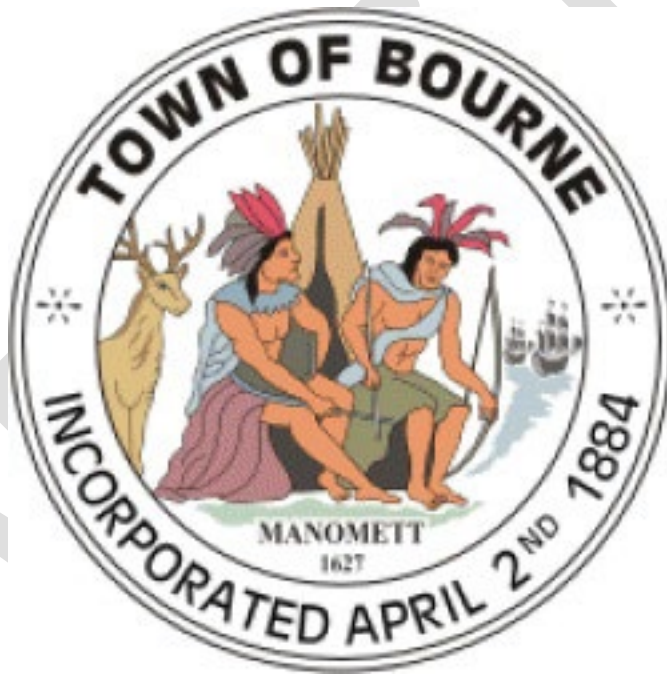


Board of Health

Town of Bourne



Subsurface Sewage Disposal System Regulations

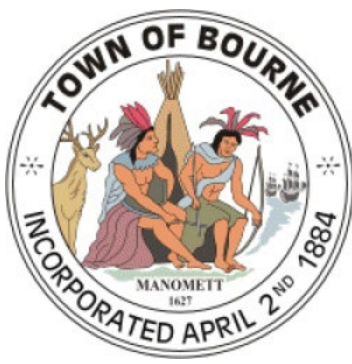


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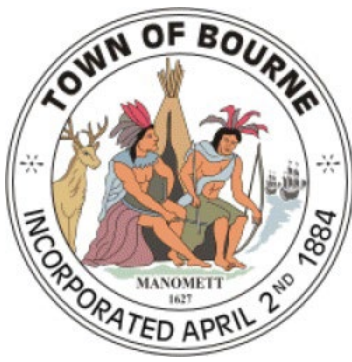
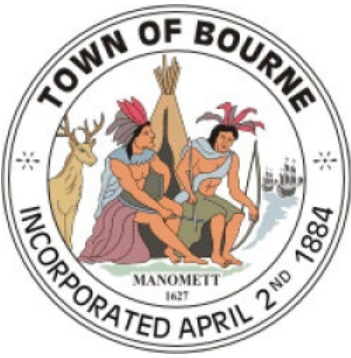


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150 FOOT SETBACK REG

BOARD OF HEALTH

TOWN OF BOURNE

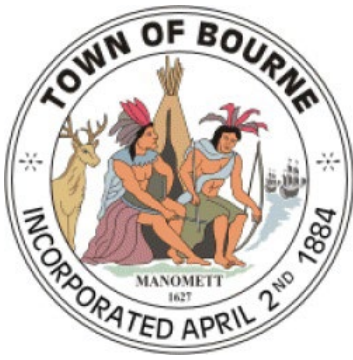
Pursuant to Chapter 111, s. 31, Mass. General Laws, the Bourne Board of Health voted at its regular meeting September 23, 1983, to amend the 150 foot setback requirement for all leaching facilities from a watercourse, approved June 1, 1988, to be as follows:

Section 1.

Having determined that contaminant transport rates in glacial outwash soils may be up to 2.3 feet per day (LeBlanc - USGS report 82-274), a 150 foot setback will be required for all leaching facilities from the edge of a wetland resource or watercourse, as defined in 310 CMR 15.01 Title V. Setback distance shall be measured during periods of highest ground or surface water conditions. The Board of Health may grant a variance from the 150 foot setback requirement, based upon satisfactory documentation prepared by a hydro geologist or professional sanitary engineer. In addition, a hydro geologic study, prepared by a hydro geologist or professional sanitary engineer, will be required by the Board of Health for all leaching facilities within 100 feet of a wetland or watercourse, as defined by 310 CMR 15.01, Title V. In no case shall a septic system leaching facility be placed within 75 feet of a wetland or watercourse, except in cases of repair or extreme hardship.

Section 2.

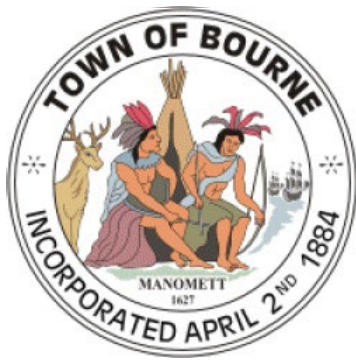
Definitions Highest groundwater shall be defined as the maximum water table elevation, as determined by the USGS monitoring well data provided by the Cape Cod Planning and Economic Development Commission. The USGS computer model may be used to determine maximum groundwater elevation, except in coastal zones, where highest groundwater shall be determined at periods of high tide, including spring and moon tides. Highest surface water shall be defined as vernal pond elevations, or, in a coastal zone, maximum high water at high tide (including moon and spring tides). Extreme hardship shall be defined as loss or damage to structure or septic system due to fire, flood, acts of nature, or land taking (by eminent domain).



ADVERSE IMPACT REGULATION LEGAL NOTICE

Pursuant to Chapter 111, Section 31 of Mass. General Laws, the Bourne Board of Health, at its meeting on **September 14, 2022**, voted to amend its existing regulation approved April 8, 1992, to be as follows:

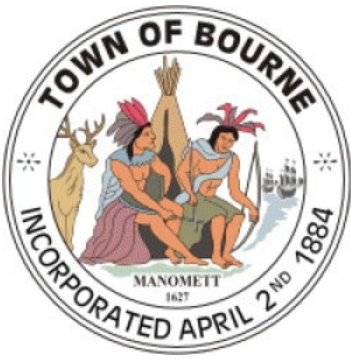
When a request for a variance from 310 CMR 15.00 The State Environmental Code Title 5 and/or Bourne Board of Health Regulations is requested, the addition of "Bedroom" and/or "Habitable Space" as defined in the Bourne Board of Health regulation adopted April 8, 1992, **revised on September 14, 2022**, may be considered an adverse impact to the environment in conjunction with the distance and number of variances requested. The Bourne Board of Health may deny any variance request when in the Boards opinion the increase in the numbers of "Bedroom" and/or the amount of "Habitable Space", or conversion of a dwelling to year round use may increase the adverse impact to the environment.



ALTERNATIVE FINE REG BOARD OF HEALTH TOWN OF BOURNE

Pursuant to Chapter 111, Section 31 of the Massachusetts General Laws, the Bourne Board of Health, at its regular meeting on December 11, 2002, hereby adopts the following regulation:

Whereas, the Board of Health has granted variances to its 150 foot setback regulation or other Title 5 regulations, and has allowed renovations or additions to existing properties by granting such variances with the condition of the installation of a nitrogen removal system, usually with pressure dosing or ultra-violet disinfections; And whereas, the approval of these systems and their subsequent installation, operation, and monitoring is essential to providing adequate groundwater and resource protection, Should it be found that during any inspections conducted by the Bourne Board of Health or any company maintaining, inspecting, and/or testing any alternative technology systems, pressure dosed system, and/or ultraviolet disinfections units that said system or unit has been shut off, has been tampered with, or has in any way been altered so as to alter the operation as it was originally approved by the Board of Health, the owner of said property and system may be issued a fine of \$500.00. Said fine shall be paid to the Town of Bourne. For subsequent violations on the same system or property, the owner may be issued a fine of \$1000.00.

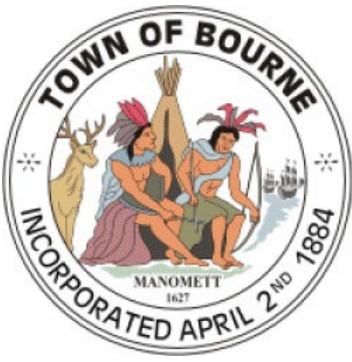


ALTERNATIVE SYSTEM TRACKING

BOARD OF HEALTH

TOWN OF BOURNE

Due to the fact that the tracking of Alternative Septic systems has become increasingly difficult for local Boards of Health to accomplish and the proper tracking and maintenance is critical to ensure proper operation and treatment of septic effluent; and since the Barnstable County Department of Health and the Environment has obtained funding to create an on-line Alternative Tracking Database, the Board of Health, pursuant to Massachusetts General Laws, Chapter 111, Section 31, at its meeting on April 27, 2005, hereby adopts the following: Operators of all innovative/alternative septic systems must report the results of all operation, maintenance, and monitoring activities to the Barnstable County Department of Health and the Environment. Such reporting must be performed in the manner specified by the Barnstable County Department of Health and the Environment and must occur within 15 days after each installation, monitoring, and maintenance event. Further, when a system operator performs a septic inspection and finds that a sewage treatment technology has malfunctioning components which have compromised the system's ability to treat sewage as designed or as conditioned by the Bourne Board of Health's approval, the operator shall report on the system's status and any planned corrective actions to the Board of Health and the Barnstable County Department of Health and the Environment within 48 hours of inspection. Failure to complete such reporting may result in a fine of \$100.00 for each non-reporting incident. Failure to correct any problems will result in a penalty to the homeowner per the Bourne Board of Health's existing regulation dated effective January 2, 2003 regarding failure to maintain, test, or operate an approved Alternative Technology Septic System.



