

## **CHAPTER 253**

### **SEWAGE DISPOSAL SYSTEMS AND WELLS**

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**[History: Adopted by the Board of Selectmen 8/8/66, as amended 10/12/70, 2/26/73, 10/10/73, 8/18/75, 1/9/78, 7/12/82, 5/24/89, 11/22/93, 2/7/2000, 5/1/06, 1/12/09. Subsequent amendments noted where applicable.]**

**§253-1. Statutory authority.**

Under the authority of RSA Chapter 147:1, Public Health, the following regulations for governing the installation, alteration, inspection and maintenance of sewage disposal systems and wells for the health and safety of the people of Salem are hereby adopted.

**§253-2. Purpose.**

To provide regulations for adequate and safe subsurface sewage disposal installations, hereafter referred to as the system(s), which are to be located and constructed so as to avoid contaminating any existing or future water source or water supply and to provide for the efficient, effective administration of those regulations. To provide regulations for adequate and safe well construction which are to be located and constructed so as to avoid contamination and to provide for the efficient and effective administration of those regulations.

**§253-3. Statutory provisions.**

The rules and regulations established by the State of New Hampshire Department of Environmental Services, Subsurface Bureau and Water Resource Management Bureau form a part of this chapter to the extent that said State regulations are excepted to and added to by the provisions of this entire chapter.

**§253-4. Definitions.**

ABSORPTION BED - A rectangular area created by placing all the main system elements in one place.

ABSORPTION FIELD - A series of leaching trenches.

AGENT(S) - The individual(s) authorized by the Board of Selectmen to perform all administrative and inspection responsibilities of this chapter.

DESIGNER - NH licensed designer of subsurface disposal systems.

INSTALLER - NH licensed installer of subsurface disposal systems.

OWNER - The person in whose name the ownership of the property is legally recorded. The authority to perform any of the duties as herein described may not be transferred to any other person with the exception of a NH licensed designer and NH licensed installer of subsurface, sewage system(s).

SUBSURFACE BUREAU- The NH Department of Environmental Services division which monitors and regulates subsurface disposal systems.

TOWN - The Board of Selectmen, acting as the Board of Health of the Town of Salem or its designated agent(s). Appeals from administrative decisions shall be made directly to the Board of Selectmen.

WATER RESOURCE MANAGEMENT BUREAU- The NH Department of Environmental Services division which monitors and regulates wells.

WELL - Municipal or private subsurface water supply.

**§253-5. Responsibility for accuracy of technical data and compliance with design criteria.**

The designer shall be responsible for the accuracy of all technical data and compliance with all design criteria.

**§253-6. Design, construction and capacity requirements for sewage disposal systems.**

A. The system shall be designed, constructed and satisfy all requirements set forth in pertinent State of New Hampshire DES Subsurface Bureau Regulations as they exist, may be established or may be amended. These regulations currently include but may not in the future be limited and referred to as Chapter Env Ws 1000 - Subdivision and Individual Sewage Disposal System Design Rules.

B. The system shall be designed, constructed and satisfy all additional requirements set forth in these Town of Salem, Chapter 253 requirements that are more stringent than State regulations.

**§253-7. Additional local design, construction and capacity requirements for sewage disposal systems**

A. Filter Fabric -

1. An effective barrier of a minimum of 5 oz./square yard of non-woven, polyester filter fabric shall be placed over the top of the system to prevent infiltration of the backfill.

B. Dry Wells -

1. Dry wells shall be prohibited for use in new or replacement systems for the disposal of domestic or commercial sanitary waste. Laundry washing machines shall be construed as discharging sanitary waste.

C. Septic System Tank Replacement

1. The tank of an existing septic system may be replaced, when necessary, when done in compliance with Salem Chapter 253- Sewage Disposal Systems and Wells and NH DES Env-Ws 1000 Subdivision & Individual Sewage Disposal Systems.

2. The property owner or a licensed NH installer and/or designer shall submit a sketch of the property, including the house, septic system tank replacement site and known property lines prior to the issuing of a local permit.

D. All septic system tanks installed or replaced shall have an outlet filter.

E. Holding Tanks -

1. Holding Tanks shall be prohibited in all cases of new building construction and expanded use including the conversion of a property from seasonal to year-round use.

2. Holding tanks may be permitted as a replacement system in cases of failure of an original system, but only when no other conventional system can be properly constructed.

3. The minimum size of a holding tank shall be 2500 gallons.

4. A suitable audio/visual alarm system shall be installed. The alarm shall warn the residents when

the liquid level in the holding tank reaches 80% of the tank's capacity. The alarm control panel shall be located within the living quarters of the home which it serves. The panel shall be unobstructed and remain within full view at all times.

