

**Title 5 (310 CMR 15.00):**

- A. **PROBLEM:** Any Project with over 45, 2-bedroom units or 30, 3-bedroom units requires a private Waste Water Treatment Plant with the issuance of a Groundwater Discharge Permit (314 CMR 5.00)
- Flows under 10,000 GPD are in Title 5: Currently: NO testing, NO monitoring, NO reporting, NO inspections --- ‘just walk away’
  - Flows over 10,000 GPD – OVER \$1 Million in infrastructure cost + \$80k / year in maintenance costs.

There needs to be a middle ground without which no projects between 30 to 150 units (90 – 300 BR’s) will be developed in non- sewerred areas as evidenced in the development of the last 20+ years. Housing production needs to be built on the land, however the available land is more and more likely found only in non-sewerred areas.

**SOLUTION:** Create **NEW SECTION within Title 5: Large Reporting Systems** (i.e. 310 CMR 15.294):

For flows between 7,500 GPD<sub>±</sub> to 30,000 GPD use already established Alternative Innovative Technologies for secondary treatment and the regulated land equivalency requirement features of Nitrogen Sensitive Zones for land area controls. This regulation would require new Mass DEP determined standardized programs including: i) effluent limits, ii) monitoring and reporting controls, iii) restrictions, and iv) financial assurance mechanisms.

**SEE SEPARATE SUBMITTAL BY HBRAM: BACKGROUND AND PROPOSED REGULATORY CHANGE**

- B. **PROBLEM:** Daily Flow Rates are incomplete and outdated for current uses and plumbing devices

**SOLUTION:** Re-constitute Committee formed about 5 years ago to complete their work and issue revisions to 310 CMR 15.416 including multi family complexes and even single family homes.

- C. **PROBLEM:** Underutilization of Alternative Technologies for new construction which provide for enhanced effluent treatment. There is a significant fiscal and environmental cost to construct mounded or filled systems.

**SOLUTION:** Allow reduction in groundwater offsets for new construction similar to “repairs” in Massachusetts and simply a groundwater reduction in most other states when using approved Alternative Technologies which will provide for environmental benefits with enhanced effluent secondary treatment.

- D. **PROBLEM:** Individual Town regulations stricter than Title 5 without scientific basis adding costs and other negative impacts.

**SOLUTION:** Uniform Code unless MassDEP approves local regulation based on submitted science based data.

**Wetlands (310 CMR 10.00):**

- A. **PROBLEM:** Local Upland Buffer Prohibitions

**SOLUTION:** Create standards and protocol for local regulations.

- B. **PROBLEM:** Zone A prohibition of BMP’s and discharges to all BMP’s

**SOLUTION:** Correct inconsistency in regulation (this may be considered minor {housekeeping})

- C. **PROBLEM:** Coordination with EPA and Army Corps

**SOLUTION:** Assist in amending Army Corps General Permit and EPA MS4 to be in line with state regulations and mitigation strategies. Entertain using Army Corp. off-site mitigation programs and wetland banking. Major issues are vernal pools, water quality volume of 1” throughout, and mitigation programs.

- D. **PROBLEM:** Local Regulations

**SOLUTION:** Create standards and protocol for creating local regulations. MassDEP to review science based rationale and rule on whether it could be a local regulation, policy, or not.