

**TOWN OF DEERING – WATERSHED PROTECTION DISTRICT SEPTIC TANK
REGULATION PURSUANT TO RSA 147:10**

Section 1. PURPOSE AND INTENT

The purpose is to protect water quality in the Town of Deering while providing for the public health, safety, and general welfare of the citizens of Town. The intent is to ensure that all septic tanks in the Watershed Protection District are pumped on a regular basis and properly maintained by property owners.

The Town of Deering Health Officer has proposed this Regulation, pursuant to N.H. RSA 147:1, from which the Deering Select Board has approved of same with said Regulation being on record with the Deering Town Clerk, a copy being printed in a newspaper of general circulation within the Town of Deering and the posting of this regulation in 2 (or more) public places within the municipality.

Section 2. DEFINITIONS

DESIGNEE

The DESIGNEE is a staff person or consultant charged with receiving septic reports, documentation, fines, and other elements submitted to the Town by a property owner; and, they shall have the responsibility of administering this Regulation on behalf of the TOWN OF DEERING HEALTH OFFICER.

PROPERTY OWNER

Landowner responsible for the maintenance and pumping of septic tanks on their property.

TOWN OF DEERING

Unless otherwise referenced, the TOWN OF DEERING shall refer to the HEALTH OFFICER and/or the SELECT BOARD OF THE TOWN OF DEERING.

WATERSHED PROTECTION DISTRICT

As described in Town of Deering Zoning Ordinance, as the “Watershed Protection District.”

Section 3 – ACTIONS REQUIRED BY LANDOWNERS

All landowners owning land within the Watershed Protect District, are required to comply with the following requirements regarding the upkeep, maintenance, and regular pumping of septic systems:

Section 3.3 – All septic tanks will be pumped and inspected by a State of New Hampshire licensed septic services provider to ensure proper functioning and a copy of the pumping and inspection report shall be sent to the Health Officer of the Town of Deering or an authorized designee within 30 days of its occurrence.

Section 3.4 – Septic pumping and inspection shall occur at least every three years or at the interval recommended by the licensed septic service provider in writing at the time of last service or the interval recommended in writing by a State certified septic system evaluator following an examination of the system and a review of the most recent prior inspection report.

Section 3.5 – When an existing septic system within the Watershed Protection District is replaced or repaired, or a new septic system is installed where one did not previously exist to service a dwelling within the Watershed Protection District, the licensed septic system designer shall specify the interval recommended for pumping and inspection of that system under this provision.

Section 3.6 – If two or more dwelling units share a common sewage treatment system, a perpetual maintenance agreement binding the dwelling owner is required.

Section 3.7 – If a septic system remains in non-compliance with the interval required under this provision for 30 days after the owner of record has been notified by certified mail by the Town of Deering: 1) The Deering Health Officer shall be authorized to issue an order to the landowner to undertake the necessary action to address this nuisance; 2) if the landowner refuses, neglects and/or fails to address this situation, the Health Officer possesses the legal right to enter upon the subject property (by force if necessary) to abate the nuisance; 3) in the event of Town intervention with a non-compliant septic system, the landowner shall be liable for any cost associated with the pumping and/or necessary repair to such system; and 4) any landowner who permits such septic system to remain non-compliant, after the notice/order issued by the Health Officer to address same, may be subject to a violation level offense for every day of non-compliance. .

Section 4 – NOTIFICATION of SEPTIC TANK FAILURE

Section 4.1 – As soon as a property owner has information of any known septic tank failure on their lot or lots, said person shall take all necessary steps to contain and mitigate the failure in accordance with New Hampshire Department of Environmental Services requirements.

Section 4.2 – Once a septic failure is known of by the property owner, the Health Officer of the Town of Deering and the State of New Hampshire Environmental Services shall be immediately notified, however, no later than twenty-four (24) hours after learning of the failure.

Section 4.2 – Once a septic failure has been successfully mitigated and the tank system replaced, the property owner shall notify the Health Officer of the Town of Deering in writing within thirty (30) calendar days.

Section 5 – SEVERABILITY

The provisions of this Regulation are hereby declared to be severable. If any provision, paragraph, sentence or clause of this Regulation or the application thereof to any person, establishment or circumstances shall be held invalid such invalidity shall not affect the other provisions or application of this Regulation.

Section 6 – TRANSITIONAL PROVISIONS

Residential property owners shall have 60 days from the effective date of this Regulation to comply with its provisions provided good cause is shown for the failure to comply with the Regulation during that period.

Section 7 – RESPONSIBILITY FOR ADMINISTRATION OF SEPTIC TANK ORDINANCE

The Health Officer of the Town of Deering, or an authorized designee, shall have the responsibility for administering this Regulation.

Section 8– ENFORCEMENT

The Health Officer of the Town of Deering shall have any and all authority as provided in N.H. RSA 147, including but not limited to, a) ordering remediation of any non-compliant property subject to this Regulation; b) entering onto any property, upon the landowner's refusal to abide by said order, to address any such nuisance posed by the septic system (including forcibly if necessary); c) imposing any costs of such Town initiated pumping/repair of the septic system upon the landowner in accordance with RSA 147; and d) citing any such landowner for a violation level offense for every day that the septic system remains non-compliant after an order to pump/repair has been issued by the Health Officer.

Deering Health Officer

Date



6 Jan 22

Whisman, Wm

Deering Select Board Chair

Date

duly authorized by vote of the:

Deering Select Board

