



SEWER COMMISSION

Millbury, MA 01527

Gary Nelson, Chairman

Happy Erickson, Clerk

Frank J. Gagliardi

APPLICATION FOR DRAINLAYER'S LICENSE

(Application must be made in ink and in handwriting of applicant)

I, \_\_\_\_\_, do hereby make application for a license to engage in the business of drainlaying in Millbury.

1. Residence \_\_\_\_\_ Telephone \_\_\_\_\_

2. Date \_\_\_\_\_

3. Present Occupation \_\_\_\_\_

4. How many years experience have you had in the drainlaying business? \_\_\_\_\_

5. In what capacity? \_\_\_\_\_

6. Where did you learn the drainlaying business? Give names and addresses of employees.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. State in detail how you would lay a drain to a main sewer.

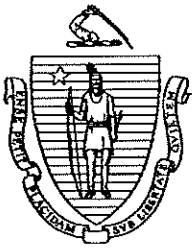
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED

Board of Selectman

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant



The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 Office of Investigations  
 600 Washington Street  
 Boston, MA 02111  
 www.mass.gov/dia

**Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers**  
**Applicant Information** **Please Print Legibly**

Name (Business/Organization/Individual): \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone #: \_\_\_\_\_

<p><b>Are you an employer? Check the appropriate box:</b></p> <p>1. <input type="checkbox"/> I am an employer with _____ employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †</p> <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. ‡ These sub-contractors have workers' comp. insurance.</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p>	<p><b>Type of project (required):</b></p> <p>6. <input type="checkbox"/> New construction</p> <p>7. <input type="checkbox"/> Remodeling</p> <p>8. <input type="checkbox"/> Demolition</p> <p>9. <input type="checkbox"/> Building addition</p> <p>10. <input type="checkbox"/> Electrical repairs or additions</p> <p>11. <input type="checkbox"/> Plumbing repairs or additions</p> <p>12. <input type="checkbox"/> Roof repairs</p> <p>13. <input type="checkbox"/> Other _____</p>
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\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.  
 † Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.  
 ‡ Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and their workers' comp. policy information.

*I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.*

Insurance Company Name: \_\_\_\_\_

Policy # or Self-ins. Lic. #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Job Site Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).**

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

*I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone #: \_\_\_\_\_

*Official use only. Do not write in this area, to be completed by city or town official.*

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

**Issuing Authority (circle one):**  
 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector  
 6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

# Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An *employer* is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required." Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

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## Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply sub-contractor(s) name(s), address(es) and phone number(s) along with their certificate(s) of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

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## City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary) and under "Job Site Address" the applicant should write "all locations in \_\_\_\_\_ (city or town)." A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

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The Department's address, telephone and fax number:

The Commonwealth of Massachusetts  
Department of Industrial Accidents  
**Office of Investigations**  
600 Washington Street  
Boston, MA 02111

Tel. # 617-727-4900 ext 406 or 1-877-MASSAFE

Fax # 617-727-7749

[www.mass.gov/dia](http://www.mass.gov/dia)

**TOWN OF MILLBURY**  
**SELECTMEN'S OFFICE**  
**MILLBURY, MASSACHUSETTS**

**HOLD HARMLESS:** The contractor further agrees to indemnify and save Harmless the Town of Millbury and its elective or appointive executive officers and commission members hereinafter referred to as the Town of Millbury from and against any and all claims, demands, actions, or defense costs, on account of personal injuries or death, or damages, injury or liability is contributed to by the negligence of the Town of Millbury or its employees or agents and whether due to imperfections in any materials furnished by the Town of Millbury or by the premises themselves or any equipment thereon, or from other causes whatsoever, except that the contractor shall have no liability for damages or the losses incident thereto caused by the sole negligence of the Town of Millbury.

