



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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### RENEWAL PILOTING APPROVAL

Pursuant to Title 5, 310 CMR 15.000

Name and Address of Applicant:

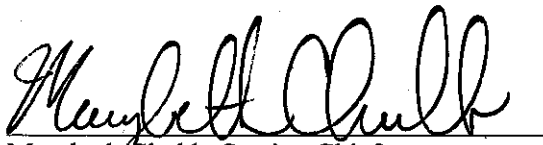
Lombardo Associates Inc.  
188 Church Street  
Newton, MA 02458

Trade name of technology and model: PhosRID Phosphorus Removal System (hereinafter the "System"). A technology inspection checklist is attached and is part of this Approval.

Transmittal Number: X284207  
Renewal Date: March 12, 2020  
Date of Expiration: March 12, 2025  
Tolled Expiration Date: June 17, 2026

#### Authority for Issuance

Pursuant to Title 5 of the State Environmental Code, 310 CMR 15.000, the Department of Environmental Protection hereby issues this Approval to: Lombardo Associates, Inc., 188 Church Street, Newton, MA 02458 (hereinafter "the Company"), to Pilot in the Commonwealth of Massachusetts the System described herein. Sale and use of the System are conditioned on and subject to compliance by the Company, the Designer, the Installer, the Service Contractor, and the System Owner with the terms and conditions set forth below. Any noncompliance with the terms or conditions of this Approval constitutes a violation of 310 CMR 15.000.

  
Marybeth Chubb, Section Chief  
Wastewater Management Program  
Bureau of Water Resources

3/12/20  
Date

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

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## I. Purpose

1. The purpose of this Approval ('the Approval') is to allow installation and use of no more than 15 on-site sewage disposal systems utilizing the Technology in Massachusetts in order to provide field testing and a technical demonstration that a particular alternative system can or cannot function effectively under relevant physical and climatological conditions (310 CMR 15.285).
2. The Approval requires that sufficient performance testing be completed so that the Department may determine whether the System is capable of consistently functioning to effectively reduce total phosphorus (TP) in on-site system sanitary wastewater effluent to less than 1 milligram per liter (mg/L) as claimed by the Company.
3. The Approval authorizes the installation and use of the System, with the approval of the local approving authority, to serve facilities with design flows of up to and less than 10,000 gallons per day, including new construction, an increase in flow at an existing facility, or an upgrade or replacement of an existing failed or nonconforming system. Installations must meet the specific siting conditions for piloting an Alternative Systems (310 CMR 15.285(2)), and the facility must meet the siting requirements of this Approval.
4. With the other applicable permits or approvals that may be required by Title 5, the Approval authorizes the installation and use of the Alternative System in Massachusetts. All the provisions of Title 5, including the General Conditions for all Alternative Systems (310 CMR 15.287), apply to the sale, design, installation, and use of the System, except those provisions that specifically have been varied by this Approval.

## II. System Description

The PhosRID™ System uses a reductive iron dissolution (RID) media anaerobic upflow filter to reduce total phosphorus. The System consists of two treatment units: the initial unit with RID media and a second unit, which operates as an oxygenation filter.

The RID media tank is designed for a hydraulic residence time of 6 to 24 hours. Within this tank, PhosRID™ iron is biologically converted to ferrous-iron which combines with dissolved phosphorus to precipitate in the form of the mineral vivianite. This precipitation process removes a portion of the wastewater phosphorus from solution.

The oxygenation filter may consist of any sand, textile or foam media filter approved by the local Approving Authority or Lombardo Associates, Inc. (the 'Company'). The hydraulic application rate for the down flow sand filter is 2 gallons per day per square foot. In the media filter the unreacted ferrous is converted ferric and mineralizes the remaining dissolved phosphorus to stringite, which becomes entrained in the sand filter, resulting in a further reduction in wastewater phosphorus.

