

15.417: Variances from Percolation Rate

- (1) To assist in determining the advisability of revising the slowest allowable percolation rate as set forth in 310 CMR 15.245, the Department may permit the construction of up to 20 single family dwellings per year in accordance with 310 CMR 15.417. All other provisions of 310 CMR 15.000 shall apply to such sites.
- (2) Process. No earlier than March 31, 1995 the Department shall publish a request for proposals informing applicants how to apply for such approvals, including any deadlines, information requirements, and preference criteria. A completed application shall include a proposed monitoring plan, and a letter from the local approving authority stating its support for the application. Upon the Department's approval of a site under 310 CMR 15.417, the applicant shall obtain a Disposal System Construction Permit from the local approving authority.
- (3) The Department shall not approve under 310 CMR 15.417 any site located within a nitrogen sensitive area.
- (4) The Department and the local approving authority shall impose such conditions as they deem appropriate for the protection of public health and safety and the environment. Any approval under 310 CMR 15.417 shall include a monitoring plan which includes at least an annual inspection of the system for at least the first seven years of operation.
- (5) The owner or operator shall provide written notice to any new owner or operator that the system has been constructed pursuant to 310 CMR 15.417. Such notice shall include notice of the general conditions and any special conditions applicable to the system.
- (6) No applicant shall be deemed to be entitled to selection of his or her site under 310 CMR 15.417, and the selection determination shall not be subject to the review process set forth in 310 CMR 15.422. A rejected applicant may file an application for a Disposal System Construction Permit pursuant to 310 CMR 15.020, and if necessary may seek a variance pursuant to 310 CMR 15.410 through 15.415.