**INSURANCE:** Prior to the start of any work required under this contract, the contractor agrees to furnish the Town of Millbury with a completed certificate of insurance of a form and in amounts and types of coverage as required by the Town of Millbury. Renewal certificates must be furnished at least ten (10) days prior to the expiration of any coverage's required hereunder.

DATE: \_\_\_\_\_

BY \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Title – Pres. Owner Partners)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone)

**TOWN OF MILLBURY  
DRAIN LAYER LICENSE  
SUB-CONTRACTOR LIST**

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

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We do not use sub-contracts: \_\_\_\_\_

The following is a list of sub-contractors: \_\_\_\_\_

Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**APPLICATION FOR DRAIN LAYERS LICENSE**

**TRENCH SAFETY ADDENDUM**

To: **Board of Sewer Commissioners**  
**Town of Millbury, MA**

The undersigned, being the

\_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City or Town)

\_\_\_\_\_  
(Telephone Number)

certifies that I have read and understand the sewer use by-laws and drain layer's rules and regulations for the Town of Millbury. **I also certify that I have read and understand the Millbury Sewer Connection construction memorandum dated December 9, 2008 pertaining to Trench Safety regulations and Massachusetts Open Trench Safety Regulations.**

I further understand that any violation of these requirements shall be cause for revocation of this license.

Date & Signature \_\_\_\_\_  
Owner/Owner Representative

## TOWN OF MILLBURY

### MINIMUM INSUANCE REQUIREMENTS

Before you or any of your employees shall do any work under contract with the Town of Millbury, or before the issuance of any permits for activities in the Town of Millbury, you must have your insurance carrier complete and return a Certificate of insurance indicating coverage as being in effect to the limits indicated below. The Certificate when returned must be in typed form, **FULLY COMPLETE**, as to the information requested, and signed by the authorized representative of the insurance carrier.

TYPE OF COVERAGE	LIMITS		
	Bodily Injury Each Person	Each Occurrence	Property Damage Each Occurrence
*Public Liability, Personal Injury	\$250,000	\$500,000	\$100,000
Complete Operations Products	\$250,000	\$500,000	\$100,000
+ Contractual	\$250,000	\$500,000	\$100,000
Independent Contractor	\$250,000	\$500,000	\$100,000
Automobile Liability	\$250,000	\$500,000	\$100,000
Workmen's Compensation	Statutory		

\*The Town of Millbury must be named as an additional insured under the Public Liability Policy.

Property damage, including coverage for damage caused by collapse, explosion or underground hazards, if such coverage would ordinarily be excluded by reason of the classification and code numbers used to describe the insured operations. (Applies to any operations involving excavation, demolition, drilling, or handling of hazardous materials among others.)

+ Contractual Liability shall include all liability assumed by the insured under all written agreements or permits issued by or for the Town of Millbury.

Must provide the Town with a \$3,000 Drainlayers Bond. Must sign Hold Harmless Clause.



Department of  
Building & Inspections  
Robert Blackman  
Inspector of Buildings

## TOWN OF MILLBURY

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-0438 • FAX. 508 / 865-0857

### Trench Permit Check List

- Dig safe number (see sample permit)
  
- Name and contact information of permit holder (copy of drivers license)
  
- Name and contact information of the excavator (copy of drivers license)
  
- Name of the competent person (copy of drivers license)
  
- Name of person(s) performing the excavation of the trench (copy of drivers license)
  
- Copy of Mass Hoisting, license grade and expiration date of the person(s) performing the excavation of the trench
  
- Permit expiration date (if applicable)
  
- Specific location of the trench (drawing showing street and structure)
  
- Name and contact information of insurer (copy of policy)
  
- I have read and understand the OSHA and DPS trench regulations



# TOWN OF MILLBURY

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PERMIT # \_\_\_\_\_ DATE: \_\_\_\_\_

## TRENCH PERMIT

Pursuant to G.L. c. 82A §1 and 520 CMR 7.00 et seq.(as amended)

