

SENATE NO. 556

AN ACT TO ASSURE UNIFORMITY IN THE REGULATION OF SANITARY SEWAGE TREATMENT AND DISPOSAL.

*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 any general or special law to the contrary, no
4 municipal board of health may promulgate any such regulation which impose
5 standards, procedures or other requirements more stringent than or otherwise
6 exceeding those set forth in the state environmental code, and in particular Title
7 5 thereof, concerning any matter relating to the subsurface treatment or disposal
8 of sanitary sewage, including without limitation the construction, alteration or
9 inspection of any system thereof. Provided, however, that where the board of
10 health of any municipality determines, based upon unique local environmental
11 concerns, supported by findings that have generally recognized scientific basis,
12 the board of health may file a written application for approval to adopt such
13 regulations with the commissioner of the department of environmental protection.
14 Such application shall include an explanation of such unique local conditions, the
15 specific regulation or regulations sought to be adopted by the board of health and
16 copies of the scientific data, evidence and study that forms the basis for the
17 application. Upon the receipt of a completed application with accompanying
18 documentation, the commissioner of the department of environmental protection
19 shall, within thirty days, make a written determination of whether the proposed
20 regulations are reasonably necessary for the protection of public health, safety,
21 welfare and the environment of said municipality and approve or disapprove said
22 regulations. No additional or more stringent regulations shall be adopted or

23 become effective in any municipality until approved by the commissioner of the
24 department of environmental protection.