

HOUSE No. 392

The Commonwealth of Massachusetts

PRESENTED BY:

James Arciero

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to local on-site sewage disposal systems.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>1/18/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/2/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/1/2017</i>

HOUSE No. 392

By Mr. Arciero of Westford, a petition (accompanied by bill, House, No. 392) of James Arciero, Sal N. DiDomenico and Michelle M. DuBois relative to local on-site sewage disposal systems. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 664 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to local on-site sewage disposal systems.

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 Massachusetts General Laws, as
2 appearing in the 2012 official edition, is hereby amended by striking out the first paragraph and
3 inserting in place thereof the following paragraph:-

4 A board of health may adopt a local on-site sewage disposal systems regulation, only to
5 the extent that it imposes standards or other requirements that are more stringent than or
6 otherwise exceed those set forth in Title 5 of the State Environmental Code, 310 CMR 15.000,
7 and only if, prior to adoption by the board of health, the Department of Environmental Protection
8 shall review and approve any such proposed on-site sewage disposal systems regulation based
9 upon findings that the proposed regulation has a generally recognized scientific basis, is a
10 recommended best practice technique, is necessary to protect unusual local resources that

11 warrant special or enhanced protection, and does not conflict with Title 5 of the State
12 Environmental Code, 310 CMR 15.000. An appeal of a decision made under a local wetlands
13 ordinance or by-law shall be made to the Department of Environmental Protection in accordance
14 with the Wetlands Protection Act (G.L. Ch. 131 § 40) and regulations (310 CMR 10.00)
15 thereunder.

16 SECTION 2. The first paragraph of Section 31 of chapter 111, as so appearing, is
17 hereby amended by inserting after the second sentence the following sentence:-

18 A board of health may adopt local on-site sewage disposal systems regulations that
19 contain standards or other requirements that are more stringent than or otherwise exceed those
20 set forth in Title 5 of the State Environmental Code, 310 CMR 15.000, only if, prior to adoption
21 by the board of health, the Department of Environmental Protection shall review and approve
22 any such proposed on-site sewage disposal systems regulation based upon findings that the
23 proposed regulation has a generally recognized scientific basis, is a recommended best practice
24 technique, is necessary to protect unusual local resources that warrant special or enhanced
25 protection, and does not conflict with Title 5 of the State Environmental Code, 310 CMR 15.000.