THIS PERMIT MUST BE FULLY COMPLETED PRIOR TO CONSIDERATION

Name of Applicant			Phone		Cell
Street Address					
City/Town	MA	ZIP			
Name of Excavator (if different from applicant)			Phone		Cell
Street Address					
City/Town	MA	ZIP			
Name of Owner(s) of Property			Phone		Cell
Street Address					
City/Town	MA	ZIP			
Other Contact			Permit Fee Received No ( ) Yes ( )		
Description, location and purpose of proposed trench: Please describe the exact location of the proposed trench and its purpose (include a description of what is (or is intended) to be laid in proposed trench (eg; pipes/cable lines etc..) Please use reverse side if additional space is needed.					
Insurance Certificate #:					
Name and Contact Information of Insurer:					
Policy Expiration Date:					
Dig Safe #:					
Name of Competent Person (as defined by 520 CMR 7.02):					

Massachusetts Hoisting License #	
License Grade:	Expiration Date:

BY SIGNING THIS FORM, THE APPLICANT, OWNER, AND EXCAVATOR ALL ACKNOWLEDGE AND CERTIFY THAT THEY ARE FAMILIAR WITH, OR, BEFORE COMMENCEMENT OF THE WORK, WILL BECOME FAMILIAR WITH, ALL LAWS AND REGULATIONS APPLICABLE TO WORK PROPOSED, INCLUDING OSHA REGULATIONS, G.L. c. 82A, 520 CMR 7.00 et seq., AND ANY APPLICABLE MUNICIPAL ORDINANCES, BY-LAWS AND REGULATIONS AND THEY COVENANT AND AGREE THAT ALL WORK DONE UNDER THE PERMIT ISSUED FOR SUCH WORK WILL COMPLY THEREWITH IN ALL RESPECTS AND WITH THE CONDITIONS SET FORTH BELOW.

THE UNDERSIGNED OWNER AUTHORIZES THE APPLICANT TO APPLY FOR THE PERMIT AND THE EXCAVATOR TO UNDERTAKE SUCH WORK ON THE PROPERTY OF THE OWNER, AND ALSO, FOR THE DURATION OF CONSTRUCTION, AUTHORIZES PERSONS DULY APPOINTED BY THE MUNICIPALITY TO ENTER UPON THE PROPERTY TO MONITOR AND INSPECT THE WORK FOR CONFORMITY WITH THE CONDITIONS ATTACHED HERETO AND THE LAWS AND REGULATIONS GOVERING SUCH WORK.

THE UNDERSIGNED APPLICANT, OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO REIMBURSE THE MUNICIPALITY FOR ANY AND ALL COSTS AND EXPENSES INCURRED BY THE MUNICIPALITY IN CONNECTION WITH THIS PERMIT AND THE WORK CONDUCTED THEREUNDER, INCLUDING BUT NOT LIMITED TO ENFORCING THE REQUIREMENTS OF STATE LAW AND CONDITIONS OF THIS PERMIT, INSPECTIONS MADE TO ASSURE COMPLIANCE THEREWITH, AND MEASURES TAKEN BY THE MUNICIPALITY TO PROTECT THE PUBLIC WHERE THE APPLICANT OWNER OR EXCAVATOR HAS FAILED TO COMPLY THEREWITH INCLUDING POLICE DETAILS AND OTHER REMEDIAL MEASURES DEEMED NECESSARY BY THE MUNICIPALITY.

THE UNDERSIGNED APPLICANT, OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE MUNICIPALITY AND ALL OF ITS AGENTS AND EMPLOYEES FROM ANY AND ALL LIABILITY, CAUSES OR ACTION, COSTS, AND EXPENSES RESULTING FROM OR ARISING OUT OF ANY INJURY, DEATH, LOSS, OR DAMAGE TO ANY PERSON OR PROPERTY DURING THE WORK CONDUCTED UNDER THIS PERMIT.

