

Orleans Board of Health

Article XVII

Sewer Connection Regulations

185-144 AUTHORITY

These regulations are enacted under the authority of Massachusetts General Law, Chapter 83, Section 3 and 11, Chapter 111, Section 31 and 127.

185-145 PURPOSE

The purpose of these regulations is to protect Public Health, safety and the environment. These regulations facilitate and provide a systematic approach for properties to connect to the wastewater sewer, as defined in the Orleans *Sewer Use Rules and Regulations*, where applicable.

185-146 APPLICABILITY

These regulations apply to all properties located within the Sewer Service Area, as defined in the Orleans *Sewer Use Rules and Regulations*.

185-147 DEFINITIONS

Unless the context of usage indicates otherwise, the meaning of the specific terms in these *Sewer Connection Regulations* will be as follows:

Board means the Orleans Board of Health.

Commission means the Orleans Board of Water and Sewer Commissioners.

Fats, Oils, and Grease (FOG) means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules that are used in, or are byproducts of, the cooking or food preparation process, and that turn or may turn viscous or solidify with a change in temperature or other conditions. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as amended. All are sometimes referred to herein as "grease" or "greases".

Hauler means any company and/or person who contracts for the pumping, transport, and legal disposal of septage and/or FOG who is licensed as a septage hauler.

Property Owner means the individual or entity in possession of title for land and/or structure. It shall be assumed the property owner is listed on the most recent Town of Orleans Assessor's Property Field Card.

Septage means the material removed from any part of an individual on-site septic system.

Service Connection means the extension from the building sewer which carries sanitary sewage to the Town's wastewater sewer. A service connection may also be called a building sewer, house sewer, or house connection.

Shall is mandatory.

Septic System means a system or series of systems for the on site treatment and disposal of sanitary sewage and wastewater below the ground surface on a lot.

Title 5 (310 CMR 15.000) means 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 as amended.

Town means the Town of Orleans, County of Barnstable, Commonwealth of Massachusetts.

Wastewater means a combination of liquid and water-carried wastes from residences, commercial buildings, industries and institutions, together with any groundwater, surface water or storm water that may be present.

Wastewater Sewer means the structures, processes, equipment, and arrangements necessary to collect and transport wastewaters to the Orleans wastewater treatment facility. This shall include every sewer pipe laid in any land, easement, street or way, public or private, to which all owners of abutting properties have equal rights, and which is controlled and has been accepted by the Town. No sewer shall be deemed to be an Orleans Wastewater Sewer unless it meets all of these criteria, even if such sewer is located in any land, street or way, public or private.

Wastewater Treatment Facility (WWTF) means the structures, processes, equipment and arrangements necessary to treat the wastewaters discharged into the wastewater collection system prior to disposal.

185-148 CONNECTION REQUIREMENTS

- A. All properties within the Town of Orleans which are in the Sewer Service Area and which generate wastewater flow in any capacity shall connect to such sewer when so ordered by the Board.

- B. All properties as to which such notice has been mailed and to which ownership is thereafter transferred, shall be required to connect to the wastewater sewer within 90 days of transfer or within one year from the date of the order to connect, whichever is later.

- C. Unless the condition of the approval was granted otherwise, any property owner who has installed a complete septic system, as defined in the State Environmental Code 310 CMR 15.000, Title 5, fewer than 10 years prior to an order to connect may, upon approval by the Board of Health, defer connection to the wastewater sewer to allow for the utilization of the septic system for a total of 10 years from the date of the issuance of the certificate of compliance for said system. The owners of said system must prove a history of compliance in operation and maintenance of the system, as contained in the Board of Health and the Department of Environmental Protection approval.
 1. This provision is not applicable to properties in nitrogen sensitive areas, which may affect compliance with the Comprehensive Wastewater Management Plan's nitrogen removal goals for the Town of Orleans.
 2. If the property is transferred during the approved deferment time, the property shall connect to the wastewater sewer within 90 days of transfer.
 - a. Condominiums which utilize shared systems are exempt from connecting within 90 days of transfer, and may use the existing septic system(s) for the entirety of approved deferment time.

