

Town of Essex Northern Conomo Point Wastewater District Local Regulation

Preface: The Town of Essex entered into a Consent Decree with the Massachusetts Department of Environmental Protection (the Department) in 1996 and substantially completed most of the decree's requirements as of 2006, with the construction of a new, sanitary sewer system. One aspect of the decree that has been ongoing, is the planning and management associated with wastewater in the Conomo Point area of the Town.

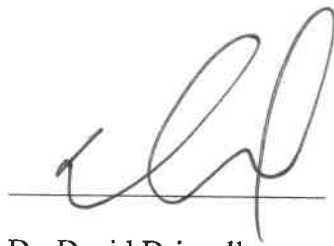
The Conomo Point Plan is a component of the Consent Decree that was developed to deal with one large lot of Town-owned land known as Conomo Point that was administratively divided into lease lots for the purpose of residential occupancy (mostly as a summer community). Conomo point generated a wastewater design flow of over 30,000 gallons per day at the commencement of the decree. Over time, the Town has taken steps to address the wastewater issue at Conomo Point and the Conomo Point Plan has evolved, with the permission of the Department, as solutions have come into focus.

The Town sold 36 properties in the southern area of Conomo Point and 4 properties in the Beach Circle Area of Conomo Point. The Town is presently preparing for the sale of 12 properties in the Robbins Island area of Conomo Point and will be addressing the sale of 5 additional southern properties in the near future. Certain other properties have reverted to Town control and structures have been demolished, paving the way for future, passive recreational public use. As such, with the exception of the northern area, all property at Conomo Point is either now privately owned (and subject to Title 5 on an individual basis) or not occupied (waiting for sale or transition to passive use).

The northern area of Conomo Point produces a daily wastewater design flow of around 13,000 gallons per day. As such, this area qualifies under the Title 5 transition rule as a single property with a flow between 10,000 and 15,000 gallons per day. The Department has indicated that the Town may continue to regulate wastewater in the northern area by means of the establishment of a wastewater management district (to be known as the Northern Conomo Point Wastewater Management District – the District) and the Essex Town Meeting has granted the Essex Board of Selectmen the authority, in the Board's capacity as Conomo Point Commissioners, to continue to lease the northern area for residential purposes for up to 20 additional years.

Regulatory Requirements: The Essex Board of Health therefore promulgates this regulation to fulfill the Department's requirement to set up a management entity for the purpose of assuring that septic systems in the District do comply with the requirements of Title 5. The Board of Health will serve as the enforcement authority and the Essex Board of Selectmen will collaborate as the lessor of the various properties. The tenants will be held responsible for all costs associated with all wastewater-related requirements. The functions of the District are as follows:

1. Require any tenant with a failed system to upgrade the system in accordance with Title 5 by no later than December 31, 2018, unless said system is causing an imminent health or environmental hazard, in which case the Board of Health may set any shorter deadline.
2. Require that tenants with tight tanks a) pump tanks on a routine basis so as to prevent backups or breakout, and b) produce pumping records after each pumpout.
3. Require non-tight tank systems be pumped at least once every three years.
4. Require that tenants with innovative/alternative systems produce evidence of any required maintenance and/or monitoring contracts, along with the required periodic reports.
5. Periodically survey the area from the public streets to ensure that no system is causing an imminent health or environmental hazard.
6. Respond to any complaint that a system is causing an imminent health or environmental hazard.
7. Require that all systems serving all properties be inspected every five years, beginning in the year 2019. If any system is less than two years old when any inspection round is commenced, as documented by a Certificate of Compliance, said system shall be exempt from inspection.
8. Nothing in this regulation shall limit the Essex Board of Health from enforcing any other regulation or statute within its authority or from enforcing any other aspect of the Consent Decree.



Dr. David Driscoll
Chairman



Allison Papps
Clerk



Ruth Price
Member