

May 12, 2016
Sterling Board of Health Meeting
Butterick Municipal Building, Room 205
1 Park Street, Sterling, MA. 01564

Meeting Minutes

6:33 PM Chairman Allen Hoffman called the meeting to order.

Roll Call: Allen Hoffman, Chair - present
Donna Clark, Member - present (arrived at 6:57 PM)
Gary Menin, Member - present
David Favreau, Health Agent - present
Elaine Heller, Admin. Asst. - present

Attendees:	Lea Frantz	Brian Foley, Esq.
	Jay Ellis (?)	Roy Ellis, Jr.
	John Sander (?)	Dolores Rich
	Brian Rich	Ryan Parkinson
	Thomas Foley	Jack Maloney
	James Herrick	Judy Tetu
	Rosanne Mapp	

Gary Menin noted he was recording the proceedings as an individual and that they would be available on the cloud for those who are interested.

Approve Prior Meeting Minutes:

A motion to accept minutes of the April 14, 2016 minutes, as amended, was made by Gary Menin and seconded by Allen Hoffman. With both members in favor, the motion carried.

A motion to accept minutes of the April 28, 2016 minutes, as amended, was made by Gary Menin and seconded by Allen Hoffman. The motion carried.

Health Agent Report:

Inspection Report and Application, 7 Wilder Lane - According to Health Agent Favreau, the resident-contracted Title 5 inspector objected to Sterling's Local Regulation that requires the Health Agent witness all T5 inspections. A motion to have Mr. Favreau send a formal letter to the T5 inspector reiterating this requirement was made by Allen Hoffman and seconded by Gary Menin. With both in favor, the motion carried.

Failed Title 5 Inspection Report, 28 Chace Hill Road - Mr. Favreau noted the failed septic system is being upgraded and all required signatures have been obtained.

Other Items, Complaints - A complaint was submitted regarding cold meatballs at Rota Spring Farm. Mr. Favreau made a visit to the Farm and determined the temperatures were fine and no problems were found. He will send a note to the complainant.

A sewage odor complaint at 12 Campground Road was also submitted. Mr. Favreau spoke with the person who made the complaint and he will continue to monitor for sewage odor at the address noted.

Donna Clark joined the meeting at this point.

Public Session:

Ms. Lea Frantz of 20 Redstone Place appeared before the Board. Her septic system had failed and she is in the process of selling the property and contracting as necessary for a compliant replacement system. As the design for the new system will necessitate variances with Title 5, she will do the 10-day notice to abutters and would like to bring the new design before the Board at their earliest convenience, as she has a June 17, 2016 closing date on her property. As such, the Board decided to hold a Special Meeting on May 23, 2016, to accommodate Ms. Frantz' needs.

Agenda Items:

Rosanne Mapp came before the Board to discuss the lead paint issue at 33 Main Street, and regulations regarding scaffolding at the property. She noted the scaffolding is now gone, so no longer an issue. Chairman Hoffman mentioned the Board of Selectmen do not intend to take action on falling lead paint until the October 2016 deadline given to the property owner to repair and repaint the building.

31 Clinton Road Variance Request: To reduce the minimum separation distance from high groundwater and the SAS as required in 310 CMR 15.212 (1) from 4 feet to 3 feet & as required in Sterling Subsurface Sewage disposal Regulations IV (f). A local upgrade approval request from 310 CMR 405(1)(i) a sieve analysis in lieu of a percolation test. The use of a alternative system 310 CMR 15.280 cultic chambers.

Jim Herrick, septic system designer, represented the homeowners and spoke on the variance request. Donna Clark made a motion to keep the offset at 4 feet, approve the sieve analysis, impose a 2-bedroom deed restriction on the property and an approval for use of an alternative technology. Gary Menin seconded the motion. There was no further discussion. All were in favor and the motion carried.

2 Samuels Lane Variance Request: To reduce the minimum separation distance from high groundwater and the SAS as required in 310 CMR 15.212 (1) from 4 feet to 3 feet and as required in Sterling Subsurface Sewage disposal Regulations IV (f). Sterling Subsurface Sewage disposal Regulations IV (a) requires 1000 square feet 12" stone beneath for a bed; a Presby design utilizing 741SF is proposed without stone.

