

2.41 Edgartown Great Pond and Sengekontacket Pond Watersheds Mandatory Sewer Tie-in Regulation:

Whereas, the Edgartown Board of Health (the “Board”) has received the findings of the Massachusetts Estuaries Project Reports for Edgartown Great Pond and for Sengekontacket Pond (the “Reports”) prepared by University of Massachusetts School for Marine Science and Technology (SMAST); the Edgartown Great Pond System Total Maximum Daily Loads (TMDL) For Total Nitrogen and Sengekontacket Pond System TMDL for Total Nitrogen and Pathogens prepared by Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Department of Environmental Protection and Bureau of Resource Protection; and the Comprehensive Wastewater Management Plan prepared by Tighe & Bond;

Whereas, the Reports conclude that watershed nitrogen load is a cause of “moderate to significant habitat impairment” in Edgartown Great Pond, and “low to moderate habitat impairment” in Sengekontacket Pond;

Whereas, the Reports find that 66% of the Edgartown Great Pond’s controllable watershed nitrogen and 80% of Sengekontacket Pond’s controllable watershed nitrogen result from on-site septic systems;

Whereas, the Reports recommend providing sewer service in order to reduce nitrogen in the Edgartown Great Pond and Sengekontacket Pond watersheds and improve water quality and restore the eelgrass habitat within the ponds;

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

Whereas, the Board seeks to implement, through its Rules and Regulations to the extent that it can, the Total Maximum Daily Loads (TMDL) limits identified to the Town of Edgartown by the Massachusetts Department of Environmental Protection;

Whereas, the Board seeks to implement the recommendations of the Estuaries project and the Comprehensive Wastewater Management Plan in order to protect the public health, safety, welfare and environment and to ensure the protection of Edgartown Great Pond and Sengekontacket Pond watersheds;

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.

2.41.1. 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 Sengekontacket Pond watersheds and reversing trends of increasing water quality impairment.

2.41.2. 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 and Sengekontacket Pond watersheds 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 that has been deemed by the Edgartown Wastewater department to be 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 and to obtain a certificate of compliance for septic system abandonment by the Board. Such connection shall be made within two years of the official mailed notice of sewer availability.

b. All properties to which a sewer service availability notice has been mailed and to which ownership is transferred shall connect to the sewer line within 30 days of transfer and obtain a certificate of compliance for septic system abandonment from the Board.

c. Whenever a property to which a sewer service availability notice has been mailed experiences any of the conditions of systems failing to protect public health and safety and the environment as defined in 310 CMR 15.303, the owner of said property shall connect to said town sewer and obtain a certificate of compliance for septic system abandonment from the Board within 90 days, unless a shorter period of time is set by the Board based upon the existence of an imminent health hazard.

d. The Board shall have the authority to defer deadlines in this regulation if, in the opinion of said Board, the provisions of this regulation impose an exceptional burden on a property owner. Requests for a deferment hearing must be submitted in writing.

e. Any property owner who has installed an innovative/alternative denitrifying septic system as defined in 310 CMR 15.000 The State Environmental Code, Title 5, less than 10 years prior to an order to connect may, upon approval by the Board, defer connecting to town sewer to allow such owner to utilize their innovative/alternative septic system for a total of ten years from the date of the issuance of the certificate of compliance for said system. The owners of said system must prove a history of compliance in operation and maintenance of the system, as contained in the Board and Department of Environmental Protection approval. If the property is transferred during that time, the property shall be connected to the public sewer within 30 days of transfer, unless the Board of Health has approved an extension prior to the transfer. Requests for an extension hearing must be submitted in writing to the Board.

f. 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.

2.41.3. Severability:

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

2.41.4. 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.

2.41.5. Effective Date:

These regulations shall be effective immediately upon publication in accordance with M.G.L. c111, §31 and upon filing an attested copy with the Department of Environmental Protection and shall so remain in effect until modified or amended by the Board.