

NOTICE OF INNOVATIVE/ALTERNATIVE
SEPTIC SYSTEM

Notice is hereby given of the existence or proposed use of a "Presby Enviro-Septic Leaching system," so called, on real property situated at _____ Harvard, MA, described in a deed of _____, dated _____, 200____, to be recorded herewith; the within notice is given pursuant to the requirements of Title 5, 310 CMR 15.000, and the "Approval for Remedial Use" issued thereunder by the Massachusetts Department of Environmental Protection, dated July 11, 2007, Glen Haas, Director. A copy of an excerpt of said approval, reciting the requirements and conditions applicable to the landowner relative to such system in a remedial application, is attached hereto as Exhibit A.

Reference to this notice shall be included in any deed of the premises.

Witness my hand and seal this _____ day of _____, 201____.

Owner

Owner

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS _____, 201____

Then before me personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person(s) whose name is signed on the preceding or attached document, and who acknowledged to me that she executed it voluntarily for its stated purpose.

Notary Public

My Commission Expires:

EXHIBIT A

Excerpt from “Approval for Remedial Use,” dated July 11, 2007, by Glen Haas, Director of the Division of Watershed Management of the commonwealth of Massachusetts Department of Environmental Protection, relative to the use of installation in remedial applications of the “Presby Enviro-Septic Leaching System”, so – called, pursuant to title 5, 310 CMR 15.000:

IV. General Conditions

1. All provisions of 310 CMR 15.000 are applicable to the use of this System, the System owner and the Company, except those that are varied by the terms of this Approval.
2. All sample analysis must be conducted by an independent U.S. EPA or DEP approved testing laboratory, or a DEP approved independent university laboratory. It is a violation of this Approval to falsify any data collected, to omit any required data or to fail to submit any report required by such plan.
3. The facility served by the System and the System itself shall be open to inspection and sampling by the Department and the local approving authority at all reasonable times.
4. In accordance with applicable law, the Department and the local approving authority may require the System owner to cease operation of the system and/or to take any other action as it deems necessary to protect public health, safety, welfare and the environment.
5. The Department has not determined that the performance of the System will provide a level of protection to public health and safety and the environment that is at least equivalent to that of a sewer system. No System shall be installed, upgraded or expanded, if it is feasible to connect the facility to a sanitary sewer, unless as allowed by 310 CMR 15.004. When a sanitary sewer connection becomes feasible, the facility served by the System shall be connected to the sewer, within 60 days of such feasibility, and the System shall be abandoned in compliance with 310 CMR 15.354, unless a later time is allowed, in writing, by the approving authority.
6. Design, installation and operation shall be in strict conformance with the Company's DEP approved plans and specifications, 310 CMR 15.000 and this Approval.

V. Conditions Applicable to the System Owner

1. The System is approved for the treatment and disposal of sanitary sewage only. Any wastes that are non-sanitary sewage generated or used at the facility served by the System shall not be introduced into the System and shall be lawfully disposed.

2. The System owner shall at all times properly operate and maintain the on-site sewage disposal system. The System owner shall have the System inspected annually by an operator trained by the Company and shall submit the results of that inspection, on a technology checklist, to the local approving authority.
3. The System owner shall furnish the Department any information that the Department requests regarding the operation and performance of the System, within 21 days of the date of receipt of that request.
4. No System owner shall authorize or allow the installation of the System other than by a person trained by the Company to install the System.
5. Prior to the issuance of a Certificate of Compliance for the System, the System owner shall record and/or register in the appropriate Registry of Deeds and/or Land Registration Office, a Notice disclosing both the existence of the alternative septic system subject to this Approval on the property and the Department's approval of the System. If the property subject to the Notice is unregistered land, the Notice shall be marginally referenced on the owner's deed to the property. Within 30 days of recording and/or registering the Notice, the System owner shall submit the following to the Department and the local approving authority: (i) a certified Registry copy of the Notice bearing the book and page/instrument number and/or document number; and (ii) if the property is unregistered land, a Registry copy of the owner's deed to the property, bearing the marginal reference.