

TITLE 5 REGULATION PROPOSALS

SECTION	PROPOSED REVISION
310 CMR 15.002	Revises the definition of impervious material to remove inclusion of the B-horizon or subsoil for new construction
310 CMR 15.004(3)	Removes mandate for sewer hookups
310 CMR 15.011	Limit commonality to two situations; circumvent the requirements and environmental impact
310 CMR 15.017(2)	Permits soil scientists, geologists and hydrogeologists to be eligible to be soil evaluators
310 CMR 15.017(4)	Improves the DEP's authority to enforce against soil evaluators
310 CMR 15.017(7)	Requires license renewal for soil evaluators beginning 1/1/07 and CEUs beginning 1/1/09
310 CMR 15.019	Authorizes boards of health to enforce against installers
310 CMR 15.102(2)	Requires that deep hole testing be witnessed by a board of health representative
310 CMR15.105(6)	Eliminates the need for an overnight soak during percolation testing of soils with a slow percolation rate
310 CMR 15.202(5)	Shortens review time for RSF/ equivalent technology reviews
310 CMR 15.203	Revisions to design flows to better address facilities such as churches and supermarkets
310 CMR 15.203(6)	Outlines a new application process for design flows that are substantially different from those outlined in 310 CMR 15.206
310 CMR 15.211 (1), 310 CMR 15.211 (2) and 310 CMR 15.211(3)	Expands the setback requirements to include setbacks to holding tanks, pump chambers and treatment units
310 CMR 15.216	Redraft the Nitrogen Aggregation section to conform to the Department's policy

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310 CMR 15.223, 310 CMR 15.224, 310 CMR 15.226, 310 CMR 15.227, 310 CMR 15.231(1), 310 CMR 15.251(1) and 310 CMR 15.254	Clarifies various design issues such as the separation between trenches, septic tank requirements, the number of doses to a soil absorption system
310 CMR 15.247(2)	Permits the use of DEP-approved geotextiles in place of peastone
310 CMR 15.260(1)	Extends presumptive approvals to tight tank applications and shortens review time for such applications
310 CMR 15.260(8)	Allow seasonal homes that have a failure and can install a fully complying system to delay an upgrade and install a tight tank as long as the facility remains seasonal
310 CMR15.262	Provides specific regulations for greywater systems. Allows greywater systems for new construction: residential facilities need to demonstrate that a fully complying system can be installed, both commercial & residential facilities must comply with the nitrogen loading requirements of 440 gallons per acre. Allows: a 50% reduction in the SAS when a composting toilet is used; requires nine inches of cover over the SAS: in remedial upgrades the groundwater separation may be reduced to 2 feet were the percolation rate is greater than 2mpi or 3 feet were the percolation rate is 2 mpi or less.
310 CMR 15.292(1)	Exempts cluster developments from the requirement that shared systems demonstrate that the design flow does not exceed the design flow if standard Title 5 systems were used.
310 CMR 15.301(4)	Excludes inspections for transfers of residential property between spouses, parents and children, siblings and to revocable trusts.

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310 CMR 15.301(4)	Expands the validity of Certificates of Compliance in lieu of a system inspection from 2 years to 3 years with annual pumping records
310 CMR 15.303(3) & 15.304(5)	Include a failure criteria in the inspection provision that cesspools between 2000 - 10000gpd is failing to protect public health, safety, welfare and the environment.
310 CMR 15.340(7)	Requires license renewal for system inspectors beginning 1/1/07 and CEUs beginning 1/1/09
310 CMR 15.340(8)	Improves DEP's authority to enforce against system inspectors
310 CMR 15.353	Clarifies that emergency repairs may only be conducted by persons possessing a valid Disposal System Installer's Permit
310 CMR 15.405	Permits more upgrades to proceed under Local Upgrade Approval rather than mandate DEP variance approval
310 CMR 15.412(2)	Clarifies language related to presumptive approvals of variances by DEP
310 CMR 15.420	This section is eliminated and replaced with 15.421 and 15.422
310 CMR 15.421	Variances that are presumptively approved are appealed to Superior Court
310 CMR 15.422	Clarifies appeal language