

TITLE 5: KEEPING SOME CONFUSING CONCEPTS STRAIGHT

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MHOA Annual Conference

October 26, 2023

Falmouth, MA

TOPICS TO BE ADDRESSED

- Shared Systems vs. Common Systems
- Condominiums and whether the Condo Law Applies
- Design vs. Inspectional Criteria: There is a Difference!
- Large Systems
- State and Federal Facilities



DISCLAIMERS

- This presentation pertains solely to 310 CMR 15.000, Title 5 of the Massachusetts State Environmental Code, and is for educational and informational purposes only. Please note that municipalities may have regulations that are more restrictive than Title 5.
- Any reference to a proprietary technology in the presentation is solely for illustrative purposes and does not constitute an endorsement of or comment upon said technology by the presenters or MassDEP. The same applies to any questions posed to the presenters and the accompanying answers.
- The examples I have prepared are solely for illustrative purposes are although they represent real locations, they do not represent entirely real circumstances regarding those locations.



SHARED SYSTEMS VS. COMMON SYSTEMS

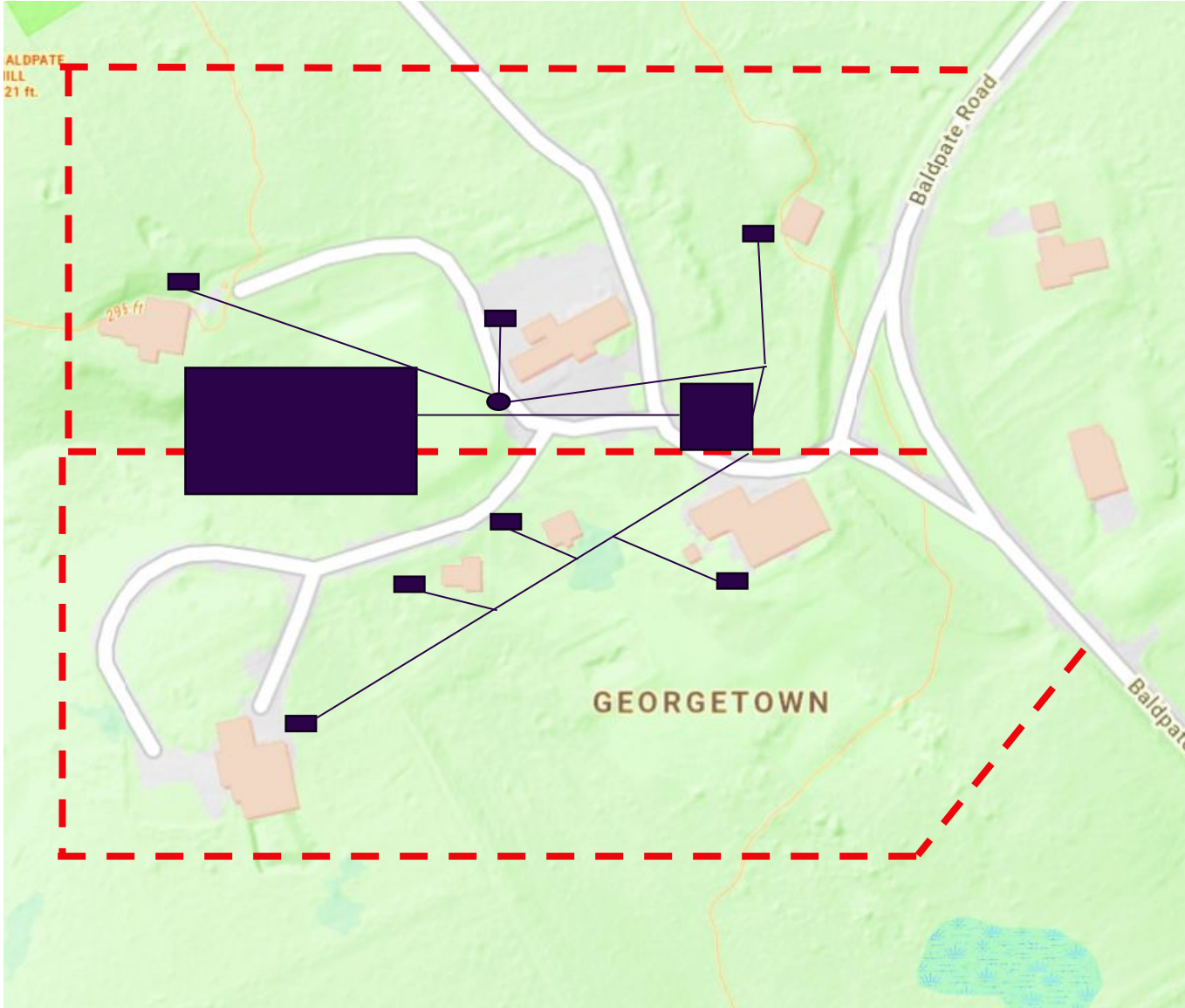
Some Definitions to Start

- Facility: any property or abutting property held in common ownership
- Common ownership: same owner or set of owners on abutting properties
- Shared system: septic system where components are shared among more than one facility.
- Condominium: not shared systems – the land is owned by the trust but there is an exception! We'll get to that later!



