

ARTICLE IV
Small Package Wastewater Treatment Plants
[Adopted 9-4-2019¹]

§ 201-6. (Reserved)

1. Editor's Note: This regulation also repealed former Art. IV, Wastewater Treatment Plants, adopted as Regulation 1-91.

§ 201-4. Background and justification.

The disposal of wastewater, including sanitary sewage, in Boxford, is regulated under 310 CMR 15.00, Title 5, as amended, and local Board of Health regulations. Board of Health authority applies to systems with a daily discharge of up to 9,999 gallons per day [310 CMR 15.004(1)(a)]. Questions have been raised about the appropriateness of current regulations for small wastewater systems when applied to small package wastewater treatment plants with a daily discharge of 2,000 to 9,999 gallons. These questions include the increased impact of such facilities on groundwater and the environment, the life expectancy of such facilities and the long-term liability and ownership of such facilities. To address these concerns, acting under the provisions of MGL c. 111, § 31, and in the interest and for the protection of public health, the Boxford Board of Health hereby defines additional restrictions and conditions on small package treatment plants in Boxford with a daily discharge of 2,000 to 9,999 gallons. Treatment plants with a daily discharge of 10,000 gallons per day or greater are under the authority of the Massachusetts Department of Environmental Protection and 314 CMR 5.000.

§ 201-5. Regulation 1-2019.**§ 201-5.1. References.**

This regulation is based on and draws from established Boxford Code, studies on wastewater movement through Boxford soils into surface waters, Massachusetts Regulations and guidance documents, and similar regulations from other Massachusetts municipalities. These include but are not limited to the following:

- A. Boxford Town Code Chapters 201 and 205.
- B. K-V Associates, Falmouth, MA, 1995. Water Quality Management Study for Seven Ponds in Boxford, MA.
- C. Horsley & Witten, Boston, MA, 1996. Modeling and Analysis. 3-Pond Study Nutrient Modeling in Boxford, MA.
- D. Mass 310 CMR 15.00, The State Environmental Code, Title 5.
- E. Mass 310 CMR 22.00, Drinking Water.
- F. Mass 310 CMR 42.00, Certification and Operation of Environmental Analysis Laboratories.
- G. Mass 314 CMR 4.00, Mass Surface Water Quality Standards.

- H. Mass 314 CMR 5.00, Ground Water Discharge Permit Program.
- I. Mass 257 CMR 2.00, Certification of Operators of Waste Water Treatment Facilities.
- J. DEP, Division of Watershed Permitting, 2018, Guidelines for the Design, Construction, Operation, and Maintenance of Small Wastewater Treatment Facilities.
- K. DEP, Groundwater Mounding for Wastewater treatment facilities Larger than 2,000 gpd.
- L. DEP, WP-83, Hydrogeologic Evaluation Report.
- M. DEP, 1999, Standard References for Monitoring Wells.
- N. Acton, MA, Health Department, 2015, Article 19, Design, Operation and Maintenance of Wastewater Treatment Facilities.
- O. Wayland, MA, Board of Health, 1988. Regulations for the Design, Operation, and Maintenance of Small Wastewater Treatment Facilities.

§ 201-5.2. Definitions.

When used in this regulation or in communications, notices, orders or other references relative thereto, the following words and phrases shall have the meanings ascribed to them below and shall apply in the interpretation and enforcement of this regulation:

ABUTTER — The owner of any property that lies within 500 feet radial from any lot line of the subject property, including those properties across a traveled way or body of water. In the case of property that has frontage on a pond, abutters will include all those properties with frontage on the pond.

APPLICANT — The person, organization, Town department or body, private organization or company, or any other entity proposing the installation of a small package treatment wastewater treatment plant (WWTP).

BOARD — Boxford Board of Health.

BOH — Boxford Board of Health.

BOXFORD BOARD OF HEALTH — The responsible Town authority for any and all installations, modifications, construction, and use of a WWTP in the Town of Boxford, Massachusetts.

BOXFORD BOARD OF HEALTH AGENT — An agent of the BOH with the authority to act on the behalf of the BOH. The agent will normally be the Health Agent or a member of the BOH.

BYPASS — The diversion of wastes from any portion of a treatment works.

DEP — Massachusetts Department of Environmental Protection.

EFFLUENT — The wastewater emerging from enhanced secondary treatment and before entering the leaching facility.