5. All joints and concrete surfaces shall be properly sealed to maintain a 100% leak proof condition.

6. When installed, but prior to backfilling, the holding tank shall be filled with water twenty-four (24) hours prior to inspection by the Town Engineer or his delegated representative. The alarm system shall be inspected at this time.

#### F. Hydric B Soils -

1. The Salem Wetlands Ordinance requires all septic systems to be 75' from all wetlands regardless of soil types. No approval for septic system design shall be granted if it is less than 75' from Hydric B soils unless a variance has been granted from the Board of Adjustment.

#### G. Percolation Tests and Test Pits -

1. Percolation Tests and Test Pits must be witnessed by an agent of the Town of Salem.

2. A minimum notice of forty eight (48) hours shall be given prior to the start of work and request for inspection.

#### H. Pipe Specifications -

1. Pipe used for lines between the septic tank and the absorption field, shall be Standard Dimension Ratio (SDR) 35 or equivalent as approved by the Engineering Division. Pipes used under driveways or other areas subject to heavy loads shall be installed to withstand the imposed loads and shall be cast iron.

2. Pipe used in the absorption field shall be perforated SDR 35 or equivalent. All joints shall be tight and all ends connected.

#### I. Public Surface Water Supply -

1. The distance from a septic tank to a public surface water supply shall be 75'.

2. The distance from an absorption field or bed to a public water supply shall be 100'.

#### J. Seasonal Conversions -

1. All seasonal conversions to year-round use will be required to have a septic system design approved by the Town of Salem and the New Hampshire Subsurface Bureau prior to allowing a certificate of occupancy on conversions; there will be no exceptions. [Added 7/12/82]

#### K. Portable Toilets

1. The placement of a portable toilet on a property, for a period longer than 30 days, shall require an Engineering Division Registration that shall be valid for temporary-use only. The portable toilet shall not be used as a replacement for a failed septic system. A sketch of the house, placement site, duration of length of time to be used and name and phone number of supplier shall be required.

2. The portable toilet shall be placed at least 50 feet from any body of water. If this setback

distance cannot be met, a waiver may be requested from the health officer or her/his designee.

#### **L. Site Assessments**

1. A septic system site assessment shall be required prior to the sale of all properties within 200' of the following bodies of water in Salem:

- a. Canobie Lake
- b. Millville Lake
- c. Arlington Pond
- d. Shadow Lake
- e. World's End Pond
- f. Captain's Pond
- g. Hedgehog Pond
- h. Taylor Reservoir
- i. Bodwell Pond

2. The septic system site assessment shall meet the requirements of NHRSA 485-A:39 and Env-Ws 1025.

3. A copy of the site assessment shall be submitted to the Engineering Division prior to the sale of all such properties.

#### **§253-8. Construction requirements for wells.**

A. All wells to be used as a water source shall be designed, constructed, and satisfy all requirements set forth in pertinent State of New Hampshire, Department of Environmental Services, Water Resource Management Bureau Regulations as they exist, may be established or may be amended in the future.

B. These NH Water Resource Management Bureau Regulations include but are not limited to:

1. New Hampshire Water Well Board Chapters We100-We900
2. Well Siting Criteria Env-Ws378
3. Well Siting Criteria Env-Ws372
4. Any other applicable state and/or local requirements

#### **§253-9. Additional local construction requirements**

A. Community Wells

1. The system shall be designed by a professional engineer and reviewed by the Salem Engineering Division.
2. The system shall be designed to meet Town of Salem standards for water systems.
3. All work shall be inspected by the Engineering Division prior to backfilling.

#### **§253-10. Compliance; Permits; Fees; Inspections**

A. No well or sewage disposal system shall be installed, altered, or maintained in the Town of Salem unless it is in conformity with these regulations as well as the pertinent regulations of the

State of New Hampshire, as may exist, be established or amended.

B. A permit for the installation and/or alterations of wells and sewage disposal system must be obtained from the Health Division prior to the commencement of any work on a system.

### C. Septic Systems

1. The applicable fee as established by the Board of Selectmen made payable to the Town of Salem shall accompany every application for a permit for the installation and/or alteration of a sewage disposal system. The applicant must also submit five sets of plans for the requested system permit (four for NHDES Subsurface Bureau and one for the Town of Salem). Plans must be submitted for Town of Salem's review prior to submission to NHDES Subsurface Bureau.
2. All local waivers if necessary, must be obtained prior to submitting the plans to the NHDES Subsurface Bureau for approval.
3. The Town will require inspections during the course of work at the following intervals:
  - a. Test Pit Observation.
  - b. Bed bottom and prior to placing sand.
  - c. Final Inspection.
4. Minimum notice of (forty-eight) 48 hours shall be given prior to the start of work and to request inspections of any above listed stages.