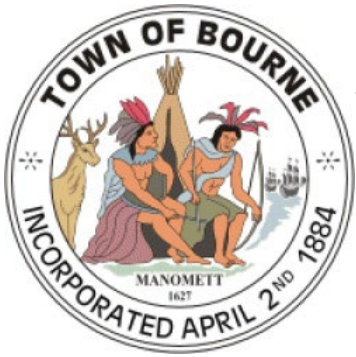
A-V REGULATION AMENDMENT

BOARD OF HEALTH

TOWN OF BOURNE

Pursuant to Chapter 111, Section 31, Massachusetts General Laws, the Bourne Board of Health, at its regular meeting on Wednesday, October 26, 2005 voted to amend its current A-V Flood Zone regulation, originally amended March 15, 1989, to read as follows:

No permit for on-site sewage disposal or water supply shall be approved for development located within Special Flood Hazard Zones, as delineated on the Bourne Flood Insurance Maps, Community Panel Numbers 255210 0001-0015, as may be amended from time to time, on file with the Town of Bourne Engineering Department and Board of Health, unless it can be demonstrated by the applicant that such system has been designed to minimize contamination. Any new water supply system or sanitary sewerage system within such areas shall be designed to minimize infiltration of flood waters into the systems and discharges from the systems into the flood waters.



BEDROOM DEFINITION REGULATION

LEGAL NOTICE

Pursuant to Chapter 111, Section 31 of Mass. General Laws, the Bourne Board of Health, held a hearing on September 14, 2022 to amend these regulations from April 8, 1992, and voted to adopt the following:

DEFINITIONS

BEDROOM -- means any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area and includes, but is not limited to, bedroom, den, study, sewing room, sleeping loft, loft, dining room, library, family room, enclosed porch, or any other space in a building that could be used as habitable space, but does not include kitchen, bathroom, halls or communicating corridors, laundries, pantries, closets or unheated storage spaces and;

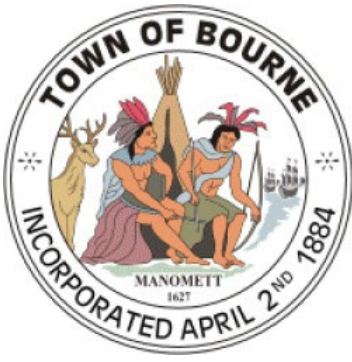
- A room that contains a floor space of no less than 70 square feet (6.5 m²) with at least one 32" wide x 78" egress door to allow for the safe passage of all people as required in the Ninth Edition of the Massachusetts State Building Code, 780 CMR, and Massachusetts State Sanitary Code, 105 CMR 410.450.
- A room located on another level of a dwelling or structure, which is accessible solely by a staircase within and/or outside of the structure.

Rooms with 4 foot entranceways and/or rooms consisting of three (3) walls and 1/2 wall not exceeding 42" in height shall NOT be considered a bedroom.

"Habitable space means any portion of a dwelling, but does not include kitchen, bathroom or halls."

- In accordance with 105 CMR 410.401-402, no room shall be considered habitable if ~~more than 3/4 of its floor area has a floor-to-ceiling height of less than seven feet~~ or is subject to the regular and/or periodic appearance of moisture, water, mold or fungi.

A floor plan shall be provided for all relevant Board of Health permits including building permits or renewals.



BETTERMENT FUNDING REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Effective September 20, 1996

Pursuant to Chapter 111, Section 31 of Massachusetts General Law, the Bourne Board of Health, at its regular meeting held on August 28, 1996, voted to adopt the following:

SECTION 1: AUTHORITY

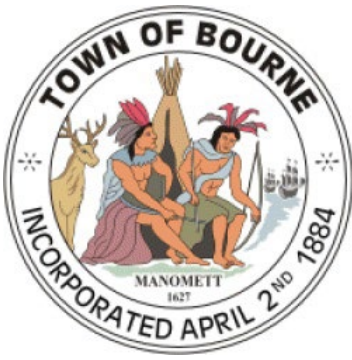
The Board Of Health issues these regulations to govern the remediation of failing residential subsurface sewage disposal systems, the removal of residential underground fuel storage tanks, and the deluding of residential dwellings with dangerous levels of lead, pursuant to its authority under Chapter 111, Section 31, of the Massachusetts Generals Laws and Chapter 111, Section 127B 1/2, of Massachusetts General Laws and funding provided by Article 31 of the 1995 Annual Town Meeting and Article 50 of the 1996 Annual Town Meeting.

SECTION 2: PURPOSE

To financially assist residential property owners in the remediation of failing residential subsurface sewage disposal systems, the removal of underground fuel storage tanks and the de leading of residential dwellings with dangerous levels of lead.

SECTION 3: DEFINITIONS

The following definitions shall apply in the interpretation, implementation and enforcement of these regulations.



BETTERMENT FUNDING REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Effective September 20, 1996

"Property Owner" A person who, alone or together with other persons, has legal title to residential facilities served by on-site septic systems, residential properties containing underground fuel storage tanks, or residential dwellings with dangerous levels of lead, including but not limited to any agent, executor, administrator, trustee, or guardian of the estate for the holder of legal title.

"Person of low income" shall mean a person who is of low income as based on income criteria used by the Massachusetts Housing Finance Agency.

"Person of moderate income" shall mean a person who is of moderate income as based on income criteria used by the Massachusetts Housing Finance Agency.

"Residential real estate" shall mean land and existing buildings used for human habitation.

"System" shall mean a residential septic system or cesspool.

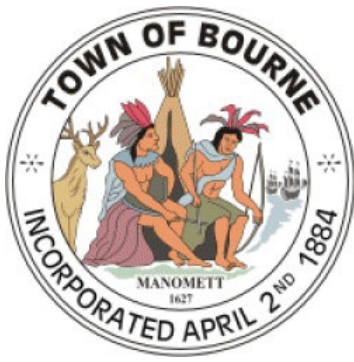
"Upgrade" shall mean repair or replacement of a failing system.

SECTION 4: ELIGIBILITY GUIDELINES

The following criteria shall be used to establish a property owner's eligibility for betterment funding under these regulations:

(A) The system must have been designated a failed system by the Bourne Board of Health and/or its agents

(B) The system, underground fuel storage tank, or level of lead, must have been determined by the Board of Health and/or its agents to be threatening public health, safety, welfare or the environment.



BETTERMENT FUNDING REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Effective September 20, 1996

(C) The residential real estate must be an existing owner-occupied single-family or two-family home that is used for residential purposes only.

(D) The residential real estate must be located on a way that is neither currently served by a common sewer line nor likely to be included in any municipal sewer extension project within five (5) years if betterment funding is to be used for a septic system upgrade.

(E) The property owner must not be delinquent on the payment of property taxes, excise taxes, betterment's or any obligations to the Town of Bourne.

(F) The Board of Health will not consider betterment funding of a system upgrade that provides additional wastewater treatment capacity sufficient to accommodate an expansion of the residential estate beyond its current use.

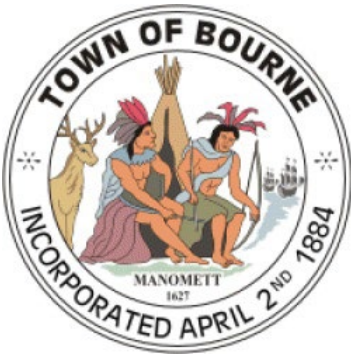
(G) The applicant(s) shall provide written proof that they have been denied a loan by two (2) commercial lending institutions for the amount being requested for the betterment funding.

(H) A certification of authority shall be filed with each application.

(I) The applicant(s) must not be, nor have been, a party seeking personal relief in bankruptcy proceedings within the last seven (7) years from the date of application.

SECTION 5: APPLICATION PROCEDURES

(A) Application for betterment funding shall be accepted by the Board of Health twice annually, during the 30 days prior to January 15 and July 15, or any time in the event of conditions that, in the judgment of the Board of Health, constitute an environmental or public health emergency.



BETTERMENT FUNDING REGULATION

BOARD OF HEALTH

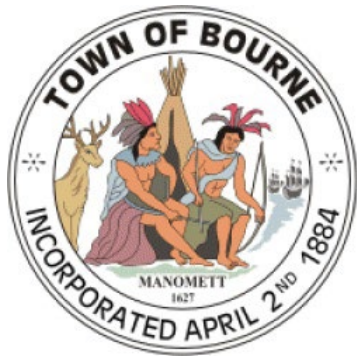
TOWN OF BOURNE

Effective September 20, 1996

(B) Property owners wishing to obtain betterment funding for septic system upgrades, removal of underground fuel storage tanks, and removal of dangerous levels of lead, shall complete an application form provided by the Board of Health, a copy of which is attached to these regulations and incorporated herein by reference. In addition to the application form, they must submit to the Board of Health evidence that their systems have been inspected and found to be failing, and/or that the dwelling contains dangerous levels of lead. The applicant shall include the plans, specifications, procedures or design by a licensed engineer, or registered sanitarian. Said plans, specifications, procedures or designs shall comply with Title 5 of the State Environmental Code, state regulations and local Board of Health regulations, or have the necessary variances granted therefrom.

