

SENATE NO. 491

AN ACT PROVIDING FOR UNIFORMITY IN ENVIRONMENTAL REGULATIONS

*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, as appearing in the 2004 Official
2 Edition, is hereby amended by inserting after the fourth sentence thereof the following:—

3 Notwithstanding the provisions of section thirty-one of chapter one hundred eleven, the
4 regulations and standards for the on-site disposal of sewage that are adopted or amended by the
5 department shall be effective in and apply uniformly to every municipality within the
6 commonwealth; provided, however, that where the board of health of any municipality
7 determines, based upon engineering and scientific data, evidence and study, that unique local
8 conditions exist that require additional or more stringent regulation of on-site sewage disposal
9 systems for the protection of public health, safety, welfare and the environment, the board of
10 health may file a written application for approval to adopt such regulations with the
11 commissioner.

12 Such application shall be in writing on a form approved by the commissioner and shall
13 include an explanation of such unique local conditions, the specific regulation or regulations
14 sought to be adopted by the board of health, and copies of the engineering and scientific data,
15 evidence and study that forms the basis for the application. Upon the receipt of a completed
16 application with accompanying documentation, the commissioner shall, within sixty days, make
17 a written determination of whether the proposed regulations are reasonably necessary for the

18 protection of public health, safety, welfare and the environment of said municipality and
19 approve or disapprove said regulations. No additional or more stringent regulations shall be
20 adopted or become effective in any municipality until approved by the commissioner.

21 SECTION 2. Section 40 of chapter 131 of the General Laws, as appearing in the 2004 Official
22 Edition, is hereby amended by inserting after the thirty-first paragraph the following new
23 paragraph:-

24 Notwithstanding the provisions of section eight C of chapter 40, the regulations adopted
25 by the commissioner pursuant to this act shall be effective in and apply uniformly to every
26 municipality within the commonwealth; provided, however, that where the conservation
27 commission of any municipality determines, based upon scientific data, evidence and study, that
28 unique local conditions exist that require additional or more stringent regulation of any wetland
29 or riverfront area, the conservation commission may file a written application for approval to
30 adopt such regulations with the commissioner. Such application shall be in writing on a form
31 approved by the commissioner and shall include an explanation of such unique local conditions,
32 the specific regulation or regulations sought to be adopted by the conservation commission, and
33 copies of the scientific data, evidence and study that forms the basis for the application. Upon
34 the receipt of a completed application with accompanying documentation, the commissioner
35 shall, within sixty days, make a written determination of whether the proposed regulations are
36 reasonably necessary for the protection of a wetland or riverfront area and approve or
37 disapprove said regulations. No additional or more stringent regulations shall be adopted or
38 become effective in any municipality until approved by the commissioner.