- D. If a septic system having been granted deferment by the Board is required to be repaired, upgraded, or modified, the owner of such property shall connect to the sewer within 90 calendar days of receiving written notification from the Board or its designee.

- E. The owner of any new structure shall connect said building to the wastewater sewer prior to occupancy of the structure.
- F. Following connection to the wastewater sewer, owners shall immediately abandon any septic tanks, cesspools, and all other corresponding septic system components.

185-149 ABANDON EXISTING SEPTIC SYSTEM

- A. Upon connection of a building to the wastewater sewer, the existing septic system must be abandoned.
- B. A Disposal Works Construction Permit must be obtained from the Board.
- C. A licensed Orleans Disposal Works Installer must abandon the existing septic system(s).
- D. Abandonment of the existing septic system shall be in accordance with the Board's requirements and as follows:
 - 1. Tanks (including septic tanks, pump chambers, tight tanks or any other tank not required for the connection to the wastewater sewer) shall be removed, or the following must be performed:
 - a. Pump and legally dispose of all contents, and
 - b. Rupture the bottom of the tank(s), and
 - c. Demolish the top three (3) feet of the tank and legally dispose of all debris, and
 - d. Backfill remaining portion of the tank(s) with common fill and
 - e. Restore area to at least pre-existing conditions.
 - 2. Cesspools and block laid components
 - a. Pump and legally dispose of all contents, and
 - b. Remove or crush component in place, and
 - c. Backfill excavation with common fill, and
 - d. Restore area to at least pre-existing conditions.
 - 3. Other precast components
 - a. Pump and legally dispose of all contents, and
 - b. Remove or fill component with common fill, and
 - c. Backfill excavation with common fill, and
 - d. Restore area to at least pre-existing conditions.

185-150 ORDER TO CONNECT

- A. The contents of every order authorized under these regulations shall:
 - 1. Be in writing.
 - 2. Indicate the time limit for compliance with the order.
 - 3. State what is required to comply with the order.
 - 4. Contain notice of the right to a hearing.
 - 5. Define the deadline and proper procedure for requesting a hearing.

- B. All orders issued under these regulations shall be served to the property owner or their agent. All orders shall be served:
 - 1. By sending a copy via First Class Mail to the owner listed on the most recent Town of Orleans Assessor's Property Field Card.
 - 2. If his/her last and usual place of residence is unknown, by posting a copy of the order in a conspicuous place on or about the facility for which the owner is required to connect to the wastewater sewer.

185-151 HEARING PROCEDURES

- A. Anyone in receipt of an order to connect to the wastewater sewer may request a hearing with the Board.
 - 1. A hearing request must be submitted to the Health Department within six (6) months of receiving the order from the Board.

- B. Any petitioner seeking a hearing with the Board must also file with the Commission, which shall submit a written recommendation on that specific property to the Board.

- C. At a hearing, the petitioner or their representative shall be given an opportunity to be heard and to prove why the order should be modified or withdrawn.

- D. The Board shall uphold, modify, or withdraw the order and shall inform the petitioner of its decision in writing. If the Board upholds or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification.

185-152 VIOLATIONS AND PENALTIES

Any person who violates these regulations shall be subject to a fine of \$200.00 for each violation. Each day a violation continues shall be deemed a separate offense.

- A. Non Criminal Disposition

1. Whoever violates any provisions of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Law, Chapter 40, Section 21, D or by filing a criminal complaint at the appropriate venue.
2. The Board may apply for injunctive relief to enforce the provisions of this subsection in a court of competent jurisdiction.

B. Enforcement

1. Enforcement of this regulation shall be by the Board and its designated agent(s) or the Commission and its designated agent(s).

185-153 SEVERABILITY

In the event that any of these regulations are held invalid, any such regulation or regulations shall be severed from the others and struck from this document, but the remaining regulations shall continue in full force.

Orleans Board of Health

Joe Hartung
John Smith
Sims McGrath
John Kanaga
Luke Chapman

Adopted: July 21, 2022

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