This is a Shared System

- Each lot is individually owned and is its own facility.
- Each lot has its own septic tank but share a common SAS.
- The SAS is located on the lot with the star.
- System inspections for shared systems is once every three years. When do the septic tanks get inspected?
- It's a good idea for the easement that defines the shared components to include the septic tanks (it can require that the individual property owners maintain them) so that the tanks are inspected every three years. Otherwise, the BOH should make it a condition of its approval so there is no misunderstanding.



COMMON SYSTEM

Here is an actual property in Georgetown. Some of the facts about the property have been altered for illustrative purposes.

- Two properties
- Same owner – therefore one facility
- All buildings discharge to a common septic system.
- This is not a shared system
- If the property were to be sold to different entities and/or further divided – after-the-fact shared system approval [310 CMR 15.291]

The background features a dark grey field with a large, light blue circle on the right side. On the left, there are several thick, curved lines in cyan and red, some of which are layered and create a sense of depth. The text is centered within the white space of the large circle.

CONDOMINIUMS (AND
DOES THE CONDO LAW APPLY)

Condominiums

- Land is owned in common
- Usually by the condominium trust
- Even detached condos (look like SFH) are likely on trust-owned land with exclusive access rights for yards

Inspection of Septic Systems for Condos

- If 5 or more units, then it is once every three years [310 CMR 15.301(3)(a)]
- If 4 or fewer units, then it can be at time of sale of any unit or once every three years [310 CMR 15.301(3)(a)]





SOME ADDITIONAL BACKGROUND

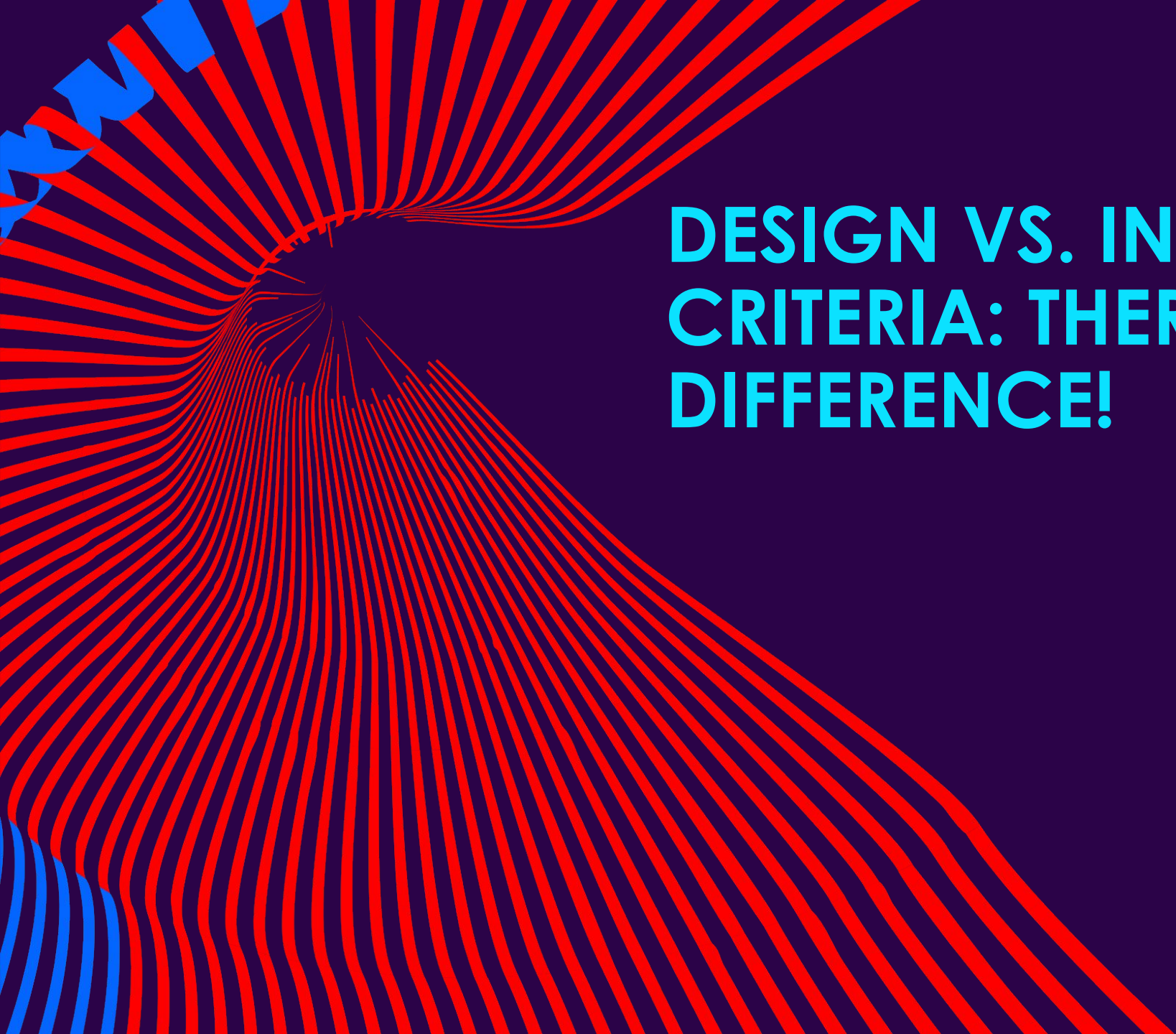
- Normally the design flows for all the systems serving a facility would be added up to determine the overall design flow of the facility.
- Recall that the design flow for the 1995 Code dropped the design system limit from 15,000 gpd to 10,000 gpd, creating the large system category. In addition, the 1978 Code did not aggregate flows across facilities
- Many condominiums were built with multiple septic systems which when added up would easily exceed 10,000 gpd.

