

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul A. Schmid III

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 failed septic systems.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul A. Schmid III</i>	<i>8th Bristol</i>	<i>7/3/2023</i>

HOUSE No.

By Representative Schmid of Westport, a petition (subject to Joint Rule 12) of Paul A. Schmid, III relative to failed septic systems. Environment and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to failed septic 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. (a) For the purposes of this section a domestic septic system means any
2 properly functioning septic system that is approved for the intended domestic use pursuant to
3 title 5 of the state environmental code established in 310 CMR 15.000; provided further that an
4 “enhanced nitrogen removal technology” means an enhanced nitrogen removal alternative
5 technology approved by the department of environmental protection in accordance with title 5 of
6 the state environmental code established in 310 CMR 15.000.

7 (b) Notwithstanding chapter 29C of the General Laws or any other general or special law
8 to the contrary, to reduce environmental impacts of nitrogen pollution in vulnerable
9 communities, a local or regional board of health may enter into agreements with residential
10 owners to provide for the repair, replacement or upgrade of certain septic systems pursuant to
11 subsections (c) and (d).

12 (c)(1) When an existing domestic septic system does not incorporate enhanced nitrogen
13 removal technology, or utilizes a nitrogen removal technology that does not achieve the nitrogen
14 level established by a rule or regulation of the local or regional board of health or the city or
15 town, a local or regional board of health may enter into an agreement with the residential owner
16 pursuant to section 127B½ of chapter 111 of the General Laws to finance by loan the repair,
17 replacement or upgrade of the system to incorporate enhanced nitrogen removal technology.

18 (2) To qualify for such loan assistance, a domestic septic system shall be located within:
19 (i) a watershed area of a nitrogen impaired water body as identified in the latest United States
20 Environmental Protection Agency approved final listing of the latest state Integrated List of
21 Waters for the commonwealth; (ii) a nitrogen sensitive area as defined in 310 CMR 15.000; or
22 (iii) a watershed area of a water body subject to the latest state established total maximum daily
23 load for total nitrogen pollution that is approved by the United States Environmental Protection
24 Agency.

25 (3) The repair, replacement or upgrade, including installation, of a shared domestic septic
26 system that treats for nitrogen located in an area described in paragraph (2) may qualify for such
27 loan assistance; provided, that the: (i) shared system replaces or services at least 2 existing
28 domestic septic systems that otherwise do not incorporate enhanced nitrogen removal
29 technology; and (ii) the combined shared septic system, including its components, has a
30 discharge volume of less than 10,000 gallons per day and incorporates enhanced nitrogen
31 removal technology. For loan assistance pursuant to paragraph (1), each affected residential
32 owner benefiting directly from the shared system shall enter into an agreement with the local or
33 regional board of health in the city or town where such system is located for the repayment of the

34 owner's proportionate share of the costs and expenses incurred by the local or regional board of
35 health for the repair, replacement or upgrade of any part of the shared system.

36 (d) Notwithstanding any general or special law to the contrary, a local or regional board
37 of health may enter into an agreement for loan assistance with a residential owner to promote the
38 56 of 72 voluntary upgrade or replacement of the owner's functioning domestic septic system to
39 incorporate advanced nitrogen removal technology.