



LINCOLN BOARD OF HEALTH REGULATIONS

WASTEWATER MANAGEMENT

1.01: Purpose and Authority

- (A) “The Town of Lincoln is committed to protecting the environment and public health. Effective care of onsite (i.e., Title 5) systems and other decentralized wastewater systems is essential to keeping this commitment. The Town will enhance its oversight of these systems in a fair, reasonable, and cost-effective manner to ensure they are well managed and that system owners have the information and tools necessary to protect their private investment and the public good.
- (B) This regulation is promulgated pursuant to the authority granted to the Lincoln Board of Health by MGL Ch. 111, §. 31 and MGL Ch. 111, §. 127.

1.02: Definitions

- (A) The definitions in 1.02 shall be considered in addition to the definitions contained in 310 CMR 15.002 and any other applicable law or regulation as determined by the Board of Health.

"Board of Health" or "Board" – the legally constituted Board of Health for the Town of Lincoln, or its appointed agents or representatives.

“Disposal Works Construction Permit” – written approval issued by the Board of Health in accordance with 310 CMR 15.020 and Lincoln Board of Health Regulation 1.04(A) authorizing the construction, upgrade, expansion, or repair on an onsite wastewater system.

“Innovative-Alternative Technology” – see 310 CMR 15.281(3)

“Onsite Wastewater System Inspector” – equivalent to “System Inspector” in 310 CMR 15.002.

“Operations and Maintenance” – the required upkeep of an innovative-alternative technology as defined by the Massachusetts Department of Environmental Protection written approval for the selected technology.

"Owner" – every person who alone or with others, jointly or severally (a) has legal title to any residential or commercial property or parcel of land, vacant or otherwise; or (b) has care, charge or control of any residential or commercial property or parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; or (e) any officer or trustee of the association of unit owners of a condominium.

"Permit" – any annual, one-day, or individual permit which is issued by the Board in accordance with its regulations, which is not altered or defaced in any way, and has not been suspended, revoked or expired by the Board of Health or its agent.

"Person" – any individual, partnership, association, firm, company, corporation, department, agency, group (including a city, town, county, state, or other governmental unit) or any other entity responsible in any way for any activity subject to these regulations.

1.03: Applicability

- (A) The provisions of this regulation shall not limit the authority of the Board of Health or its agents to require inspections or otherwise exercise their authority pursuant to 310 CMR 15.00 and/or MGL Ch. 111, as they deem necessary. Wherever this regulation is more stringent than Title 5, the Board's regulation shall prevail. This regulation supersedes all earlier wastewater regulations adopted by the Lincoln Board of Health.

1.04: Permits

(A) Disposal Works Construction Permits

- (1) A Disposal Works Construction Permit is required prior to commencement of the installation, upgrade, repair, or construction of any onsite wastewater system or component thereof, within the Town of Lincoln.
- (2) All Disposal Works Construction permits issued by the Board of Health shall expire three (3) years from date of issue.
 - (a) The Health Agent may grant one (1) permit renewal with a term expiring not later than one (1) year from the original expiration date of the permit, with such additional conditions or restrictions as may be reasonably required.
- (3) The Board of Health, and/or their Agent shall have the authority to place written conditions upon any Disposal Works Construction Permit at the time of issuance. Said conditions shall become part of the permit.
 - (a) Violation of any permit condition(s) shall result in the revocation of the permit and any additional enforcement measures as allowed by applicable state and local laws and regulations.
- (4) Notwithstanding 1.04(A)(1-3), a Disposal Works Installer, licensed pursuant to 1.04(B) is permitted to engage in an emergency repair as defined in 310 CMR 15.353, except that application for the required Disposal Works Construction Permit must be submitted within 48 hours of the commencement of the emergency repair work.

(B) Disposal System Installer's Permit

- (1) No individual shall engage in the repair, construction, modification, upgrade, installation, or emergency repair of an onsite wastewater system within the Town of Lincoln without first being granted a Disposal Works Installer's License by the Lincoln Board of Health.
- (2) An applicant for a Disposal System Installer's Permit shall submit an application to the Lincoln Health Department with all required supporting documentation, as noted on the application.
- (3) The initial granting of a Disposal System Installer's Permit to a new applicant shall be on a probationary basis.
 - (a) The Agent of the Board of Health, after inspecting the probationary applicant's quality of work shall render one of the following three decisions:
 1. Granting of a full Disposal System Installer's Permit
 2. Continuance of the probationary period for a fixed number of installations, modifications, upgrades, and/or repairs
 3. Denial of a full Disposal System Installer's Permit
- (4) Pursuant to 1.07(A), the Lincoln Board of Health, through an adjudicatory hearing process, may suspend, revoke or refuse to renew the permit or registration of any person who violates any provision of its regulations.

(C) Permit to Pump and Haul Septage

- (1) No individual shall engage in the pumping and/or hauling of septage, sewage, or wastewater system residuals from onsite wastewater systems, portable toilets, or wastewater treatment facilities within the Town of Lincoln without first being granted a Septage Hauler Permit by the Lincoln Board of Health.
- (2) Pursuant to 1.07(A), the Lincoln Board of Health, through an adjudicatory hearing process, may suspend, revoke or refuse to renew the permit or registration of any person who violates any provision of its regulations.

1.05: Siting of Onsite Wastewater Systems

- (A) Onsite wastewater systems shall be constructed not less than the minimum distances from items listed in 310 CMR 15.211 with the following additions and/or modifications listed in Table 1.

