

MassDEP's Evolving Role for Local Boards of Health & the General Public

**Claire Golden, MassDEP
MEHA Seminar
Title 5 Updates: Where
Research Meets Practice
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NOTE #1

Any proprietary technology mentioned in this presentation is used purely as an example and its inclusion does not constitute a comment or endorsement of the technology by the presenter or MassDEP.

NOTE #2

This presentation relates solely to 310 CMR 15.000, Title 5 of the State Environmental Code. Many municipalities have regulations that are more restrictive than Title 5.

Discussion Points

- Past History of Title 5 and MassDEP involvement with Title 5 at the local level
- What BOHs are now solely responsible for
- Where MassDEP is still involved on specific projects
- MassDEP's Role as resource, guide, permitting agency and, at times, enforcer
- As always, MassDEP updates
- And any questions you may have

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Title 5 History

Onsite Wastewater in MA – Part 1

- Article 11 – late 1960s/early 1970s
- 1978 Code – the first Title 5 (310 CMR 15.00)
 - Soil testing in the spring only
 - Variances came to MassDEP for approval
 - I/As, tight tanks, etc. approved by MassDEP under Miscellaneous Disposal
 - 15,000 gpd threshold

Onsite Wastewater in MA – Part 2

- 1995 Code – 310 CMR 15.000
 - Part of it actually took effect in 1994
 - Majority of it took effect March 31, 1995.
 - Major changes:
 - Soil evaluations
 - System inspections
 - Pressure distribution
 - Nitrogen loading
 - Shared systems
 - 10,000 gpd threshold with establishment of large system category
 - Modified LTARs
 - Formal I/A approval process

MassDEP Regional Involvement (Pre-2016)

- All variances
- All WP64c applications (I/A technology requesting two reductions)
- All shared systems
- All tight tanks
- All nitrogen aggregation approvals
- Boston handling alternative technology approvals

Continuing Evolution of 310 CMR 15.000

- 2002 Revisions:
 - Transition rule removal
- 2006 Revisions:
 - Cluster developments do not require proof plan for shared systems;
 - SI and SE Renewals;
 - Design flow additions (elderly housing, supermarkets and WP70);
 - Nitrogen aggregation policy incorporated;
 - B horizon pervious; 60 mpi perc; higher LTARs for pressure distribution;
 - System inspection exclusions for familial transfers;
 - Presumptive approvals added if MassDEP does not act
- 2016
 - Variance, WP64c, shared system, nitrogen aggregation and tight tank – local approval only (a few exceptions);
 - WP70a – SIC listed facilities : wastewater equal to sanitary wastewater

Other T5 Documents Evolve Also

- I/A Approvals
 - Addition of Supplemental Conditions documents
 - No longer only effective for 5 years
- System Inspection Form
- Soil Evaluation Form





BOH Responsibilities

BOH Responsibilities

- 310 CMR 15.000
 - Design approvals
 - DSCPs
 - Certificates of Compliance
 - SI Report Repository – some BOHs review reports, some do not
 - Abandonments
 - Enforcement/Enforceable Agreements
 - Interim Measures, including frequent pumping
 - Upgrade/sewer connection in lieu of SI
 - Other
 - SI/SE issues
- Local regulations enacted consistent with 310 CMR 15.003(3)

Design Approvals

- Standard pipe and trench
- Alternative technology (STU w/ or w/o N removal; SAS)
 - Piloting Use Approval
 - Provisional Use Approval
 - General Use Approval
 - Remedial Use Approval
- Pressure dosed SAS
- Pressure distribution SAS
- Shared system*
- Nitrogen aggregation plan*
- Tight tank
- Variances
- Local Upgrade Approvals





MassDEP's Roles – Regional Offices

MassDEP as the Approving Authority

- State owned or operated facilities
- Federally owned or operated facilities
- Large systems
- Case-by-case basis
 - BOH referral
 - Enforcement

Variations

- 310 CMR 15.411(5) – Surface Water Supplies
 - Septic tank or SAS within 200 feet of surface water supply
 - Septic tank or SAS within 100 feet of a tributary to surface water supply
- 310 CMR 15.416 – Schools Flows
 - Average daily water use (with school in session)
 - 200%

MassDEP Regional Offices' Other Roles

- Soil Evaluator and System Inspector Enforcement
 - Clear documentation of what occurred
 - Any evidence in support of the allegation
- Technical Assistance/Regulatory Guidance:
 - Boards of Health
 - Consultants (PE, RS, SI, SE)
 - Public
- Enforcement





MassDEP's Roles – Boston

Technical Reviews/Approvals

- Alternative Technologies
 - Piloting Use Approval
 - Provisional Use Approval
 - General Use Approval
 - Remedial Use Approval
- Septic System Additives
- Effluent Tee Filters
- Alternative Design Flow
- Non-sanitary Wastewater Discharges to Title 5 Systems

MassDEP Boston's Other Roles

- Soil Evaluator and System Inspector Approvals
- Soil Evaluator and System Inspector Enforcement
- Enforcement





MassDEP Updates

Stakeholders Group Background

- EO562
- In 2015 and early 2016 MassDEP review
- Public comments received.
- Early 2017 to explore these comments and has met a few times since then.
- Some subgroups for some of the specific comments have also met.
- Health Agents
- MEHA
- MHOA
- Department of Public Health
- Conservation Commissions
- Engineers
- Home Builders
- Commercial Developers
- Seasonal Camps
- Technology experts
- Water Suppliers

Results of the Stakeholders' Group

- *Guidelines for the Design, Construction, Operation, and Maintenance of Small Wastewater Treatment Facilities with Land Disposal*, revised July 2018
 - Peak flows; and
 - Unused capacity
- MassDEP Pursuing Funding for Studies
 - Groundwater separation and pathogen removal; and
 - Flows from multi-unit residential developments
- Clivus Studying Potential Uses of the Composting Liquid Byproduct (“tea”)
- Moldering Toilets Still Under Review

...and the Stakeholders' Group
is not the only thing happening
on the MassDEP front....

Recent Document Changes

- SI report now requires location of discharge for facilities with water treatment devices
- Instructions for BRPWP70 Alternative Design Flow notes that it is solely for the design of a septic system not for the expansion of a facility, the determination of available capacity in an existing system, or the issuance of an occupancy permit for vacant space in a commercial building. These determinations are made by the Local Approving Authority.

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Questions on Anything Else

Potential Topics

- System Inspector issues
- Soil Evaluator issues
- Wineries, breweries, etc.
- Marijuana facilities

CERO

David Boyer

david.boyer@mass.gov

508-767-2823

NERO

Claire Golden

claire.golden@mass.gov

978-694-3244

Wastewater Info Line

978-694-3215

SERO

Brian Dudley (Cape)

brian.dudley@mass.gov

781-946-2814

Brett Rowe (SE MA)

brett.rowe@mass.gov

781-946-2754

WERO

John Bourcier

john.bourcier@mass.gov

413-755-2112

Dan Kurpaska

daniel.kurpaska@mass.gov

413-755-2274

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Thank You