SITUATION UNIQUE TO CONDOMINIUMS

In 1996, an outside section of a budget law contained an exemption from the aggregation requirement for condominiums in existence as of December 31, 1995.

Chap 204, Sect 148

For condominiums in existence prior to December thirty-first, nineteen hundred ninety-five for purposes of calculating design flows under 310 CMR 15.00 et. Seq. and 314 CMR 5.00 et. seq. and 6.00 et. seq. each septic system which has been installed shall be considered a separate and distinct facility.



DESIGN VS. INSPECTIONAL CRITERIA: THERE IS A DIFFERENCE!

DESIGN CRITERIA FOR NEW CONSTRUCTION

Four or five feet to groundwater

100 feet to private well

440 gpd/acre* in area subject to
nitrogen loading

Minimum 1,500 gallon septic tank

SAS not in groundwater

If <100 feet to private well, testing and depends on results, distance and type

Metal septic or tight tank unless with CoC issued within 20 years of 1995

FAILURE CRITERIA FOR SYSTEM INSPECTIONS

FAILURE

CRITERIA

SAS not in groundwater



DESIGN

CRITERIA

Four or five feet to groundwater

If <100 feet to private well, testing and depends on results, distance and type



100 feet to private well

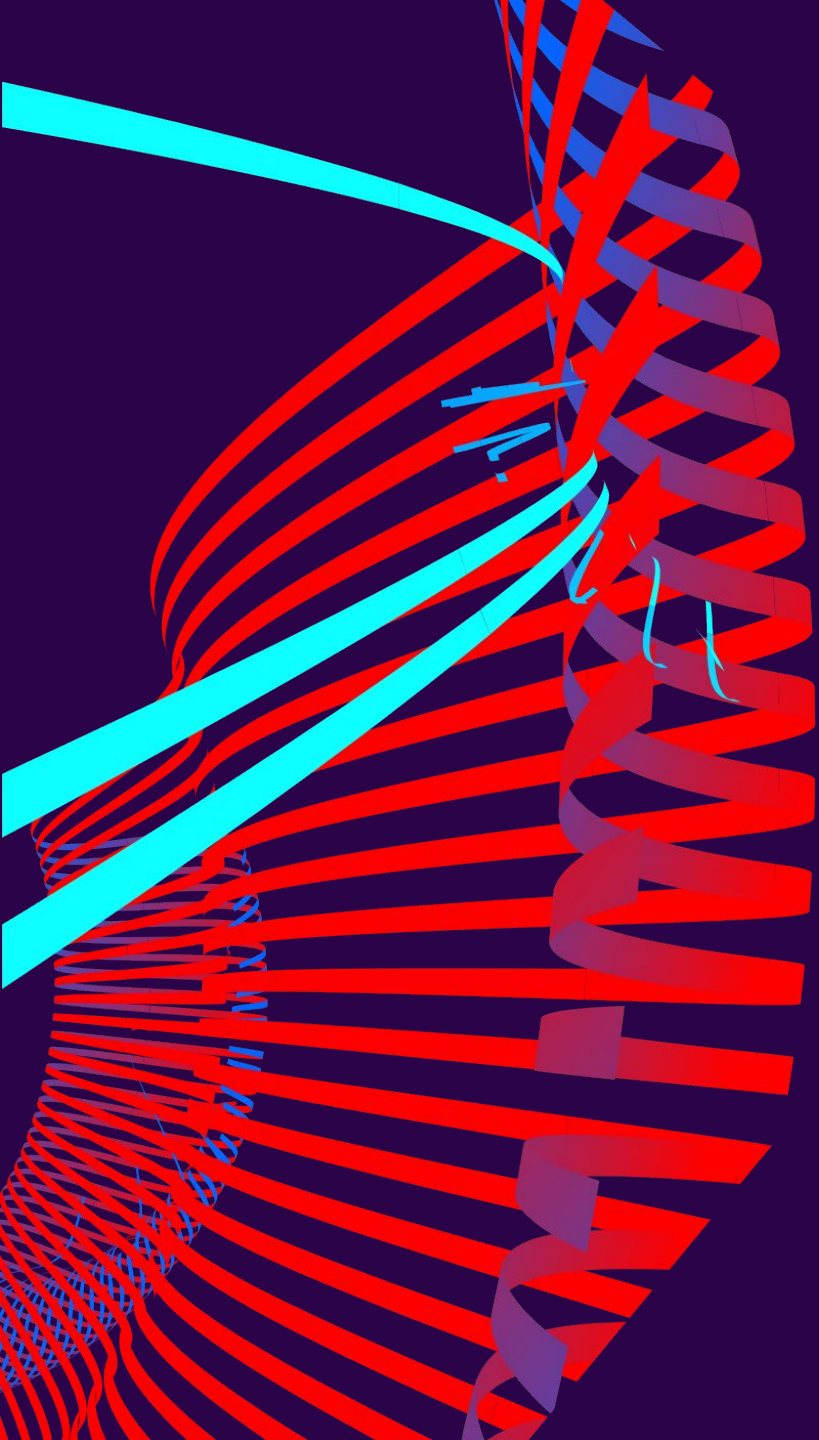


440 gpd/acre* in area subject to nitrogen loading

Metal septic or tight tank unless with CoC issued within 20 years of 1995



Minimum 1,500 gallon septic tank



**It's very easy to
morph these together
but they must remain
separate and distinct.**

LARGE SYSTEMS



Important points to remember about large systems:

- Large systems are only those systems that have been in existence as of March 1995 or before.
- No new large systems can be installed: new “large” systems must have groundwater discharge permits!

SYSTEMS WITH FLOW >10,000 GPD

- A system is not just a single system but a system or series of systems serving a facility.
- Aggregate (total) design flows for systems across the facility
- MassDEP is the approving authority
