

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

15.002: continued

Acre - a unit of land measure equal to 40,000 square feet which is considered a building acre in accordance with standard real estate practices.

Agency - an agency, department, board, commission or authority of the Commonwealth or of the federal government and any authority of any political subdivision, which is specifically created as an authority under special or general law. The term shall not include housing authorities permitted pursuant to M.G.L. c. 40A.

Alternative Systems - Systems designed to provide or enhance on site sewage disposal which either do not contain all of the components of an on site disposal system constructed in accordance with 310 CMR 15.100 through 15.255 or which contain components in addition to those specified in 310 CMR 15.100 through 15.255 and which are proposed to the Local Approving Authority and/or the Department, or an agent authorized by the Department, for remedial, pilot, provisional, or general use approval pursuant to 310 CMR 15.280 through 15.289.

Approved Capacity - The capacity of a 1978 Code system reflected by the sewage flow as shown on the Disposal Works Construction Permit Application or as shown on the Certificate of Compliance, whichever is less for that system and not the calculated capacity based on 1978 Code loading rates which may account for overdesign or safety factors. For a system designed in accordance with 310 CMR 15.000, the approved calculated capacity is based on the loading rates found at 310 CMR 15.242.

Approving Authority - A Local Approving Authority as defined in 310 CMR 15.002; or the Department, with regard to systems owned or operated by an agency of the Commonwealth or of the federal government, systems serving a facility with a design flow of 10,000 gallons per day or greater, systems subject to a variance granted under 310 CMR 15.416, or on a case by case basis as determined by the Department to be necessary to carry out the purposes of 310 CMR 15.000; or the Department with regard to alternative systems proposed in compliance with 310 CMR 15.280 through 15.289.

ASTM - The American Society of Testing and Materials.

Authorized Agent - A person or entity authorized in writing by the Department to act on its behalf in the implementation and oversight of responsibilities, as identified in 310 CMR 15.000.

Bank (Coastal) - Any land or surface area so defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and 310 CMR 10.30(2). Generally, the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland.

Bank (Inland) - Any land or surface area so defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and 310 CMR 10.54(2). Generally, a portion of the land surface which normally abuts and confines a water body.

Barrier Beach - Any land or surface area so defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and 310 CMR 10.29(2). Generally, a narrow low-lying strip of land generally consisting of coastal beaches and coastal dunes extending roughly parallel to the trend of the coast, separated from the mainland by a narrow body of fresh, brackish, or saline water or a marsh system.

Bedrock - Solid rock exposed at the surface or overlain by unconsolidated gravel, sand, silt and/or clay. Bedrock includes weathered or saprolitic components thereof. Bedrock types are defined and most of their areal extent are described in the "Bedrock Geologic Map of Massachusetts" published by the Massachusetts Department of Public Works (1983).

Bedroom - A room providing privacy, intended primarily for sleeping and consisting of all of the following:

- (a) floor space of no less than 70 square feet;
- (b) for new construction, a ceiling height of no less than seven feet three inches;

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

15.002: continued

(c) for existing houses and for mobile homes, a ceiling height of no less than seven feet zero inches;

(d) an electrical service and ventilation; and

(e) at least one window.

Living rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars and unheated storage areas over garages are not considered bedrooms. Single family dwellings shall be presumed to have at least three bedrooms. Where the total number of rooms for single family dwellings exceeds eight, not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two then rounding down to the next lowest whole number. The applicant may design a system using design flows for a smaller number of bedrooms than are presumed in this definition by granting to the Approving Authority a deed restriction limiting the number of bedrooms to the smaller number.

Biological Mat - A layer composed of microorganisms and organic material located below a soil absorption system which forms on the infiltrative surface of soil and which provides biological treatment of septic tank effluent.

Blackwater - Wastewater from toilets, urinals, and any drains equipped with garbage grinders.

Bordering Vegetated Wetland - Any land or surface area so defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and 310 CMR 10.55(2).

Building - A structure enclosed within exterior walls or firewalls, built, erected, or framed of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property.

Building Sewer - A pipe which begins outside the inner face of a building wall and extends to an on-site system or municipal or private sewer.

Campground - A facility regulated pursuant to 105 CMR 430.00: *Minimum Standards for Recreational Camps for Children (State Sanitary Code: Chapter IV)* or 105 CMR 440.00: *Minimum Standards for Developed Family Type Campgrounds (State Sanitary Code: Chapter VI)* and any campground operated by the Department of Conservation and Recreation in a State Park.

Cellar Wall - That portion of the outside surface of the foundation wall enclosing a full basement which is above the cellar floor and below the ground surface.

Certificate of Compliance or Certificate - A certificate issued by the Approving Authority to the owner or operator of a system in accordance with 310 CMR 15.021 indicating that an on-site system has been constructed or upgraded, and inspected, as necessary in compliance with 310 CMR 15.000.

Certified System - An alternative system which has been approved by the Department for specified uses or site conditions pursuant to 310 CMR 15.288. Systems which have been certified may be approved for use by approving authorities without further Departmental review but subject to any limitations on their use imposed by the Department pursuant to 310 CMR 15.000.

Certified Vernal Pool - A surface water body that has been certified by the Massachusetts Division of Fisheries and Wildlife as a vernal pool in accordance with the "Vernal Pool Certification Guidelines" pursuant to the Massachusetts Natural Heritage and Endangered Species Program administered by the Massachusetts Department of Fish and Game at the time a permit application is submitted to the Approving Authority.

Cesspool - A pit with open-jointed linings or holes in the bottom and/or sidewalls into which raw sewage is discharged, the liquid portion of the sewage being disposed of by seeping or leaching into the surrounding soils, and the solids or sludge being retained in the pit. Cesspools are nonconforming systems.