

15.041: Report on Percolation Rate, Soils Analysis, Shared and Alternative Systems

(1) By January 1, 1998 the Department shall prepare a report for public review and comment which details its experience in implementing this revision to 310 CMR 15.000 and contains suggested regulatory revisions as appropriate. The report shall focus on:

- (a) the use of a 30 to 60 minute per inch percolation rate for the repair of existing systems and the considerations applicable to increasing the allowable percolation range for new construction;
- (b) the feasibility of developing and using a system siting procedure based solely on soils analysis, or upon a combination of soils analysis and percolation rates;
- (c) a summary of the Department's experience regarding construction and maintenance of shared systems;
- (d) a summary of the Department's experience in approving alternative systems pursuant to 310 CMR 15.000;
- (e) an assessment of the number and cost of system upgrades which should be accomplished in order to protect public health, safety, welfare and the environment based upon the results of inspections conducted to date and other relevant information;
- (f) an assessment of critical resource areas and impacts of pollution to those areas to determine whether a program for identification and upgrade of failing systems beyond what is provided in 310 CMR 15.000 is needed to ensure adequate protection;
- (g) the feasibility of developing siting and design criteria that have express terms addressing pollutant loadings directly rather than through estimated flow;
- (h) an analysis of septage disposal to determine if additional requirements concerning the designation of disposal locations by local approving authorities is necessary to ensure adequate septage disposal and proper allocation of septage capacity statewide in accordance with a septage management plan;
- (i) an analysis of the application of the nitrogen loading limitations contained in 310 CMR 15.214 to commercial uses where the use of both on-site systems and drinking water supply wells is proposed to serve the facility;
- (j) an assessment of local regulations more stringent than 310 CMR 15.000 and the reasons stated by the local approving authorities at the public hearing in accordance with M.G.L. c. 111, § 31 identifying the local conditions which exist or the reasons for requiring more protection than is provided under 310 CMR 15.000; and
- (k) a summary of the Department's experience in inspections at time of transfer and alternative approaches.

(2) By January 1, 1998 the Executive Office of Environmental Affairs and the Department shall issue a report making recommendations based upon the information gathered above and other relevant materials, which shall provide clear and concise direction for the use of innovative, alternative, clustered and shared on-site sewage treatment and disposal systems on land not currently buildable. The reports shall contain recommendations, based upon the studies and information gathered, for amendments to 310 CMR 15.000. By January 1, 1999 the Department shall revise 310 CMR 15.000 as it deems necessary to implement the recommendations. The Department is committed to increasing the maximum allowable percolation rate to 60 minutes per inch together with the use of soils analysis for new construction as well as the repair of existing systems unless the Department concludes based on the report that this is not appropriate.