



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Title 5 Permitting

BRP WP 59c

MassDEP Approval or Issuance of Variance for Increased Flow at State and Federal Facilities and Facilities Specifically Required by MassDEP to Apply Instructions and Supporting Materials

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Introduction

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at mass.gov/dep in two file formats: Microsoft Word™ and Adobe Acrobat PDF™.

Instructions & Support Materials provide guidance on how to prepare a permit application.

These *Permit Applications*, supporting documents, and the fee payment (if applicable) must now be submitted through the [ePLACE Portal](#). See ePLACE step-by-step instructions on the mass.gov page for this application.



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1. What is the purpose of MassDEP approval or issuance of a Title 5 variance?

MassDEP approval or issuance of variances is necessary to ensure, generally, that the applicant has demonstrated that the proposed system for disposal of sanitary sewage can maintain a level of environmental protection at least equivalent to the requirements of Title 5, without strict application of the specific provision(s) from which a variance is sought, and that enforcement of the provision would be manifestly unjust.

This application is for review and approval of Title 5 variance requests only, and does not apply to any local bylaws. BRP WP 59c is to be used for applications for increased flow to an existing system.

You must obtain approval from MassDEP for these activities:

- Variance from a provision of Title 5 which only MassDEP may grant pursuant to 310 CMR 15.414.
- Variance for increased flow to large systems or to systems which, with the increase in flow, will have a design flow of 10,000 - 14,999 gallons per day, pursuant to 310 CMR 15.006 and 15.414.

2. Who must apply?

Any State or Federal facility, and any other facility specifically required by MassDEP to apply, proposing to obtain a variance under 310 CMR 15.414 for increased flow to an existing system must apply for BRP WP 59c.

Note that anyone proposing to obtain a variance(s) from 310 CMR 15.000, other than for increased flow, a variance listed in 310 CMR 15.412(4), a variance for schools pursuant to 310 CMR 15.416, or a variance from percolation rate pursuant to 310 CMR 15.417 must use a different form: BRP WP 59b.

If these categories do not apply to you, please be advised these are not the only permit or variance categories for Title 5 on-site sewage disposal systems. Please review the Timely Action Schedule and Fee Provisions, 310 CMR 4.00 and Title 5 of the State Environmental Code, 310 CMR 15.000 to determine whether another category may apply to you.

3. What other requirements should be considered when applying for a variance?

- Variances to Title 5 for schools, reviewed and approved by the Department pursuant to 310 CMR 15.416, require an application under BRP WP 60. Do not use the BRP WP 59 application form for such variance requests.
- Variances for increased flow to a large system or to a system that would result in a design flow of 10,000 gpd or greater do not require prior written approval by the Board of Health under Title 5.



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4. What is the application fee?

The application fee is \$335.00.

5. Where should the application be sent?

The application must be submitted through ePLACE, located here: <https://eplace.eea.mass.gov/citizenaccess>

Additional visual ePLACE step-by-step instructions to assist in submitting your application are available at: <https://www.mass.gov/how-to/wp-59c-massdep-approval-or-issuance-of-variance-at-state-and-federal-facilities>

- Log into the ePLACE Portal at: <https://eplace.eea.mass.gov/citizenaccess> and create an account.
- Once logged in, click on the large blue button on the right, "File an Online Application".
- Read and agree to the disclaimer. Click "Continue".
- To find this application, click on "Apply for DEP Authorization – Water Pollution Wastewater (WP)", and check on WP 58c, and click "Continue Application".
- Follow instructions on each screen and click "Continue Application" to move to the next step. The WP 58c application and supporting forms are to be completed in MS Word™ or Acrobat Adobe PDF™ and attached in the Documents section.
- Note that you can return to an application provided you select "Save and Return Later". Once you submit an application you can no longer upload documents without approval from MassDEP personnel.
- At the end of the application steps, the ePLACE system will take you directly to a screen where you can pay the fee, if applicable. Complete payment information in ePLACE.
- Once an application has been submitted, you will receive an email that will provide you the record number.
- From the "My Records" button, you will be able to view the status of your application through the review and approval processes.

Important Contacts

- For technical assistance regarding online filing, contact the ePLACE Help Desk Team at (844) 733-7522 or ePLACE_helpdesk@mass.gov.
- To see a copy of your application after submittal, also see: <https://eeaonline.eea.state.ma.us/EEA/PublicApp>.

6. Where can I get a copy of the timelines?

The timelines are available on the MassDEP Website: <https://www.mass.gov/lists/massdep-fees-timelines>

7. What is the annual compliance fee?

There is no annual compliance fee for this category.



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8. How long is a variance in effect?

This approval remains in effect as long as the system and facility served remain unchanged or until the approval is revoked or modified.

9. How can I avoid the most common mistakes made in applying for a variance?

- a. Review the application for completeness to be sure all questions are answered correctly.
- b. Make sure the adequate number of copies of plans and specifications are complete and signed and stamped by a Massachusetts Registered Sanitarian or Professional Engineer, whichever is appropriate.
- c. Submit the application & documents listed above and pay fee through ePLACE, <https://eplace.eea.mass.gov/citizenaccess>.

10. What are the regulations that apply to variances? Where can I get copies?

These regulations include, but are not limited to:

- a. Title 5 Regulations, 310 CMR 15.000.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

These may be purchased at:

State House Bookstore
Room 116
Boston, MA 02133
617-727-2834

State Bookstore
436 Dwight Street, Room 102
Springfield, MA 01103
413-784-1376

MassDEP Regulations also may be obtained from MassDEP's web site at <https://www.mass.gov/dep>.



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To submit a BRP WP 59c Application, complete the steps outlined below:

1. A MassDEP application form for the appropriate permit category has been completed. The following information has been provided:
2. Name and address of applicant and system/facility owner.
3. Location (address) of facility and system.
4. Name, address and telephone number of design engineer or sanitarian.
5. Complete sets of plans and specifications have been properly signed and stamped by a Massachusetts Registered Professional Engineer or Massachusetts Registered Sanitarian, whichever is appropriate.
6. Copy and proof of notification to abutters if required by 310 CMR 15.411 is included.

To submit the application package:

- Submit the application and documents listed above through ePLACE, <https://eplace.eea.mass.gov/citizenaccess>
- Pay fee: \$335 (if applicable).

You can pay online in ePLACE or pay by mail in the form of a check or money order made payable to *Commonwealth of Massachusetts* (please follow email instructions provided to you once your application is submitted).