Jack Maloney, designer, represented the homeowner. After reviewing the variance request, Gary Menin made a motion to approve and it was seconded by Donna Clark. With all in favor, the motion carried.

49 Newell Hill Road Variance Request: A local upgrade approval request from 310 cmr 405(1)(i) a sieve analysis in lieu of a percolation test. To reduce the minimum separation distance from high groundwater and the SAS as required in 310 cmr 15.212(1) from 4 feet to 2 feet & as required in Sterling Subsurface Sewage disposal Regulations IV (f). The plan showed a leach field area of 1064 square feet.

Mark Farrell, representing the engineering firm, and Judy Tetu, homeowner, appeared before the Board. There was discussion on reducing the minimum separation distance from 4 feet to 2 feet and Ms. Tetu expressed concerns about the hill created if it needs to be 4 feet. An explanation was provided to her. Gary Menin expressed his view that a 4-foot offset from groundwater should be maintained. Donna Clark made a motion to have 3 feet of offset to groundwater. Allen Hoffman seconded the motion. Ms. Clark - aye, Mr. Hoffman - aye, Mr. Menin - nay. Mr. Menin's objection related to the fact that soil saturation necessitated a sieve analysis and as such, in his opinion, was the right time to maintain the regulation's four-foot offset requirement. The motion carried.

38 Clinton Road Septic Designs:

Health Agent Favreau noted that 4 lots met compliance as to Title 5 requirements. Mr. Hoffman will be sending a letter to the property owner regarding staking the lots. Mr. Foley, property owner, indicated septic systems and driveways will be staked as soon as possible. When questioned by Mr. Menin as to the timeframe for staking, Mr. Foley stated it would be less than 60 days.

Mr. Menin would like the Board to evaluate the sites. His observations, when he walked the sites, was that there is a great amount of ledge and extreme slopes, and it was his consideration that the sites (pending layout of the on-site physical layout of septic parameters) were not acceptable for the locating of four residential sewage disposal systems. Mr. Foley felt there was no basis for Mr. Menin's observations. He also noted Mr. Menin is sending emails to neighbors with his views on the property and these emails are not being sent to other Board of Health members. Mr. Foley indicated that he felt Mr. Menin's actions were personal attacks on his character and, if continued, could result in legal action. He further indicated that he would be "watching" Mr. Menin throughout the process.

Brian Rich of 30 Clinton Road expressed concerns about water now running onto his property, when he has had no problems in 15 years. Mr. Hoffman advised him to fill out a complaint form to initiate a paper trail and the property will be checked. Mr. Menin noted that MA state building regulations prohibit any modifications of land that cause the redirection of runoff onto an abutter's property.

State Building Code 780 CMR 540 section 5401.3 - "Temporary and finished grading shall be such that surface water runoff, either during or after completion of construction, shall not be directed to, nor create flooding or damage to adjacent property."

Health Agent Favreau made the observation that he would like the site approved according to regulations, not personal feelings or opinions. Mr. Menin, as a certified T5 Inspector and Soil Evaluator, recommended that it was time for a state soil evaluator to walk the property. Mr. Hoffman indicated, according to Title V, the Board can look at the site as work progresses and halt work at any time if Title V violations or discrepancies are discovered.

Doris Rich, an abutter to the property, complained about water runoff onto her property. She noted she is requesting public records. In regard to obtaining electronic records, it was indicated by Mr. Hoffman that the "Electronic Drawing Requirement" necessitated a revision to our Local Subsurface Disposal Regulations, which, in turn, required public hearing(s). Mr. Menin asked that this issue be placed on the agenda for a future meeting.