(C) The Board of Health will determine the priority of the need for betterment funding based on the threat(s) posed to the public health, safety, welfare of the environment, together with the financial hardship on the property owner by each failing system, underground fuel storage tank, or dwellings containing dangerous levels of lead, for which upgrade assistance is being sought. .

(D) While all property owners meeting the criteria in Section 4 shall be eligible, available funding may not be sufficient to meet the needs of all applicants. In that event, the Board of Health may require applicants to document financial hardships that would prevent them from undertaking the necessary upgrades without the assistance from the Town of Bourne. The Board of Health reserves the right to obtain a credit report on the applicant(s) and classify them as low or moderate income, only for the purpose of determining financial hardship relative to this betterment program. The Board of Health is obligated to ensure the confidentiality of any financial information provided by the applicant(s) or a credit reporting bureau.



BETTERMENT FUNDING REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Effective September 20, 1996

SECTION 6: COST ESTIMATES, BIDS AND CONSTRUCTION

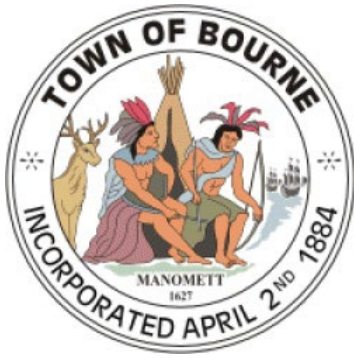
(A)The Board of Health shall develop a scope of work and obtain cost estimates accordingly, for each system upgrade, removal of underground storage tank, and removal of dangerous levels of lead, approved for betterment funding. The Board of Health, in consultation with the Town treasurer, will provide a written estimate of all costs to be levied against the property owner, including but not limited to engineering, design, construction, administrative, legal and other related costs, plus interest.

(B)Upon receipt of a signed Agreement from the property owner, including an approval of the cost estimate, the Board of Health will vote the sum necessary from available funds.

(C)The property owner may rescind the Agreement for any reason within ten (10) days of the date it is received by the Board of Health. The rescission must be in writing.

(D)Upon approval of funding and expiration of the rescission period, the Board of Health or its agent(s) will obtain bids in accordance with Chapter 30B of the Massachusetts General Laws, execute agreements with the necessary contractors, and monitor all system upgrade work performed on the premises of the residential real estate.

(E)The Board of Health or its agent(s) shall, upon completion of all tasks specified in the scope of work, inspect the upgraded system to certify its compliance with Title 5 of the State Environmental Code, state regulations and local Board of Health regulations.



BETTERMENT FUNDING REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Effective September 20, 1996

(F) Any costs associated with the environmental remediation unrelated to the system, removal of the underground fuel storage tank, and removal of dangerous levels of lead, or other ancillary work that may be required upon completion of the upgrade, including landscaping, shall be the sole responsibility of the property owner.

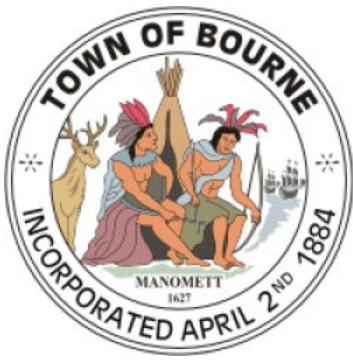
SECTION 7: REPAYMENT AND LIEN PROCEDURES

(A) Within six (6) months after construction is completed and the upgraded system is certified by the Board of Health to be in compliance with Title 5 of the State Environmental Code, state regulations and local Board of Health regulations, the total cost, not to exceed the amount stipulated in the Agreement, shall be assigned to the property owner and the time for repayment shall be specified. The property owner shall be personally liable for the repayment of the total cost.

(B) After the Board of Health certifies the total cost to the Board of Assessors, the apportioned assessment shall be committed to the Tax Collector. The Tax Collector may accept settlement in cash for the full amount within thirty (30) days. Otherwise, the Tax Collector shall bill the property owner for the total cost, to be divided over a period of years, with interest to be computed as set forth in Chapter 111, Section 127B 1/2, of the Massachusetts General Laws.

(C) The time for repayment shall be a maximum of ten (10) years for a project cost of under five thousand dollars (\$5,000.00) and a maximum of twenty (20) years for a project cost of five thousand dollars (\$5,000.00) or more.

(D) The Town shall have a lien to secure payment in the same manner as it acquires a lien for a betterment assessment under Chapter 80 of the Massachusetts General Laws.



BETTERMENT FUNDING REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Effective September 20, 1996

SECTION 8: RIGHT OF ENTRY

The Board of Health and its agent(s) or contractor(s) may enter upon privately-owned property, with reasonable notice and at reasonable hours, for the purpose of ensuring compliance with these regulations.

SECTION 9: VARIANCES

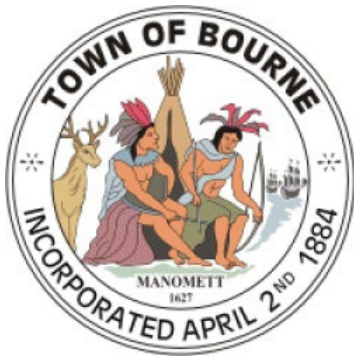
The Board of Health may vary the application of any provisions of these regulations, unless otherwise prohibited by law, in any case when, in the opinion of the Board of Health, enforcement will do manifest injustice. Every request for a variance shall be made in writing, and shall be subject to a public hearing before the Board of Health. The property owner must at his or her sole expense notify all abutters by certified mail at least ten (10) days prior to the public hearing. Any variance granted by the Board of Health shall be in writing. Any denial of a variance request by the Board of Health shall also be in writing and shall contain a brief statement of the reasons for the denial.

SECTION 10: OTHER APPLICABLE LAWS

These regulations shall not be interpreted or construed to supersede or nullify the requirements of any other applicable environmental or public health codes, regulations or statutes.

SECTION 11: SEVERABILITY

In the event that any provision of these regulations is declared invalid or unenforceable for any reason, all other provisions will be unaffected and shall remain in full force and effect. To that end, the provisions of these regulations are hereby declared severable.



BETTERMENT FUNDING REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Effective September 20, 1996

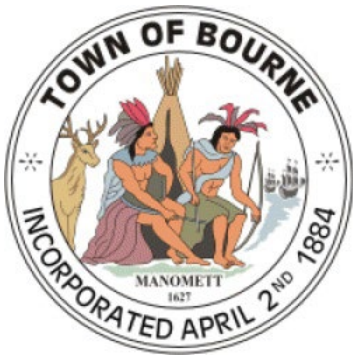
SECTION 12: LIABILITY

The Town of Bourne and Board of Health shall be liable only for damage caused by its own negligence or the negligence of its employees or officials in connection with the Program. In no event shall the Town be liable for the acts or omissions of any contractor(s) or agent(s) hired by the Town to perform work during the Program. The property owner(s) covenants and agrees not to sue the Town for any claims of damage to or loss of property of the property owner(s) or others, injury, illness or agents hired by the Town to perform work during the Program. This provision shall have no application to causes of action which may have arisen prior to the execution of the Agreement.

SECTION 13: EFFECTIVE DATE AND AMENDMENTS

These regulations were approved by the Board of Health on August 28, 1996, at a legally poster meeting and shall take effect immediately upon publication of a summary of their provisions in a newspaper of general circulation in the Town of Bourne.

Amendments may be made to these regulations by a majority vote of the Board of Health. Amendments shall take effect upon their publication in a newspaper of general circulation in the Town of Bourne.



COMPOSTING TOILET REGULATION

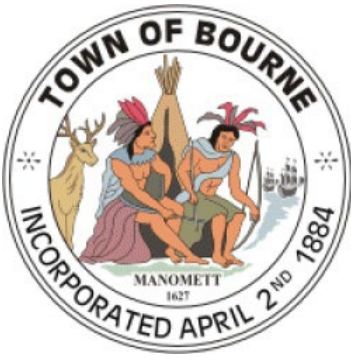
BOARD OF HEALTH

TOWN OF BOURNE

Effective date March 7, 1997

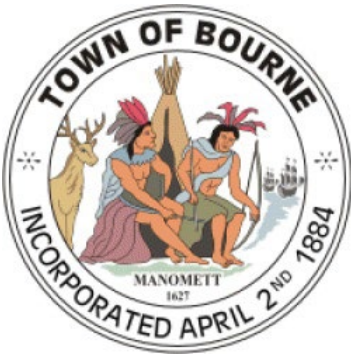
Pursuant to Chapter 111, Section 31 of Massachusetts General Laws, the Bourne Board of Health, at its regular meeting on February 26, 1997 voted to adopt the following:

Having determined that the travel of human enteroviruses from subsurface wastewater disposal systems, in areas of sandy unconsolidated soils with a shallow aquifer, have been detected at lateral distances of 67.05 meters (220') and at aquifer depths of 18 meters (59') (Vaughn J.M., E.F. Landry and M.Z. Thomas. 1983 Entrainment of viruses from septic tank leach fields through a shallow, sandy soil aquifer. Appl. Environ. Microbiol. 45: 1474-1480), that in secondary and tertiary effluent applied to sandy unconsolidated soils, viruses have been detected in groundwater where the recharge areas were located less than 35' above the aquifer, and that lateral entrainment of viruses to 47.5 meters (149') was noted at one site (Vaughn J.M., E.F. Landry, L.J. Baranosky, C.A. Beckwith, M.C. Dahl, N.C. Delahas. 1978 Survey of human virus occurrence in wastewater recharge groundwater on Long Island. Appl. Environ. Microbiol. 36: 4751), that containment transport rates in glacial outwash soils may be up to 2.3 feet per day (LeBlanc-WSGC report 82.274), and that Volume 30 Numbers 6, pages 1877-1878 of the Environmental Science and Technology, states, "further work is needed to access the degree to which other more resistant microbial agents (both viruses and bacteria) are transported through coastal watersheds of all types..... Humus/Composting Toilets are certified for non-remedial use, within the Town of Bourne, subject to the conditions set forth in 310 CMR 15.289 (3)(a), where a system in full compliance with 310 CMR 15.000, and local Board of Health regulations, could be otherwise installed on the site.



