



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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Commissioner

**MODIFIED APPROVAL FOR REMEDIAL USE**

Pursuant to Title 5, 310 CMR 15.000

Name and Address of Applicant:

Presby Environmental, Inc.  
143 Airport Road  
Whitefield, NH 03598

Trade name of technology and model: Presby Enviro-Septic Leaching System (Hereinafter called the "System"). The "Massachusetts Enviro-Septic® Wastewater Treatment System Quick Reference Guide" including schematic drawings of typical Systems, a technology checklist, and a System Installation Form are part of this Certification.

Transmittal Number: W021550  
Date of Issuance: November 21, 2005, Revised May 22, 2006, Revised June 2, 2006.  
Revised March 16, 2007, Modified July 11, 2007  
Date of Expiration: November 21, 2010

**Authority for Issuance**

Pursuant to Title 5 of the State Environmental Code, 310 CMR 15.000, the Department of Environmental, Protection hereby issues this Approval to: Presby Environmental, Inc., 143 Airport Road, Whitefield, NH 03598 (hereinafter "the Company"), approving the System described herein for Remedial Use in the Commonwealth of Massachusetts. Sale and use of the System are conditioned on compliance by the Company and the System owner with the terms and conditions set forth below. Any noncompliance with the terms or conditions of this Approval constitutes a violation of 310 CMR 15.000.

Glenn Haas, Acting Assistant Commissioner  
Bureau of Resource Protection  
Department of Environmental Protection

July 11, 2007

Date

## **I. Purpose**

1. The purpose of this approval is to allow Remedial Use of the System in Massachusetts with the necessary permits and approvals required by 310 CMR 15.000.
2. With the necessary permits and approvals required by 310 CMR 15.000, this Approval for Remedial Use authorizes the use and installation of the System in Massachusetts.
3. The System may only be installed where conditions meet the criteria of 310 CMR 15.284(2). The System is an alternative system approved in accordance with 310 CMR 15.280 through 15.289 and is used to treat and dispose of wastewater.
4. This Approval for Remedial Use allows the use of the System where the local approving authority finds that the System is for upgrade of a failed, failing or nonconforming system. The Title 5 design flow for the facility must be less than 10,000 gallons per day.

## **II. Design and Construction Standards**

1. The System is a subsurface unit that replaces a soil absorption system (SAS) designed in accordance with 310 CMR 15.000. The System consists of an 11 5/8-inch diameter corrugated, high-density plastic pipe with a 9.5-inch interior diameter and a length of 10 feet. The exterior of the pipe has ridges on the peak of each corrugation. The pipe is perforated with eight holes equally distributed around its inner circumference. Each hole has a plastic skimmer extending inwards. The exterior of the pipe shall have a minimum of two layers of material. The inner layer shall be a thick layer of coarse, randomly oriented polypropylene fibers. The outer layer shall be a non-woven geotextile polypropylene fabric. The pipe shall be installed in a concrete system sand bed and surrounded on all sides by a minimum of six inches of system sand. Depth to the high groundwater elevation shall be measured from the bottom of the system sand underlying the pipe.
2. The System sand shall meet ASTM C-33.
3. Systems shall be installed with a differential venting for aeration and inspection at end of each run of pipe, section or serial bed and whenever the System is installed under impervious surfaces.
4. The System shall be designed and installed using distribution boxes for inspection ports. The pipe between the distribution box and the System shall be installed at a minimum slope of 0.02 feet/foot.

5. Serial distribution laterals shall be limited to no more than 500 gpd. Multi-level systems shall not be allowed.
6. The System shall be installed in a bed or field configuration, as defined in 310 CMR 15.252. The effective leaching area shall be the bottom area (length times width) of the field or bed as presented in the Company's "Massachusetts Enviro-Septic® Wastewater Treatment System Quick Reference Guide".
7. Effluent loading rates adjusted to reduce the soil absorption system by 40 percent shall be in accordance with 310 CMR 15.242. No System shall be installed with a leaching area of less than 400 square feet.
8. The System shall not require pressure distribution.
9. The System may be used in soils with a percolation rate of up to 90 minutes per inch (MPI). For soils with a percolation rate of 60 to 90 MPI, the effluent loading rate shall be 0.15 GPD/SF