APPLICANT SIGNATURE

\_\_\_\_\_ DATE \_\_\_\_\_

EXCAVATOR SIGNATURE (IF DIFFERENT)

\_\_\_\_\_ DATE \_\_\_\_\_

OWNER'S SIGNATURE (IF DIFFERENT)

\_\_\_\_\_ DATE: \_\_\_\_\_

For City/Town use -- Do not write in this section	
PERMIT APPROVED BY	\$ _____ Application Fee
PERMITTING AUTHORITY	
CONDITIONS OF APPROVAL	

**CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.82A AND 520 CMR 7.00 et seq. (as amended)**

By signing the application, the applicant understands and agrees to comply with the following:

- i. No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- ii. Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- iii. Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P "Excavations".
- iv. Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;
- v. By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CMR 1926.650 et.seq., entitled Subpart P "Excavations" as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A.
- vi. This permit shall be posted in plain view on the site of the trench.

For additional information please visit the Department of Public Safety's website at [www.mass.gov/dps](http://www.mass.gov/dps)

Summary of Excavation and Trench Safety Regulation (520 CMR 14.00 et seq.)

This summary was prepared by the Massachusetts Department of Public Safety pursuant to G.L.c.82A and does not include all requirements of the 520 CMR 14.00. To view the full regulation and G.L.c.82A, go to [www.mass.gov/dps](http://www.mass.gov/dps). Pursuant to M.G.L. c. 82, § 1, the Department of Public Safety, jointly with the Division of Occupational Safety, drafted regulations relative to trench safety. The regulation is codified in section 14.00 of title 520 of the Code of Massachusetts Regulations. The regulation requires all excavators to obtain a permit prior to the excavation of a trench made for a construction-related purpose on public or private land or rights-of-way. All municipalities must establish a local permitting authority for the purpose of issuing permits for trenches within their municipality. Trenches on land owned or controlled by a public (state) agency requires a permit to be issued by that public agency unless otherwise designated.

In addition to the permitting requirements mandated by statute, the trench safety regulations require that all excavators, whether public or private, take specific precautions to protect the general public and prevent unauthorized access to unattended trenches. Accordingly, unattended trenches must be covered, barricaded or backfilled. Covers must be road plates at least ¾" thick or equivalent; barricades must be fences at least 6' high with no openings greater than 4" between vertical supports; backfilling must be sufficient to eliminate the trench. Alternatively, excavators may choose to attend trenches at all times, for instance by hiring a police detail, security guard or other attendant who will be present during times when the trench will be unattended by the excavator.

The regulations further provide that local permitting authorities, the Department of Public Safety, or the Division of Occupational Safety may order an immediate shutdown of a trench in the event of a death or serious injury; the failure to obtain a permit; or the failure to implement or effectively use adequate protections for the general public. The trench shall remain shutdown until re-inspected and authorized to re-open provided, however, that excavators shall have the right to appeal an immediate shutdown. Permitting authorities are further authorized to suspend or revoke a permit following a hearing. Excavators may also be subject to administrative fines issued by the Department of Public Safety for identified violations.

## Summary of 1926 CFR Subpart P -OSHA Excavation Standard

This is a worker protection standard, and is designed to protect employees who are working inside a trench. This summary was prepared by the Massachusetts Division of Occupational Safety and not OSHA for informational purposes only and does not constitute an official interpretation by OSHA of their regulations, and may not include all aspects of the standard. For further information or a full copy of the standard go to [www.osha.gov](http://www.osha.gov).