The process flow for the PhosRID™ system is as follows. Wastewater effluent from a Title 5 compliant septic tank or alternative treatment system is discharged to the PhosRID™

upflow filter. The RID treated wastewater then passes through the media filter and then either flows by gravity or is pumped to a soil absorption system (SAS) constructed in accordance with Title 5, 310 CMR 15.100 – 15.279.

The PhosRID™ reactive media is eventually consumed and must be replaced, with media life estimate to be approximately 5 years of operation.

The Company specifies routine service inspections, primarily for performance verification and monitoring. The MassDEP requires System receive monthly inspections during the first six months of operation followed by regular quarterly inspections and monitoring as part of this alternative technology's piloting evaluation (see O&M requirements, section IV). Local Approving Authorities may require additional monitoring requirements.

### III. **Site Application, Design and Installing Requirements**

1. Each proposed site-specific use of the system to be piloted must be reviewed by the Department prior to installation of the system. The Owner shall submit to the Department the written approval of the Local Approving Authority (LAA or BOH), together with a copy of the completed Department application BRP WP 64b and obtain Department written approval as required by 310 CMR 15.285(2).
2. The Designer shall be a Massachusetts Registered Professional Engineer or a Massachusetts Registered Sanitarian, provided that such Sanitarian shall not design a system with a discharge greater than 2,000 gallons per day.
3. System installations shall only be located as part of an existing, new or upgraded fully complying Title 5 system
4. Design and installation of the System shall be in strict conformance with the approved plans and specifications, 310 CMR 15.000 and this Approval.
5. For System installations at existing on-site septic systems, prior to local approval the Designer shall show on the System plans, in addition to the piloted System with all necessary tanks, pumps, controls and alarms, a design for bypassing the System in the event that the System fails and is not capable of conveying the wastewater to the SAS.
6. Frames and covers of all access manholes and ports of the System components shall be watertight, made of durable material, and shall be installed and maintained at grade, to allow for necessary inspection, operation, sampling and maintenance access. Manholes brought to final grade shall be secured to prevent unauthorized access. No structures which could interfere with performance, access, inspection, pumping, or repair shall be located directly upon or above the access locations.

7. For any System that does not flow by gravity to the SAS, the System shall be equipped with sensors and high-level alarms to protect against high water due to pump failure, pump control failure, loss of power, or system freeze up. The control panel including alarms and controls shall be mounted in a location always accessible to the System Operator (or Service Contractor). Emergency storage capacity for wastewater above the high level alarm shall be provided equal to the daily design flow of the System and the storage capacity shall include an additional allowance for the volume of all drainage which may flow back into the System when pumping has ceased.
8. Instead of providing emergency 24-hour storage, an independent standby power source may be provided for operation during an interruption in power. With any interruption of the power supply the source must be capable of automatically activating in addition to manual start-up capability. The standby power must be sufficient to handle peak flows for at least 24 hours and sufficient to meet all power needs of the System including, but not limited to, pumping, ventilation and controls. Standby power installations must be inspected and exercised at least annually and all automatic and manual start up controls must be tested. Standby power installations must comply with all applicable state and local code requirements. Provided that a standby power installation complies with these requirements, no variance is required to the provisions of 310 CMR 15.231(2).
9. Any System unit malfunction and high water alarms shall be visible and audible for facility occupants and the Service Contractor. Circuit(s) for alarms shall be connected separate from the circuits to the operating equipment and pumps.
10. All System control units, valve boxes, conveyance lines and other System appurtenances shall be designed and installed to prevent freezing per the Company's recommendations.
11. Any System structures with exterior piping connections located within 12 inches or below the Estimated Seasonal High Groundwater elevation shall have the connections made watertight with neoprene seals or equivalent.
12. Upon submission of an application for a Disposal System Construction Permit (DSCP), the Company shall provide to the LAA:
  - a) certification that the design conforms to the Approval and Title 5; and
  - b) a certification, signed by the Owner of record for the property to be served by the
  - c) Technology, stating that the property Owner:

