



**TOWN OF GLOCESTER
WASTEWATER MANAGEMENT DISTRICT
RULES & REGULATION**

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I. FINDINGS AND PURPOSE

- A. Findings: The provisions of these rules and regulations are based upon the following findings and the *Gloucester's Ordinance Establishing a Wastewater Management District*:
 - 1. Gloucester's Comprehensive Community Plan section 6.2 establishes the goals of conserving, preserving, and enhancing the many natural resources of Gloucester with a policy of maximum protection.
 - 2. Gloucester's groundwater is its sole source of present and future drinking water supply. Discharges of hazardous substances or inadequately treated sanitary waste threaten groundwater quality, posing a serious threat to the health, safety and economic welfare of the Town of Gloucester (hereinafter referred to as the Town).
 - 3. Gloucester's lakes, ponds and rivers support many recreational uses and contribute greatly to the aesthetic beauty and character of the Town. Contamination of these surface waters poses a serious threat to the health, safety and economic welfare of the Town.
 - 4. Groundwater aquifers and surface water bodies are integrally connected. Groundwater generally emerges as, discharges to, or is recharged by

surface water bodies: rivers, streams, wetlands, lakes and ponds. Damage to any component of this system can negatively impact another.

5. Gloucester's principal method of wastewater treatment is through the use of on-site individual sewage disposal systems (ISDSs):
 - a. Leachate from septic systems contains several pollutants of concern: bacteria, viruses, nutrients (primarily nitrogen and phosphorus), suspended solids, oil, grease, and toxic chemicals. Although each of these pollutants can be detrimental, bacteria, viruses and nutrients pose the greatest threat to human health and the environment. This is due to the abundance of these substances in household wastewater and also to the relative inability of conventional ISDSs to retain and treat them.
 - b. Recent advances in technology have greatly improved the abilities of ISDSs to provide cost-effective pathogen and nutrient reductions.
 - c. ISDSs help to maintain the natural hydrological balance within recharge areas by reducing the export of water.
 - d. If properly designed, sited, installed, and maintained, ISDSs provide an efficient environmentally sound method of wastewater treatment.
 - e. When improperly designed, sited, installed, or maintained, ISDSs are prone to failure. Failing systems can contaminate surface and ground waters.

B. Purpose: The provisions of these rules and regulations establish Gloucester's minimum standards and procedures for designing, siting, installing and maintaining ISDSs. They are intended to prevent any degradation of Gloucester's surface or ground waters, protecting the health, safety and general welfare of Town residents and visitors. As per Rhode Island General Law (RIGL 45-24-30), the methods of protection recognize:

1. Natural characteristics of the land, including its suitability for use based on soil characteristics, topography and proximity to surface and groundwater resources.
2. The importance of unique and valuable natural resources and features.
3. The availability and capacity of existing and planned public and/or private services and facilities.
4. The goals and patterns of land use prescribed in Gloucester's Comprehensive Community Plan, and the Town's Zoning Ordinance.

II. AUTHORITY

The Town of Glocester, in recognizing its authority to adopt requirements that are more restrictive than the *Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Individual Sewage Disposal Systems* (the ISDS Regulations) as promulgated by the Rhode Island Department of Environmental Management (RIDEM), in accordance with RIGL 42-17.1-2(1) and *The RI Zoning Enabling Act* (RIGL 45-24), hereby establishes these rules and regulations in accordance with Ordinance 2-06-05 of the Town of Glocester's Code of Ordinances entitled *An Ordinance Establishing a Wastewater Management District* (hereinafter referred to as the Ordinance) sections V (H) and VI. The requirements of these rules and regulations shall be considered an addition to, and not a replacement for, the referenced RIDEM ISDS regulations and any subsequent amendments thereto.

III. APPLICABILITY

These rules and regulations shall be applicable to every owner of premises in the Town of Glocester that is proposing to install, modify or repair an ISDS within the Town. In no way do the provisions of this ordinance abrogate the powers and duties of the RIDEM or in any way diminish their responsibilities for the management of wastewater treatment and disposal systems.