24-34 Clinton Road Sewage Complaint Update:

Abutter Ryan Parkinson came before the Board and mentioned he saw septic runoff coming from the system at 24 Clinton Road. Mr. Hoffman explained the findings of the site visit made by Board members and noted the runoff was clear. At this point Mr. Menin submitted, for the

record, a summary letter (dated April 28, 2016 – Menin to Sterling Board of Selectmen) of all recent indications by and requests from Mr. Boyer of MA DEP, directly concluding that the runoff Mr. Parkinson observed was indeed evidence of a septic breakout and further that the Board should be complying with those requests.

There was further discussion relating to the fact that the property owner (Charles Vincent) had, in the interim, made repairs to the system and Mr. Menin questioned whether or not a permit to accomplish same was applied for. Mr. Hoffman indicated that the involved work was outside the confines of the soil absorption system by the T5 required distance and as such required no permit.

Mr. Favreau stated he made visits to the property on May 4 and May 10. It had rained for 7 straight days and still there was no surface water. He also stated E. Coli in water samples can be from many sources. Mr. Hoffman suggested Mr. Parkinson call Mr. Favreau if he thinks sewage is flowing. Mr. Favreau noted he continues to monitor the property.

Approve Prior Meeting Minutes:

A motion to approve the April 21, 2016 minutes was made by Donna Clark and seconded by Allen Hoffman. Donna - aye, Allen - aye. Gary abstained as he was not present at that meeting. The motion carried.

Discuss Gary Menin email of 4/15/16 re: Cove Construction 2016 Haulers License:

According to the email, Mr. Menin called Michael Cove to remind him of the license lapse. Mr. Cove indicated he is no longer hauling septage in Sterling. He also indicated porta-potties are not covered by Title 5, so he does not need a license. Mr. Menin was not able to find any reference to porta-potties in Title 5. Mr. Favreau called Mr. Boyer at DEP who said there are regulations - "porta-potties are considered chemical toilets and fall under the definition of septage. A hauling license is required." Mr. Favreau reminded Mr. Menin that these regulations are also found in Sterling Subsurface Disposal Regulations.

Mr. Menin noted he, too, called DEP and got a different answer. He did not have the name of the person at DEP at the time. Mr. Favreau will write a letter to Mr. Cove advising him of their findings and requirements regarding a haulers license. Mr. Menin will sign the letter.

Discuss Process for Review of Title 5 Inspection Reports:

A brief discussion of the process was held.

Review of Future Agenda Items:

Mr. Hoffman mentioned the salary information on the Town Warrant for the Animal Inspector was inaccurate as it was listed as \$1,000, not \$1,250. This inaccuracy will be corrected at the special town meeting in the fall.

A meeting to review executive session minutes will be held on May 23, 2016.

Electronic Versions of Submitted Plan:

Mr. Menin would like a review of the bylaw regarding electronic plans placed on the agenda. It was decided this subject will be discussed at the June meeting, which will be held on June 16, 2016.

BOH to Reorganize:

Allen Hoffman made a motion that Donna Clark become Chair and Gary Menin Vice-Chair. Gary seconded the motion. All were in favor and the motion carried.

Adjourn:

Mr. Hoffman made a motion to adjourn the meeting and it was seconded by Mr. Menin. All were in favor and the meeting adjourned at 8:46 PM.

April 28, 2016

TO: BOARD of SELECTMEN

FROM: Gary C. Menin, Sr. – MEMBER – STERLING BOH

Just providing this simplified summary of documentation I provided to you tonight in support of Paul Belair's petition to urge Sterling's Government to do something about the septage that's been breaking out on his driveway from his neighbor's system for more than a year. Specifically - this documentation details only with the number of times that the cognizant DEP engineer (David Boyer) has urged action by the BOH since he was made aware of the inaction by the BOH in recent days.

From Mr. Boyer's inspection report of April 14, 2016

From a Boyer lab result report of April 15, 2016 - Both E. coli bacteria samples were analyzed using Standard Method 9223B (Colilert 18 hour test). Both samples showed >2420 MPN/100 mls. (MPN=most probable number). If this were surface water data (e.g., Class C waters), this level would exceed the single-sample maximum allowed per State water quality standards (314 CMR 4.00) for secondary contact recreation of 1260 colonies/100 ml. Please note we did not run dilutions on the samples, so we were not able to quantify above 2420. There is a potential that the E. coli concentrations were significantly higher than 2420, but we do not know. Also, samples contained a small amount of unidentified grayish floc/filaments. And as stated before, the results need to be interpreted carefully due to the inability to control the environmental conditions in which they were obtained.

