



Massachusetts  
Department  
of  
ENVIRONMENTAL  
PROTECTION

## f a c t s h e e t

# Revised Sewer Regulations

On January 12, 2007, the Massachusetts Department of Environmental Protection (MassDEP) amended its regulations governing sewers to streamline state approval requirements for sanitary sewer connections and extensions, and industrial wastewater sewer connections.

These revisions reduce duplication of federal and local requirements and enhance existing performance standards. The revisions also allow MassDEP to focus its resources on discharges directly into surface and groundwater (including toxic chemicals from publicly-owned wastewater treatment plants), industrial discharges to sewers involving large volumes of wastewater and/or toxic chemicals, sanitary sewer overflows, and infiltration of groundwater into sewers.

### Regulations Affected

- 257 CMR 2.00 Board of Registration of Operators of Wastewater Treatment Facilities
- 310 CMR 70.00 Environmental Results Program Certification
- 314 CMR 7.00 Sewer Extension and Connection Permits
- 314 CMR 17.00 Industrial Wastewater Management for Biotechnology Operations (this section was superceded by revisions of 314 CMR 7.00, and was therefore deleted)
- 314 CMR 12.00 Operation & Maintenance Standards for Wastewater Treatment Plants

### Sanitary Sewer Connections

New connections to sanitary sewers, increases in flow to existing sanitary sewers, and discharges from businesses that are not considered to be “industrial wastewater” (i.e., the business is not one of the types listed in 314 CMR 7.17(2)c or the table on page 2 of this fact sheet) are subject to state requirements based on their expected discharge volume:

- Discharges  $\leq 15,000$  gallons per day (gpd) will need only local approvals (no approvals by MassDEP)
- Discharges  $>15,000$  gpd but  $\leq 50,000$  gpd must file a one-time certification statement with MassDEP within 60 days after the connection starts to be used
- Discharges of  $> 50,000$  gpd must obtain a MassDEP permit before construction

### Sanitary Sewer Extensions

Sewer extensions are subject to state requirements based on their length:

- Sewer extensions that are  $< 1,000$  feet in length must file a one-time certification with MassDEP within 60 days after the extension starts to be used
- Sewer extensions of  $\geq 1,000$  feet must obtain a MassDEP permit before construction
- Sewer extension projects that obtain a Project Approval Certificate from MassDEP’s Clean Water State Revolving Fund Program are exempt from permitting requirements, due to MassDEP’s detailed review before the certificate is issued

## Additional Provisions for Sanitary Sewers

- *Infiltration/Inflow removal:* The regulations have clarified MassDEP's authority to require the removal of infiltration and inflow (I/I) from a collection system (see 314 CMR 7.04).
- *Sewer construction in a Zone I of a Public Water Supply Well or a Zone A of a Public Surface Water Supply is prohibited except to eliminate an existing pollution problem.* This will increase protection for public water supplies and is consistent with other requirements of MassDEP's Water Supply Program.

## Industrial Sewer Regulation Changes

*Wastewater discharges from the following types of industries must meet the performance standards and state approval requirements established in the regulations:*

SIC/NAICS Code	Facility Type
1000-1399	Metal Mining, Coal Mining, Oil and Gas Exploration
1474-1499	Chemical/Fertilizer Mining, Nonmetallic Minerals
2000-3999	Manufacturing
4231	Maintenance Facilities for Motor Freight Transport
4581	Airports, Flying Fields and Airport Terminal Service
4911-4939	Electric and Gas Production
4953	Refuse Systems
7216	Dry-cleaning (except rug cleaning)
7217	Carpet and Upholstery Cleaning
7218	Industrial Laundries
7384	Photofinishing Laboratories
7532-7539	Automotive Repair Shops and Paint Shops
7549	Automotive Services
7819	Motion Picture Developing/Printing/Film Processing
8062-8069	Hospitals
8071	Medical Laboratories
8731	Commercial Physical and Biological Research
Remedial discharges under M.G.L. c. 21E at any active or inactive facility in one or more of the above SIC Code categories	
An Industrial User with a discharge to the sewer system and which is NOT in one of the above SIC codes and which generates hazardous industrial wastewater	

## Performance Standards for Discharges of Industrial Wastewater

- General Prohibitions are maintained on discharging wastewater that would harm the sewer system or wastewater treatment plant's operations, adversely affect the quality of the water body that receives the treatment plant's discharge, create a nuisance, or endanger public health, safety or the environment [see 314 CMR 7.05(2)(g)1.].
- A new General Prohibition on the discharge of hazardous waste into a sewer was established [see 314 CMR 7.05(2)(g)1.e.].
- Specific Prohibitions are maintained on discharging pollutants that could cause a fire or explosion, structural damage, or obstruction in a sewer system or wastewater treatment plant [see 314 7.05(2)(g)2.].
- Two new Specific Prohibitions have also been established:
  - *Mercury:*
    - Starting on July 12, 2007, mercury discharges must be *minimized*, and
    - A mercury effluent limit of 1 part per billion takes effect on May 1, 2009
  - *pH:* Limits were narrowed to require discharges to fall between 5 and 10

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- Performance standards for Industrial Wastewater Pretreatment Systems are maintained, covering design/construction, grading and staffing, operation and maintenance and recordkeeping [see 310 CMR 7.05(2)(g)3-7].