IV. DISTRICT BOUNDARIES

A. *Wastewater Management District*

The boundaries of the Wastewater Management District (District) as defined in section III of the Ordinance are the physical boundaries of the Town of Glocester

B. *Water Resource Protection Area Overlay District*

A map of the water resource protection areas (WRPAs) in the District shall be on file with the Glocester Building/Zoning Office and the WWMB. Specific water resource protection areas include the following:

1. Areas within one hundred fifty (150) feet of any pond or stream up to 10 feet in width during normal flow conditions.
2. Areas within one thousand (1000) feet of the high water mark of any lake or within one thousand (1000) feet of any stream or river greater than 10 feet in width during normal flow conditions
3. Areas defined as wetlands pursuant to federal, state or local law or regulation.

4. Any state-designated wellhead protection areas.

V. DEFINITIONS

Any term pertaining to ISDSs and not defined in either the Town of Gloucester's Zoning Ordinance, its Wastewater Management District Ordinance, or these rules and regulations, shall be governed by the definition as it appears in RIDEM's ISDS Regulations.

- A. Access Riser: A structurally sound and water tight inspection port, which at its lowest point attaches to a septic tank or other ISDS component and extends upward to the ground surface, allowing visual inspection and physical access to the interior of the ISDS component for maintenance and repair purposes.
- B. Alteration (of an ISDS): The term, "alteration," shall refer to any modernization, modification or change in the size or type of an existing individual sewage disposal system, including, but not limited to, any and all work performed in relation to a building renovation and/or change of use, or work performed to accommodate any increase in sewage flow to the system
- C. Biochemical Oxygen Demand - 5-day test (BOD₅): A five-day test that measures the quantity of dissolved oxygen used by microorganisms in the biochemical oxidation (breakdown) of organic matter.
- D. Building Sewer: The pipe that extends from the exterior building wall to any place or mechanism of sewage disposal.
- E. Cesspool: Any buried chamber that receives sanitary sewage from a building sewer, for the purpose of collecting solids and discharging liquids directly to the surrounding soil. Typical cesspools include, but are not limited to; perforated metal tanks, concrete vaults and covered excavations. Cesspools are not an approved method of sewage disposal under these regulations and all cesspools are considered to be substandard.
- F. Change of Use: Any modification in the utilization or occupancy of a structure or part thereof that would require the approval of the appropriate Building Official and/or the issuance of a certificate of occupancy indicating that the structure complies with the provisions of the state building code for the proposed new use under the RI State Building Code, RI General Laws, Chapter 23-27.3 as amended or any regulation promulgated thereto.

- G. Deep Galley Leachfield: A type of leachfield where the effluent from the septic tank is discharged to a prescribed number of perforated concrete chamber(s) that are typically, although not necessarily, 4'x4'x4'.
- H. Distribution Box: A water-tight compartment which receives septic tank effluent and distributes it in approximately equal portions to two or more pipes leading to some type of infiltration system.
- I. Drainfield: Synonymous with leachfield.
- J. Enhanced On-site Wastewater Treatment Systems: Any ISDS accepted by RIDEM to achieve a substantial reduction of contaminants (nutrients, pathogens, BOD, TSS), as compared to conventional septic systems.
- K. Excessively Permeable Soils: All well-drained soils (hydrologic group A) and all other soil groups as identified as excessively permeable by the RI Soil Survey, Tables 19 and 26.
- L. Failed ISDS System: The term, "failed ISDS system," shall be held to mean any sewage disposal system that does not adequately treat and dispose of sewage so as to create a public or private nuisance or threat to public health and/or environmental quality, as evidenced by, but not limited to, one or more of the following conditions:
- Failure to accept sanitary sewage into the building sewer;
 - Discharge of sanitary sewage to a basement, subsurface drain, surface drain or surface water unless expressly permitted by the Rhode Island Department of Environmental Management.
 - Sanitary sewage rising to the surface of the ground over or near any part of an individual sewage disposal system or seeping downgradient from the absorption area at any change in grade, bank or road cut.
 - Any deterioration or damage to any individual sewage disposal system that would preclude adequate treatment and disposal of wastewater. (For example, contact between the bottom of the ISDS and the groundwater table.)
- M. Impermeable Surfaces: Any material having a permeability equal to or slower than forty minutes per inch, including such things as roof tops, paved driveways and tennis courts, etc.
- N. Impervious: The term, "impervious," shall be held to mean any ledge, shale, bedrock or rotten rock or man-made material such as macadam or concrete and any soil as identified by the RI Soil Survey as Hydraulic Group D, somewhat poorly drained, poorly drained, very poorly drained and any soil with a permeable rate equal to or less than 2.0 inches per hour.

