

**TOWN OF MASHPEE
BOARD OF HEALTH**

**REGULATION TO PROTECT WATER
QUALITY IN THE TOWN OF MASHPEE FOR ALL PROPERTIES**

1.0) **PURPOSE** - Water quality in certain areas of the Town of Mashpee is degraded. Excessive nitrogen loading in our watersheds has been identified as a major cause of this degradation. The primary source of excess nitrogen is wastewater from the on-site septic systems. This regulation is promulgated in an effort to decrease the amount of nitrogen contribution from septic systems.

2.0) **AUTHORITY** - This regulation is adopted by the Board of Health of the Town of Mashpee, Massachusetts, acting under the authority of Chapter 111, Section 31 and Chapter 21A, Section 13 of the Massachusetts General Laws and under Title 1 and Title 5 of the State Environmental Code (310 CMR 11.00 and 15.000).

3.0) **DEFINITIONS** - On site sewage disposal system or systems is a privy, cesspool, septic tank, holding tank, grease trap, sewerage treatment device or other structure, together with any associated sewer and/or leaching facilities, that is used to treat and dispose of sewage from any building or structure. The components of these systems typically consist primarily of subsurface structures.

4.0) **APPLICABILITY** - This regulation shall apply to all on-site sewage disposal systems located in the Town of Mashpee with a design flow in excess of 600 gallons per day.

5.0) **NEW SYSTEMS** - All new systems shall be designed to achieve no greater than 10 milligrams per liter (MG/L) total nitrogen concentration in the effluent. Systems meeting the 10 MG/L total nitrogen standard shall be tested and reported on a quarterly basis by means of a groundwater monitoring well located downgradient of the leaching facility 10' from the lot line.

5.1) **EXISTING SEPTIC SYSTEMS** - At the time of transfer of title of an existing facility served by a septic system, or in the event of the failure of or emergency repairs to any septic system, the septic system shall be upgraded to achieve no greater than 10 milligrams per liter (MG/L) total nitrogen concentration in the effluent. Systems meeting the 10 MG/L total nitrogen standard shall be tested and reported on a quarterly basis by means of a groundwater monitoring well located downgradient of the leaching facility 10' from the lot line.

6.0) **VARIANCE** - The Town of Mashpee, Board of Health in any particular case may vary the application of any provision of this regulation, when, in its opinion:

- 1) Effluent from proposed systems will not be discharged within the groundwater recharge area of the Waquoit or Popponesset Estuaries;
- 2) Such action is in the public interest and not inconsistent with the intent and purpose of the State Environmental Code and this regulation.
- 3) Strict enforcement would cause undue hardship and manifest injustice.
- 4) The same degree of environmental protection required under Title 5 (310 CMR 15.000) and this regulation can be achieved without strict application of the particular provisions. The burden of proof shall rest with the applicant as to all elements required for the approval of any variance. Any request for a variance must be in writing to the Board of Health and shall be acted on in accordance with procedures for the granting of a variance under Town of Mashpee, Board of Health regulations.

7.0) ENFORCEMENT - The Town of Mashpee, Board of Health, as permitted under the provision of Chapter 111, Section 31 and under Title 1 (310 CMR 11.00), may issue administrative enforcement orders, violation notices, requests for compliance and other documents and correspondence to enforce the provisions of this regulation. The Board may pursue criminal or non-criminal prosecution or civil litigation or both in the courts of the Commonwealth of Massachusetts to enforce the provisions of this regulation.

8.0) PENALTIES - Any penalty for failure to comply with any provision of this regulation shall be governed by Massachusetts General Laws, Chapter 111, Section 31. Each day of violation shall constitute a separate offense. Further, the Town of Mashpee, Board of Health, after notice to and after a public hearing thereon, may suspend, revoke or modify any license issued by the Board for due cause.

9.0) SEVERABILITY - Each part of this regulation shall be construed as separate, if any section, paragraph, sentence, clause, phrase or word of this regulation shall be declared invalid for any reason; the remainder of this regulation shall remain in full force and effect.

10.0) EFFECTIVENESS - Following a two-week public comment period this regulation was adopted by the Board of Health July 1, 1999.

Per Order Of,
Mashpee Board of Health

Steven R. Ball, Chairman
John T. Doherty, Co-chairman
Robert F. Cram, Sr., Clerk