- i) has been provided a copy of the Approval, the Owner's Manual, and the Operation and Maintenance Manual and the Owner agrees to comply with all terms and conditions;
  - ii) has been informed of all the Owner's costs associated with the operation including, when applicable: power consumption, maintenance, sampling, recordkeeping, reporting, and equipment replacement;
  - iii) understands the requirement for a service contract;
  - iv) agrees to fulfill his responsibilities to provide a Deed Notice as required by 310 CMR 15.287(10) and the Approval (Paragraph V.1);
  - v) agrees to fulfill his responsibilities to provide written notification of the Approval to any new Owner, as required by 310 CMR 15.287(5);
  - vi) if the design does not provide for the use of garbage grinders, the restriction is understood and accepted; and
  - vii) whether or not covered by a warranty, the System Owner understands the requirement to repair, replace, modify or take any other action as required by the Department or the LAA, if the Department or LAA determines that the Alternative System is causing the on-site system from meeting the performance standards required by Title 5.
13. The System Owner and the Company/Designer shall not submit to the LOAA a DSCP application for the use of the Technology under the Approval if the Approval has expired or has been revised, reissued, suspended, or revoked by the Department prior to the date of application.
  14. The System Owner shall not authorize or allow the installation of the System other than by a locally approved System Installer and, if required by the Company, has received the necessary training by the Company
  15. The Installer shall maintain on-site, at all times during construction, a copy of the approved plans, the Owner's manual, the O&M manual, and a copy of the Approval.

16. Except where the Approval specifically states otherwise, the Technology shall be installed in a manner which does not intrude on, replace, or adversely affect the operation of any other component of the subsurface sewage disposal system.
17. Prior to the issuance of a Certificate of Compliance by the LAA, the Company or its authorized agent shall submit to the LAA, with a copy of to the System Owner, a certification of that the installation conforms to the Approval. The authorized agent of the Company responsible for the inspection of the installation shall have received technical training in the Company's products.
18. Prior to certifying the conformance of the installation of the System, the Company shall confirm that the System Owner has recorded the required Deed Notice.

#### **IV. Operation and Maintenance, Monitoring, and Inspection**

1. As stated in 310 CMR 15.285(3), the Company shall implement a system monitoring and reporting plan as described in this Approval, covering no less than 18 months of operation at each facility to be piloted.

For all Systems installed under the Approval, the Company or its authorized agent shall be responsible for oversight, monitoring, data collection, and submission to the LAA (and the Department per paragraph VI.16). Upon the Company's completion of a System performance evaluation (PE) report after at least 18 months of operation (see Paragraph VI.5), and the Department's acceptance of those findings, the System Owner and Service Contractor shall be responsible thereafter until the conditions of the Approval are modified, terminated, or suspended by a new Approval. The System Owner and the Service Contractor shall enter into an O&M Agreement and the Agreement shall be at least for one year.

2. The System shall be inspected, monitored, operated, and maintained by a Service Contractor (Operator) under an O&M Agreement in accordance with this Approval and in accordance with any Company or LAA requirements. The Service Contractor must be trained by the Company, must be on the Company's current list of Service Contractors and must be a certified Operator by the Board of Registration of Operators of Wastewater Treatment Facilities, in accordance with Massachusetts regulations 257 CMR 2.00.
3. Any required sample analysis shall be conducted by an independent U.S. EPA or DEP approved testing laboratory, or a DEP approved university laboratory. It is a

violation of this Approval to falsify any data collected pursuant to an approved testing plan, to omit any required data or to submit any report required by such plan.

4. The following table lists the monitoring requirements for Systems installed under this Approval. The following parameters shall be monitored: **pH, biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS) and total phosphorous (TP) and Flow**. Note that the LAA may have additional requirements.