- O. Individual Sewage Disposal System (ISDS): A system installed to provide sanitary sewage disposal by means other than discharge into a public sewer system.
- P. ISDS Treatment Level 1 (T1): A level of on-site wastewater treatment greater than that provided by a conventional septic system, but less than the treatment level obtained by ISDS Treatment Level 2, as described in section VII of these regulations.
- Q. ISDS Treatment Level 2 (T2): A level of on-site wastewater treatment, greater than Treatment Level 1, as described in section VII of these regulations.
- R. Lake: Any standing surface water body larger than five (5) acres in size or any standing surface water body designated as a lake by local, state, or federal agencies.
- S. Leachfield: A subsurface area from which septic tank effluent or waste is infiltrated to the soil. Leachfield shall be synonymous with drainfield.
- T. Perimeter Wetland: For the purposes of these rules and regulations, the perimeter wetland shall refer to that area of land within 50 feet of the edge of any bog, marsh, swamp or pond or that area within 100 feet of a flowing body of water less than 10 feet wide or that area within 200 feet of a flowing body of water greater than 10 feet in width. For purposes of identification, this area shall be measured horizontally, without regard for topography, from the edge of any pond, lake, wooded swamp, vegetated wetlands, etc
- U. Pond: Any perennial standing surface water body larger than 1/8-acre but less than five (5) acres in size.
- V. Repair (of an ISDS): The term, "repair," shall be held to mean work performed on an ISDS in order to mend or remedy a specific defect or deficiency after the failure, injury, deterioration or partial destruction of a previously existing ISDS or component thereof. A repair shall not include any work performed on an existing ISDS that increases the flow capacity of the system.
- W. Restrictive Soils: Soils with permeability equal to or less than 0.2 inches/hour.
- X. Pressurized Shallow Narrow Drainfield: A type of infiltration field that receives pressurized treated effluent.
- Y. Shallow Galley Leachfield (Flow Diffuser): Shallow galley-type leachfield where the effluent from the septic tank is discharged to a prescribed number of shallow perforated concrete chamber(s) that are typically, although not necessarily, 1'x4'x8'.

- Z. Total Suspended Solids (TSS): Solids physically suspended in wastewater.
- AA. Water Resource Protection Areas: Sensitive land and water resources that provide unique habitat and/or serve important public, ecological or economic function(s). An overlay map of the Water Resource Protection Areas of the District shall be on file with the Wastewater Management Board and the Building/Zoning Office.
- BB. Wellhead Protection Areas: A three-dimensional zone surrounding a public well or well field from which water is drawn. Wellhead protection areas are designated by RIDEM or adopted by the Town. A map of all wellhead protection areas is available at the office of the Gloucester Town Planner.
- CC. Waterbody: The term, "waterbody," shall be held to mean any river, stream, brook, pond, lake, swamp, marsh, bog, fen, wet meadow, tidewater or any other standing or flowing water.

VI. GENERAL REGULATIONS:

- A. *Wastewater Management District* - The rules and regulations contained under this section (Section VI. A.) apply to the design, installation and repair of all ISDS within the Town of Gloucester.
 - 1. The use of on-site wastewater treatment that meets or exceeds the design standards of these rules and regulations shall be required for all ISDS installations, alterations and major repairs unless explicitly exempted under Section XII of these rules and regulations or through the granting of a special use permit by the Zoning Board.
 - 2. For any new ISDS installation, there shall be maintained a minimum separation distance of one hundred and fifty feet (150') from the outermost extent of the leaching field to the high water mark of any river, stream, brook, pond, lake or any other perennially flowing body of water or standing body of water greater than 1/8-acre in size,
 - 3. No impermeable surface shall be installed or constructed above a leaching field except by WWMB-approved variance.
 - 4. Runoff from all impermeable surfaces shall be directed away from drainfields and discharged to permeable areas to the greatest extent practicable.
 - 5. All septic tanks installed, repaired or altered after the effective date of these rules and regulations shall be equipped with an effluent filter and

access risers to grade. These items shall be installed in accordance with specifications available from the office of the Gloucester Building/Zoning Office or the WWMB.