CONCRETE TANK BOARD OF HEALTH TOWN OF BOURNE

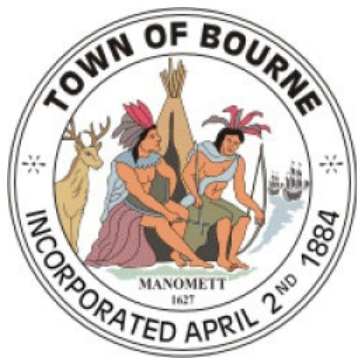
It was voted all sewage systems must use precast tanks, outlawing cement block systems, unless there is a hardship such as no access to install the tank, etc. The Board of Health must be notified and they will make the decision as to what type of sewage system they will allow.



CONSERVATION/ ADDITION LEGAL NOTICE

At its meeting held on **September 14, 2022**, the Bourne Board of Health voted, under authority of Chapter 111, Section 31, of Mass. General Laws, **to amend its existing regulation approved on August 31, 1983 to be as follows**: A regulation concerning the conversion, change of use, replacement, addition to or alteration of existing structures within the Town of Bourne.

No building within the Town of Bourne shall be converted or altered or repaired so as to enable its use year round nor shall its use be changed unless the present existing septic system complies with requirements of Title 5, 310 CMR 15.00, or the system can be upgraded to comply with Title 5 **and Bourne Board of Health Regulations**. In addition, no building shall be remodeled, replaced or altered in any manner unless said septic system complies with Title 5, 310 CMR 15.00, **and Bourne Board of Health Regulations**, or written approval is obtained from the Board of Health.

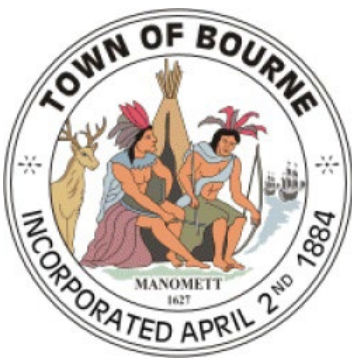


EMERGENCY REPAIRS

BOARD OF HEALTH

TOWN OF BOURNE

Pursuant to Chapter 111, Section 31 of Mass. General Laws, the Bourne Board of Health, at its regular meeting on March 22, 1995, voted to adopt the following regulation. The Board of Health is of the opinion that no septic system should be installed without prior approval from the Health Agent or Board of Health, In the case of overflows, pumping could be done to prevent further overflow or the system could be blocked off in such a manner to prevent a hazard in case of collapse. No emergency repairs of septic systems, components of a septic system, or a cesspool shall be performed without the approval of the Health Agent or the Board of Health.



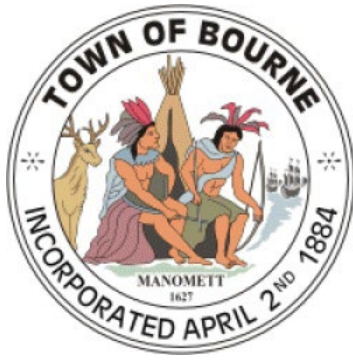
ESCROW ACCOUNTS FOR TIGHT TANK PERMIT POLICY BOARD OF HEALTH TOWN OF BOURNE

The following is the Board of Health policy on the escrow accounts to be set up for the installation of a tight tank.

The Board of Health requires that a \$1,000.00 (one thousand dollar) escrow account or performance bond be established with the Town of Bourne before any permit for the installation of a tight tank will be issued to the applicant. The interest accrued by this account each year will be given back to the owner, as long as the owner makes the town aware of his wishes in writing. If the owner wishes the interest to accrue this will also be an option.

In addition, if the property is sold the initial deposit will also revert back to the property owner and the Board of Health, at that time, may assess a new fee to the new owner.

This performance bond is considered a safety factor since it will be money which could be used to have the tight tank pumped in case of an emergency.

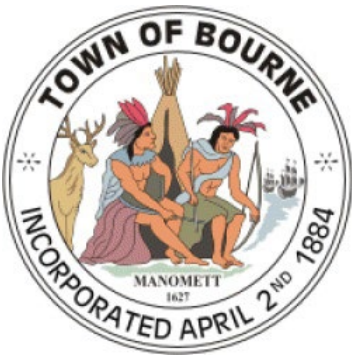


FLOOD ZONE REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Pursuant to Chapter 111, s. 31, Mass. General Laws, the Bourne Board of Health voted at its regular meeting held on March 15, 1989, to amend the regulation adopted April 25, 1984, as follows: **AMENDED REGULATION** No permit for on-site sewage disposal or water supply shall be approved for development located within Special Flood Hazard Zones A and V, as delineated on the Flood Insurance maps, Series 255210D, on file with the Town of Bourne Engineering Department and Board of Health, unless it is demonstrated by- the applicant that such system has been designed to minimize contamination. Any new water supply system or sanitary sewerage system within such areas shall be designed to minimize infiltration of flood waters into the systems and discharges from the systems into the flood waters.



FLOOR DRAIN REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Section I. PURPOSE OF REGULATION

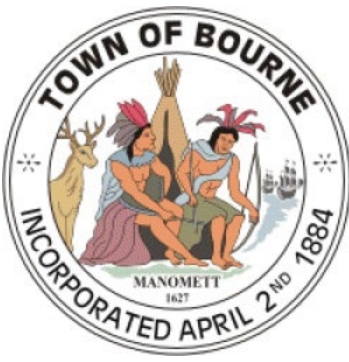
Whereas:

- floor drains in industrial and commercial facilities are often tied to a system leading to a leaching structure or a septic system; and
- poor management practices and accidental and/or intentional discharges may lead petroleum and other toxic or hazardous materials into these drainage systems in facilities managing these products; and
- improper maintenance or inappropriate use of these systems may allow the passage of contaminants or pollutants entering the drain to discharge from the leaching structure or septic system to the ground; and
- discharges of hazardous wastes and other pollutants to floor drains leading to leaching structures and septic systems have repeatedly threatened surface and ground water quality throughout Massachusetts; and
- surface and ground water resources in the Town of Bourne contribute to drinking water supplies.

The Town of Bourne adopts the following regulation, under its authority as specified in Section II, as a preventative measure for the purposes of preserving and protecting Bourne's drinking water resources from discharges of pollutants to the ground via floor drains, and minimizing the threat of economic losses due to such discharges.

Section II. SCOPE OF AUTHORITY

On March 13, 2013, the Board of Health adopts the following regulation pursuant to authorization granted by M.G.L. c. 111 s.31 and s. 122. The regulation shall apply, as specified herein, to all applicable facilities, existing and new, within the Town of Bourne.



FLOOR DRAIN REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Section III. DEFINITIONS

For the purposes of this regulation, the following words and phrases shall have the following meanings: Commercial and Industrial Facility: A public or private establishment where the principal use is the supply, sale, and/or manufacture of services, products, or information, including but not limited to: manufacturing, processing, or other industrial operations; service or retail establishments; printing or publishing establishments; research and development facilities; small or large quantity generators of hazardous waste; laboratories; hospitals.

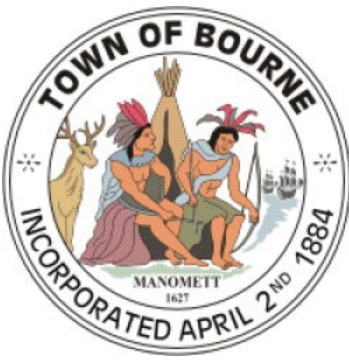
Department: The Massachusetts Department of Environmental Protection.

Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of toxic or hazardous material or waste upon or into any land or water so that such hazardous waste or any constituent thereof may enter the land or waters of the Commonwealth. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.

Floor Drain: An intended drainage point on a floor constructed to be otherwise impervious which serves as the point of entry into any subsurface drainage, treatment, disposal, containment, or other plumbing system.

Leaching Structure: Any subsurface structure through which a fluid that is introduced will pass and enter the environment, including, but not limited to, dry wells, leaching catch basins, cesspools, leach fields, and oil/water separators that are not water-tight.

Oil/Water Separator: A device designed and installed so as to separate and retain petroleum based oil or grease, flammable wastes as well as sand and particles from normal wastes while permitting normal sewage or liquid wastes to discharge into the



FLOOR DRAIN REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

drainage system by gravity. Other common names for such systems include MDC traps, gasoline and sand traps, grit and oil separators, grease traps, and interceptors.

