEWATER
REGULATIONS**

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09.1 WASTEWATER REGULATIONS

09.1.1 Coastal Districts

For overlay regulations applicable to Coastal Districts see “Special and Overlay Regulations” 09.10.

09.1.2 Special Sanitary Control District

For overlay regulations applicable to Special Sanitary Control Districts see “Special and Overlay Regulations” 09.10.

09.1.2(B) District of Critical Planning Concern (DCPC)

For overlay regulations applicable to the DCPC District see “Special and Overlay Regulations” 09.10.

1/3/89

09.1.3 Subsurface On-Lot Sewage Disposal

(1) Access Covers

All accesses to subsurface disposal systems shall be completely closed by durable covers capable of bearing 1,000 pounds per square foot and weighing at least 150 pounds. In lieu of 150-pound weight covers, covers may be secured by two (2) or more heavy metal fasteners (e.g., screws) set into cement embedded metal. Fasteners shall be so configured and tightened as to require a tool to remove. Weight covers or weight overcovers, shall be so formed and placed as to preclude dislodgement by a child. Covers and overcovers, with tops below the surrounding grade, shall be topped with fill and sod, or paved over, to avoid a depression into which surface water would drain.

(2) Deep Observation/Monitoring Wells

In addition to percolation test and deep observation hole requirements, the Board may, especially in subdivisions or on large lots, require one or more deep driven observation/monitoring wells. The well tops shall be provided with a threaded cap closure incorporating provisions for an anti-tamper seal.

Well locations, depths, minimum pipe size and pipe-above-the-ground heights shall be specified by the Board of Health.

(3) Maximum Systems – Areas Zoned for Residential Use

Excepting Elderly and low/moderate income housing and other similar arrangements devoted to public interest purposed, (which shall conform to the requirements and maximums set forth for business or commercial districts), there shall be no more than two (2) disposal works systems per lot and no more than two dwelling units connected to one disposal works system. This maximum restriction may be waived in whole or in part in areas where municipal sewers are available for connection at the lot line.

8/5/80

(4) Maximum Systems – Areas Zoned for Business or Commercial Use

Applications for on-lot disposal systems will be considered on an individual basis. Such consideration will, in addition to the usual evaluation (soil condition, water table proximity, flood and tidal infiltration, waterways contamination potential, surface and subsurface pollution, relative health hazards, etc.) consider proximity of existing and proposed high volume wastewater generators. The Board may reject or limit a permit if it finds the area capacity is, or is likely to be, exceeded. Where and when a municipal sewer connection becomes available the Board may require connection and may, considering the sewer/line system capacity, additionally limit wastewater generating facilities.

8/5/80

09.1 WASTEWATER REGULATIONS

09.1.3 Subsurface On-Lot Sewage Disposal Continued

(5) Definition of a Failed Septic System

A system is reviewed by the Board of health for possible failure if:

- The system's effluent is running over the ground
- The system is pumped four (4) or more times in one year

The Tisbury Board of Health will consider for review of possible system failure any system if the seepage breaks the surface of the ground, regardless of the weather condition.

The Tisbury Board of Health will consider for review of possible system failure or marginal operational system any system that requires pumping four (40 or more times in one year.

Board of Health Process:

A letter will be mailed to the owner of record requiring that a registered engineer inspect the system and report in writing to the Board of Health for a hearing within seven (7) days of notification. Any person who does not request a hearing or fails to comply with the order pursuant to the provision of Title V shall be in violation of Title V which penalty is provided in MGL Title 1, 310 CMR.

2/28/89 amended 11/28/89 and 3/31/95

(6) Sale of Acid

In the Town of Tisbury, no chemical treatment; acid or hydrocarbon, may be used as an additive to sewage disposal system coming from, relating to, or being an acid, which causes a reaction or has the characteristics of acid, or has the corrosive property capable of causing damage to sewage disposal systems, and/or any additive with a pH value that is less than five and one-half.

1/3/89

(7) 09.1.3(7) Potential Bedroom

A bedroom is defined as a room which, in the judgment of the Board of Health or its designated agent, provides sufficient privacy so that it may be used primarily for sleeping, and which has all of the following:

- a. Floor space of no less than 70 square feet
- b. For new construction, a ceiling height of no less than 7'3"
- c. For existing houses, a ceiling height of no less than 7'0"
- d. An electrical service and ventilation; and
- e. At least one window

Living rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars and unheated storage areas over garages are not considered bedrooms; however, a room indicated on a building plan for use as a den, study, library, office or any comparable living space that is capable of being used as a bedroom shall be considered a bedroom. For the purpose of this regulation, the addition of a bathroom in the basement will result in the basement space being considered at least one potential bedroom.

10/26/21

(8) Division of Land in Restricted Areas

A division of land within a restricted area may not provide for an increase in the number of bedrooms beyond that allowed for the original lot. The pre-divided lot size shall dictate the total allowable number of bedrooms for all resulting lots.

10/26/21

09.1.4 Transportation and Disposal of Privy, Cesspool and Septic Tank Contents

Pursuant to 310 CMR 15.02(3), no person or firm shall engage in the pumping or transportation of the contents of any part of an individual sewage disposal system without first obtaining a Septage

Handler’s Permit from the Board of Health. Pursuant to MGL 111 s 31, no person shall be issued a permit for the transportation and disposal of privy, cesspool, or septic tank contents without proof of liability insurance.

Compliance Surcharge - To properly place some of the increased cost of gaining compliance on the businesses which present the need for enforcement actions, a graduated series of surcharges will be assessed at the time of the next annual license renewal. To determine the fee for the renewal the basic charge will be applied, and applicable surcharges will be determined by the highest level of compliance effort required during the past year, as shown on the following schedule:

- 25% Surcharge – Validated consumer complaints
 - 50% Surcharge – Late Permit Renewal/Operating Without a Permit in Place
 - 100% Surcharge – Citation/Order to Correct Violations
 - 150% Surcharge – Show Cause Hearing
 - 200% Surcharge – License Suspension or Revocation
- 7/24/90
4/11/06