ENHANCED SECONDARY TREATMENT — Secondary treatment that includes disinfection to ensure that the effluent is capable of meeting an effluent limitation of no more than 200 fecal coliform organisms per 100 ml, and additional processes capable of meeting an effluent limitation of 10 mg/l of nitrate nitrogen and total nitrogen.

GROUNDWATER — Water below the land surface in a saturated zone, including perched groundwater.

HAZARDOUS SUBSTANCE — Any of the substances designated under 40 CFR Part 116 pursuant to § 311 of the Federal Act, 33 U.S.C. § 321, or any hazardous material as defined in MGL. c. 21E.

HAZARDOUS WASTE — A hazardous waste pursuant to 310 CMR 30.000; Hazardous Waste.

LEACHING FACILITY — As defined in 310 CMR 15, as amended.

LOT — An area of land in one ownership, with definite boundaries.

MASS DEP CERTIFIED LABORATORY — A laboratory that has been certified to carry out chemical and microbiological analysis on water and environmental samples under 310 CMR 42.00.

MILLIGRAMS PER LITER or MG/L — The weight in milligrams of any specific substance or substances contained in one liter of solution.

MONITORING WELL — A well that is specifically designed, constructed, emplaced, and located to measure the impact of a discharge of pollutants on groundwater quality and quantity.

NITROGEN REMOVAL (REDUCTION) SYSTEM — An approved Massachusetts DEP Title 5 (310 CMR 15.000) innovative/alternative technology used to reduce or remove nitrogen from septic system leaching areas.

OWNER — The entity or organization that owns the WWTP, such as a condominium association, and includes as stakeholders all owners of housing units served by the WWTP. All stake holders in the entity or organization shall share responsibility for the operation, maintenance, and repair of the WWTP [ref: 314 CMR 5.15(2)(a)].

PERMIT — The written authorization issued by the BOH to the owner for construction and operation of the WWTP.

PRIMARY TREATMENT — The process or group of processes capable of removing from sewage a minimum of 25% of the five-day biochemical oxygen demand, 55% of the suspended solids, and 85% of the floating and settleable solids (ref: 314 CMR 5.00).

SECONDARY TREATMENT — The process or group of processes capable of removing from untreated wastewater a minimum of 85% of the five-day biochemical oxygen demand and suspended solids, and virtually all floating and settleable solids, followed by disinfection (ref: 314 CMR 5.00).

SMALL PACKAGE WASTEWATER TREATMENT PLANT (WWTP) — A subsurface sewage disposal system with a daily discharge of 2,000 to 10,000 gallons per day that serves multiunit housing.

SOIL ABSORPTION SYSTEM — As defined in 310 CMR 15, as amended.

STAKEHOLDERS — Shall include the persons who own or control or will own or control any activities that result in the discharge of pollutants.

SUBSURFACE SANITARY SEWAGE DISPOSAL SYSTEM — Individual sewage disposal system or on-site subsurface sewage disposal system as defined in 310 CMR 15, as amended, with a daily discharge of up to 1,999 gallons per day.

TOTAL DISSOLVED SOLIDS — The total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136, or other method approved by the DEP.

WATER BODY — A body of water having a water surface area of 10 acres or more in its natural (historic) state.

WETLAND RESOURCE AREA — Any land area or surface area so defined by the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and regulations promulgated pursuant thereto 310 CMR 10.00, and Town of Boxford Wetlands Protection Bylaw and regulations promulgated pursuant thereto. (See Boxford Code Ch. 192, Wetlands Protection. The regulations promulgated pursuant thereto are on file in the office of the Town Clerk).

WWTP — (Small Package) Waste Water Treatment Plant that includes any and all devices, processes, and properties used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation or reuse of water-borne pollutants.

WWTP OPERATOR — A person certified to manage and operate a WWTP pursuant to 257 CMR 2.00.

ZONE 1 AND ZONE 2 — The protective radii around a public water supply as defined and assigned by DEP for every public water supply and as defined in 310 CMR 22.02.

§ 201-5.3. Compliance with existing regulations required.

- A. At a minimum, any WWTP shall follow and meet all requirements of Massachusetts 310 CMR 15.00, Title 5, as amended; and Boxford Code. §§ 201-1 to 201-3; 201-8 to 201-12; and §§ 201-19 to 201-26, inclusive, except where this regulation stipulates alternative requirements for a WWTP discharging from 2,000 to less than 10,000 gpd. As of the effective date of this regulation, former Boxford Code §§ 201-4 and 201.5 are hereby repealed in their entirety.
- B. In calculating daily discharge from a WWTP serving housing for the elderly, each unit of housing containing no more than two bedrooms shall use a discharge of 150 gallons per day with no garbage grinder (Boxford Code § 201-11.3). The daily discharge of any additional, nonhousing unit buildings served by the WWTP shall be calculated using the assignments listed in 310 CMR 15.203, as amended, or as determined by the BOH.
- C. All housing units served by the WWTP and the WWTP itself must be located on the same lot (Boxford Code § 201-2).