*What Type of State Approval Do Industrial Wastewater Discharges Need?*

The type of MassDEP approval depends on the volume of the industrial wastewater discharge (This is calculated by summing the facility's daily industrial and sanitary flows) and the availability of a pre-treatment program in the wastewater treatment plant that receives the discharge:

Type of MassDEP Approval	Volume of Discharge into a System that Operates an Industrial Pretreatment Program	Volume of Discharge into a System that does not Operate an Industrial Pretreatment Program
Permit (every five years)	> 50,000 gpd	> 25,000 gpd
Compliance Certification (submitted every five years)	None	≤ 25,000 gpd
Permit By Rule	≤ 50,000 gpd	None

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**Filing Permit Applications and Compliance Certifications**

If your facility generates BOTH industrial and sanitary wastewater, you will need the following permits and certifications (please note that the volume of industrial wastewater governs the type of approval that will be needed; and industrial flow is calculated by summing the facility's daily industrial and sanitary flows):

Type of Wastewater Treatment System Your Facility Discharges to:	Facility's Industrial Wastewater Volume	MassDEP Approval Needed for Industrial Discharge	MassDEP Approval Needed for Sanitary Discharge
A sewage treatment plant that operates an Industrial Pretreatment program	>50,000 gpd	Permit	No separate permit. Approval will be incorporated into the industrial discharge permit
	<50,000 gpd	Permit by Rule	Specific sanitary compliance certification required
A sewage treatment plant that does not operate an Industrial Pretreatment Program	>25,000 gpd	Permit	No separate permit. Approval will be incorporated into the industrial permit
	<25,000 gpd	Certification	Industrial compliance certification will include statements about managing sanitary wastewater

- Existing dischargers must obtain their permit or file their certification by January 12, 2008
- MassDEP will start accepting permit applications and compliance certifications on July 12, 2007
- New dischargers requiring a permit must apply for the permit 90 days before starting to construct their wastewater systems and must obtain the permit before discharging.

- New dischargers required to file compliance certifications must submit their initial certification within 60 days of starting to discharge wastewater.
- MassDEP will require submittal of a pretreatment plan and permit application for specific discharges that present unusual circumstances or compliance problems.
- Permit applications and certification forms will be available for on-line filing from MassDEP's web site (see <http://www.mass.gov/dep/water/approvals/surffms.htm> after July 12, 2007).

### Permits by Rule

Facilities discharging 50,000 gallons per day or less into a wastewater treatment system that has an Industrial Pretreatment Program do not have to file any paperwork with MassDEP, as long as they comply with the regulation's performance standards. However, these facilities still have to meet all local requirements, as well as any federal requirements that apply.

### *Important Notes about MassDEP Oversight of Industrial Wastewater Discharges*

- Dischargers to the Massachusetts Water Resources Authority sewer service area do not have to obtain a MassDEP permit or file certifications.
- Specific regulations governing discharges from biotechnology facilities to sewers (314 CMR 17.00) have been superceded by the amendments described in this fact sheet, and this section of the Code of Massachusetts Regulations has been deleted. All biotechnology facilities need to comply with the provisions of 314 CMR 7.00.

### *Reporting on Toxics in Industrial Wastewater Discharges*

All Massachusetts companies in the types of industries identified in the table on page 2 of this fact sheet that discharge industrial wastewater into sewers may be subject to a requirement to report to MassDEP on toxic pollutants in their discharge. Since Fall 2007, MassDEP has been working with an advisory committee to develop an overall framework for implementing this requirement (including types and quantities of pollutants that will require reporting, and the frequency and manner of reporting). This framework will be implemented in phases over the next several years.

The first phase of toxics reports will provide data for an assessment of the prevalence of toxic substances in industrial wastewater discharges to sewers. During Summer 2009, reports will be required from facilities that are likely to use large quantities of toxic substances (based on reports they have submitted to MassDEP to comply with requirements of other environmental programs), and from a randomly selected sample of facilities that represent the range of industrial activities that are located in the Commonwealth. These reports will identify toxic substances that are being discharged (or are likely to be discharged) to sewers. Please note that these initial reports will not require quantification of the toxic substances. MassDEP will analyze the data submitted in this phase, and will work with its advisory committee to identify additional reporting requirements that will help to ensure that industrial wastewater can be sufficiently treated by the wastewater treatment works that receives it. Companies that are required to submit reports for the first phase of this framework will be notified individually by MassDEP.

### For More Information

Sanitary Sewer Connections: David Ferris, 617-654-6514 or [david.ferris@stae.ma.us](mailto:david.ferris@stae.ma.us)

Industrial Sewer Connections & Toxics Reporting: John Reinhardt, 617-292-5667 or [john.reinhardt@state.ma.us](mailto:john.reinhardt@state.ma.us), or Mingyuan Pan, 617-292-5503 or [mingyuan.pan@state.ma.us](mailto:mingyuan.pan@state.ma.us)

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