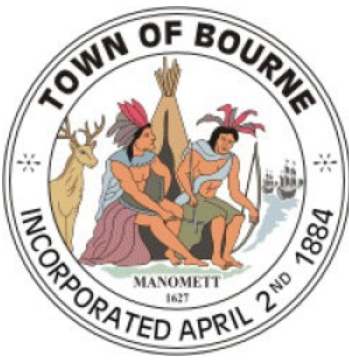
Toxic or Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or waters within the Town of Bourne. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21C and 21E or Massachusetts Hazardous Waste regulations (310 CMR 30.000), and also include such products as solvents, thinners, and pesticides in quantities greater than normal household use.

Use of Toxic or Hazardous Material: The handling, generation, treatment, storage, or management of toxic or hazardous materials.

Section IV. PROHIBITIONS

With the exception of discharges that have received (or have applied and will receive) a Department issued permit prior to the effective date of this regulation, no floor drain(s) shall be allowed to discharge, with or without pretreatment (such as an oil/water separator), to the ground, a leaching structure, or septic system in any industrial or commercial facility if such floor drain is located in either:

- A. an industrial or commercial process area,
- B. a petroleum, toxic, or hazardous materials and/or waste storage area, or
- C. a leased facility, that does not meet either A or B of this section, but that has the potential for a change of use of the property that would meet a use under either A or



FLOOR DRAIN REGULATION

BOARD OF HEALTH

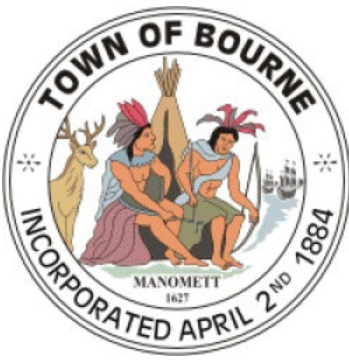
TOWN OF BOURNE

B is, in the opinion of the Board of Health or its agent, sufficient to warrant the elimination of the ground discharge at the present. This prohibition shall not apply to floor drains in a food preparation facility, i.e. restaurant kitchens, school kitchens, nursing home kitchens.

Section V. REQUIREMENTS FOR EXISTING FACILITIES

A. The owner of a facility in operation prior to the effective date of this regulation with a prohibited (as defined under Section IV) floor drain system shall:

1. Where possible, disconnect and plug all applicable inlets to and outlets from applicable leaching structures, oil/water separators, and/or septic systems; in accordance with the Massachusetts Plumbing Code and after obtaining a permit to conduct said work.
2. Remove all existing sludge in oil/water separators, septic systems, and where accessible, leaching structures. Any sludge determined to be a hazardous waste shall be disposed of in accordance with state hazardous waste regulations, 310 CMR 30.000.
3. Remedial activity involving any excavation and/or soil or groundwater sampling must be performed in accordance with appropriate Department policies;
4. Alter the floor drain system so that the floor drain shall be either: (a). connected to a holding tank, the installation of which has been permitted through the Board of Health and MA DEP, that meets all applicable requirements of Department policies and regulations. Hauling records for the pumping of said holding tank shall be submitted to the Board of Health at the time of hauling; (b).connected to a municipal sanitary sewer line, if available, with all applicable Department and local permits; or (c). Permanently sealed. Any facility sealing a drain shall be required to submit for approval to the Board of Health a hazardous waste management plan detailing the means of collecting, storing, and disposing any hazardous waste generated by



FLOOR DRAIN REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

the facility, including any spill or other discharge of hazardous materials or wastes.

B. Any oil/water separator remaining in use shall be monitored weekly, cleaned not less than every 90 days, and restored to proper conditions after cleaning so as to ensure proper functioning. Records of the hauling of the removed contents of the separator shall be submitted to the Board of Health at the time of hauling. C. Compliance with all provisions of this regulation must be accomplished in a manner consistent with Massachusetts Plumbing, Building, and Fire code requirements. D. Upon complying with one of the options listed under Section V.A.3., the owner/operator of the facility shall notify the Department of the closure by filing the Department's UIC Pre-Closure Form BRP WS-06d (which may be obtained by calling 617/292-5770) with the Department, and sending a copy to the Board of Health.

Section VI. EFFECTIVE DATES FOR ALL FACILITIES

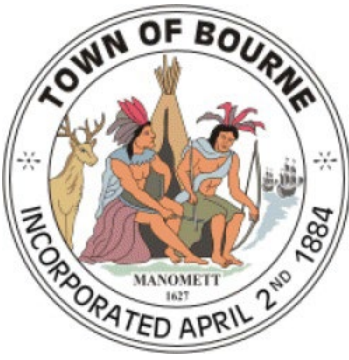
The effective date of this regulation is the date posted on the front page of the regulation, which shall be identical to the date of adoption of the regulation.

A. Existing Facilities:

1. Owners/Operators of a facility affected by this regulation shall comply with all of its provisions within one year of the effective date; or within 120 days after the issuance of an order of non-compliance by the Bourne Board of Health
2. All applicable discharges to the leaching structures and septic systems shall be discontinued immediately through temporary isolation or sealing of the floor drain.

B. New Facilities:

1. As of the effective date of the regulation, all new construction and/or applicable change of use within the Town of Bourne shall comply with the provisions of this regulation.



FLOOR DRAIN REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

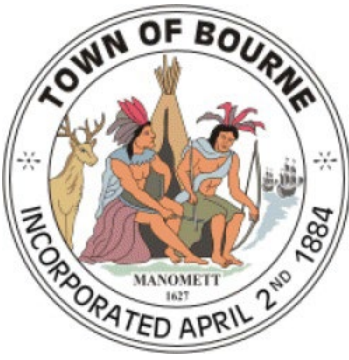
2. Certification of conformance with the provisions of this regulation by the Board of Health shall be required prior to issuance of construction and occupancy permits.
3. The use of any new oil/water separator shall comply with the same requirements as for existing systems, as specified above in Section V.B.

Section VII. PENALTIES

Failure to comply with provisions of this regulation will result in the levy of a fine of \$200.00 per day. After 30 days of non-compliance the fine will be \$300.00 per day. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation. After 60 days of non-compliance the Board of Health may also proceed with a criminal complaint in a court of law.

Section VIII. SEVERABILITY

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



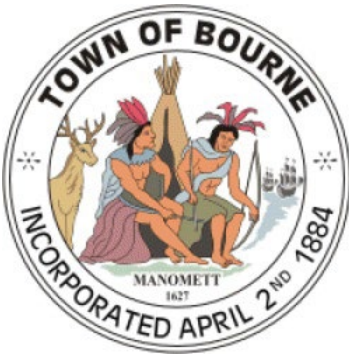
GARBAGE GRINDERS REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Effective date June 2, 1995

Pursuant to Chapter 111, Section 31 of Mass. General Laws, the Bourne Board of Health at its regular meeting on May 24, 1995 voted to amend its regulation of September 1, 1989 relative to garbage grinders as follows: The use of garbage grinders is not recommended. Garbage grinders will be permitted if the liquid capacity of the septic tank is at least 200 percent of the estimated design flow. But in no case less than 1500 gallons, and a two compartment tank or two tanks in series shall be required (see 310 CMR 15.223 (1c).) In addition, the leaching facility must also be sized for at least 200 percent of the estimated flow.

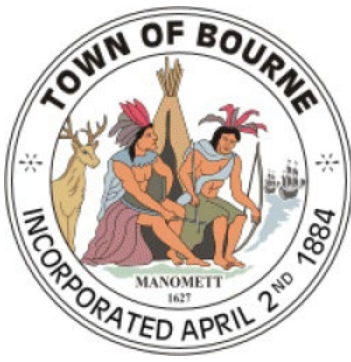


HYDROGEOLOGIC STUDY REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Pursuant to Chapter 111 Section 31 of Mass. General Laws, the Bourne Board of Health, at its regular meeting of May 24, 1995 voted to amend its regulation of September 28, 1988, effective date October 19, 1988 by changing the 4th sentence of said regulation to read as follows: In addition, a hydrogeology study, prepared by a hydro geologist or professional sanitary engineer, will be required by the Board of Health for all leaching facilities within 100 feet of a wetland or watercourse as defined by 310 CMR 15.01, 1978 Title 5.



ILLICIT DISCHARGE REGULATION

BOARD OF HEALTH

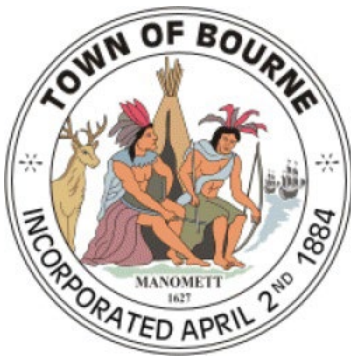
TOWN OF BOURNE

Since it has been determined that illegal (illicit) connections to any catch basin system can contribute to contaminants entering the Town's storm water system and eventually discharge these contaminants into surface water bodies, wetland resources, and even contaminate groundwater; and since part of EPA's Phase II Storm water Rule requires towns to address these illegal (illicit) connections and discharges, the Bourne Board of Health, pursuant to MGL Chapter 111, Section 31, voted to adopt the following at its regular meeting on April 13, 2005.