§ 201-5.4. Additional requirements.

In addition to all existing requirements for subsurface sanitary systems in Boxford, small package wastewater treatment plants shall meet the following additional requirements.

- A. Permit. Any WWTP in Boxford must receive a permit from the BOH before operations commence. Permits shall be renewed every three years by the BOH. Renewal applications for a permit must be submitted to the BOH no less than 60 days before the current permit expires. The BOH may withhold reissuing a permit if any of the stipulations of this regulation are violated and/or found not to be in compliance with this regulation.
- B. System design and components. All WWTP in Boxford shall contain adequately sized components for pretreatment, secondary treatment, enhanced secondary treatment, and a

disposal area/leaching facility, unless otherwise allowed by the BOH.

C. Hydrogeological evaluation. The WWTP applicant shall submit a hydrogeological evaluation report in accordance with Massachusetts DEP guidelines (ref: DEP WP 83, Hydrogeologic Evaluation Report) and prepared by a qualified geotechnical engineer or hydrologist, showing the impact of the subsurface discharge of the WWTP on groundwater. The report shall include determination of the discharge flow direction and projected wastewater plume. The report shall assess the impact of the proposed discharge on all potentially impacted groundwater sources of potable water for public water systems and all private drinking water supplies, and to determine whether the proposed discharge will cause or contribute to a violation of 314 CMR 4.00: Massachusetts Surface Water Quality Standards or impair the actual or potential use of the groundwater as a source of potable water.

D. WWTP distances.

(1) No portion of the WWTP shall be located less than the following distances stated to the components listed as follows (in feet):

Component	Subsurface Tank (feet)	Leaching Area (feet)
Well	100	See Note a
Dwelling unit	50	100
Property boundary	100	100
Water body	100	300
Wetland	100	See Note b

NOTES:

- a. One hundred feet minimum, 150 feet in soils with a percolation rate of less than five minutes per inch, or the Zone 1 radius of a public water supply, whichever is greater.
- b. One hundred feet minimum, 150 feet in soils with a percolation rate of less than five minutes per inch.

(2) These distances may be changed by the BOH depending on the findings of the hydrogeological evaluation.

E. Preliminary plan.

- (1) Prior to submitting final drawings and specifications for a WWTP, the owner shall submit to the BOH a preliminary plan for the proposed WWTP which includes all components of the system, including types and sizing of holding/septic tanks (primary treatment); advanced pretreatment, such as but not limited to media filters (secondary treatment); enhanced secondary treatment, including nitrogen removal and disinfection methods, such as ultraviolet or ozone treatment; and details on the final dispersal area/leaching field. The plan shall be presented to the BOH at a regularly scheduled meeting. The BOH will have up to 30 days to evaluate and give preliminary approval to the plan following said meeting unless the Board decides to hire an independent consultant to evaluate the system as described in § 201-5.4E(2) of this regulation.
- (2) At its discretion, the BOH may contract the services of an independent consultant to evaluate compliance of a proposed WWTP with this regulation. Said consultant shall be compensated for all costs by the WWTP applicant. If an independent consultant is used, the Board shall have 30 days after the consultant issues written recommendations or a report to give preliminary approval.

F. WWTP subsurface leaching facilities.

- (1) No WWTP leaching facility or discharge from that facility will be allowed within the Zone 1 of a public water supply source, or the six-month groundwater travel time distance to the public water supply source, whichever is larger.
- (2) The bottom interface of the WWTP leaching facility shall be no less than five feet above the maximum elevation of the groundwater or saturated soil zone. This elevation shall be calculated after adding the effect of groundwater mounding to the high groundwater elevation as determined pursuant to 310 CMR 15.103(3).
- (3) In the case where the earth removal site coincides with the approved site for a subsurface sewage disposal system, the ten-foot excavation limit of § 205-4E(4)(a) is waived for that site.
- (4) The bottom of the WWTP leaching facility shall be located a minimum of 10 feet above the elevation of bedrock or

impervious soil layer. "Impervious soil" is defined as having as percolation rate of greater than 20 minutes per inch.