From a David Boyer email of 04/26/16 - Can you give me an update on the Board's formal response on this matter? Has any remediation been implemented? Any pump out schedule for the property? 2

From a Second Boyer email of 04/26/16 - So to make sure I understand what you are saying, is the Board going to require regular pump outs of the septic system?

So on at least four separate occasions – in very recent days - the MA State authority on such matters has given repetitive impetus for the BOH to take corrective action against 24 Clinton Road.

Tonight another neighbor (Mr. Parkinson of 30 Clinton Road) added his support of such action as he as well has identified the break-out.

I have tried to call an emergency meeting of our Board on this matter – but to no avail.

My question to the BOS is this – What is a resident to do if local Government will not come to a taxpayer's aid – even when the ruling State authority has urged it to do so ?

David Favreau

From: Boyer, David (DEP) [david.boyer@state.ma.us]
Sent: Friday, April 15, 2016 3:29 PM
To: David Favreau
Subject: RE: COVE HAULER's LICENSE

I spoke to Boston and my regional counterparts.

Your interpretation is correct.

Porta-potties are considered chemical toilets and fall under the definition of septage. A hauling license is required.

David Boyer
MassDEP - Bureau of Water Resources
508-767-2823

From: David Favreau [mailto:dfavreau@sterling-ma.gov]
Sent: Friday, April 15, 2016 2:15 PM
To: Boyer, David (DEP)
Subject: FW: COVE HAULER's LICENSE

David,

As this will be a further discussion to an upcoming BOH meeting, would you provide input to the permitting requirements for sewage hauling from porta-potties.

310 cmr 15.502: Transportation: (1) No person shall remove and/or transport septage through the streets of any city or town or via any state or federal highway located within any city or town in which the septage was first collected without first obtaining a permit from the board of health of such city or town in accordance with 310 CMR 15.000 and M.G.L. c. 111, § 31A. An application for such permit shall be in such form and contain such information, on oath, as such board shall require.

Title 5 definition: *Septage - Material physically removed from any part of an on-site system, including, but not limited to, the solids, semi-solids, scum, sludge and liquid contents of a septic tank, privy, chemical toilet, cesspool, holding tank, or other sewage waste receptacle. It does not include any material which is hazardous waste.*

My interpretation to the above referenced code, would require a permit for any contractor outfitted with a vehicle transporting septage waste, collected from, but not limited to, sewage waste receptacle's (porta-potties).

Thank you for your input to this matter.

David

From: Gary Menin [<mailto:gcmensr@yahoo.com>]
Sent: Friday, April 15, 2016 10:27 AM
To: >Donna Clark; Al Hoffman; Dave Favreau; Kathie Nickerson
Subject: COVE HAULER's LICENSE

In anticipation of push-back from the (proposed) attached letter - I called Mr. Cove today and reminded him of the license lapse.

He indicated that he is no longer (for 2016 anyway) going to haul septage from / thru Sterling.

He indicated Porta-Pottys were not covered by Title 5 and I too have not been able to find any reference to them in Title 5.

Since this will involve deliberation I will defer on any further action until we meet directly.

SUBSURFACE DISPOSAL SYSTEM REGULATIONS

Sterling Board of Health
One Park Street
Sterling, Massachusetts 01564

RULES AND REGULATIONS FOR OBTAINING A DISPOSAL WORKS CONSTRUCTION PERMIT

Acting under the authority of Chapter 111 Section 31 Massachusetts General Laws the Sterling Board of Health (BOH) hereby adopts the following regulations governing the procedure for obtaining a Disposal Works Construction Permit in the Town of Sterling. This document incorporates all Board of Health amendments and additional requirements to 310 CMR 15.00 Title 5 (revised). The effective date is March 31, 1995, amended July 14, 2011.

