

**DEERFIELD BOARD OF HEALTH
REGULATIONS GOVERNING THE
OPERATION AND MAINTENANCE OF
SEPTIC SYSTEMS FOR
CONDOMINIUM ASSOCIATIONS**

The regulations have been adopted by the Deerfield Board of Health pursuant to its authority under MGL Ch.111, S31, 310 CMR 15.00 and related State regulations.

1. These regulations shall apply to all development, construction or conversion intended to create a condominium association, and, in addition to 310 CMR 15.00 and existing local health regulations, shall govern the construction, operation and maintenance of any subsurface sewage disposal system to be used thereby. Any septic system expected to receive 15,000 gallons per day must be reviewed and approved by the Department of Environmental Quality Engineering.
2. Prior to issuance of any Disposal Works Construction Permit for a project involving a condominium association, a copy of the proposed Association's Master Deed must be submitted to the Board of Health for approval. Copies of the Master Deed shall be submitted to the local Building Inspector and Board of Health along with a written request for review. The Board shall have twenty-one (21) days to accept or reject the proposed Master Deed and shall notify the applicant in writing of its decision. Failure of the Board to act upon the request for review shall be deemed approval for the purposes of issuing Disposal Works Construction Permits.
3. In addition to the requirements of MGL Ch.183A ("the Condominium Law"), the proposed Master Deed shall contain the following provisions:
 - A. That an escrow account, bond, or other form of security acceptable to the Board of Health, shall be established and permanently maintained by the Association, in sufficient amount to fully cover the cost of repair or replacement of the subsurface sewage disposal system. Such an escrow account or bond shall name the Town of Deerfield as a party and will empower the Board of Health to utilize the available funds to effect any necessary repairs or replacement of a malfunctioning septic system, should the association fail to make such repairs in a timely fashion.

- B. That prior to the dissolution of the Condominium Association, the Board of Health shall be notified in writing and that measures acceptable to the Board to ensure the proper operation of the septic system in the future shall be taken.
4. No Certificate of Occupancy shall be issued for any portion of a Condominium Association until the Master Deed, as approved by the Board of Health and/or the Department of Environmental Engineering, has been duly recorded at the Registry of Deeds for Franklin County and a final copy of the Deed has been filed with the Board. Further, no Certificate of Occupancy shall be issued until such time as the escrow account or bond for the repair of the septic system has been established and the proper documents submitted to the Board of Health.
 5. The Master Deed for any Condominium Association utilizing a subsurface disposal system to be owned jointly shall include the provision that such a system shall be emptied and cleaned at least once every three (3) years by a duly certified or licensed Septage Hauler. (Because the disposal of septage at a Waste Water Treatment Facility effects the functioning of such facility, the Board encourages routine, non-emergency cleaning to take place during the warmer months between April and October.)
 6. For any septic system intended to utilize a leaching area in excess of 1,500 square feet, one additional deep hole test for each 2,500 square feet of additional leaching area shall be conducted, unless this requirement is waived in writing by the Board of Health or authorized Board of Health Agent. Further, one additional percolation test shall be performed for each additional 4,000 square feet of leaching area, unless this requirement is waived in writing by the Board of Health or authorized Board of Health Agent. These tests shall be located within the proposed leaching area and shall be located in such a manner as to provide, in the opinion of the Board of Health or its Agent, an accurate profile of the existing soil and groundwater conditions within the proposed leaching area.
 7. Any restriction or constraint placed upon the use or operation of a septic system to be utilized by a Condominium Association, either by the system designer or by the Board of Health, shall be written directly into the Master Deed for the Association. (An example of such a restriction would be an indication by the system designer that the proposed subsurface sewage disposal system is not intended to accommodate garbage grinders.)

8. Violation of these or any regulation established or enforced by the Deerfield Board of Health shall be punishable by a fine of not more than \$100.00 per violation. Each day that a violation continues shall be deemed a separate violation.
9. These regulations shall become effective immediately upon their publication in a newspaper of general circulation in the Town of Deerfield.

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