- (5) A depth of at least five feet of naturally occurring permeable soil shall be maintained below the bottom of the leaching area. "Permeable soil" is defined as having a percolation rate of 20 minutes per inch or less.
 - (6) A distribution valve or equivalent device shall be used to allow direction of effluent to specific zones of the leaching facility as part of normal operations.
- G. Effluent testing. The effluent resulting after enhanced secondary treatment of the wastewater shall be tested for the parameters listed in Table 1:
- (1) Monthly for the first three months of initial occupancy and then every six months.
 - (2) Testing shall be performed by a MEPA certified analysis laboratory.

Table 1		
Maximum Allowable Parameter Limits		
Effluent and Monitoring Well Samples		
Parameter	Units	Limit^a
Field parameters		
Temperature	Degrees C	NS ^b
Specific conductivity	mS/cm ^c	NS
Dissolved oxygen	mg/L	NS
pH	units	6.5-8.5
Biological oxygen demand	mg/L	30
Inorganics		
Alkalinity as CaCO ₃	mg/L	NS
Chloride	mg/L	250 ^d
Total cyanide	mg/L	0.2 ^e
Nitrate as nitrogen	mg/L	10
Sulfate	mg/L	250 ^d
Total dissolved solids	mg/L	500 ^d

Table 1		
Maximum Allowable Parameter Limits		
Effluent and Monitoring Well Samples		
Parameter	Units	Limit^a
Dissolved metals		
Arsenic	mg/L	0.01
Cadmium	mg/L	0.005
Calcium	mg/L	NS
Chromium	mg/L	0.1
Copper	mg/L	1.3
Iron	mg/L	0.3 ^d
Lead	mg/L	0.015
Manganese	mg/L	0.05 ^d
Mercury	mg/L	0.002
Sodium	mg/L	20 ^d
Zinc	mg/L	5 ^d
Microbial		
Total coliforms	cfu/100mL ^f	200 ^g , 0 ^h
Fecal coliforms ¹	cfu/100mL	200 ^g , 0 ^h

NOTES:

- ^a From Drinking Water Standards & Guidelines for Chemicals in Massachusetts Drinking Water, 2017 and DEP Guidelines for Small Wastewater Treatment Plants, 2018.
- ^b No standard.
- ^c mS/cn = milliSiemens/centimeter.
- ^d SMCL = secondary maximum contaminant level concentration.
- ^e MMCL = standard for free cyanide.
- ^f cfu = colony forming units.
- ^g Effluent.
- ^h Monitoring wells.
- ⁱ No testing required if TC = 0.

- H. System inspection. A Title 5 inspection shall be carried out on the WWTP every three years and the results from said inspection sent to the BOH within 30 days of the inspection (310 CMR 15.301).
- I. WWTP discharging from 5,000 to 9,999 gpd.
- (1) WWTPs discharging from 5,000 to 9,999 gpd shall install groundwater monitoring wells based on the hydrogeological evaluation as follows:
 - (a) One up-gradient cluster of two monitoring wells.
 - (b) Two down-gradient clusters of two monitoring wells.
 - (c) One monitoring well for groundwater level near the center of the leaching/dispersal field.
 - (2) Each monitoring well cluster shall contain one well screened in shallow overburden across the water table, and one well screened in a deep portion of the overburden.
 - (3) Screen depths for the cluster wells shall be set at elevations such that at least one of the wells will yield samples at the time of seasonal low groundwater (e.g., September).
 - (4) The number of wells may be changed based on the results from mounding and the hydrogeological studies.
 - (5) The location of the ground water monitoring wells shall be approved by the BOH prior to installation.
 - (6) Ground water monitoring wells shall be installed according to DEP requirements (e.g., Standard References for Monitoring Wells (WSC-310-91), and DEP DRMR Supplement, January 1999).
 - (7) The parameters listed in Table 1 will be measured on samples withdrawn from the up-gradient and two down-gradient wells. The BOH reserves the right to require additional testing if deemed necessary for parameters such as VOCs (volatile organic compounds), SOCs (synthetic organic compounds), and other parameters as detailed in 310 CMR 22.00, the Massachusetts Drinking Water Regulations.
 - (a) Testing shall be performed by a MEPA certified analysis laboratory.
 - (b) Testing of all parameters shall be carried out according to the following schedule: one, six, and 12 months after the

WWTP becomes operational; thereafter, every April and September (twice annually).

