



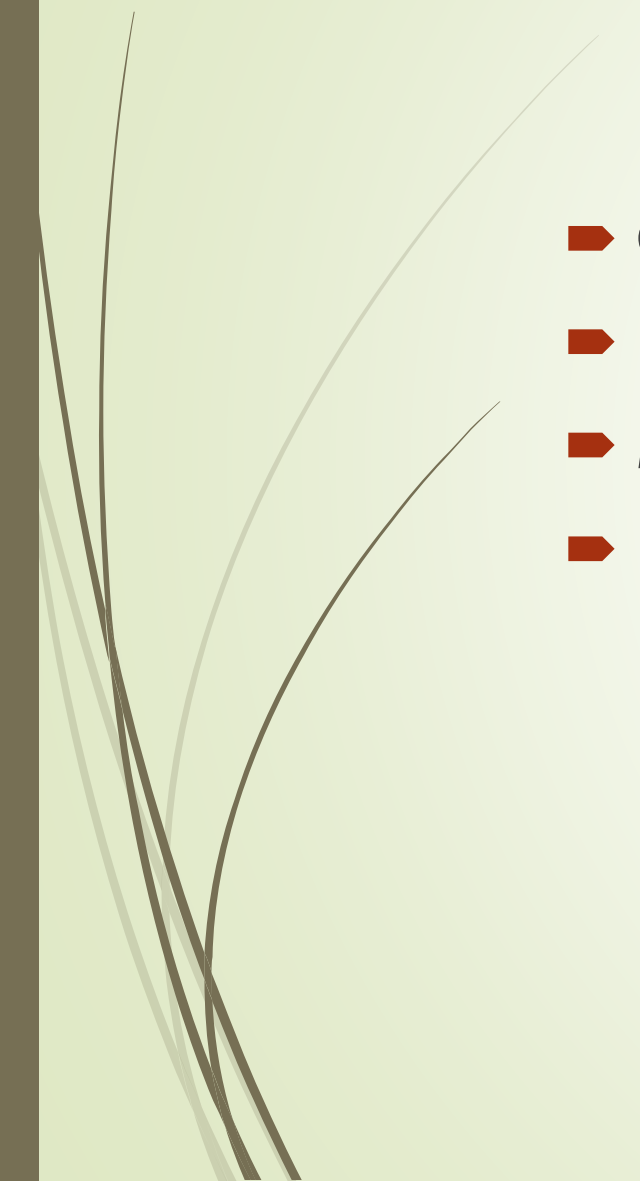
# Part 1: Sifting Through Title 5

MassDEP-MHOA Spring Educational Seminar

March 3, 2021



# Presenters In Order of Appearance

- ▶ Claire Golden, MassDEP/NERO
  - ▶ Brian Dudley, MassDEP/SERO – Cape & Islands
  - ▶ Marybeth Chubb, MassDEP/Boston
  - ▶ David Boyer, MassDEP/CERO
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# Agenda




- ▶ Surface Water Supply Setback Variances – Claire Golden
- ▶ Commercial Kitchens – Brian Dudley
- ▶ I/A Technologies – Marybeth Chubb
  - ▶ Required Submittals to the Barnstable Database
  - ▶ I/A System Failure Notifications
- ▶ System Inspection Timelines – David Boyer
- ▶ Case Study: Septage Hauler Enforcement Case – David Boyer
- ▶ Sieve Analysis – David Boyer



# Surface Water Supply Setback Variances

Claire Golden



# Surface Water Supply Setbacks

## 310 CMR 15.211(1)

Resource	Septic Tank/ D-Box/STU	SAS
Surface Water Supply (SWS)	400	400
Tributary to SWS	200	200
Wetlands Bordering SWS or Tributary to SWS	100	100



# Upgrades Near SWSs

- ▶ Local Upgrade Approval [310 CMR 15.405(1)(e)] permits setback reductions for BVW without restrictions for those abutting SWS or tributaries thereto
- ▶ Local Upgrade Approval [310 CMR 15.405(1)(g)] permits upgrades as close as 100 feet to:
  - ▶ Surface Water Supplies
  - ▶ Tributaries to Surface Water Supplies
- ▶ If LUA is not applicable (< 100 ft to SWS, tributary to SWS):
  - ▶ Variance from MassDEP is required
  - ▶ BOH **cannot** grant such a variance



# SWS Setback Variances

- ▶ 310 CMR 15.411(5) permits variance approval:
  - ▶ Some exceptions (Quabbin, Wachusett & Ware);
  - ▶ Water supplier consultation;
  - ▶  $\geq 200$  ft to SWS and/or  $\geq 100$  ft to tributary to SWS; and
  - ▶ No MassDEP review required but copy MassDEP on variance approval
- ▶ Upgrade/Repair (< 100 to SWS, tributary):
  - ▶ BOH cannot approve this variance (310 CMR 15.411(5));
  - ▶ Only MassDEP can approve this variance; and
  - ▶ WP59c application to MassDEP regional office:
    - ▶ Water supplier consultation is preferred to be included
    - ▶ MassDEP will consult with the Drinking Water Program





# Commercial Kitchens

Brian Dudley





# Can waste from commercial kitchens discharge to a Title 5 system?

- ▶ Loose definition of "commercial kitchen"
  - ▶ Any food preparation facility for purposes other than cooking domestic meals for a single family home or group home or other similar circumstance.
- ▶ Why is it an issue?
  - ▶ Most food commercial food preparation activities generate wastewater with strength greater than household sanitary wastewater.
  - ▶ Accounted for in flow rates for restaurants, fast food, etc.



# Can waste from commercial kitchens discharge to a Title 5 system?

- ▶ Many BoHs are seeing requests for home-based food preparation/manufacturing enterprises
  - ▶ This activity can generate higher strength waste than can be accommodated by a T5 system designed for single family use.
- ▶ These requests must be reviewed by MassDEP pursuant to WP70 application
  - ▶ <https://www.mass.gov/how-to/wp-70-70a-alternative-design-flow-for-title-5-systems-non-sanitary-wastewater-discharges>



# I/A Technologies

Marybeth Chubb



# Reporting Requirements for I/A Approvals

- ▶ MassDEP has designated Barnstable County as its agent to receive monitoring data and inspection reports for all Piloting and Provisional Use I/A Approvals
- ▶ Submittal of this information will be by the I/A system Certified Operator to the Barnstable Septic Management Program's IA Tracking Database: <https://septic.barnstablecountyhealth.org/>
- ▶ MassDEP will be notifying those with Site Piloting Approvals in April 2021. Requirement for Site Piloting sites to start submittals to Barnstable's database by July 1, 2021
- ▶ Notification to the Provisional Use Technologies will follow (no schedule yet)
- ▶ BOHs can register to view data for systems in their town



# I/A System Failures

- ▶ DEP is requesting Boards of Health notify DEP via email of I/A system failures
- ▶ Information sent should include:
  - ▶ Type of I/A system
  - ▶ Age of system
  - ▶ Location of System
  - ▶ Known details/Reason for failure (if known)
- ▶ Please send this information to:
  - ▶ [marybeth.chubb@mass.gov](mailto:marybeth.chubb@mass.gov)
  - ▶ [harshraj.thakor@mass.gov](mailto:harshraj.thakor@mass.gov)



# QUESTIONS



# MassDEP Title 5 Contacts

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# MassDEP Title 5 I/A Contacts




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MassDEP is working remotely during the current COVID-19 pandemic. As such, the best way to contact MassDEP is via email. Thank you for your cooperation in this matter.