### D. Wells -

1. A permit must be obtained before any drinking well is installed, and must be accompanied by a scaled diagram of the location. Diagram must show existing or proposed subsurface disposal system on that and adjacent lots. The applicable fee as established by the Board of Selectmen shall accompany the application. The plan shall be submitted with the site address, map and lot number.
2. In all new construction, prior to issuance of a Certificate of Occupancy and in all well replacements, a State of NH certified testing lab shall do a well water analysis of the following parameters:
  - a. Bacteria
  - b. Chloride
  - c. Sodium
  - d. Iron
  - e. Manganese
  - f. pH
  - g. Hardness
  - h. Fluoride
  - i. Nitrate/Nitrite
  - j. Lead
  - k. Arsenic
  - l. Volatile Organic Compound Screen (VOC)
    - (1) If the VOC Screen is positive, further testing shall be done to determine the type of contaminant and concentration.

3. All test results shall be submitted to the Engineering Division and shall meet EPA Maximum Contaminant Level (MCL) Standards prior to the issuance of a Certificate of Occupancy.

**§253-11. Responsibilities.**

**A. NH Licensed Designer of Subsurface Disposal Systems shall be responsible :**

1. For the collection of all necessary technical data relative to any proposed system or alteration;
2. For the design and layout of said systems;
3. For the submitting of all prints and applications as required by the State and local authorities.
4. For obtaining copies of applicable regulations from the NH Subsurface Bureau and Water Resource Management Bureau and to remain apprised of regulation changes.
5. All plans submitted shall note site address, map and lot number.
6. For submitting holding tank design plans that note that state and local regulations require pumping receipts be mailed to the health officer quarterly.

**B. Property Owner shall:**

1. Provide to the installer all approved plans and specifications necessary for the compliance of State and local requirements.
2. Not allow the disposal of system leach fields by stockpiling above ground or by the subsurface disposal below the high water table.

**C. Installer - NH Licensed Installer of Subsurface Disposal System shall:**

1. Secure an installation permit and;
2. Construct the system or alter any existing system in accordance with all regulations and laws; and
3. Notify the inspector for all inspections before backfilling.

**D. Agent(s) shall:**

1. Maintain files of all approvals issued by the NH Subsurface Bureau and the Water Resource Management Bureau;
2. Issue permits in accordance with the regulations, and
3. Perform any inspections as may deemed necessary in accordance with same;
4. Return, within 10 working days, a copy of the application receipt;
5. Perform any other duties relative to individual waste disposal systems as specified by the Board of Selectmen.

6. Provide copies of Chapter 253 to residents upon request
7. Provide a reference copy of State regulations in the Engineering Division. Copies of State Regulations will not be available locally for individual use; they must be obtained from the NH Department of Environmental Services.

**§253-12. Licenses.**

All designers and installers must maintain current State of New Hampshire licensure.

**§253-13. Fines and Penalties.**

A penalty not to exceed the amount permitted by statute shall be imposed on the applicant for failure to comply with these regulations. Each day of continuing failure to comply, after written notice of the violation(s) shall constitute a new offense. Repeated violations of regulations may be cause for the agent(s) to refuse to issue further permits for a period of one (1) year.

**§253-14. Waiver.**

Request for waivers from the provisions of this code must be sought and approved by a two-thirds vote of the Board of Selectmen acting in their capacity as the Board of Health. In no case shall a waiver be granted that would create a health hazard.

Adopted by the Board of Selectmen

August 8, 1966

Amended - 10/12/70

Amended - 02/26/73

Amended - 10/10/73

Amended - 08/18/75

Amended - 01/09/78

Amended - 07/12/82

Amended - 05/24/89

Amended - 11/22/93

Amended - 02/07/00

Amended - 05/01/06

Amended - 01/12/09

**Adopted by the Board of Selectmen on August 8, 1966, and amended on February 7, 2000, May 1, 2006 and January 12, 2009.**





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**Public Notice**  
**Board of Selectmen/Board of Health**  
**January 13, 2009**

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At its Public Hearing on January 12, 2009, the Board of Selectmen/Board of Health adopted new fees for permits and inspections related to sewage disposal systems and wells. In addition, changes were adopted to the Salem Municipal Code Chapter 253, Sewage Disposal Systems & Wells. The fee schedule and code modifications were adopted under the authority granted by NH RSA Chapter 147:1 Local Regulations.

The following fees were adopted:

**Sewage Disposal Systems**

Plan Review	\$60
Test Pit Observation	\$60
Bed Bottom Inspection	\$60
Final Inspection	\$60
Re-inspection	\$60

**Wells**

Well Permit	\$60
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The following changes to Salem Municipal Code, Chapter 253 were adopted:

**Chapter 253-10**

- B. Replace *Engineering* with *Health*.
- C. Septic Systems
  - (1) Replace *four* sets of plans with *five* . Replace *three* with *four*.
  - (2) Replace (a) with *Test pit observation*.  
Replace (b) with *Bed bottom and prior to placing sand*.  
Replace (c) with *Final inspection*.