The following connections to or discharges to any catch basin or similar section of the Town of Bourne's storm water system (hereafter designated as MS4 system) shall be prohibited:

1. Piping from any washing machine or any other grey water system to any part of the MS4 system
2. Illegal septic connections to any part of the MS4 system
3. The draining of any pool water, whether chlorinated or not, into any part of the MS4 system
4. The pumping of any sump pump discharge to any part of the MS4 system
5. Discharges of antifreeze, waste oil, paint, or any other hazardous material to any part of the MS4 system
6. Discharge from the commercial washing of vehicles, including boats, to any part of the MS4 system
7. Any other material, which upon investigation, is found to be a pollution source leading to the degradation of ground water or wetland resources

Penalties: Any person responsible for the connection to, or dumping of any, of the aforementioned prohibited materials into any part of the Town's MS4 system shall be subject to a fine of \$100.00 issued by the Board of Health after a hearing on the alleged violation. Each day of non-compliance after the issuance of the notice of non-compliance or other Enforcement Order shall be considered a separate violation and fines will be assessed as such.



INNOVATIVE/ALTERNATIVE SEPTIC SYSTEM REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Pursuant to Chapter I 11, Section 31 of the Massachusetts General Laws, the Bourne Board of Health, at its regular meeting on October 26, 2016, voted to amend their existing Alternative Technology System Regulation from May 10, 2006 with the following:

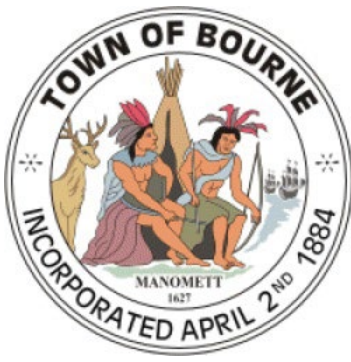
Whereas, the Bourne Board of Health may require any property within the Town of Bourne to install an innovative/alternative sewage disposal system (I/A system) in order to protect the public health and environment.

These enhanced treatment systems may be in conjunction with waivers or variances from the Bourne Board of Health Septic Regulations and/or Title 5 of the State Environmental Code, 310 CMR 15.000, or to accommodate new construction, additions, renovations, or reconstruction of the referenced property.

Whereas, the Bourne Board of Health may impose additional conditions to I/ A systems approved for General Use which may be more stringent than MassDEP's requirements. Now, therefore, this Regulation is intended to ensure that the selected I/ A system will perform at least as well as, if not better than, a conventional septic system; and that the design and installation is done in accordance with the requirements of 310 CMR 15.287, MassDEP's Standard Conditions, any Special Conditions contained in the Technology Approval, Designer or Company specific requirements, and all local requirements herein.

Upon application for a Disposal System Construction (DSCP or septic permit), the applicant shall provide to the Bourne Board of Health, among other things:

- A certification, signed by the Owner of record for the property, stating that the Owner acknowledges their responsibilities and agrees to comply with all requirements applicable to the selected I/A system;
- Whether the system will be used year-round (facility occupied for more than 6 months per year) or seasonally (occupied less than 6 months per calendar year) and;
- Their contact information in case any issues arise with the system or its operation.



INNOVATIVE/ALTERNATIVE SEPTIC SYSTEM REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

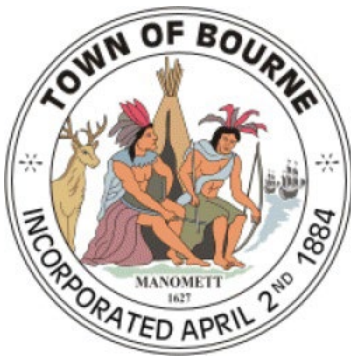
To ensure proper operation and maintenance (O&M.) of the I/A system, the system Owner shall enter into an O&M Agreement with a qualified Service Contractor who has been certified by the Board of Registration of Operators of Wastewater Treatment Facilities in accordance with 257 CMR 2.00. The owner shall be responsible for maintaining a valid O&M Agreement in perpetuity and providing a copy of this signed O&M Agreement to the Bourne Board of Health prior to the start of construction. All O&M must be reported to the Board of Health and the Barnstable County Department of Health and Environment. If required, a Disclosure Notice and Bedroom Restriction will need to be recorded in the Deed of the Property prior to the start of construction. In no instance will a Certificate of Compliance be issued until the Design Engineer, Board of Health, and Wastewater Operator have inspected the installation of this system and the successful start-up of the system has been documented in writing by the Wastewater Operator. Additionally, all other paperwork as a condition of the approval shall be in the possession of the Board of Health prior to the issuance of a Certificate of Compliance.

TESTING AND SAMPLING REQUIREMENTS:

Both year-round and seasonal residential systems with design flows less than 2,000 gpd (excluding those within Nitrogen Sensitive Areas), shall be required to have a field test and effluent sample conducted twice per year for the first two years as follows:

Year-round residential systems shall be tested and sampled every six months, once between January and March and once between July and October

Seasonal systems shall be required to have a field test and effluent sample conducted within 45 days of the system startup and again 30-60 days thereafter unless otherwise indicated. *Example: I/ A system started up for seasonal occupancy around Memorial Day Holiday -- Field test & effluent sample conducted after Independence Day -- Second field test & effluent sample conducted around Labor Day*



INNOVATIVE/ALTERNATIVE SEPTIC SYSTEM REGULATION BOARD OF HEALTH TOWN OF BOURNE

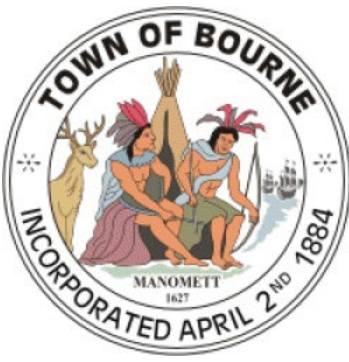
Please note that the above inspection and sampling requirements excludes service visits that may be necessary for the startup and shut down of systems, alarm responses, or other maintenance visits specified by the Service Contractor and/ or technology supplier. Inspections and field tests shall include the following:

1. Document visual examination of the effluent for color, turbidity, and effluent solids;
2. Measure effluent pH to determine if the wastewater is between 6 and 9 standard units;
3. Measure dissolved oxygen, 2mg/L or more to ensure that the system is operating and;
4. Record turbidity, less than or equal to 40 NTU.

Effluent sampling and laboratory tests should also include BODs and TSS, less than or equal to 30 mg/L, pH and Total Nitrogen measured as the total of TKN, $\text{NO}_2\text{-N}$, and $\text{NO}_3\text{-N} \leq 19\text{mg/L}$.

It is the designer's responsibility to indicate on the septic plan where the sampling ports are located and ensure that the design includes risers at finished grade.

After two years of good performance and compliance with these requirements, the O&M Agreement may be modified at the recommendation of the Service Contractor and Bourne Board of Health, resulting in a reduction in testing and sampling requirements. The I/A system must still comply with 310 CMR 15.287, MassDEP's Standard Conditions, any Special Conditions contained in the Technology Approval, Designer or Company specific requirements, and any other local regulations. At a minimum, all I/ A systems shall be inspected with a field test once per year. Effluent samples and laboratory tests will only be required for General Use systems which do not pass field tests, and follow-up inspections must be conducted within no more than 30 days. All findings must be reported to the Bourne Board of Health and BCDHE in reporting which details the problems and includes recommendation for repairing the system.

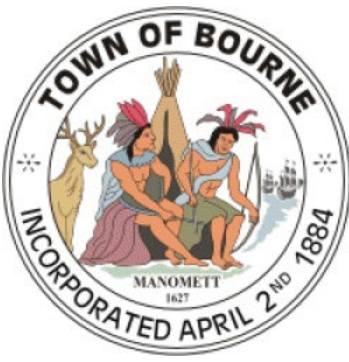


INNOVATIVE/ALTERNATIVE SEPTIC SYSTEM REGULATION BOARD OF HEALTH TOWN OF BOURNE

Any I/A system located in a designated Nitrogen Sensitive Area (Zone I, II, or IWPA of a public water supply, or subject to nitrogen loading restrictions due to the proximity to private drinking water supply wells) shall be subject to more stringent testing and sampling requirements established by MassDEP specific to the approved Technology.

EFFECTIVE DATE:

This regulation shall take effect immediately upon publication of a summary in a newspaper of general circulation in the Town of Bourne, which date shall be posted on the front page of this regulation.



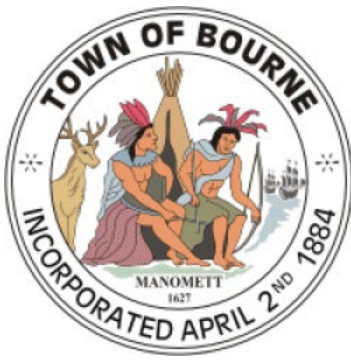
MOBILE HOME TIE IN REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

The following regulations were voted on and passed at the regular Board of Health meeting held on March 29, 1978:

- 1) The size design of a septic system will be left up to the engineer preparing the plan. All calculations must conform to the State Environmental Code, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Title 5, of the DEQE .This rescinds regulation November 5, 1974.
- 2) The Board accepts the amendment to Section 3 of Chapter 40A of the General Laws with additional provision that the mobile home must be connected to the adequate and functioning septic system of the home in question.



