

By Miss Garry of Dracut, petition of Colleen M. Carry and Richard T. Moore relative to providing uniformity in the environmental codes regulating the on site disposal of sewage. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT PROVIDING UNIFORMITY IN CERTAIN ENVIRONMENTAL CODES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 13 of chapter 21A of the General Laws,
2 as appearing in the 1996 Official Edition, is hereby amended by
3 inserting after the fourth sentence thereof the following six sen-
4 tences:—
5 Notwithstanding the provisions of section 31 of chapter 111,
6 the regulations and standards for the on site disposal of sewage,
7 which are adopted or amended by the department, shall be effec-
8 tive in and apply uniformly to every municipality within the
9 Commonwealth; provided, however, that where the board of
10 health of any municipality determines, based on engineering and
11 scientific data, evidence, and study, that specific local environ-
12 mental conditions exist which require more stringent regulates of
13 on-site sewage disposal systems for the protection of the environ-
14 ment and the well-being of the public, the board of health may file
15 with the commissioner a written application for approval to adopt
16 more stringent or additional regulations. Such application shall be
17 in writing on a form approved by the commissioner and shall
18 include an explanation of the special local conditions, the specific
19 regulation or regulations sought to be adopted by the board of
20 health, and copies of the engineering and scientific data, evidence,
21 and study which form the basis for the application. Upon the
22 receipt of such a completed application with accompanying docu-
23 mentation, the commissioner shall, within sixty days, make a

24 written determination whether such data shows conditions which
25 require additional or more stringent regulations than those in the
26 environmental code, and, if so, whether the proposed regulations
27 will reasonably accomplish the necessary additional protection of
28 the environment and the well-being of the public. The commis-
29 sioner's determination shall be in writing, approving or disap-
30 proving each request. In the case of disapproval, the response
31 shall include specific information indicating wherein such request
32 is deficient or unwarranted. No additional or more stringent regu-
33 lations shall be adopted or take effect in any municipality until
34 approved by the commissioner.