Table 1: Minimum Setbacks for Onsite Wastewater System Components		
Item	Soil Absorption System	All Other Components ¹
Wetland resource area as defined in 310 CMR 10.00 or the Town of Lincoln Conservation Commission	If design flow <2,000 gpd 100 feet	If design flow <2,000 gpd 50 feet
	If design flow ≥2,000 gpd 100 feet	If design flow ≥2,000 gpd 100 feet
Pier or sonotube-type foundations	10 feet	10 feet
Above-ground pools with a depth greater than three (3) feet	10 feet	10 feet
Geothermal heating/cooling system wells	50 feet	50 feet
Irrigation wells	50 feet	50 feet
1. Components as defined by the Agent of the Board of Health		

1.06: Design of Onsite Wastewater Systems

(A) Soil Absorption Systems

- (1) The minimum area for the design of a soil absorption system in accordance the appropriate long term acceptance rate criteria specified in 310 CMR 15.242 shall be increased by 50% to accommodate a garbage disposal per 310 CMR 15.240(4)
 - (a) The above requirement may be waived by the Board of Health Agent on a case by case basis. Upon approval, a deed restriction provided by the Board of Health that prohibits the installation of a garbage disposal filed with the Registry of Deeds will be required before a permit is issued.
- (2) Soil absorption systems constructed in areas where the underlying naturally occurring soil material has a percolation rate of greater than 20 minutes per inch shall have a minimum of 6" of clean imported fill material meeting the specifications of 310 CMR 15.255(3) placed below the bottom of the system.
 - (a) The Board of Health or its Agent may require this minimum 6" of fill at its discretion, regardless of the type of underlying soil material.
- (3) The minimum depth of clean, double-washed, stone aggregate, 3/4"-1 1/2" in size, shall be 12 inches measured below the invert of the distribution pipes in bed/field configurations with aggregate as the distribution media.

- (4) The area between trenches may be designated as system reserve area only where the separation distance between the sidewalls of the primary trenches is at least 12'.

(B) All Other System Components

- (1) A two-compartment septic tank, or two single compartment septic tank compliant with 310 CMR 15.224 shall be installed any time a septic tank(s) is replaced.
- (2) An effluent tee filter, approved by the Massachusetts Department of Environmental Protection, shall be fitted in the outlet of the septic tank installed under these regulations.
- (3) Risers, fitted with cast-iron manhole frames and covers or approve equivalents, shall be affixed to any system component bringing the access to a point six (6) inches or less from the final grade elevation.
- (4) Pumps and other electrical controls shall be installed by a Massachusetts Licensed Electrician only after an Electrical Permit has been granted by the Town of Lincoln Building Department.

1.07: Building Permit Reviews

- (A) Property owners shall not apply for building permits for interior renovation footprint and/or roofline expansions, new construction, or changes in use until after the Board of Health reviews the proposed plans.
 - (1) Applicants shall submit an application for Title 5 Building Review, along with the appropriate fee and supporting documentation.
- (B) For residential structures, the Board will review documentation provided by the applicant and compare it to information on file, for a determination if any change in room count will result in a calculated increase in bedrooms, pursuant to 310 CMR 15.002(2).
- (C) For non-residential structures the Board will review the submitted documentation and compare it to information on file to determine if the proposal constitutes a change in use or expansion of use that will result in an increase in design flow as defined in 310 CMR 15.203.
- (D) For all structures where a footprint alteration is proposed, the Board will apply the most recent applicable setbacks in 310 CMR 15.211 and section 1.06(A), Table 1, of these regulations. All proposed footprint alterations are required to be in compliance with the above-referenced setback requirements.

1.08: Innovative-Alternative Technologies

- (A) Onsite wastewater systems which include innovative-alternative technology, installed pursuant to 310 CMR 15.280-289 in Lincoln shall be registered with the Board of Health. Each registrant shall be required to provide the Board with the following:
 - (1) The name, address, phone number, and emergency contact information for the owner and operations and maintenance service provider.
 - (2) A copy of the current operations and maintenance contract between the owner and the operations and maintenance service provider. Each contract shall be valid for no less than two (2) years and shall be renewed a minimum of sixty (60) days prior to expiration.
 - (a) A copy of the current contract shall be submitted to the Board of Health within thirty (30) days of any change in ownership, contract terms, or in the event of renewal.
 - (3) Any other relevant information required by the Board of Health or its Agent.
- (B) Onsite wastewater systems utilizing innovative-alternative technologies, solely for effluent disposal in the soil absorption system, installed pursuant to 310 CMR 15.280-289 in Lincoln shall not be subject to the requirements of 1.09(A) if the technology approval letter issued by the Massachusetts Department of Environmental Protection does not require an operation, maintenance, or inspection contract.

1.09: Severability

- (A) Each section, paragraph, sentence, clause, phrase, and any other portion of this regulation shall be construed as separate to the end that if any portion thereof shall be held invalid for any reason, then the remainder of the regulation shall remain in full force and effect.

1.10: Effective Date

- (A) This regulation was adopted by the Lincoln Board of Health at a public hearing on Wednesday, February 06, 2013 and revised at a public hearing on Wednesday, November 19, 2014 pursuant to the authority granted by MGL Ch. 111, §. 31 and MGL Ch. 111, §. 127.