



# Miscellaneous Topics for Title 5

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MassDEP – WERO Seminar

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Title 5

Title 5



The State Environmental Code, 310  
CMR 15.000 is known as:

Title 5

Title **5**, not Title **V**.

Title 5



# **System Inspection Timelines for Pump-outs**



## Clarification of the pump out schedule for system inspections

- ▶ For several years there has been confusion of the pump out schedule for system inspections.
- ▶ This discussion will clarify how the pump out schedule impacts the validity of a Title 5 inspection.

## System Inspection (Section 15.301)

- ▶ Inspection at Time of Transfer: “..... a system shall be inspected at or within **two years** prior to the time of transfer of title to the facility served by the system. An inspection conducted up to **three years** before the time of transfer may be used if the inspection report is accompanied by system pumping records demonstration that the system has been **pumped at least once a year during that time.**”
- ▶ The confusion lies as to how the “three years” is defined.
  - ▶ Does it mean each pump out must be done within a calendar year?
  - ▶ Does it mean the pump out must be done by the inspection anniversary date?



## The three-year schedule

- ▶ MassDEP interprets this section to require that if a homeowner wishes to get the benefit of an additional year for the validity of the inspection, then:
  - ▶ The system must be pumped out once per year starting from the date of the inspection (i.e., by the anniversary date of the inspection).

## Example

- ▶ System Inspected: **April 22, 2019**.
- ▶ To get the inspection to be valid for 3 years, pump outs need to occur at the following schedule:
  - Pump out **#1** between April 22, 2019 and April 22, 2020
  - Pump out **#2** between April 22, 2020 and April 22, 2021
  - Pump out **#3** between April 22, 2021 and April 22, 2022
- ▶ As long as the system meets this pump out schedule then the inspection is good until April 22, 2022. However, if any dates are missed then it *expired* on April 22, 2021.



# Brewery/Winery Wastewater

- Food products SIC
- Non-sanitary wastewater
- 310 CMR 15.004(4) and (5)
- Holding tank is required – WP56 application
- Possible WP70a application (discharge of non-sanitary wastewater)
- Sewer connection if possible



## Title 5 Setbacks in Reverse

Addition planned to an existing structure with a septic system

Building addition

Pool

Shed

Garage

Deck

Locational inspection, not required if plans on file.

310 CMR 15.301 (5). Addition may not be:

- Placed on any component; or
- Within any setback distance of 15.211.

## Do you need help reviewing Title 5 plans?

Review checklist is available:



[www.mass.gov/lists/title-5-septic-system-forms#title-5-construction-&-repairs-forms](http://www.mass.gov/lists/title-5-septic-system-forms#title-5-construction-&-repairs-forms)

# What is DEP's role nowadays regarding Title 5?

Approving authority for certain facilities:

- Stated owned
- Federally owned
- Large systems 10,000 gpd or greater  
(BOH authority ends at 9,999 gpd)
- Case by Case basis due to BOH referral or Enforcement

Approval of System Inspectors & Soil Evaluators

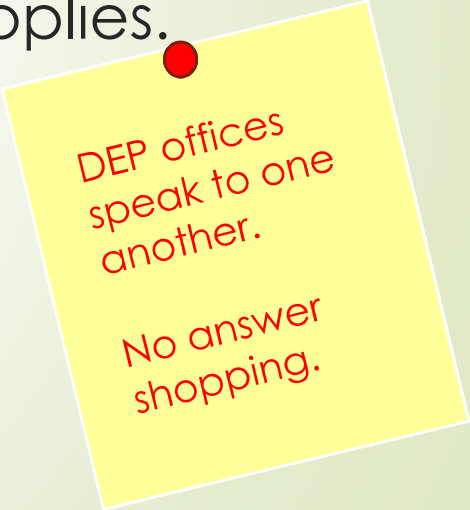
## DEP's role (cont.)

Enforcement of Inspectors and Evaluators

Approving of certain variances such as school flow and setbacks to surface water supplies.

I/A program

Technical and Regulatory Assistance



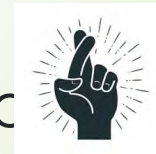
DEP offices  
speak to one  
another.

No answer  
shopping.

# Soil Evaluator certification status

- Due to Covid, DEP working on catching up with backlog (250+ signed up).
- Classes were cancelled during 2020 and early 2021, classes now back in session (Spring and Fall). Attempt to fund an additional class next Spring.

DEP pursuing funding for 2 trainers to work under NEIWPCC for BoH training as circuit riders.



## DEP HQ contacts:

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QUESTIONS ?