MOBILE HOME UNITS REGULATION BOARD OF HEALTH

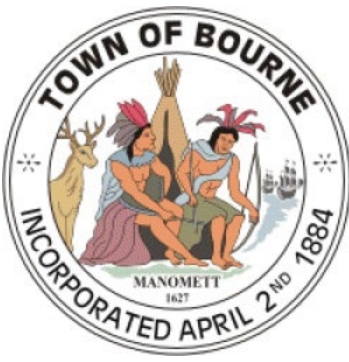
TOWN OF BOURNE

Effective date June 2, 1995

Pursuant to Chapter 111, section 31 of Mass. General Laws, the Bourne Board of Health voted at its regular meeting on May 24, 1995 to rescind Section 1 of its regulation dated 4/9-13/78 and amend Section 2 as follows:

The Board of Health hereby accepts the amendment of Section 3 of Chapter 40A of the Massachusetts General Laws with the following provision:

A mobile home unit may be allowed occupancy on a residential lot in the case of emergency, such as fire damage to a residential dwelling, so long as said mobile home is connected to an adequately sized and functioning septic system of the residential dwelling in question Each situation will be reviewed by the Board of Health before any such approvals will be granted and said approval will be restricted to that period of time necessary to effect repairs on the damaged dwelling so that re-occupancy may take place.

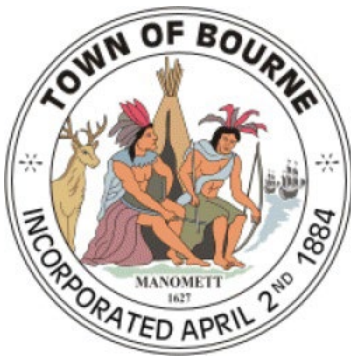


PERC TESTS REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Pursuant to Chapter 111, Section 31 of Mass. General Laws, the Bourne Board of Health, at its regular meeting on March 22, 1995 voted to adopt the following regulation. The Board feels that in order to continue with past practices of witnessing percolation tests, the witnessing of the soil evaluation is equally as important to ensure they are performed properly and within the policy of the Board of Health. All percolation tests and/or soil evaluations shall be performed in the presence of the Health Agent, or an authorized representative of the Bourne Board of Health who has been formally designated as an alternate inspector.

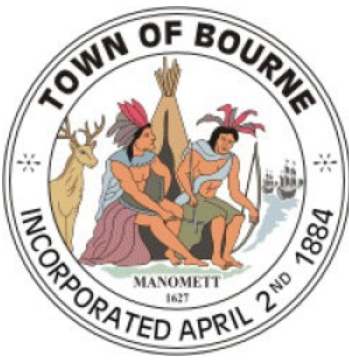


PERMIT RENEWAL REGULATION BOARD OF HEALTH TOWN OF BOURNE

~~Pursuant to Massachusetts General Laws, Chapter 111, Section 31, the Bourne Board of Health, at its regular meeting on December 13, 1995, voted to adopt the following regulation:~~

~~For septic permits issued under the 1978 Title 5 code, i.e. those for which application was made prior to March 31, 1995, a one year renewal for said permit will be allowed as long as a completed application for the renewal permit is made prior to the expiration of the existing permit. Variances from this one-year-only renewal may be requested from the Board of Health and will be reviewed on a case by case basis. Those permits no longer protected under this regulation may have new applications made only when compliance with the revised Title 5 (March 31, 1995) is demonstrated.~~

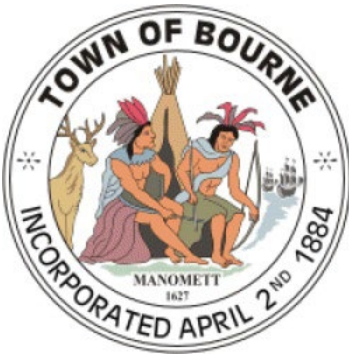
Rescind – obsolete regulation. Permit validity regulation encompasses the purpose of this.



PERMIT VALIDITY REGULATION BOARD OF HEALTH TOWN OF BOURNE

Pursuant to Chapter 111, Section 31 of the Massachusetts General Laws, the Bourne Board of Health, at its meeting on **September 14, 2022**, voted to amend its regulation dated May 24, 1995 and January 4, 1974 regarding permit validity to the following:

Disposal Works Construction Permits shall be valid for one year from the date of approval by the Board of Health (date of signature by Health Agent). Said permit, with originally submitted plans, may be renewed for one consecutive year as long as no **MassDEP or** Board of Health regulations concerning sewage disposal systems ~~siting setbacks or design~~ have been promulgated **or amended** and renewal applications are made prior to the expiration of the original permit. Further renewals will be considered on a case by case basis.



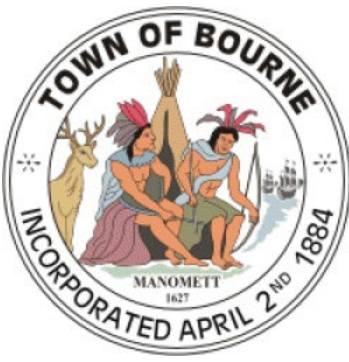
PIPES REGULATION BOARD OF HEALTH

TOWN OF BOURNE

Effective August 16, 1982

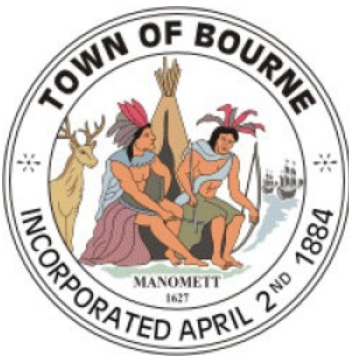
At its regular Board of Health meeting held on July 28, 1982, under Chapter 111, Section 31 of the General Laws, The Board voted on the following:

All pipes used for sub-surface sewage disposal systems, new and repaired, must be of Schedule 40 or equal.



PVC REGULATION BOARD OF HEALTH TOWN OF BOURNE

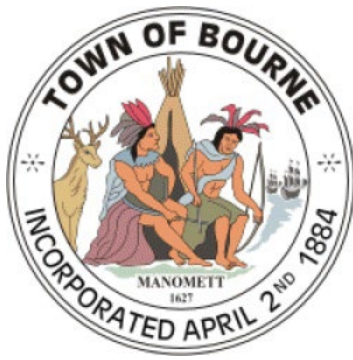
At its regular meeting held on October 28, 1992 the Bourne Board of Health voted, under authority of Mass. General Laws, Chapter III, s. 31, to adopt the following regulation: Due to problems encountered with their long-term structural stability, the use of poured-in-place concrete sanitary tees is prohibited. These concrete tees must be replaced by Schedule 40 PVC or cast iron tees.



SEPTIC ADDITIVES REGULATION BOARD OF HEALTH TOWN OF BOURNE

At its regular meeting held on August 23, 1989, the Bourne Board of Health voted, under authority of Chapter 111, s. 31, to adopt the following regulation as proposed:

The commercial use or commercial application of any septic system additives, either those having a pH of less than 4.3 or greater than 8.2 or those substances classified as toxic or hazardous by Massachusetts 105 CMR 670.000, Appendix A or substances included on the EPA Toxic Pollution Control Act, as amended, is pro-hibited in the Town of Bourne. The commercial addition of these substances to any portion of a subsurface septic system or subsurface drainage system for the purpose of cleaning unclogging, maintaining or reconditioning said system or adjacent soils may be punishable by loss of license and/or a fine of \$500.00 for each offense. The use and application of additives containing only organic bacterias and/or enzymes to septic systems is allowed. The Board of Health wishes to make it clear that the use of these enzymes and organic bacterias is at the discretion of the homeowner.

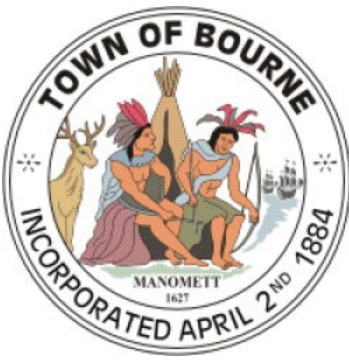


SEPTIC EASEMENT REGULATION BOARD OF HEALTH

TOWN OF BOURNE

At its regular meeting on March 13, 1996, the Bourne Board of Health hereby adopts the following regulation pursuant to Chapter III, Section 31 of the Massachusetts General Laws:

The use of septic system easements will not automatically be allowed for the issuance of "Disposal Works Construction Permit" applications, for new, residential or commercial, septic systems, when the use of said easements are used as a method to maintain the required Title 5 and local Board of Health setbacks, which shall include, but not be limited to the following: property lines, wells, foundations, edge of wetlands, top of coastal bank, or where the placement of the septic system on the existing lot cannot be achieved without variances. Before any septic system easements are requested, the applicants must first request the necessary variances required under Title 5 and local Board of Health regulations, excluding easement variances, with pertinent information regarding nitrogen loading, groundwater flow direction, and any proposed use of alternative technology that will mitigate the impact caused by not being able to achieve the required setbacks. The use of septic system easements will only be considered on a case by case basis, when such variances required under Title 5 and Local Board of Health regulations have been denied by the Board of Health and where the use of easements will not create more than 440 gallons per day, of combined septic system effluent, per acre of said lot on which the easement exists. Said easement, if approved, is to be recorded with the Registry of Deeds, along with a maintenance schedule agreement, with required pumping of no less than every two years. The "recorded easement" will be presented to the Board of Health and be a condition of the completion and issuance of the "Disposal Works Construction Permit" application.