### III. Allowable Soil Absorption System Design

1. Reduction of the Required Separation Distance to High Groundwater Elevation - An Applicant is eligible for a reduction in separation (four feet in soils with a recorded percolation rate of more than two minutes per inch or five feet in soils with a recorded percolation rate of two minutes or less per inch) between the bottom of the SAS and the high groundwater elevation, where all of the following conditions are met.
  - A. A minimum two foot separation (in soils with a recorded percolation rate of more than two minutes per inch) or a minimum three foot separation (in soils with a recorded percolation rate of two minutes or less per inch) between the bottom of the sand underlying the SAS and the high groundwater elevation is maintained. Any such reduction must first be approved by the local approving authority and then approved by the Department pursuant to 310 CMR 15.284.
  - B. No further reduction, than specified in Section II (7), in the required SAS size is allowed.
  - C. No reduction in the required four feet of naturally occurring pervious material is allowed unless the Applicant has demonstrated that the four foot requirement cannot be met anywhere on the site. Any such reduction must first be approved by the local approving authority and then approved by the Department pursuant to 310 CMR 15.284.
  - D. Where full compliance with all of the minimum set back distances in 310 CMR 15.211 is not feasible, the local approving authority may allow a

reduction under a local upgrade approval in accordance with 310 CMR 15.405 (1) (a), (b), (f), (g), and (h).

E. Where full compliance with all of the minimum set back distances in 310 CMR 15.211 is not feasible, even taking into account provisions for local upgrade approval as described above, then pursuant to 310 CMR 15.410, the applicant first must obtain variance(s) from the local approving authority and then approval of the Department.

2. Reduction of the Requirement for Four Feet of Naturally Occurring Pervious Material – An Applicant is eligible for a reduction in the required four feet of naturally occurring pervious material in an area of no less than two feet of naturally occurring pervious material, where all of the following conditions are met.

A. The Applicant has demonstrated that the four foot requirement cannot be met anywhere on the site. Any such reduction must first be approved by the local approving authority and then approved by the Department pursuant to 310 CMR 15.284.

B. No further reduction, than specified in Section II (7), in the required SAS size is allowed.

C. No reduction in the required separation (four feet in soils with a recorded percolation rate of more than two minutes per inch or five feet in soils with a recorded percolation rate of two minutes or less per inch) between the bottom of SAS and the high groundwater elevation is allowed unless such a reduction is first approved by the local approving authority and then approved by the Department pursuant to 310 CMR 15.284.

D. Where full compliance with all of the minimum set back distances in 310 CMR 15.211 is not feasible, the local approving authority may allow a reduction under a local upgrade approval in accordance with 310 CMR 15.405 (1) (a), (b), (f), (g), and (h).

E. Where full compliance with all of the minimum set back distances in 310 CMR 15.211 is not feasible, even taking into account provisions for local upgrade approval as described above, then pursuant to 310 CMR 15.410, the applicant first must obtain variance(s) from the local approving authority and then approval of the Department.

#### **IV. General Conditions**

1. All provisions of 310 CMR 15.000 are applicable to the use of this System, the System owner and the Company, except those that are varied by the terms of this Approval.
2. All sample analysis must be conducted by an independent U.S. EPA or DEP approved testing laboratory, or a DEP approved independent university laboratory. It is a violation of this Approval to falsify any data collected, to omit any required data or to fail to submit any report required by such plan.
3. The facility served by the System and the System itself shall be open to inspection and sampling by the Department and the local approving authority at all reasonable times.
4. In accordance with applicable law, the Department and the local approving authority may require the System owner to cease operation of the system and/or to take any other action as it deems necessary to protect public health, safety, welfare and the environment.
5. The Department has not determined that the performance of the System will provide a level of protection to public health and safety and the environment that is at least equivalent to that of a sewer system. No System shall be installed, upgraded or expanded, if it is feasible to connect the facility to a sanitary sewer, unless as allowed by 310 CMR 15.004. When a sanitary sewer connection becomes feasible, the facility served by the System shall be connected to the sewer, within 60 days of such feasibility, and the System shall be abandoned in compliance with 310 CMR 15.354, unless a later time is allowed, in writing, by the approving authority.
6. Design, installation and operation shall be in strict conformance with the Company's DEP approved plans and specifications, 310 CMR 15.000 and this Approval.

#### **V. Conditions Applicable to the System Owner**

1. The System is approved for the treatment and disposal of sanitary sewage only. Any wastes that are non-sanitary sewage generated or used at the facility served by the System shall not be introduced into the System and shall be lawfully disposed.
2. The System owner shall at all times properly operate and maintain the on-site sewage disposal system. The System owner shall have the System inspected annually by an operator trained by the Company and shall submit the results of that inspection, on a technology checklist, to the local approving authority.