- **Trench Definition per the OSHA standard:**
  - An excavation made below the surface of the ground, narrow in relation to its length.
  - In general, the depth is greater than the width, but the width of the trench is not greater than fifteen feet.
- **Protective Systems** to prevent soil wall collapse are always required in trenches deeper than 5', and are also required in trenches less than 5' deep when the competent person determines that a hazard exists. Protection options include:
  - Shoring. Shoring must be used in accordance with the OSHA Excavation standard appendices, the equipment manufacturer's tabulated data, or designed by a registered professional engineer.
  - Shielding (Trench Boxes). Trench boxes must be used in accordance with the equipment manufacturer's tabulated data, or a registered professional engineer.
  - Sloping or Benching. In Type C soils (what is most typically encountered) the excavation must extend horizontally 1 ½ feet for every foot of trench depth on both sides, 1 foot for Type B soils, and ¾ foot for Type A soils.
  - A registered professional engineer must design protective systems for all excavations greater than 20' in depth.
- **Ladders** must be used in trenches deeper than 4'.
  - Ladders must be inside the trench with workers at all times, and located within 25' of unobstructed lateral travel for every worker in the trench.
  - Ladders must extend 3' above the top of the trench so workers can safely get onto and off of the ladder.
- **Inspections** of every trench worksite are required:
  - Prior to the start of each shift, and again when there is a change in conditions such as a rainstorm.
  - Inspections must be conducted by the competent person (see below).
- **Competent Person(s) is:**
  - Capable (i.e., trained and knowledgeable) in identifying existing and predictable hazards in the trench, and other working conditions which may pose a hazard to workers, and
  - Authorized by management to take necessary corrective action to eliminate the hazards. Employees must be removed from hazardous areas until the hazard has been corrected.
- **Underground Utilities** must be:
  - Identified prior to opening the excavation (e.g., contact Digsafe).
  - Located by safe and acceptable means while excavating.
  - Protected, supported, or removed once exposed.
- **Spoils** must be kept back a minimum of 2' from the edge of the trench.
- **Surface Encumbrances** creating a hazard must be removed or supported to safeguard employees. Keep heavy equipment and heavy material as far back from the edge of the trench as possible.
- **Stability of Adjacent Structures:**
  - Where the stability of adjacent structures is endangered by creation of the trench, they must be underpinned, braced, or otherwise supported.
  - Sidewalks, pavements, etc. shall not be undermined unless a support system or other method of protection is provided.
- **Protection from water accumulation hazards:**
  - It is not allowable for employees to work in trenches with accumulated water. If water control such as pumping is used to prevent water accumulation, this must be monitored by the competent person.
  - If the trench interrupts natural drainage of surface water, ditches, dikes or other means must be used to prevent this water from entering the excavation.
- **Additional Requirements:**
  - For mobile equipment operated near the edge of the trench, a warning system such as barricades or stop logs must be used.
  - Employees are not permitted to work underneath loads. Operators may not remain in vehicles being loaded unless vehicles are equipped with adequate protection as per 1926.601(b)(6).
  - Employees must wear high-visibility clothing in traffic work zones.
  - Air monitoring must be conducted in trenches deeper than 4' if the potential for a hazardous atmosphere exists. If a hazardous atmosphere is found to exist (e.g., O<sub>2</sub> <19.5% or >23.5%, 20% LEL, specific chemical hazard), adequate protections shall be taken such as ventilation of the space.
  - Walkways are required where employees must cross over the trench. Walkways with guardrails must be provided for crossing over trenches > 6' deep.
  - Employees must be protected from loose rock or soil through protections such as scaling or protective barricades.



Department of  
Building & Inspections  
Robert Blackman  
Inspector of Buildings

## TOWN OF MILLBURY

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-0438 • FAX. 508 / 865-0857

### **TRENCH:**

An excavation made below the surface of the ground, narrow in relation to its length.

In general, the **depth is greater than the width**, but the width of the trench is not greater than fifteen feet.

### **PUBLIC PROTECTION:**

Trenches must be **attended, covered, barricaded or backfilled**. Covers must be road plates at least  $\frac{3}{4}$ " thick or equivalent; barricades must be fences at least 6' high with no openings greater than 4" between vertical supports; backfilling must be sufficient to eliminate the trench.

**UNATTENDED TRENCHES:** Any unattended trench shall be posted by an attendant or police detail at the cost to the contractor, until the contractor secures the trench.

