

TITLE 5 CHANGES – EFFECTIVE JANUARY 3, 2014

Duplicative Approvals Eliminated

Unless the facility is a large system, or is owned or operated by the state or federal government, Mass DEP will no longer be approving:

- Installation of recirculating sand filters or equivalent alternative technology in nitrogen sensitive areas;
- Nitrogen aggregation plans;
- Tight tanks;
- Shared systems; and
- Variances.

Other Changes

- Authorizes MassDEP to allow wastewater containing wastes from activities listed under the Standard Industrial Classification Codes set forth at 310 CMR 15.004(4) to be discharged to a Title 5 system, *if* MassDEP determines that constituents of the waste are the same as sanitary sewage. This change will allow wastewater from industries such as breweries and wineries to be discharged to a Title 5 system, provided MassDEP determines the wastewater has the same characteristics as sanitary sewage. [310 CMR 15.004(4)]
- Includes additional eligibility criteria to qualify as a soil evaluator, based on sufficient education in soil science. [310 CMR 15.017(2)(i)]
- Includes new violations for failure to submit soil evaluation and inspection forms to the approving authority, failure to provide information required by the approving authority, and making false, inaccurate or misleading statements in documents submitted to the approving authority, in order to clarify these obligations and reflect additional statutory authority to issue penalties for false and misleading submissions. [310 CMR 15.024 (11) through (15)]
- Reduces the design flow for one-bedroom elderly-housing units from 150 gpd to 110 gpd. The current 150-gpd design flow will continue to apply only to two-bedroom elderly-housing units. Elderly housing with units that have more than two bedrooms will continue to use the 110-gpd flow per bedroom. [310 CMR 15.203(2)].
- No longer requires local approving authorities to consult MassDEP before determining whether facilities asserted to be in separate ownership are in fact a single facility. [310 CMR 15.011(1)]
- Allows local boards of health to approve holding tanks for seasonal use at publicly owned/operated facilities. [310 CMR 15.260(1)(c)]
- Clarifies that pumping records are required to be submitted within 14 day from pumping. [310 CMR 15.351(1) and 15.502(7)]

MassDEP will continue to review and approve the following types of systems:

- Systems treating 10,000 gpd or greater [310 CMR 15.003(2)];
- Systems owned or operated by Commonwealth agencies or the federal government [310 CMR 15.003(2)];
- MassDEP will continue to provide local boards of health with technical assistance on complex projects. MassDEP maintained the existing authority to intervene in the local permitting process [310 CMR 15.003(2)(e)];
- Alternative design flow approvals [310 CMR 15.203(6)]; and
- School flow variances [310 CMR 15.416].

Approving Innovative Alternative (I/A) Technologies

MassDEP has the ability to designate a third party to act as an authorized agent to research, review and evaluate emerging I/A technologies. MassDEP will continue to set standards and provide oversight in the review of new wastewater treatment technology proposals, and will oversee the work of the authorized agent. The approval of on-site installation and use of innovative/alternative technologies will remain unchanged. Local boards of health will approve most systems; MassDEP and the local board of health will continue to approve piloted systems. [310 CMR 15.283(4)]

NON-TITLE 5 WASTEWATER CHANGES

EFFECTIVE DECEMBER 6, 2013

Land Application of Sludge & Septage [310 CMR 32.00]:

The major changes are: 1) an Approval of Suitability may be issued for a term not to exceed 5 years (previously 2 years); and 2) Type 1 renewals are subject to presumptive approval, if notacted upon by MassDEP in 45 days.

Operator Certification [257 CMR 2.00]:

The major change removes the requirement that a certified wastewater treatment plant operator be used for the neutralization of less than 100 gpd of wastewater with discharge to sewer. This change is applicable to colleges, schools and laboratories.

Surface Water Quality Standards [314 CMR 4.00]:

Some water bodies have been assigned site-specific surface water quality standards for zinc and copper.

EFFECTIVE JANUARY 3, 2014

Permitting Procedures [314 CMR 2.00]:

The public notice requirements specifying newspaper publication, in a newspaper of general circulation, has been eliminated. Instead, public notice of draft permits will be published in the Environmental Monitor. There are some exceptions for some reclaimed water permits or permits for which a discharge does not meet the appropriate water quality standard: for these publication in the local newspaper shall also be required. Please note that the Environmental Monitor may be accessed free on-line at <http://www.env.state.ma.us/mepa/emonitor.aspx>.