Parameter	Monitoring Frequency	Sample Type	Sample Location	Effluent Limit
pH	Monthly for 1 <sup>st</sup> six (6) months, quarterly thereafter	Residential – Grab	Residential – PhosRID Effluent	6-9 Standard Units
BOD		Nonresidential - Composite	Nonresidential – PhosRID Influent + Effluent	Monitor
TSS				Monitor
TP				<1.0 mg/L
Flow				Reading

- a) After the first 3 months, sampling of BOD/TSS shall be completed as determined by the Company.
5. Within 60 days of each site visit, the Service Contractor shall be responsible for submitting copies of all System monitoring data to the System Owner and the Company, including the O&M report and inspection checklist. The System O&M reports and completed checklists shall include, at a minimum, results of any required wastewater analyses, flow data and any additional data collected.
6. Annually by March 15<sup>th</sup> the System Owner, or Service Contractor if designated, shall be responsible for submitting copies of all System monitoring data to the LAA and the Department (including the O&M reports and inspection checklists) for the previous calendar year. Upon completion of 18 months of operation, and Department acceptance of a facility performance evaluation (see paragraph VI.5), submittals to the Department should be discontinued.
7. At a minimum, the Service Contractor shall inspect, properly operate, and properly maintain the System:
- a) any time there is System failure, equipment failure, or an alarm event;
  - b) in accordance with the O&M manual and Designer requirements;
  - c) in accordance with the requirements of the LAA;
  - d) in accordance with the Approval; and

- e) for seasonal use, the Service Contractor shall be on-site and responsible for the proper start-up and shut down of the Alternative System.
8. The System Owner and the Service Contractor shall maintain on-site, at all times, a copy of the approved plans, the Owner's Manual, the O&M Manual, a copy of the Approval, and a copy of the current O&M Agreement.
9. The System Owner and the Service Contractor shall provide written notification to the LAA within seven days of any cancellation, expiration or other change in terms and/or conditions of the required O&M Agreement.
10. The Company shall provide written notification to the Department within seven days of any cancellation or expiration of the O&M Agreement required for the duration of the performance evaluation.
11. Unless directed by the LAA to take other action, the System Owner shall immediately cease discharges or have wastewater hauled off-site (or if applicable bypass the piloted Alternative Technology), if at any time during the operation of the Alternative System when the system is in failure as described in 310 CMR 15.303(1)(a)1 or 2, backing up into facilities or breaking out to the surface.

#### **V. Additional System Owner and Service Contractor Requirements**

1. Prior to issuance of a Certificate of Compliance for a System installation, the System Owner shall record and/or register the Deed Notice required by 310 CMR 15.287(10), and provide a copy to the LAA. The DEED Notice shall be completed as follows:
  - a) a certified Registry copy of the Deed Notice bearing the book and page/or document number, and
  - b) if the property is unregistered land, a copy of the System Owner's Deed to the property as recorded at the Registry, bearing a marginal reference on the System Owner's deed to the property.

The Notice to be recorded shall be in the form of the Notice provided by the Department by the (see <https://www.mass.gov/files/documents/2016/08/sd/altsysn.pdf>).

2. Prior to signing any agreement to transfer any or all interest in the property served by the System, or any portion of the property, including any possessory interest, the System Owner shall provide written notice, as required by 310 CMR 15.287(5) of all conditions contained in the Approval to the transferee(s). Any and all instruments of transfer and any leases or rental agreements shall include as an



exhibit attached thereto and made a part of thereof a copy of the Approval for the System. The System Owner shall send a copy of such written notification(s) to the LAA within 10 days of giving such notice to the transferee(s).