I. APPLICATIONS FOR LOT TESTING

Applications for testing land must be obtained from (and submitted to) the Board of Health along with the appropriate fees. The applicant must request an appointment for the dates and time of the inspections with the Board of Health Agent. Fees must be paid before any appointments are made.

II. SOIL TESTING AND SOIL EVALUATIONS

- a. Soil Evaluation. Soil evaluations shall be witnessed by a member of the BOH or its Agent. Deep Observation Holes that have been excavated to determine the estimated seasonal high groundwater elevations in the naturally occurring parent materials (by soil morphology or direct observation) shall be valid for a period of five (5) years from the date of the test. If within that five year period a design plan for a septic system is submitted to and approved by the Board of Health, then that design plan will be valid for a period of three years from the date of approval in accordance with 310 CMR 15.02(2).
- b. Results of deep observation holes will be assumed to be representative of the conditions within a circular area having a radius of 40 feet and whose center is at the site of the deep observation hole. At its discretion, the Board of Health may require additional deep observation holes within this circular area in order to verify the consistency of these conditions.
- c. The use of observation pipes to determine maximum ground water elevations cannot be substituted for deep observation holes. Filled sites including changes in original geological materials shall not be acceptable as 'naturally occurring pervious soil'.
- d. Percolation Test. Percolation tests shall be witnessed by a BOH member or its Agent. The percolation test hole shall be separate from the deep observation test hole. A percolation test shall be deemed valid for an indefinite period if the soils within the site evaluated and adjacent land remain undisturbed and unaltered. Results of a percolation test will be assumed to be representative of the soil conditions within a circular area having a radius of 40 feet and whose center is at the site of the percolation test. At its discretion, the Board of Health may require additional percolation tests within this circular area in order to verify the consistency of the observed soil conditions.

- e. Bedrock. Weathered or decomposed bedrock constituting 50% or more by volume of the composite material will be considered as bedrock. Although showing good permeability, percolation values of such compositions will not be acceptable. The Health Agent is authorized to make such judgments.

III. PLAN

- a. Two (2) copies of a site and subsurface disposal plan, together with Disposal Works Application and fee, is to be submitted to the BOH. In addition to the requirements of 310 CMR 15.220(4) the plan must show the location of the following items:

- Cellar drains
- Street drains within 100 feet of the proposed Soil Absorption System (SAS), septic tanks, and pump chambers and lot lines.
- Septic system locations on adjacent lots within 100 feet of the proposed SAS and lot lines.
- Location of wells on adjacent lots within 100 ft. of lot lines.
- The location of all storm water treatment facilities such as detention or retention basins, storm water leaching basins or dry wells shall be shown on the site plan.

NOTE: If items are not appropriate, a statement regarding the status of each item must be placed on the plan along with the source of the information (e.g. town water service as recorded by the DPW).

- b. The plan of the proposed septic system must include the following additional requirements and specifications enumerated in 310 CMR 15.000 et seq:

1. Soil Evaluation and Percolation Data.

The sewage disposal plan must show the location and results of ALL soil evaluation observations and percolation tests performed on this parcel of land within the period of the past 10 years.

IV. SYSTEM DESIGN

- a. The following minimum size leaching facilities are required:

Leach bed	1,000 square feet with a minimum of 12" of stone beneath the lateral pipes.
Leach trenches	150 feet total length, 3 ft. wide with 1 ft of stone, or an equivalent sized layout with 750 sq.ft. minimum leaching area

- b. All pipes from the foundation through and including the perforated lateral pipes shall be 4" schedule 40 PVC. Smaller diameter schedule 40 PVC or SDR 21 may be used for force main pipes in systems dosed with a pump or in pressure dosed soil absorption systems.
- c. All leaching facilities shall be vented through the end of the leaching system.
- d. Septic tanks and pump chambers: all septic tanks and pump chambers shall be monolithic precast concrete units. The cover plate, manhole risers and all pipe openings shall be properly

sealed to prevent leakage in or out of the tank. A system (S.A.S.) repair or system replacement, all tanks should be upgraded to full compliance.

