Outline

• Laws and Regulations
• Responsibilities
• Permits, Licenses and Approvals
• Minimum Design Code
• Full Compliance Goal
• Variances and Local Upgrade Approval
• Common Conundrums in Title 5
• Other Issues/Questions
Laws & Regulations

- **PURPOSE & AUTHORITY**
  Protection of public health and the environment

- **MA General Laws (MGL)**
  MGL Ch 21 A §13 authorizes MassDEP to make regulations related to onsite wastewater systems

- **Regulations**
  - Title 5 (310 CMR 15.000) – Onsite Wastewater System Regulations
  - Title 1 (310 CMR 11.00) – Administration of Environmental Code

- **Additional MGL**
  MGL Ch 111 §31 authorizes local board of health (LBOH) to develop reasonable regulations
Responsibilities

• Local Board of Health
  – Systems < 10,000 gpd

• MassDEP
  – State facilities
  – Federal facilities
  – Systems ≥ 10,000 gpd and < 15,000 gpd
  – Case-bay-case basis
Permits, Licenses & Approvals

- System Installation
- Disposal System Installer
- Septage Hauler
- Soil Evaluation
- System Inspector
- Designer
- Wastewater Treatment Plant Operator
System Installation

• Permits:
  – Disposal System Construction Permit (DSCP)
  – Certification of Compliance (CoC)

• Approvals:
  – Abandonment of System
Board of Health/MassDEP Issued

• Board of Health
  – Disposal System Installer (DSI)
  – Septage Hauler

• MassDEP
  – Soil Evaluator (SE)
  – System Inspector
Issued by Others

- Registered Sanitarian (RS)
- Professional Engineer (PE)
- Wastewater Treatment Plant Operator
Minimum Design Code

- Minimum standards to comply
- Soil evaluations requirements
- Design standards are set forth
- Setback distances
- SAS sizing
- Tight tanks
- Shared system
- Alternative technologies
Full compliance is always the goal even for repairs.
Variance and LUAs

• Full compliance is the goal.
• For upgrades:
  – Variance
  – LUA
• For new construction
  – Variance (harder standard for manifest injustice)
Common Conundrums

• Bedroom
• New Construction
• Aggregation of Facility Flow
• Large Systems
• Deed Restriction/Notification/ Covenant and Easement
Bedroom

- Definition in 310 CMR 15.000
- Number
- House layout
- Deed restriction
New Construction

- Definition in 310 CMR 15.002
- Empty lot
- Increase in flow above approved capacity
- Enlargements not increases in flow
Deed Restriction/Notification/Covenant & Easement

• Deed Restriction
  – Bedrooms
  – Nitrogen Aggregation Approval
  – Seasonal Use Residential Facility

• Notification
  – Tight Tank (approval letter)
  – Most I/A Approvals

• Covenant & Easement
  – Shared System
Other Issues?

Questions?
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THANK YOU