3. The System Owner shall provide access to the site for the Company and the Service Contractor to perform inspections, maintenance, repairs, responding to alarm events and field testing as may be required by the Approval, including sampling the System in accordance with the Approval.
4. The System Owner and the Service Contractor shall maintain copies of the Service Contractor's O&M reports, inspection checklists, and all reports and notifications to the LAA for a minimum of three years.
5. The System Owner shall not install, modify, upgrade, or replace the System except in accordance with a valid DSCP issued by the LAA which covers the proposed work.
6. Upon determining that the System has failed, as defined in 310 CMR 15.303, the System Owner and the Service Contractor shall be responsible for the notification of the LAA within 24 hours of such determination.
7. In the case of a System failure, an equipment failure, alarm event, components not functioning as designed, components not functioning in accordance with manufacturer's specifications, or violations of the Approval, the Service Contractor shall provide written notification within five days describing corrective measures to the System Owner, the LAA, and the Company and may only propose or take corrective measures provided that:
  - a) all emergency repairs, including pumping, shall be in accordance with the limitations and permitting requirements of 310 CMR 15.353;
  - b) the design of any repairs or upgrades is consistent with the Alternative System Approval;
  - c) the design of any repairs or upgrades requiring a DSCP shall be performed by an individual meeting the qualifications of Section III, paragraph (2) and Section VI, paragraph (6), and
  - d) the installation shall be done by an Installer with a currently valid Disposal System Installers Permit (310 CMR 15.019).

The System Owner shall also be responsible for ensuring written notification is provided within five days to the LAA.

8. The Service Contractor shall provide written notification to the Company within seven days of any cancellation, expiration or other change in the terms and/or conditions of a required O&M Agreement.

9. Within one year of any changes to the terms and conditions of the Approval, the System Owner shall amend, as necessary, the O&M Agreement to reflect the changes to the terms and conditions of the Approval.
10. The System Owner shall furnish the Department any information that the Department requests regarding the System, within 21 days of the date of receipt of that request.
11. The Approval shall be binding on the System Owner and on its agents, contractors, successors, and assigns, including but not limited to the Designer, Installer, and Service Contractor. Violation of the terms and conditions of the Approval by any of the foregoing persons or entities, respectively, shall constitute violation of the Approval by the System Owner unless the Department determines otherwise.

## **VI. Company Requirements**

1. The Approval shall only apply to the model unit(s) with the same model designations specified in the Technology's Pilot Approval and meet the same specifications, operating requirements and plans as provided by the Company at the time of the application. Any proposed modifications to the units, installation requirements, or operating requirements shall be subject to the review of the Department for inclusion under a modification of the Approval. The Company shall be responsible for verification of the appropriate model unit as part of the review of proposed installations under the Approval.

The Company shall notify the System Owner of any changes to the terms and conditions of the Approval within 30 days of any changes.

2. The Company must offer to the System Owner a two-year initial service policy with the purchase of the Technology that includes eight (8) site visits (every 3 months). The Company must make available, for a fee, an extended service policy for a minimum of 5 years beyond the two-year initial service policy.
3. Prior to submission of an application for a DSCP, the Company shall provide to the Designer and the System Owner:
  - a) all design and installation specifications and requirements;
  - b) an operation and maintenance manual, including:
    - i. an inspection checklist;
    - ii. recommended inspection and maintenance schedule;
    - iii. monitoring (i.e. water use and power consumption) and sampling procedures, and
    - iv. alarm response procedures, if any, and troubleshooting procedures.
  - c) an owner's manual, including proper system use and alarm response procedures, if any;