- e. A DEP-approved effluent tee filter or equivalent Department approved technology is required at the outlet of all septic tanks. Annual maintenance of these is required and shall be noted on the plan. Note that a manhole must also be brought to finish grade.
- f. Leaching facilities shall be constructed with the following minimum separation distance (d) to estimated seasonal high groundwater:

Design Flow(gallons per day)	Distance (d) Feet
0-1,499	Title 5 (CMR 15.212)
1,500-2,999	5 ft
3,000-4,999	6 ft
greater than 5,000	7 ft

- g. For leaching facilities located in the Aquifer and Water Resources Protection District, the minimum separation distance (d) shall not be less than 6 feet as required in Section 4.6.j of the Aquifer and Water Resources Protection by-law.
- h. No new construction leaching facility may be constructed in fill in an area where a deep observation hole test reveals the maximum ground water elevation to be less than 2 feet from the surface of the ground.
- i. Interceptor drains shall not be approved for lowering the ground water on a proposed parcel.
- j. Shared systems may be allowed as provided in 310 CMR 15.290-293. The Board of Health is authorized to hire consultants to conduct peer review when warranted, and applicants shall reimburse the Town for additional review and approval charges associated with Town Counsel, engineering, clerical or environmental permitting peer review.
- k. Location of Leaching Facilities
 - 1. Proximity to Water Bodies, except where Title 5 requires a greater distance, leaching facilities shall not be located closer than 100 feet to a water body.
 - 2. Areas Subject to Vehicular Traffic. Neither the primary leaching area nor the reserve area may be located under an area subject to vehicular traffic. Areas subject to vehicular traffic include, but are not limited to, driveways, parking lots and loading docks.
 - 3. Leaching facilities shall be a minimum of 20' from ground source heat pump wells.
- l. The area between leach trenches may not be proposed for use as the reserve leaching area.
- m. The area between leaching galleys may not be proposed for use as the reserve leaching area.
- n. The following activities are prohibited within a designated reserve area and land within 10 feet of the limits of a designated reserve area:
 - 1. Permanent structures and buildings

2. Driveways, paved patios, decks, and platforms
3. Plantings of trees or shrubs with a mature height greater than six (6) feet, or
4. Temporary buildings or structures having a footprint of greater than 50 square feet.

V. SYSTEM INSPECTIONS AT TIME OF TRANSFER

- a. All inspections required per 310 CMR15.301 shall be witnessed by the Sterling Board of Health and/or their Agent.
- b. Inspectors shall record if a filter exists in the system and shall specify the maintenance that is needed by the property owner.
- c. A complete copy of the inspection report shall be submitted to the Board of Health within 30 days of the inspection date.

VI. AVAILABILITY OF WATER

In accordance with Chapter 40, Section 40 of the Massachusetts General Laws, the Building Inspector for Sterling requires proof that a proper water supply is serving the property before issuing a building permit. On those lots which require a private well, the well must be installed and a lab test report from a State approved laboratory must be submitted to the Board of Health in accordance with the Sterling Board of Health Private Well Regulations.

VII. VARIANCE PROCEDURES AND LOCAL UPGRADE APPROVALS (310 CMR 15.401 through 15.422)

- a. For the purposes of this section, abutters are defined as those parties within 100' of the parcel in question. A certified abutters list would be obtained from the Sterling Assessors. Abutters shall be notified using Certified Mail-Return Receipts Requested, and proof of Certified Mail receipts must be provided by the applicant to the BOH at the Public Hearing.
- b. An applicant or his/her representative must appear at the Board of Health variance hearing to present proposed plans and respond to questions.
- c. Variances to the Sterling Subsurface Disposal System Regulations will be handled as prescribed in 310 CMR 15.411
- d. Local Upgrade Approval requests for ground water offset shall be handled as prescribed in 310 CMR 15.411
- e. Requests to extend the five year time limit on deep observation hole tests are exempt from requirements in this Section. Extension request must be submitted to the Board in writing prior to a meeting.