- 1995 Code (<10,000 gpd) while 1978 Cod (< 15,000 gpd) – leaving existing facilities of 10,000 gpd but less than 15,000 gpd in a virtual no-man’s land.
- MassDEP witnesses soil testing and perc testing.
- MassDEP reviews/approves design plans.
- BOH is copied on all correspondence
- MassDEP normally approves as an installer any approved installer in the community in which the large system is located.
- Large systems are to be inspected once every five years.
- Large systems do not have to be inspected at time of transfer.
- Questions related to large systems should be referred to the appropriate MassDEP regional office.

SCHEDULE FOR LARGE SYSTEM INSPECTIONS

2023

BLACKSTONE
CHICOPEE
CONNECTICUT
NASHUA

2024

BOSTON
HARBOR
(NEPONSET)
CAPE COD
FRENCH &
QUINEBAUG
MERRIMACK
NARRAGANSET
T BAY/ MT.
HOPE BAY

PARKER

2025

BUZZARDS BAY
DEERFIELD
IPSWICH
ISLANDS
MILLERS
SHAWSHEEN

2026

CONCORD
(SUDBURY,
ASSABET,
CONCORD)
SOUTH
COASTAL
FARMINGTON
TAUNTON
WESTFIELD


2027

CHARLES
HOUSATONIC
HUDSON
(HOOSIC)
NORTH
COASTAL
TEN MILE

STATE AND FEDERAL FACILITIES

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OCTOBER 26, 2023



A FEW EXAMPLES OF STATE & FEDERAL FACILITIES

MA Highway
Facilities
State Parks
State Fish
Hatcheries
Highway Rest
Areas

Federal Parks
National
Seashore
Federal
Buildings
Lighthouses

STATE AND FEDERAL FACILITIES

- MassDEP is the approving authority
- MassDEP witnesses soil testing and perc testing.
- MassDEP reviews/approves design plans.
- BOH is copied on all correspondence
- MassDEP normally approves as an installer any approved installer in the community in which the large system is located.
- No inspectional frequency for state or federal facilities unless there is a transfer which is rare.
- Questions related to state or federal facilities systems should be referred to the appropriate MassDEP regional office.

QUESTIONS?

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THANK YOU

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