- d) estimates of the Owner's costs associated with System operation including when applicable: power consumption, maintenance, sampling, recordkeeping, reporting, and equipment replacement;
  - e) a copy of the Company's warranty, and
  - f) lists of Designers, Installers, and Service Contractors<sup>3</sup>.
4. Upon submission of an application for a DSCP to the Approving Authority, the Company shall include a certification that the design conforms to the Approval and that the proposed use of the System is consistent with the unit's capabilities and all Company requirements. The design review shall include evaluation of the need for installation of water meter(s) at each facility. An authorized agent of the Company responsible for the design review shall have received technical training in the Company's products.
  5. Upon completion of the Performance Evaluation (PE) of a System after a minimum of 18 months of operation, the Company shall submit to the System Owner and the LAA a PE report on the System describing and summarizing the operations of the System, any changes in operation or design that were made during the piloting performance evaluation period and the results of the piloting program for that System. The report shall also state whether or not the System met or did not meet the performance goals and conditions of the Approval for at least the previous 12 months of operation.
    - a) Systems in compliance with Title 5 and meeting the performance goals and conditions of this Approval, the report shall provide recommendations for approving and ending the piloting program for that System. The Company may turn the responsibility for operation and monitoring of the System over to the System Owner and Service Contractor in accordance with this Approval.
    - b) For System's either not in compliance with Title 5 and/or not meeting performance goals of the Approval, the report shall provide recommendations for either continuing the pilot evaluation of the System or removal of the piloted unit as well as if necessary the upgrade or replacement of the System with a fully complying Title 5 I/A or conventional system.
  6. The Company shall institute programs of training and continuing education for Service Contractors. Training shall be provided at least annually. If the Company requires trained Designers and Installers, the Company shall institute programs of training and continuing education that is separate from or combined with the training for Service Contractors. The Company shall maintain, annually update, and make available by March 15th of each year, lists of approved Service Contractors and, if training is required, Designers and Installers. The Company shall certify that any approved Service Contractors, Designers and Installers have taken the appropriate training and passed the Company's training qualifications.

The Company shall not re-certify a Service Contractor if the Service Contractor has not complied with the reporting requirements for the previous year.

7. If Installer training is required by the Company, the Company shall not sell the Technology to an Installer unless the Installer is trained. The Company shall also require, by contract, the distributors and resellers of the Technology shall not sell the Technology to an Installer unless the Installer is trained.
8. As part of any training programs for Designers, Installers, and Service Contractors, the Company shall provide each trainee with a copy of this alternative technology pilot Approval with any design, installation, O&M, and owner's manuals that were submitted as part of the Approval.
9. For each System installation the Company shall provide in printed or electronic format the System design plan as well as any installation, O&M and Owner's manuals, and any updates associated with this technology Approval, to the System Owners, Designers, Installers, Service Contractors, vendors, resellers, and distributors of the System. The Company shall submit to the Department a copy of any changes to the manual(s) with reasons for the change(s) at time of issuance. The Company shall request Department approval for any substantive changes which may require a modification of the Approval.
10. Prior to its sale of any System that may be used in Massachusetts, the Company shall provide the purchaser with a copy of the Approval with the System design, installation, O&M, and Owner's manuals. In any contract for distribution or sale of the System, the Company shall require the distributor or seller to provide the purchaser of a System for use in Massachusetts with copies of these documents, prior to any sale of the System.
11. The Company shall furnish the Department any information that the Department requests regarding the Technology within 21 days of the date of receipt of that request.
12. Within 60 days of issuance by the Department of a revised Approval, the Company shall provide written notification of changes to the Approval to all Service Contractors servicing installations of the Technology and all distributors and resellers of the Technology.
13. The Company shall provide written notification to the Department's Director of the Wastewater Management Program at least 30 days in advance of the proposed transfer of ownership of the Technology for which the Approval is issued. Said notification shall include name and address of the proposed owner containing a specific date of transfer of ownership, responsibility, coverage and liability between them.
14. The Company shall maintain records of:
  - a) the Approval;
  - b) any design and installation manuals;
  - c) an owner's manual, including alarm response procedures, if any;
  - d) an operation and maintenance manual, including:

- i. an inspection checklist;
  - ii. recommended inspection and maintenance schedule;
  - iii. monitoring requirements, if any (including water use and power consumption when required) and sampling procedures, and
  - iv. alarm response procedures, if any, and troubleshooting procedures.
- e) Estimates of the operating costs provided to the owner, including, when applicable: power consumption, maintenance, sampling, recordkeeping, reporting, and equipment replacement;
  - f) a copy of the Company's warranty, and
  - g) lists of any approved Designers, Installers, and trained Service Contractors.
15. The Company shall maintain the following information for the Systems installed in Massachusetts:
- a) the address of each facility where the Technology was installed, the Owner's name and address (if different), the type of use (e.g. residential, commercial, institutional, etc.), the design flow, the model installed;
  - b) the installation date, start-up date, current operational status;
  - c) the name of the Service Contractor, noting any cancellations or changes to any Service Contracts;
  - d) a summary of System failures, System malfunctions, and violations of the Approval with the date of each event and corrective actions taken to reach compliance, including but not limited to: design changes; installation changes, operation/maintenance changes and/or changes; monitoring changes, and or changes in roles and responsibilities for the manufacturer, vendors, designers, installers, service contractors and owners;
  - e) copies of all Service Contractor records submitted to the Company, including all O&M reports with alarm event responses, all monitoring results, completed inspection checklists, notifications of system failures and reports of equipment replacements with reasons, and
  - f) Copies of any completed PE reports.
16. By March 15<sup>th</sup> of each year the Company shall submit to the Department an annual report that contains the following information for all installed Systems:
- a) a table of the information required by Sections a, b, c, d and f of the preceding Paragraph;
  - b) a table of monitoring data collected for all Systems installed to-date;
  - c) a list of pending applications for System installations which have been submitted to local approving authorities.
  - d) identification of each System failure to comply with any performance criteria of the Approval or the system monitoring and reporting plan, including but not limited to, effluent quality limits. Include the date of each event, the date that the

System was returned to compliance, and the reasons for the noncompliance and the corrective actions that were taken, including but not limited to any design changes, installation changes, operation or maintenance changes including sampling, and/or changes in roles and responsibilities for the manufacturer, vendors, designers, installers, service contractors and owners;

- e) for any System in violation of the Approval or not in compliance with any performance criteria at the time of the annual report, the reasons for the noncompliance and the status of any corrective actions that are needed;
- f) any general recommendations and requests for changes to the system monitoring and reporting plan or the performance criteria of the Approval; and

The report shall be signed by a corporate officer, general partner or the Company owner.

*(Service Contractor records submitted to the Company should not be included with the annual report, but shall be made available to the Department within 30 days of a request by the Department.)*

- 17. If the Company wishes to continue this Piloting Approval after its expiration date, the Company shall apply for and obtain renewal of this Approval. The Company shall submit a renewal application at least 180 days before the expiration date of this Approval, unless permission for a later date has been granted in writing by the Department.
- 18. The Approval shall be binding on the Company and its officers, employees, agents, contractors, successors, and assigns, including but not limited to dealers, distributors, and resellers. Violation of the terms and conditions of the Approval by any of the foregoing persons or entities, respectively, shall constitute violation of the Approval by the Company unless the Department determines otherwise.

## **VII. General Requirements**

- 1. Any Alternative System for which a complete DSCP application is submitted while the Approval is in effect, may be permitted, installed, and used in accordance with the Approval, unless and until:
  - a) the Department issues modifications or amendments to the Approval which specifically affect the installation or use of an Alternative System installed under the Approval for the Technology; or
  - b) the Department, the local approving authority, or a court requires the Alternatives System to be modified or removed or requires discharges to the System to cease.
- 2. All notices and documents required to be submitted to the Department by the Approval shall be submitted to:

Director  
Wastewater Management Program  
Department of Environmental Protection  
One Winter Street – 5<sup>th</sup> floor  
Boston, Massachusetts 02108

**Rights of the Department**

3. The Department may suspend, modify or revoke the Approval for cause, including, but not limited to, non-compliance with the terms of the Approval, non-payment of the annual compliance assurance fee, for obtaining the Approval by misrepresentation or failure to disclose fully all relevant facts or any change in or discovery of conditions that would constitute grounds for discontinuance of the Approval, or as necessary for the protection of public health, safety, welfare or the environment, and as authorized by applicable law. The Department reserves its right to take any enforcement action authorized by law with respect to the Approval and/or the System against the Company, a System Owner, a Designer, an Installer, and/or Service Contractor.