VIII. PERMITTING

- a. A fee schedule for activities relative to a Subsurface Disposal System and Title 5 inspections shall be established and periodically reviewed by the BOH. The BOH will review fees annually, and shall conduct a public hearing to make changes. A simple majority vote of the Board is needed to revise the fees for the following system evaluations and permit categories:
 1. Deep observation hole tests
 2. Percolation tests
 3. Septic system construction and repair permits under 2000 gallons per day
 4. Septic system construction and repair permits 2000 gallons per day or greater
 5. Septic system repair permits
 6. Disposal System Installer license
 7. Septage Hauler license
 8. Inspections at the Time of Transfer (310 cmr 15.300 – 15.340)
- b. No individual shall engage in the pumping, transferring, storing and/or hauling of septage, sewage, or wastewater system residuals from onsite wastewater systems, portable toilets, or wastewater treatment facilities within the Town of Sterling without first being granted a Septage Hauler Permit by the Sterling Board of Health.
- c. The Sterling 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 or State Environmental Codes.
- d. Notification of the Board of Health is required before initiating emergency repairs of more than simple pumping. All emergency repairs must be permitted and inspected by the Board of Health or its Agent.
- e. 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.
- f. Within 30 days of the final required inspection by the BOH or its agent, the as-built plan and any associated paperwork must be submitted by both the engineer, and the installer must certify in writing that the system was constructed in compliance with Title 5, the approved design plans, and all local requirements; and that any changes from the design plans have been reflected on the as-built plans.
- g. Any installer who fails to certify/sign the Certificate of Compliance within the State or local deadline, at the discretion of the Board of Health may not be allowed to undertake any additional work requiring review/approval of the Sterling Board of Health, until documentation is completed and a Certificate of Compliance is issued on any outstanding projects.
- h. Any engineering company or sanitarian that fails to submit the as-built plan or sign/certify all documents required for the Certificate of Compliance (i.e. retaining wall certifications, pump chamber as-built, site plan as-built, etc.) to be issued by the above mentioned deadline, may at the discretion of the Board of Health not be allowed to submit any additional plans for review/approval to the Sterling Board of Health until work is completed and compliance issued, on any outstanding projects.

- i. A copy of the as-built design shall be submitted by the designer in electronic format, in addition to a full size hard paper copy both copies shall bear the stamp of the designer.
- j. Installers of the Disposal System shall submit a hard 8.5" x11" paper copy of the installed system using permanent locating references and water source location.

IX. SEVERABILITY

If any section or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections shall continue in force.

Adopted March 23, 1995

Revised June 8, 1995

Revised July 14, 2011

STERLING BOARD OF HEALTH

Donna Clark

Gary C. Menin, Sr

Stanley Selkow



Town Of Sterling

Board of Health

Bullett Building

1 Park Street • Sterling, Massachusetts 01564

Bus: (978) 422-8111 x2305 • FAX: (978) 422-0289

April 15, 2016

Michael Cove
Cove Construction
7 Crowley Road
Sterling, MA 01564

Dear Mr. Cove:

As indicated in Massachusetts's Title 5 Environmental Code (selected specific statute paragraphs listed below) – septic waste haulers operating in Sterling are required to have a current hauler's license on file at Sterling's BOH Office in the Town Hall.

Septage Hauler - A person licensed by an Approving Authority to remove septage from on-site sewage disposal systems and transport it to an approved disposal location in accordance with 310 CMR 15.500.

Septage Hauler Permit - A permit issued pursuant to the authority of M.G.L. c. 111, § 31 and 310 CMR 15.500 entitling a person to transport septage within the Commonwealth.

In this regard – it is understood that the associated Hauler License for Cove Constructed was not renewed for 2016. Pursuant to this lapse, the BOH hereby requests that Cove Construction take action (by COB* on Thursday April 28, 2016) to remedy this discrepancy and avoid any punitive action against Cove Construction by the BOH.

Your attention to this matter is deeply appreciated.

Regards,

Gary C. Menin, Sr. – Elected Member Sterling BOH

(*Please confirm BOH open office hours at Sterling's Town Hall Website.)