TITLE TRANSFER/ SEPTIC SYSTEM INSPECTION REGULATION

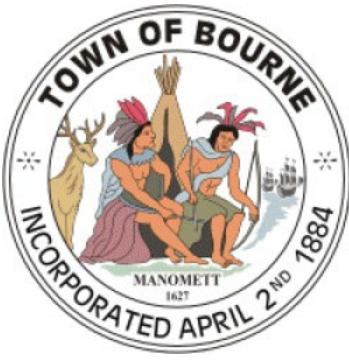
BOARD OF HEALTH

TOWN OF BOURNE

Pursuant to Chapter 111, Section 31 of Massachusetts General Laws, the Bourne Board of Health (the “Board”), at its regular meeting on February 23, 2022, voted to amend its existing regulation from May 26, 2004, last updated October 26, 2016 relative to additional requirements for Title 5 Title transfer inspections with the following:

In order to protect public health and the environment; and to ensure proper enforcement of the Board’s existing regulation, the Board hereby adopts the following:

1. The Board reserves the right to witness any Title transfer inspection prior to the issuance of the Title transfer report.
2. The Board will require that all Title 5 inspectors notify the Board seventy-two business hours prior to conducting any Title transfer inspections in the Town of Bourne.
3. The Board will be given a list of any pending inspections and will review the current septic system data for that property and will determine whether the Board needs to witness that specific inspection. It is the intent of the Board to concentrate on those inspections where separation to groundwater may be an issue, on those systems installed prior to 1978, systems within 150 feet of resource areas, or where previous inspections have indicated that the systems are close to meeting failure criteria.
4. The Board will maintain a list of proposed inspections, with the inspector’s name and date notified by the inspector. The inspector will either be given a written waiver on the requirement for the witnessing of the inspection, or will be



TITLE TRANSFER/ SEPTIC SYSTEM INSPECTION REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

advised that the Board will need to be present at the inspection. Scheduling of these appointments will be done within seventy-two business hours by the Board.

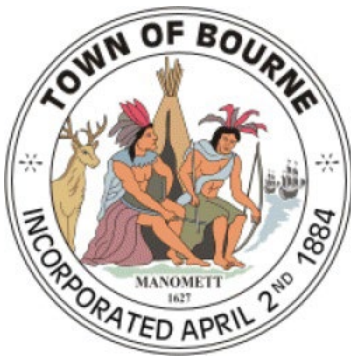
5. The Board requires a filing fee for each official Title 5 Inspection Report submitted. Pursuant to Title 5, 310 CMR 15.301(10), all Title transfer reports will be submitted to the Board within 30 calendar days of the inspection.

6. As per existing policy, leaching systems will continue to be reviewed by the inspectors under the same criteria as would be used for leach pits, i.e. 6 inches of leaching capacity or half days flow present in order to pass the inspection. The 6 inches of leaching capacity must be evidence by clean sidewall and no presence of sludge or staining. Block, stone, or brick risers on pits will not be included as part of sidewall leaching area, nor will any riser material be considered as part of the sidewall leaching area or the capacity of a leaching system.

7. Inspectors must clearly indicate on the inspection form the level of standing liquid in any leaching component, the level of staining in any leaching component, and the presence, or lack thereof, 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 of the correction of said deficiency.

8. If one or more system components need to be repaired or replaced as described in the Conditional Pass section, the Bourne Health Agent (the "Health Agent") must be notified by the inspector within one business day. Any such work will require a valid disposal works construction permit and inspection by the Board. A Certificate of Compliance will be issued following the inspection of the satisfactorily repaired or replaced components.

9. If conditions exist which require Further Evaluation by the Board to determine if the system is failing to protect public health, safety, or the environment, the Health Agent must be notified by the inspector within one business day. The inspector must submit a report to the Board which clearly demonstrates the



TITLE TRANSFER/ SEPTIC SYSTEM INSPECTION REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

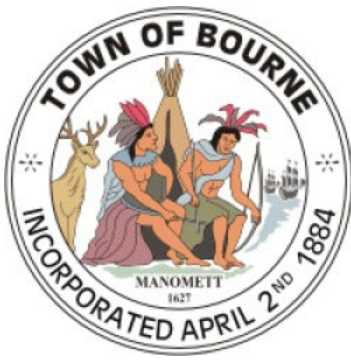
conditions which were discovered at the time of inspection and provides the Board with the property owner's contact information. In many cases, public hearings of the Board will be held to discuss and vote on such a determination. Monitoring wells, laboratory sampling, and additional testing may be required.

10. All systems are required to have a minimum of a four foot vertical separation between the bottom of the soil absorption system and the high groundwater elevation in order to pass inspection in the Town of Bourne. Inspectors must clearly demonstrate how they employed the methods described in 310 CMR 15.000 to make the determination of high groundwater elevation. Additional paperwork including the USGS Adjustment calculations and monitoring well data may be required. Inspectors must notify the Health Agent within one business day to discuss systems which may not meet this vertical separation to discuss on a case-by-case basis. In some instances, properties which received variances and / or local upgrade approvals by the Board may be grandfathered. Requests for grandfathering per this regulation must be submitted in writing for review and approval.

11. Pursuant to 310 CMR 15.303(2), any system shall be upgraded upon the order of the Board if determined that a specific circumstance exists by which any system threatens public health, safety, welfare, or the environment, causes or threatens to cause damage to property or creates a public health nuisance.

12. Upgrades may be required for septic systems which were not constructed in accordance with the approved plans, or if the soil absorption system is not designed to meet the design flow of the facility it serves. These systems may be considered failed systems until rectified.

13. Cesspools meaning any pit with open-jointed linings or holes in the bottom and/or sidewalls into which raw sewage is discharged, the liquid portion of the sewage being disposed of by seeping or leaching into the surrounding soils, and the solids or sludge being retained in the pit, are considered failed systems automatically. Cesspools are nonconforming systems.

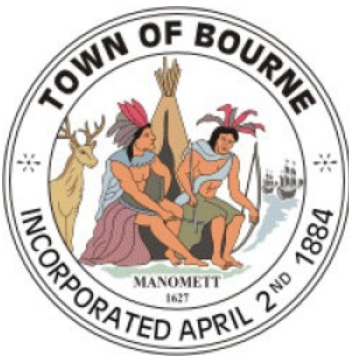


TOILET FACILITIES REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Pursuant to Chapter 111, Section 31 of the Massachusetts General Laws the following was voted by the Board of Health as a Health Regulation on January 16, 1976, during a regular meeting: All business establishments in the Town of Bourne are to have toilet facilities in compliance with local and State regulations.

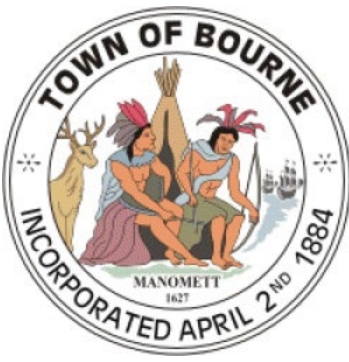


VARIANCES REGULATION BOARD OF HEALTH

TOWN OF BOURNE

Effective date June 2, 1995

Pursuant to Chapter 111 Section 31 of Mass. General Laws, the Bourne Board of Health, at its meeting on **September 14, 2022**, voted to amend its regulation of April 27, 1990 amended of May 24, 1995 regarding variances as follows: All variances, relative to subsurface disposal systems granted by the Bourne Board of Health will be valid for ~~one (1) year~~ **two (2) years** from the date of the vote approving said variance, **provided that a disposal works construction permit has been issued within one (1) year from the date of approval**. The Board of Health may **vote on a lesser time period** or grant an extension to the **two** year time limit upon a showing by the petitioner that extraordinary circumstances caused the septic construction project not to be completed within the **voted** year time period. If such an extension is granted, the Board of Health may require any regulations promulgated since the original granting of the variance be applied to the extension of the variances.



WASTEWATER TREATMENT REGULATION

BOARD OF HEALTH

TOWN OF BOURNE

Effective date June 2, 1995

WASTEWATER TREATMENT PLANT

Pursuant to Chapter 111, Section 31 of MGL, the Bourne Board of Health at its regular meeting on March 16, 1988, voted and passed the following:

WASTEWATER TREATMENT FACILITIES

Any proposed use of a parcel of land within the Town of Bourne, including land not previously subdivided and approved by the Bourne Planning Board, on which the total anticipated discharge of domestic or industrial waste exceeds ten thousand (10,000) gallons per day, the Bourne Board of Health may require the installation and use of a wastewater treatment facility to treat such wastes. If the total discharge exceeds fifteen thousand (15,000) gallons per day a wastewater treatment facility shall be required. No permit for a wastewater treatment facility shall be issued for any structure unless such structure to be serviced by such wastewater treatment plant shall have sufficient land area to construct a septic disposal system that would meet the requirements of Title V, 310 CMR 15 and regulations of the Bourne Board of Health in the event that the wastewater treatment should fail or cease operating under the conditions of the construction permit issued for it. The Bourne Board of Health may defer the issuance of any permit for the construction of a wastewater treatment facility until the Board determines that the proposed facility is adequate for the proposed use.