- (c) The BOH may require additional testing if it concludes that any parameter indicates a potential problem with the WWTP.

§ 201-5.5. Reports.

The owner of the WWTP or the owner's designated representative as identified to the BOH shall be responsible for submitting all analysis and inspection reports to the BOH within 30 days of the analysis or investigation. Any disruption or damage to the system will be reported immediately to the BOH or, if outside of normal working hours, to the Boxford Communications Department, 978-887-8136, or, in the event of an emergency, 911. The owner shall maintain a record of all analyses, inspections, and any disruptions of the WWTP in a readily accessible location, and make such record available to the BOH upon request.

§ 201-5.6. Modifications or changes to approved operations and monitoring.

Any proposed modification or changes to the approved operations and monitoring of the WWTP shall be made in writing to the BOH by the owner of the WWTP or the owner's designated representative. No changes shall be made until the BOH has reviewed and approved the proposed changes. The BOH may request a presentation from the owner or owner's representative about the proposed changes at a scheduled meeting of the Board. The BOH reserves the right to modify or disapprove any proposed changes.

§ 201-5.7. Private ownership certification.

- A. The owner shall be responsible for the operation of the facility, including reporting, monitoring, maintenance, repair and replacement of the WWTP. This owner shall be identified in writing to the BOH together with documents proving ownership or assigned responsibility of the WWTP from the owner.
- B. The owner shall not change organizational arrangements, nor sell, assign, or transfer the WWTP without the prior written approval of the BOH.
- C. The owner shall own or control the land on which the WWTP is located, and shall own or control land or obtain easements that provide access to:

- (1) The land on which the WWTP is located;
 - (2) The wastewater collection system and any associate appurtenances;
 - (3) All land within 100 feet of any component of the collection system; and
 - (4) The land area surrounding the disposal system that is essential to system operation and maintenance.
- D. The owner shall certify to the BOH and the Town of Boxford that each stakeholder in the WWTP owner organization shall share the financial and operational responsibility for the WWTP.
- E. The obligation of all stakeholders to share in the financial and operational responsibilities for the WWTP shall include, without limitation, the obligation to establish, fund and maintain a financial assurance mechanism that provides for an immediate repair and replacement account.

§ 201-5.8. General operating conditions.

- A. No discharge authorized in the permit shall cause or contribute to a violation of 314 CMR 4.00: Massachusetts Surface Water Quality Standards.
- B. Duty to comply. The owner shall comply at all times with the terms and conditions of the permit granted by the BOH to operate the WWTP.
- C. WWTP reliability. The WWTP shall be planned and designed so as to provide for maximum reliability at all times. The WWTP shall be capable of operating satisfactorily during power failures, flooding, peak loads, equipment failure, and maintenance shutdowns. Such reliability shall be achieved through the use of design techniques which will result is a facility that is virtually fail-safe.
- D. Best management practices or BMP. The WWTP shall be operated according to best management practices and will include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices designed to prevent or reduce the discharge of pollutants to waters of the commonwealth. BMPs include treatment requirements, operating procedures, structures, devices and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage.

- E. Proper operation and maintenance. The owner shall at all times properly operate and maintain all facilities and equipment installed or used to achieve compliance with the terms and conditions of the WWTP permit. All equipment shall be maintained in an acceptable condition for its intended use. The owner shall utilize a certified wastewater facility operator (as defined in Massachusetts 257 CMR 2.00) for all operations carried out at the WWTP.
- F. Duty to halt or reduce activity. Upon reduction, loss, or failure of the WWTP, the owner shall, to the extent necessary to maintain compliance with its permit, control production, discharges, or both, until the facility is restored or an alternative method of treatment is provided. The owner may not raise as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- G. Power failure. In order to maintain compliance with the effluent limitations and prohibitions of the permit, the owner shall either:
 - (1) Provide an alternative power source, such as an emergency generator, sufficient to operate the wastewater control facilities;
 - (2) Halt, reduce or otherwise control production or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.
- H. Duty to mitigate. The owner shall take all reasonable steps to minimize or prevent any adverse impact on human health or the environment resulting from noncompliance with the permit. Additionally, the owner shall take all necessary steps to prevent an operational upset of the WWTP.
- I. Duty to provide information. The owner and any operator of the permitted WWTP shall furnish to the BOH within a reasonable time as specified by the BOH any information which the BOH may request to determine whether cause exists for modifying, suspending, revoking and reissuing, or terminating the permit, or to determine whether the owner is complying with the terms and conditions of the permit.
- J. Inspection and entry. The owner shall allow the BOH or its authorized representatives to:

