

Whereas, the Edgartown Board of Health has received the findings of the Massachusetts Estuaries Report and the draft Edgartown Great Pond System Total Maximum Daily Loads For Total Nitrogen (the reports) for Edgartown Great Pond (the pond) prepared by SMAST, Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Department of Environmental Protection and Bureau of Resource Protection, and,

Whereas, the report concludes that Edgartown Great Pond is showing moderate to significant habitat impairment as a result of watershed nitrogen load, and,

Whereas, the reports find that 80% of the pond's controllable watershed nitrogen is from wastewater and approximately 70% of the total wastewater nitrogen is from on-site septic systems, and,

Whereas, the findings of the reports make certain recommendations for reducing nitrogen in the Edgartown Great Pond watershed to improve water quality and restore habitat within the pond by providing sewer service to properties within the Edgartown Great Pond watershed, and,

Whereas, the Town of Edgartown has funded and provided sewer service infrastructure within the Great Pond Watershed to provide sewer service and will continue to plan and provide extension of the sewer infrastructure to the extent possible, and,

Whereas, the Edgartown Board of Health seeks to implement, through it's Rules and Regulations to the extent that it can, the Total Maximum Daily Load (TMDL) limits delivered to the Town of Edgartown by the Massachusetts Department of Environmental Protection, and,

Whereas, the Town of Edgartown Board of Health seeks to implement the recommendations of the Estuaries project in order to provide protection of the public health, safety, welfare and environment and to ensure the protection of Edgartown Great Pond, therefore,

Pursuant to Massachusetts General Laws, Chapter 83, Sections 3 and 11, and Chapter 111, Sections 31, 122 and 127, The Edgartown Board of Health hereby adopts the following regulation requiring abandonment of on-site septic disposal systems and connection to the Town of Edgartown sewer system within the required timeline.

MANDATORY SEWER TIE-IN REGULATION

Adopted Month, Day, Year

1. Authority and Purpose

These regulations are enacted under the authority of Massachusetts General Laws, Chapter 83, Sections 3 and 11, and Chapter 111, Sections 31, 122 and 127, and are enacted for protection of the public health, safety, welfare and environment and for the further purpose of ensuring the protection of the Edgartown Great Pond and reversing trends of increasing water quality impairment.

2. Mandatory Connection to the Sanitary Sewer System

a. The owners of all houses, buildings or properties used for human occupancy, employment or recreation or in any way generating wastewater flows, situated within the Edgartown Great Pond watershed and abutting on any street, road or right-of-way in which there is located, or may in the future be located, a sanitary sewer line of the Town of Edgartown, said sanitary sewer having been deemed by the Edgartown Wastewater department capable of accepting wastewater flow from said use, shall be required to connect to the sanitary sewer system by a building sewer as defined, specified and administered by the Town of Edgartown Wastewater Department. Such connection shall be made within the timelines described below:

- I. For all on-site septic system permit applications for construction of a complete system or reconstruction of a soil absorption area received by the Edgartown Board of Health on or before March 30, 1995 said connection shall be made not less than **five years (5)** from the date of the official mailed notice of sewer service availability, by the Town of Edgartown, acting by and through the Board of Health together with the Board of Sewer Commissioners, or it's successor, to the property owners of all qualifying properties served by on-site septic systems.
- II. For all on-site septic system permit applications for construction of a complete system or reconstruction of a soil absorption area received by the Edgartown Board of Health for construction after March 30, 1995 said connection shall be made not less than **ten years (10)** from the date of the official mailed notice of sewer service availability, by the Town of Edgartown, acting by and through the Board of

Health together with the Board of Wastewater Commissioners, or its successor, to the property owners of all qualifying properties served by on-site septic systems.

- III. For all on-site septic system permit applications for construction of a complete system or reconstruction of a soil absorption area that utilizes enhanced treatment nitrogen removal technology received by the Edgartown Board of Health after March 30, 1995 said connection shall be made not less than **fifteen years (15)** from the date of the official mailed notice of sewer service availability, by the Town of Edgartown, acting by and through the Board of Health together with the Board of Wastewater Commissioners, or its successor, to the property owners of all qualifying properties served by on-site septic systems.

b. All properties to which a sewer service availability notice has been mailed and to which ownership is transferred, shall be required to connect to the sewer line within 30 days of transfer.

c. All properties to which a sewer service availability notice has been mailed which then experiences any of the conditions of systems failing to protect public health and safety and the environment as defined in 310 CMR 15.303 shall connect to said town sewer within 120 days unless a shorter period of time is set by the Edgartown Board of Health based upon the existence of an imminent health hazard.

d. All costs and expenses associated with the installation and connection of the building sewer shall be the sole responsibility of the property owner, and shall be governed by the Town of Edgartown Sewer Connection Regulations.

3. Severability

If any portion, sentence or clause contained herein is held invalid, the remainder of the regulation shall remain in full force and effect.

4. Violation

Any person who violates these regulations shall be subject to a fine of \$200.00 for each violation (see G.L. c.83, §11.) Each day a violation continues shall be deemed a separate offense.

5. Effective Date

These regulations shall be effective XXXXX Y, 2010 upon publication in accordance with M.G.L. c111, §31 and upon filing an attested copy to

the Department of Environmental Protection and shall so remain in effect until modified or amended by the Edgartown Board of Health.