

TOWN OF WINDHAM, NEW HAMPSHIRE

REGULATION GOVERNING ONSITE WASTEWATER TREATMENT SYSTEM PUMP-OUT AND INSPECTION WITHIN COBBETTS POND VILLAGE DISTRICT:

1. Authority.

The Town of Windham hereby adopts this regulation pursuant to RSA 147:10 and RSA 147:1. regarding onsite wastewater treatment system pump-out and inspection within the Cobbetts Pond Village District for the health and safety of Windham. This regulation is in addition to TOWN OF WINDHAM, NEW HAMPSHIRE # WIN 2:06:22:06 **Septic Regulations** and any applicable rules promulgated by the New Hampshire Department of Environmental Services (“NH DES”) and State laws.

2. Intent/Purposes.

Water quality sampling conducted by the State of NH, through the VLAP program, indicates that increasing concentrations of nutrients exist at multiple locations within Cobbetts Pond. These nutrients contribute to reduced water quality and increased growth of aquatic weeds and algae in Cobbetts Pond restricting the recreational uses of the pond by town residents.

This regulation is necessary to help protect the surface water quality of Cobbetts Pond by requiring timely pumping and maintenance of Onsite wastewater systems (septic tanks, holding tanks & leach fields). The purposes of this regulation are:

1. To establish a management program for Onsite wastewater systems (septic tanks, holding tanks & leach fields) in the Cobbetts Pond Village District to promote proper operation of Onsite Wastewater Treatment Systems. This regulation requires septic tanks to be pumped out and inspected at least once every three years to minimize malfunctions of Onsite Wastewater Treatment Systems.
2. To manage Onsite Wastewater Treatment Systems in the Cobbetts Pond Village District in such a way as to protect Cobbetts Pond water quality, public health, and the environment. It also provides a means of educating owners/operators in the characteristics of such systems and the proper procedures for altering, operating, and maintaining them.
3. To develop a program that establishes and maintains records of Onsite Wastewater Treatment Systems in the Cobbetts Pond Village District.
4. To promote and assure the proper management and maintenance of Onsite Wastewater Treatment Systems through time.

This regulation promotes the adequacy of Onsite Wastewater Treatment Systems in the Cobbetts Pond Village District thereby improving the water quality of Cobbetts Pond. This regulation is in addition to any applicable rules promulgated by the New Hampshire Department of Environmental Services ("NH DES") and State laws.

3. Applicability.

This regulation applies to all Onsite Wastewater Treatment Systems located wholly or in part within the Cobbetts Pond Village District. The Cobbetts Pond Village District is depicted on the Cobbetts Pond Village District map which is attached to this regulation, and which is incorporated by reference into this regulation.

4. Pumping of Onsite Wastewater Treatment Systems.

- A. Septic tanks or holding tanks shall be pumped out and inspected at least once every three years.

5. Administration.

- A. This regulation shall be administered by the building inspector/health agent or by such other person as the board of selectmen may designate.
- B. Prior to the effective date of this regulation the owners of all developed properties within the Cobbetts Pond Village District shall be provided with written notice of the requirements of this regulation.
- C. Property owners who have had their septic tanks pumped/inspected within three (3) years prior to the effective date of this regulation shall be requested to provide the building inspector with documentation of such pumping/inspection. Property owners who do not provide such documentation shall be presumed to have not pumped their septic tank within three years prior to the effective date of this regulation.
- D. Property owners who have their septic tank/holding tank pumped out after the effective date of this regulation shall provide the building inspector/health agent with three (3) business days advance notice of the date and approximate time of the pumping and the name and telephone number of the person or company doing the pumping. Such notice may be by telephone or email communication. Pursuant to RSA 128:5-a, the building inspector or his/her designee may enter the property to witness the pumping and to obtain information about the location of the septic tank and leach field and their adequacy.
- E. If the building inspector/health agent does not witness the pumping, the property owner shall provide the building inspector/health agent with documentation of the pumping, including receipts from the company which did the pumping, the approximate number of gallons of septage pumped and the

approximate location of the septic tank. Such information shall be provided within ten (10) days of the pumping.

F. The building inspector/health agent may establish reporting forms necessary to administer this regulation.

G. No statement contained in this regulation may be construed to interfere with any additional requirements that may be imposed by the building inspector/health agent.

7. Enforcement.

This regulation may be enforced by the building inspector/health agent, the board of selectmen or the board of selectmen's designee. Enforcement may include court action to recover fines and injunctive relief.

No statement contained in this regulation may be construed to interfere with any additional requirements that may be imposed by the building inspector/health agent.

8. Violation.

Any property owner within the Cobbetts Pond Village District found to be violating any provision of this regulation shall be sent written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

Any person who violates this regulation shall be guilty of a violation and subject to a fine of \$100 for the first seven-day period the violation continues beyond the time specified for corrective action. Each day of non-compliance thereafter constitutes a separate violation subject to a fine of \$50 per day for the continuing violation up to a maximum of \$1000.

9: Severability.

Should any section or provision of this regulation be held to be invalid, or unconstitutional such holding shall not affect, impair, or invalidate any other section or provision of this regulation, and to such end all sections and provisions of this regulation are declared to be severable.

10. Effective Date:

This Regulation shall take effect upon approval by the Board of Selectmen, publication and receipt by the Town Clerk, Town of Windham, NH.

Adopted by Board of Health 2022

Approved by Board of Selectmen:

Date:

Heath Partington

Jennifer Simmons

Bruce Breton

Ross McLeod

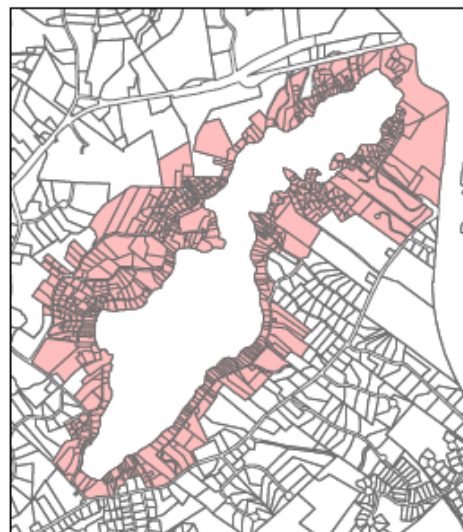
Roger Hohenberger

Attachment: Map of Properties Comprising Cobbetts Pond Village District

Cobbetts Pond Village District Map Windham, NH



0 0.5 1 2 Miles



0 0.25 0.5 1 Miles