- (1) Enter upon the owner's premises where a regulated facility or activity is located or conducted, or where records required by the permit are kept;
 - (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - (3) Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit; and
 - (4) Sample or monitor at reasonable times for the purpose of determining compliance with the terms and conditions of the permit.
- K. The owner shall physically secure the treatment works and monitoring wells and limit access to the treatment works and monitoring wells only to those personnel required to operate, inspect and maintain the treatment works and to collect samples.
- L. The owner shall identify each monitoring well by permanently affixing to the steel protective casing of the well a tag with the identification number listed in the permit.
- M. Recordkeeping.
- (1) The owner shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and all records of all data used to complete the application for the permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the BOH at any time. Records of monitoring information shall include without limitation:
 - (a) The date, exact place (such as well number), time of the sampling or measurements;
 - (b) The individual(s) who performed the sampling or measurement;
 - (c) The date(s) analyses were performed;
 - (d) The individual(s) who performed the analyses;
 - (e) The analytical techniques or methods used; and
 - (f) The results of such analyses.

- (2) The owner shall make and retain for a period of at least five years records of all operations carried out at the WWTP, including routine maintenance, repairs, and emergency operations. Records shall include:
 - (a) The date, time and nature of the operation.
 - (b) The individual(s) who performed the operation.
 - (c) The length of time the WWTP was shut down if at all.
 - (d) A description on what was done during the operation and the end result.
- N. Prohibition of bypassing. Except as provided in 314 CMR 5.16(13), bypassing is prohibited and the BOH may take enforcement action against an owner for bypassing unless:
- (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the owner could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; or
 - (3) The owner submitted notice of the bypass to the BOH:
 - (a) In the event of an anticipated bypass, at least 10 days in advance, if possible; or
 - (b) In the event of an unanticipated bypass, as soon as the owner has knowledge of the bypass and no later than 24 hours after its first occurrence.
- O. Permit actions. The WWTP permit may be modified, suspended, or revoked for cause. The filing of a request by the owner for a permit modification, reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- P. Other laws. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the owner of the obligation to comply with any other applicable federal, state, or local law, or regulation.

- Q. Removed substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed in a manner consistent with applicable federal and state laws and regulations, including, but not limited to, the Massachusetts Clean Waters Act, MGL c. 21, §§ 26 through 53, and the Federal Act, 33 U.S.C. § 1251 et seq., the Massachusetts Hazardous Waste Management Act, MGL c. 21C, and the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq., 310 CMR 19.000: Solid Waste Management and 310 CMR 30.000: Hazardous Waste.
- R. Reopener clause. The BOH reserves the right to make appropriate revisions to the permit to establish any appropriate effluent limitations, schedules of compliance, or other provisions, as authorized by the Massachusetts Clean Waters Act, MGL c. 21, §§ 26 through 53, or the Federal Act, 33 U.S.C. § 1251 et seq., to bring all discharges into compliance with these statutes.

§ 201-5.9. Fee.

A one-time fee of \$1,000 is due at the time an application is received for a new WWTP.

§ 201-5.10. Violations and penalties.

Any applicant who shall violate any provisions of this regulation for which a penalty is not otherwise provided shall, upon conviction, be fined not less than \$100 nor more than \$500 per violation. Each separate incident of failing to comply with this regulation shall constitute a separate violation. Each day the incident continues shall constitute a separate violation.

§ 201-5.11. Severability.

So far as the BOH may provide, each section of these rules and regulations shall be construed as separate to the end that if any section, item, sentence, clause or phrase shall be held invalid for any reason, the remainder of these rules and regulations shall continue in full force and effect.

§ 201-5.12. Appeals.

Any applicant to whom an order has been served pursuant to this regulation may request a hearing before the BOH by filing a written petition within seven days. Upon receipt of such petition, the BOH shall schedule a hearing within 30 days. Anyone aggrieved by the

decision of the BOH may seek relief therefrom within 60 days in a court of competent jurisdiction.

§ 201-5.13. Lifting of moratorium; effective date.

- A. Upon the effective date of these amended regulations, the BOH hereby lifts the moratorium on WWTPs which generate a design flow of less than 10,000 gallons per day, and such WWTPs are thus regulated under both 310 C.M.R. 15.000 and Boxford Code § 201, as amended.
- B. This regulation shall take effect on September 5, 2019.