

TOWN OF NANTUCKET BOARD OF HEALTH
LOCAL REGULATION 54.00
SEPTIC WASTE WATER FLOW LIMITATIONS
WITHIN MADAKET HARBOR WATERSHED PROTECTION DISTRICT

54.00 Purpose:

Whereas ongoing research by the Town of Nantucket in co-operation with the Commonwealth of Massachusetts's Department of Environmental Protection has documented increasing levels of nutrient loading with resultant degradation of water quality within the Madaket Harbor/Hither Creek watershed system, these Regulations are promulgated to maintain and/or restrict additional effluent flows which may further degrade Madaket Harbor/Hither Creek water quality through increased nutrient loading.

54.01 Definitions:

Madaket Harbor Watershed Protection District –The area constituting the watershed for Madaket Harbor / Hither Creek, as delineated on a map entitled “Madaket Harbor Watershed with Sub Areas” Nantucket GIS, as dated January 13, 2003.

Nitrogen Sensitive Area – Areas that have been determined by the Nantucket Board of Health to be particularly sensitive to the discharge of pollutants from on site sewage disposal systems, including nitrogen, nitrogen as nitrate, phosphorous and pathogens. Such areas are depicted on a plan entitled “Board of Health Nitrogen Sensitive Areas” which is hereby incorporated by reference herein, and as such warrant the imposition of the loading restrictions set forth within these regulations.

54.02 Effluent flows within Madaket Harbor Watershed Protection District:

- A. All properties currently existing or created and located within the Madaket Harbor Watershed Protection District as defined within these regulations shall not be constructed or re-constructed to receive design flows over 110 gallons of effluent for every 10,000 feet of lot area. The use of abutting roads and right of ways, to a property shall not be considered in calculating the permissible effluent flows for the subject property.
- B. Existing developed properties shall be allowed to repair/replace existing subsurface disposal systems for existing flows determined by a qualified licensed Massachusetts professional with nutrient

reducing technologies or technologies acceptable to the Nantucket Board of Health as deemed appropriate.

- C. Properties connected to a municipal water service shall not be exempted from compliance with Section 54.02 (A) of these regulations.

54.03 Modification or rescinding of regulations:

- A. No part of these regulations may be modified and/or rescinded without a majority vote of Town of Nantucket Board of Health.

54.04 Enforcement:

- A. Without limiting any other available remedies or penalties, the Board of Health may punish any person or entity that violates these regulations by assessing a penalty of \$300.00. Each day or part thereof which violation occurs or continues shall constitute a separate offense. As an alternative to criminal prosecution or civil action, the non-criminal disposition procedure set forth in M.G.L. c40, Section 21D, and Sections 1-2, 1-3, 1-4, 1-5, and 1-6 of the Code of the Town of Nantucket may be used with a penalty of \$300.00 for each violation, each day or part thereof during which such violation occurs or continues constituting a separate offense. The Health Director and Assistant Health Officer are hereby empowered to enforce this Section 54.00.

54.05 Authority:

These regulations are adopted by the Town of Nantucket's Board of Health as authorized by Massachusetts General Laws, Chapter 111, Section 31.

Michael Kopko – Chairman – Nantucket Board of Health

Patricia Roggeveen

Brian Chadwick

Alan Reinhard

Rick Atherton

Signed _____

Attest _____

Catherine Stover – Town Clerk

