**Version 10.2: I/A in most of Falmouth for new construction only**

FHR 15.15 REQUIREMENT TO INSTALL ALTERNATIVE ONSITE SEPTIC SYSTEM IN NITROGEN SENSITIVE AREAS

Purpose: The purpose of this regulation is to protect the public health, safety, welfare and the environment in all of Falmouth by regulating the introduction of new sources of nitrogen pollution from on-site sewage disposal systems. Regulations promulgated by the Commonwealth of Massachusetts pursuant to the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53 require the Town of Falmouth to improve the water quality of our ponds and embayments. Regulations from the Commonwealth of Massachusetts, including 310 CMR 15.00, 314 CMR 21.00, and 314 CMR 4.0 provide the authority to promulgate these local regulations.

1. Definitions
2. Best Available Nitrogen Reducing Technology: For the purpose of this section, an alternative system(s) under full, conditional, or piloting approval from the Massachusetts Department of Environmental Protection (MADEP) which has a Total Nitrogen effluent performance value of 10 mg/L or less total nitrogen, as defined in 310 CMR 15.002. Regardless of approval status, for this regulation an approved alternative system must meet an effluent performance value of 10 mg/L or less for the lifetime of the system.
3. Nitrogen Sensitive Area: For the purpose of this section, any of the following areas in Falmouth sensitive to the discharge of nitrogen pollution: those defined in 310 CMR 15.214 as either public and private water supply protection areas or natural resource protection areas; those designated as Districts of Critical Planning Concern by Barnstable County under Barnstable County Ordinance 96-1; and watersheds determined by the Commonwealth of Massachusetts to be nitrogen impaired and listed in the most recent Clean Water Act Section 303d Integrated Report, whether or not a Total Maximum Daily Load (TMDL) is available. The Health Department will prepare and make available on the Town’s website maps portraying designated Nitrogen Sensitive Areas within the Town of Falmouth.
4. New Construction: For the purposes of this section, New Construction shall be as defined in 310 CMR 15.002, with the exception that New Construction shall include the voluntary demolishing and reconstruction of a building in existence prior to March 31, 1995.
5. Requirement for enhanced nitrogen removal for systems serving new construction
6. All New Construction located in a Nitrogen Sensitive Area shall incorporate Best Available Nitrogen Reducing Technology.
7. New construction in a future sewer service area.
8. New construction in a future sewer service area shall not be required to incorporate Best Available Nitrogen Reducing Technology if the design for a sewer service connection for the property has been funded by an Article in Town Meeting.
9. Credit for installation of the Best Available Nitrogen Reducing Technology in sewered areas
10. Structures that have incorporated the Best Available Nitrogen Reducing Technology in their subsurface sewage disposal system shall not be required to connect to the sewer for a period of 15 years after the sewer project has been completed, or 20 years after a Nitrogen Reducing System has been installed, whichever is shorter. This time credit does not exempt an owner from any sewer betterment charges assigned to the property.
11. If the subsurface sewage disposal system fails, or fails to operate as approved, the structure must connect to the sewer on a schedule determined by the Board of Health, but not less than 2 years following failure.