6. The ISDS installer shall test the tank after installation and provide a written certification that the tank is watertight. Approved testing methods shall be on file with the Office of the Building/Zoning Official and the WWMB. A written warranty shall be required of all septic tanks to be installed within the Town of Gloucester indicating that the tank has been constructed and tested in accordance with the American Society for Testing and Materials (ASTM) standard C-1227-97A for all tanks from manufacturers who provide such warranties.
7. All ISDSs shall be sized to accommodate the predicted daily wastewater flow based on the number of residents utilizing the serviced building as calculated using RIDEM standards. This requirement is also applicable to properties that are rented in excess of one (1) month per year.
8. For all new ISDS with a maximum daily flow of Two Thousand Seven Hundred (2700) gallons or greater, or for subdivisions or land development projects where there is the potential for adverse impact of ISDSs on surface and groundwater, the WWMB, Zoning Board or Planning Board may require the applicant to submit an environmental impact report. The report must document appropriate site testing and address site hydrology, geology, topography and any other relevant information that could affect the proposed project. The objective of such a report is to assess the potential impact of the proposed development on ground and surface water quality and to detail measures that will mitigate potential problems regarding the specific siting and design of ISDS(s).
9. Limits of construction and disturbance shall be designated on all plans submitted to the WWMB whenever minimum setback distances are within 100 feet of the proposed limits of disturbance or environmentally sensitive areas may be impacted by the proposed construction

B. *Water Resource Protection Areas (WRPAs)* - The general rules and regulations contained under this section (Section VI B.) pertain only to the installation, operation, maintenance, and repair of ISDSs within Gloucester's Water Resource Protection Area Overlay District.

1. No ISDS shall be installed, repaired or altered within Gloucester's water resource protection areas without review and approval of the WWMB or its designee.
 - a. Prior to submitting an ISDS permit application to RIDEM,

property owners planning or proposing installations, major repairs, or alterations of their ISDSs shall present engineering specifications and a completed RIDEM ISDS permit application to the WWMB for review and/or compliance with these Rules and Regulations. A letter from the Wastewater Management Board stating compliance with the requirements of these Rules and Regulations must accompany the ISDS permit application submitted to RIDEM.

- b. Property owners may seek informal recommendations and guidance from the WWMB regarding appropriate ISDS standards prior to, or during, the development of any RIDEM ISDS permit applications.
2. All septic systems installed prior to the effective date of these rules and regulations shall be retrofitted with effluent filters and access risers within three (3) years of said effective date. These items shall be installed in accordance with specifications available from the office of the Gloucester Building Official or the WWMB.
3. Cesspools are deemed to be substandard wastewater treatment systems. Existing cesspools shall be brought into conformance with all current state and local ISDS design standards upon failure or at the time of any repair or alteration. Additionally, all cesspools within WRPA's shall be upgraded to the standards set forth in these rules and regulations.
4. All sub-standard systems (e.g. unpermitted systems, undersized systems, or systems with sub-standard components) within WRPA's shall be brought into conformance with all current state and local ISDS design standards upon failure or at the time of any repair or alteration.
5. The installation of galley-type leaching fields as a means of wastewater treatment shall be prohibited in WRPA's.
6. Any proposed building renovation or change of use that requires a determination of system suitability from RIDEM according section SD 2.00(a)(2) and (3) of the ISDS Regulations shall first obtain a determination of system suitability from the WWMB prior to submitting an application for said determination to RIDEM.
7. Maintenance contracts shall be required for any T2 wastewater disposal system, as defined in Section VII.B., with mechanical components such as pumps, timers and/or ultraviolet lights. The maintenance contractor shall

provide written documentation of any work performed to the property owner. This documentation shall be maintained by the property owner and be available to the WWMB or its designated agent upon request.