3. The System owner shall furnish the Department any information that the Department requests regarding the operation and performance of the System, within 21 days of the date of receipt of that request.
4. No System owner shall authorize or allow the installation of the System other than by a person trained by the Company to install the System.
5. Prior to the issuance of a Certificate of Compliance for the System, the System owner shall record and/or register in the appropriate Registry of Deeds and/or Land Registration Office, a Notice disclosing both the existence of the alternative septic system subject to this Approval on the property and the Department's approval of the System. If the property subject to the Notice is unregistered land, the Notice shall be marginally referenced on the owner's deed to the property. Within 30 days of recording and/or registering the Notice, the System owner shall submit the following to the Department and the local approving authority: (i) a certified Registry copy of the Notice bearing the book and page/instrument number and/or document number; and (ii) if the property is unregistered land, a Registry copy of the owner's deed to the property, bearing the marginal reference.

#### **VI. Conditions Applicable to the Company**

1. By January 31<sup>st</sup> of each year, the Company shall submit a report to the Department, signed by a corporate officer, general partner or Company owner that contains information on the System, for the previous calendar year. The report shall state: the number of units of the System sold for use in Massachusetts including the installation date and date of start-up during the previous year; the address of each installed System, the owner's name and address, the type of use (e.g. residential, commercial, school, institutional) and the design flow; and for all Systems installed since the date of issuance of this Approval, all known failures, malfunctions, and corrective actions taken and the address of each such event.
2. The Company shall notify the Director of the Watershed Permitting Program at least 30 days in advance of the proposed transfer of ownership of the technology for which this Approval issued. Said notification shall include the name and address of the proposed new owner and a written agreement between the existing and proposed new owner containing a specific date for transfer of ownership, responsibility, coverage and liability between them. All provisions of this Approval applicable to the Company shall be applicable to successors and assigns of the Company, unless the Department determines otherwise.
3. The Company shall develop and submit to the Department: an operating manual, including information on substances that should not be discharged to the System and a recommended schedule for maintenance of the System essential to consistent successful performance of the installed Systems within 60 days of the effective date of this Approval.

4. The Company shall make available, in print and electronic format, the referenced procedures in paragraphs 3 above to System owners, operators, designers and installers.
5. The Company shall institute and maintain a training program in the proper design, installation and inspection techniques of its System and provide a training course at least annually for prospective designers, installers and inspectors. The Company shall certify that installers and inspectors have completed the Company's training class, maintain a list of trained installers and inspectors, submit a copy to the Department, and update the list annually. Updated lists shall be forwarded to the Department.
6. The Company shall furnish the Department any information that the Department requests regarding the System, within 21 days of the receipt of that request.
7. The Company shall include copies of this Approval and the procedures in Section VI (3) with each System that is sold. In any contract executed by the Company for distribution or re-sale of the System, the Company shall require the distributor or reseller to provide each purchaser of the System with copies of this Approval and the procedures described in Section VI (3).
8. The Company shall comply with 310 CMR 15.000 and all Department policies and guidance that apply and as they may be amended from time to time.
9. If the Company wishes to continue this Approval after its expiration date, the Company shall apply for and obtain a renewal of this Approval. The Company shall submit a renewal application at least 180 days before the expiration date of this Approval, unless written permission for a later date has been granted in writing by the Department. This approval shall continue in force until the Department has acted on the renewal application.

**VII. Conditions Applicable to Installers of the System**

1. Each Installer shall install the System in accordance with Company training on the installation of the System and the conditions of this Certification.
2. No Installer shall install the System unless the Installer has been trained by the Company on installation of the System or the installation is overseen by a Company representative(s).
3. Installers shall complete the System Installation Form and forward a copy to the Company and the local approving authority.

4. The System installer shall provide the System owner and the local approving authority with a bill of lading certifying that the sand fill meets ASTM C-33.

#### **VIII. Reporting**

1. All notices and documents required to be submitted to the Department by this Approval shall be submitted to:

Director  
Wastewaters Management Program  
Department of Environmental Protection  
One Winter Street - 5th floor  
Boston, Massachusetts 02108

#### **IX. Rights of the Department**

1. The Department may suspend, modify or revoke this Approval for cause, including, but not limited to, non-compliance with the terms of this Approval, non-payment of the annual compliance assurance fee, for obtaining the Approval by misrepresentation or failure to disclose fully all relevant facts or any change in or discovery of conditions that would constitute grounds for discontinuance of the Approval, or as necessary for the protection of public health, safety, welfare or the environment, and as authorized by applicable law. The Department reserves its rights to take any enforcement action authorized by law with respect to this Approval and/or the System against the owner, or operator of the System and/or the Company.

#### **X. Expiration Date**

1. Notwithstanding the expiration date of this Certification, any System installed prior to the expiration date of this Certification, and approved, installed and maintained in compliance with this Certification (as it may be modified) and 310 CMR 15.000, may remain in use unless the Department, the local approving authority, or a court requires the System to be modified or removed, or requires discharges to the System to cease.