**December 9, 2008**

**MILLBURY SEWER CONNECTION CONSTRUCTION MEMORANDUM**

From: Director of Public Works

To: Licensed Drain Layers

Subj: Trench Safety

**Purpose:**

To establish minimum requirements for trench safety during sewer connections in the Town of Millbury. **It is the intent of this construction memorandum to require licensed drain layers to follow Federal Occupational Safety and Health Act (OSHA) regulations for the protection of workers in excavations and trenches. Licensed drain layers must also comply with 520 CMR 7.00 Excavation and Trench Safety Regulations.**

**Background:**

Hazardous trenching procedures are a prime cause of death and injury. The National Institute of Occupational Safety and Health (NIOSH) reports approximately 75 deaths and over 1,000 work-related injuries a year caused by construction excavation cave-ins.

The death of a little girl in Bridgewater after falling into an unprotected trench has also prompted new open trench safety regulations in Massachusetts which are effective January 1, 2009.

**Definition:**

**Competent Person.** – A “competent person” is defined by OSHA as a person capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate the hazards.

**Trench Safety Requirements:**

- A “competent person”, as defined by OSHA, must supervise all work in an excavation.
- All workers who enter excavations five feet deep or more shall be protected with a system of shoring, sloping trench walls, benching, or equivalent alternate methods such as protective shields or steel shoring boxes.

- For any proposed excavation greater than five feet deep, all required safety equipment such as a trench box and ladder must be available on site prior to start of excavation.
- A licensed installer is responsible for following OSHA regulations. A copy of the U.S. OSHA Trenching and Excavation Standard (29 CFR, 1926, Subpart P, Excavations) is attached for your convenience.
- A “trench” as defined by the Massachusetts State Regulations as an excavation made below the surface of the ground which is narrow in relation to its length. In general, the depth is greater than the width, but the width of the trench is not greater than fifteen feet.
- Trenches must be attended, covered, barricaded or backfilled. Covers must be road plates at least 3 / 4 inch thick or equivalent. Barricades must be fences at least 6 feet high with no openings greater than 4 inches between vertical supports. Backfilling must be sufficient to eliminate the trench.
- Unattended trenches must be physically supervised by an attendant or police detail at the cost of the contractor until the contractor secures the trench.

**Key Safety Procedures That Should Be Followed At All Trench Worksites:**

- Use a trench box or shoring in all trenches deeper than five feet or as necessary in shallower trenches where additional hazards exist (such as a water source).
- Conduct inspections of all trench worksites prior to start of work and also when there is a change in conditions such as a rainstorm.
- Keep spoils back at least two feet from edge of trench. Also keep heavy equipment and other surface encumbrances as far back as possible from the edge of the trench as these can create pressure that increases the chance for soil collapse.
- Make sure undermined sidewalks, road surface, fencing, and other adjacent structures are adequately supported.
- Ensure that a proper ladder is available within every twenty-five feet of unobstructed travel for employees in all trenches greater than four feet deep.
- Wear and use all of the Personal Protective Equipment required for the job, such as hard hats and high visibility clothing.
- Follow all traffic work zone safety guidelines as outlined in the MUTCD, available at <http://mutcd.fhwa.dot.gov>.
- Minimize vibration sources near the trench.
- Never leave an open trench unattended or unsupervised.

**Actions:**

- Department of Public Works personnel will conduct periodic inspections of sewer connections excavations to assure that the intent of this construction memorandum is followed.
- Department of Public Works personnel will conduct periodic inspections of licensed installer safety equipment to assure that the intent of this construction memorandum is followed.
- Drain layers will be required to file a Trench Permit application with the Department of Public Works as part of the sewer connection application process. A trench permit check list and sample Trench Permit Application is attached for your convenience.

**Penalties:**

- Failure to comply with the intent of this construction memorandum will be cause for revocation of the licensed installer's permit.

John J. McGarry, PE  
Director of Public Works