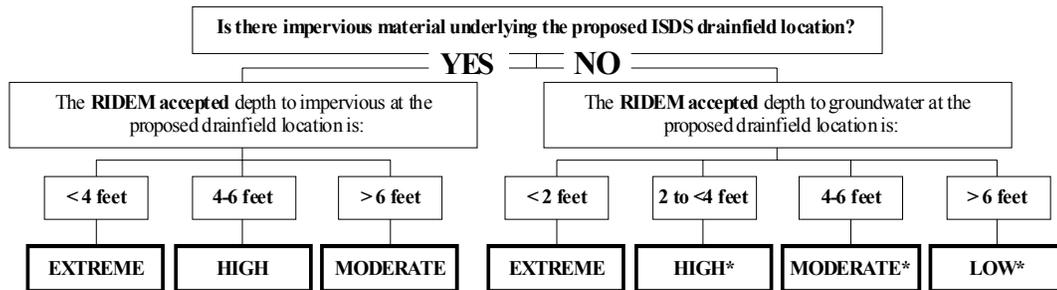
VII. SITE RATINGS AND REQUIRED TREATMENT LEVELS

The guidelines presented in this section are applicable to the design and installation of septic systems throughout the Town of Gloucester. Prescribed wastewater treatment levels are designed to protect human health and the environment. They are determined site-specifically based on environmental factors that impact the effectiveness of on-site wastewater treatment and the susceptibility of surface and ground water resources to wastewater-related pollution. Wastewater treatment levels shall be determined for each site utilizing Chart 1 and Table 1.

A. Site Rating

A site rating shall be established for each proposed ISDS location using Chart 1. This rating is designed to indicate a particular location’s potential to degrade surface and groundwater resources.

Chart 1. Site Rating



* If either restrictive or excessively permeable soils directly underlie the proposed drainfield location, the site rating shall be increased by one level (e.g. “low” becomes “moderate”, “moderate” becomes “high”, “high” becomes “extreme”)

B. Wastewater Treatment Levels

The required level of wastewater treatment shall be determined using the site rating chart (Chart 1) and Table 1 below. The prescribed level of treatment is determined based on a site’s potential to contaminate ground and surface waters

and its geographical location relative to vulnerable water resources. It is designed to mitigate the potential for ground and surface water contamination by ensuring that wastewater is adequately treated before being discharged to the to drainfield.

Table 1. Wastewater Treatment Levels

Site Rating	Locations within District, but <u>not</u> within WRPAs	Water Resource Protection Areas		
		Within wellhead protection areas	Within 150-foot lake and pond setback	All other areas within WRPAs
Extreme	T2*	T2NC	T2NC	T2*
High	T2*	T2N	T2*	T2*
Moderate	T1	T2*	T2*	T1
Low	T1	T1	T2*	T1

* “T2” indicates that either a T2N or T2C system is acceptable

Level T1

A *T1 system* consists of a conventional ISDS, meeting all state and local specifications, with the addition of a certified watertight septic tank fitted with inlet and outlet access risers to finish grade and an effluent filter.

Level T2

T2 systems are innovative and/or alternative septic system designed to achieve enhanced wastewater treatment. T2 systems designed for enhanced nitrogen removal are designated T2N, while those designed for enhanced pathogen removal are designated T2C. Systems designed for enhanced nitrogen and pathogen removal are designated T2NC. Requisite removal efficiencies are detailed below:

T2N is a type system that reduces total nitrogen in the effluent to a maximum concentration of 19 milligrams per liter (mg/l). In addition, five-day biochemical oxygen demand (BOD₅) and total suspended solids (TSS) shall be reduced to less than or equal to 30 mg/l, all as measured at the outlet of the treatment unit prior to discharge to a drainfield.

T2C is a type of system that reduces fecal coliform concentrations in the effluent to less than or equal to 1,000 fecal coliform counts/100mL. In addition, BOD₅ and total suspended solids (TSS) shall be reduced to less than or equal to 30 mg/l, all as measured at the outlet of the treatment unit prior to discharge to a drainfield.

T2NC is a type system that reduces total nitrogen in the effluent to a maximum concentration of 19 mg/l. This system shall also reduce BOD₅ and TSS to less

than or equal to 10 mg/ and fecal coliform concentrations to less than or equal to 1,000 fecal coliform counts/100mL; all as measured at the outlet of the treatment unit prior to discharge to a drain field.

VIII. ISDS INSPECTIONS

Sections VI.B.4, 13 and 17 of the Ordinance establish the general guidelines for septic system inspections.

