

WESTON BOARD OF HEALTH

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MEMORANDUM

TO: WESTON BOARD OF SELECTMEN
FROM: WESTON BOARD OF HEALTH
SUBJECT: STONY BROOK WESTON – COMPREHENSIVE PERMIT SITE APPROVAL APPLICATION
DATE: DECEMBER 22, 2016

The Weston Board of Health (WBOH) reviewed the Site Approval Request submitted by 104 Stony Brook, LLC, to the Massachusetts Housing Finance Agency. The WBOH found that site is almost entirely within 400' buffer zone of the Stony Brook Reservoir which is a surface water supply for the City of Cambridge. Further, although the exact location of drainage for the roadway is unknown, it is likely that the portion of the site that falls outside of the 400' buffer zone lies within the setback distance for the street drainage.

Both Title 5 of the State Environmental Code 310 CMR 15.211 and the Ground Water Discharge Permit Program (GWDPP), 314 CMR 5.06 (1c) require all discharges, conveyance structures and tankage to be outside the 400 buffer zone of a Zone A surface water supply and 100' from any drainage conveyance associated with a surface water supply.

Weston is not a part of the MWRA Sewer Program and cannot connect any services to the existing sewer line from Regis College to the Waltham MWRA line.

The State Sanitary Code 105 CMR 410.300 requires all dwellings to be connected to a public sewer or an approved system meeting the requirements of the Department of Environmental Protection.

We have included excerpts from the stated regulations for review.

The WBOH has no evidence that the proposed project can meet performance standards for the installation of a septic system meeting the requirements of the State Environmental Code, 310 CMR 15.000 Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal or 314 CMR 5.000 Ground Water Discharge Permit Program (GWDPP).

The Weston Board of Health cannot support this project as proposed due to the fact that there is no acceptable means of addressing the wastewater generated at this site as required by the Sate Environmental and Sanitary Codes.

105 CMR 410.300

410.300: Sanitary Drainage System Required

The owner shall provide, for each dwelling, a sanitary drainage system connected to the public sewerage system, provided, that if, because of distance or ground conditions, connection to a public sewerage system is not practicable, the owner shall provide, and shall maintain in a sanitary condition, a means of sewage disposal which is in compliance with 310 CMR 15.00: *Subsurface Disposal of Sanitary Sewage (Title V)*. (See 105 CMR 410.840.)

In dwellings that are in compliance with the requirements of M.G.L. c. 186, § 22, the owner may charge the occupants for the cost of sewer service in accordance with M.G.L. c. 186, § 22.

310 CMR 15.000

15.211: Minimum Setback Distances

(1) All systems must conform to the minimum setback distance for septic tanks, holding tanks, pump chambers, treatment units and soil absorption systems, including reserve area, measured in feet and as set forth below. Where more than one setback applies, all setback requirements shall be satisfied.

	Septic Tank Holding Tank Pump Chamber Treatment Unit Grease Traps	Soil Absorption System
Water Supply Line (pressure)	10[1]	10[1]
Surface Water Supply - Reservoirs and Impoundments Tributaries to Surface Water Supplies	400	400
Wetlands bordering Surface Water Supply or Tributary thereto	100	100
Open, Surface or Subsurface Drains which discharge to Surface Water Supplies or tributaries thereto	50	100

314 CMR 5.00 Ground Water Discharge Permit Program (GWDPP).

5.06: Restrictions on the Issuance of a Permit

(1) The Department will not issue a permit pursuant to 314 CMR 5.00 if the discharge will cause or contribute to a violation of 314 CMR 4.00: Massachusetts Surface Water Quality Standards or impair the use of ground water as an actual or potential source of potable water. In addition, the Department shall not issue a permit pursuant to 314 CMR 5.00 for the following discharges:

(c) A discharge of effluent from a POTW within the Zone A of a public water supply source.

(g) A discharge of effluent from a PWTF limited to the treatment of sewage within the Zone A of a public water supply source.

Zone A - the land area between a surface water source and the upper boundary of the bank as defined in 310 CMR 22.02: *Definitions*, the land area within a 400 foot lateral distance from the upper boundary of a bank of a Class A surface water source as defined in 314 CMR 4.05(3)(a): Class A; and the land area within a 200 foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body.

Privately Owned Wastewater Treatment Facility or **PWTF** - any device or system owned by a private entity that is used for the treatment and disposal (including recycling and reclamation) of sewage or industrial wastewater. Privately Owned Wastewater Treatment Facility includes the sewers, pipes, pump stations, or other conveyances that carry the wastewater to the treatment facility and the discharge location.

Publicly Owned Treatment Works or **POTW** - any device or system used in the treatment (including recycling and reclamation) and disposal of municipal sewage or industrial wastewater which is owned by a local government unit. A POTW includes any sewers, pipes, pump stations, or other conveyances only if they convey wastewater to a POTW providing treatment, or to the location where the treated wastewater is discharged.

314 CMR 4.05: Classes and Criteria

(1) Classes and Uses. The surface waters of the Commonwealth shall be segmented and each segment assigned to one of the Classes listed in 314 CMR 4.05(3) and (4). Each class is identified by the most sensitive, and therefore governing, water uses to be achieved and protected.

(3) Inland Water Classes.

(a) Class A. These waters include waters designated as **a source of public water supply** and their tributaries. They are designated as excellent habitat for fish, other aquatic life and wildlife, including for their reproduction, migration, growth and other critical functions, and for primary and secondary contact recreation, even if not allowed. These waters shall have excellent aesthetic value. These waters are protected as Outstanding Resource Waters.