

NORTH ANDOVER BOARD OF HEALTH REGULATIONS FOR WATERSHED PUMPING

Section 1.0 Authority

Under the authority of Chapter III, Section 31 of the Massachusetts General Laws, the Town of North Andover Board of Health adopted the following regulation at a public meeting held on June 24, 1993.

Section 2.0 Purpose

The purpose of this regulation is to safeguard the Town's drinking water supply from contamination through prevention and detection of failed or malfunctioning sewage disposal systems which may pose a threat to Public Health.

Section 3.0 Definitions

- 3.1 Owner: Every person who alone, or jointly, or severally with others (a) has legal title to any dwelling or dwelling unit, or (b) has care, charge or control of any dwelling or dwelling unit as agent, executor, administrator, trustee, lessee, or guardian of the estate of the holder of legal title. Each such person thus representing the holder of legal title is bound to comply with the provisions of these minimum standards as if he were the owner.
- 3.2 Sewage Disposal System: Wastewater disposal system consisting of household wastewater, including graywater, septic tank, and leaching facility.
- 3.3 Septic Tank: A watertight receptacle which receives the discharge of sewage from a building sewer, and is designed and constructed so as to permit the retention of scum and sludge, digestion of organic matter, and discharge of the liquid portion to a leaching facility.
- 3.4 Lake Cochichewick Watershed: The land area which delineates all surface and groundwater which drains to Lake Cochichewick. See Attachment 1 (Subdrainage Areas) of the Lake Cochichewick Watershed Plan, prepared by IEP, Inc., 1987.

Section 4.0 Malfunctioning Systems

Any system or component thereof which is determined to be malfunctioning or a nuisance to public health, safety or welfare or to the quality of surface water or groundwater will be ordered remedied at the owner's expense, in accordance with Title V of the State Sanitary Code and North Andover Board of Health Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

Section 5.0 Septic Tank Pumping

- 5.1 All sewage disposal system pumpers operating in North Andover must be licensed in accordance with Title V of the State Sanitary Code and Section 2.02 of the Town of North Andover Board of Health Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.
- 5.2 The septic tanks of all on-site sewage disposal systems within the Lake Cochichewick Watershed in the Town of North Andover will be pumped at the homeowner's expense, prior to the deadline

set by the Board of Health for the Watershed District in which each property is located and every three years thereafter.

- 5.3 Each resident of the Lake Cochichewick Watershed will be notified by mail of their respective, assigned Watershed District.
- 5.4 The Board of Health will provide all septic system pumpers licenced in the Town of North Andover with a Lake Cochichewick Watershed Map and Septic System Servicing Report.
- 5.5 Residents of Watershed District 1 will be required to have their septic tanks pumped by September 30, 1993, residents of District 2 by March 30, 1994 and District 3 resident by September 30, 1994.
- 5.6 The Board of Health may require more frequent pumping of a septic tank when it finds such additional pumping necessary to ensure the proper operation of the system.

Section 6.0 Proof of Compliance

- 6.1 Within 10 working days of the servicing of a septic tank within the Lake Cochichewick Watershed, the pumper will submit to the Board of Health a completed, signed Septic System Servicing Report. The form must be signed by both pumper and homeowner, and indicate the date of pumping, the name and address of the pumper, the name and address of the homeowner, the size and approximate location of the septic tank of the house lot, and any sign of failure or malfunction within the system.
- 6.2 The completed, signed Septic System Servicing Report will serve as proof of compliance with this section of the regulation.
- 6.3 The submission to the Board of Health of a completed, signed Septic System Servicing Report will be the responsibility of both pumper and homeowner.

Section 7.0 Board of Health Records

The Board of Health will prepare and maintain a record for each individual sewage disposal system within the Watershed. Such record will include the date of the pumping, the name and address of the homeowner, a description of the system, and details of any failures or malfunctions.

Section 8.0 Enforcement

- 8.1 Failure to inform the Board of Health of the pumping of any septic system within the Lake Cochichewick Watershed will result in the revocation of the pumper's license to haul septage within the Town of North Andover for a period of one (1) calendar year. A second violation will result in a permanent revocation of the pumper's license to haul septage within the Town of North Andover.
- 8.2 All violations of Board of Health and State regulations discovered during on—site inspections will be reported and remediated in accordance with all State and local regulations.
- 8.3 If such corrective action, as ordered by the Board of Health in Section 4.0, is not taken by the owner of the system within the time limit set forth by the Board of Health, the Board of Health will take such legal action as necessary to remedy the problem as specified by 310 CMR 15.00 Title V of the Massachusetts State Sanitary Code.

- 8.4 The Board of Health can, at its discretion, levy fines upon the homeowner in accordance with MGL Section 40, Chapter 21D. These fines will only be imposed if landowners fail to comply with the lawful orders of the Board of Health. Fines will be not less than \$100 and not greater than \$200.

Section 9.0 Variances

The Board of Health may vary the application of any provision of this regulation when in its opinion the applicant has demonstrated that the equivalent degree of environmental protection required under this regulation can be achieved by other means.

Section 10.0 Severability

If any provision of this General Bylaw is held to be unconstitutional, or in violation of state law, it will not affect any other provision of the administration thereof.