A. Routine Maintenance Inspections and Procedures

All septic systems located in the Water Resource Protection Areas of the Town of Gloucester shall have a routine maintenance inspection within three years of the adoption date of these rules and regulations. All septic systems located outside of the Water Resource Protection Areas of the Town of Gloucester shall have a routine maintenance inspection within five years of the adoption date of these rules and regulations. Following the initial maintenance inspection, ISDSs will be inspected according to the schedules established for T1 and T2 systems as outlined below. The property owner shall maintain all inspection and maintenance records and make them available to the Town, if requested.

T1 Systems

T1 systems should be inspected periodically to ensure proper operation. The homeowner will establish an inspection and septic tank pumping schedule in accordance with guidelines and procedures outlined in RIDEM's *Septic System Checkup: The Rhode Island Handbook for Inspection*.

T1 maintenance inspections shall be performed by either the homeowner, a Town approved registered inspector, or a Rhode Island licensed ISDS designer or installer in accordance with procedures outlined in RIDEM's *Septic System Checkup: The Rhode Island Handbook for Inspection*. At a minimum all septic system inspections shall include annotation of all items identified by the *Septic System Functional Inspection Report* as described in said handbook. The property owner shall maintain all inspection and maintenance records and make them available to the Town, if requested.

T2 Systems

T2 systems that utilize automated controllers and/or pumps shall be inspected in accordance with manufacturer recommendations or twice annually, whichever is more frequent.

T2 maintenance inspections shall be performed by either a representative of the ISDS product manufacturer, a Town-approved inspector or a Rhode Island-licensed ISDS designer or installer in accordance with procedures outlined in DEM's *Septic System Checkup: The Rhode Island Handbook for Inspection*. At a minimum all septic system inspections shall include

annotation of all items identified by the *Septic System Functional Inspection Report* as described in said handbook. The property owner shall maintain all inspection and maintenance records and make them available to the Town, if requested.

B. Complaint Inspections and Procedures

If the Building/Zoning Office receives an ISDS complaint and reasonable cause exists to suspect that the septic system in question is failing, the Building/Zoning Office shall forward the complaint to the Wastewater Management Board (WWMB) and to the Rhode Island Department of Environmental Management (RIDEM).

Complaint inspections shall be performed by either a Town-approved inspector, or a Rhode Island-licensed ISDS designer or installer in accordance with procedures outlined in RIDEM's *Septic System Checkup: The Rhode Island Handbook for Inspection*. At a minimum all septic system inspections shall include annotation of all items identified by the *Septic System Functional Inspection Report* as described in said handbook. The property owner shall maintain all inspection and maintenance records.

The results of all complaint inspections shall be reported to the WWMB or its authorized designee within thirty (30) calendar days of the inspection. The Board or its authorized designee shall review the inspection reports and give written notice to any property owner whose ISDS needs corrective action, identifying the corrective action to be taken. The property owner shall have thirty (30) calendar days from the receipt of said notification to complete and submit the necessary permit(s) to the Rhode Island Department of Environmental Management to repair or replace the failing system, if necessary, or to take such other corrective action as may be necessary. Requests for hearings before the WWMB shall be made within this thirty- (30) day period. In the event an inspection simply reveals the need for a septic tank to be pumped, the property owner shall be required to produce evidence of pumping by a Rhode Island-licensed septage hauler within thirty (30) calendar days of date that notification from the WWMB is received.

C. Inspection Records

Standard ISDS inspection forms shall be developed or adopted by the WWMB and made available at the Office of the Building/Zoning Official. The homeowner shall maintain a copy of each completed ISDS inspection form. An additional copy shall be forwarded to the WWMB or its authorized designee, as required.

D. Immediate Need to Pump

If an inspection reveals that a septic tank needs to be pumped immediately to

eliminate a threat to public health or the environment, the WWMB shall send the owner, or owner's agent, a written notice allowing the owner, or owner's agent, five (5) business days to have the septic tank pumped and to present evidence of such pumping to the WWMB in the form of a receipt from a Rhode Island-licensed septage hauler.

IX. ENFORCEMENT

Enforcement of the rules and regulations contained herein shall be performed in accordance with the guidelines established in the Section 2-06-05 of the Ordinance.

- A. RIDEM shall serve as the primary enforcement agent for ensuring compliance with all state promulgated ISDS standards.
- B. The Wastewater Management Board or its authorized designee shall act as the enforcement agents for ensuring compliance with local ISDS standards and shall assist RIDEM in wastewater complaint investigations involving state standards.

X. ADMINISTRATIVE MEETINGS

Any owner of an ISDS who is aggrieved by an action or finding of the WWMB or its authorized designee shall have the right to present an argument at an administrative meeting of the WWMB. This administrative meeting shall be convened within thirty (30) calendar days following a request. Persons are encouraged to resolve issues on the administrative level before requesting an official hearing.

XI. HEARINGS

- A. Any Gloucester landowner that is cited for violating this ordinance shall have the right to a hearing before a quorum of the WWMB. A request for such a hearing shall be made within thirty (30) calendar days of receipt of a Violation Notice.
- B. The WWMB shall schedule a hearing on such an appeal within thirty (30) calendar days of receiving a request. Notice of the hearing shall be sent to the appellant at least ten (10) business days prior to the date set.
- C. A quorum of the WWMB is necessary to hear and decide any such appeal. A quorum is hereby defined as a majority of the members of the WWMB.
- D. At the hearing, the appellant and any other interested party shall be permitted to present evidence and argument on all issues involved.
- E. The WWMB shall cause minutes to be kept of each hearing. A stenographer shall record hearings at the request of any party.

- F. The decision of the WWMB shall be stated on the record at the conclusion of the hearing or shall be in writing. The decision shall be rendered no more than forty-five (45) calendar days after the hearing is closed and shall contain findings of fact and conclusions of law.
- G. An appeal of a Violation Notice may be disposed by the stipulation, agreed settlement, consent order or default.
- H. Under the provisions of the Rhode Island Administrative Procedure Act, an aggrieved party shall have the right to appeal the decision of the WWMB to the District Court.

XII. SPECIAL-USE PERMITS

- A. The Zoning Board of Review may grant a special-use permit allowing a property owner to install an ISDS within 150 feet of a pond, lake, river, brook or stream only with the concurrence of the WWMB.
- B. In considering an application for a special use permit the WWMB shall apply the following criteria:
 - 1. The design of the ISDS and layout of the building site in general shall minimize or mitigate the potential for ground and surface water contamination to the greatest extent possible.
 - 2. The system, once in use, will not pose a threat to public health and safety or cause any degradation of ground or and surface water quality, including adverse effects due to cumulative impact.
- C. All persons issued special-use permits by the Gloucester Zoning Board of Review granting relief from the 150-foot waterbody setback shall be required to enter into and maintain a maintenance contract for the life of the approved system. The homeowner shall keep records of all inspections and maintenance and copies shall be forwarded to the WWMB, or its authorized designee, within 30 calendar days.

XIII. TECHNICAL REVIEW

The Wastewater Management Board or the Town may forward plans and related information submitted pursuant to this section for review and comment to the Building/Zoning Office, other boards or other experts as deemed necessary. The cost of such services shall be born by the applicant in full.

XIV. SEVERABILITY

Should any section or provision of these rules and regulations, after due process in a court of law, be found unconstitutional, in conflict with other local, State, or federal laws and statutes, then that section or provision shall be null and void. All other sections of these rules and regulations shall remain in force and effect.

Should any other local, state, or federal laws and/or statutes direct stricter standards than those presented in these rules and regulations, then the stricter standard shall govern.

XV. EXEMPTIONS

Septic systems for which RIDEM ISDS permits have been granted or applied for before the effective date of these rules and regulations shall be exempt only from the provisions requiring T2 treatment levels provided that the systems are installed within two years from the date that the permit is first granted. This exemption applies only to the initial ISDS installation and not to any subsequent design or installation modifications real or proposed.

XVI. EFFECTIVE DATE

These rules and regulations shall become effective after adoption by the WWMB in accordance with the Ordinance.

Adopted February 12, 2004 by the Gloucester Town Council pursuant to the Ordinance 2-06-05 of the Town of Gloucester's Code of Ordinances entitled An Ordinance Establishing a Wastewater Management District Sections V (H) and VI.



***TOWN OF GLOCESTER
WASTEWATER MANAGEMENT DISTRICT
RULES & REGULATION***

ADOPTED BY WASTEWATER MANAGEMENT BOARD October 8, 2002

ADOPTED BY GLOCESTER TOWN COUNCIL February 11, 2004