



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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PILOTING APPROVAL

Pursuant to Title 5, 310 CMR 15.000

Name and Address of Applicant:

PekaSys Inc.
486 Lewisberry Road
New Cumberland, PA 17070

Trade name of technology and model numbers: Clear Rex Bubbler, models 4-16 PE, 17-30 PE and 31-50 PE (hereinafter the "System" or "Technology"). Schematic drawings illustrating the System and a technology checklist are attached and are part of this Approval.

Transmittal Number: X229027
Date of Issuance: February 15, 2011
Date of Expiration: February 15, 2016

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: PekaSys Inc., 486 Lewisberry Road, New Cumberland, PA (hereinafter "the Company"), to Pilot in the Commonwealth of Massachusetts the System described herein. Sale and use of the System are conditioned on and subject to 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.

David Ferris, Director
Wastewater Management Program
Bureau of Resource Protection

February 15, 2011
Date

I. Purpose

1. The purpose of this Approval is to provide field testing and technical demonstration of the System in Massachusetts, on a Pilot Approval basis, so as to evaluate that the System can function effectively.
2. With the necessary permits and approvals required by 310 CMR 15.000, this Pilot Approval authorizes the use and installation of the System in Massachusetts. The Department will require monitoring to determine whether the System is capable of consistently functioning to effectively reduce Biochemical Oxygen Demand (BOD5) and Total Suspended Solids (TSS) in the effluent to 30 mg/L or less, while maintaining an effluent pH between 6.0 and 9.0 standard units (S.U.), as claimed by the Company. Design flow for installed Systems shall not exceed 400 gallons per day.
3. The System must be installed and operated in conformance with 310 CMR 15.285 and only on facilities that meet the criteria of 310 CMR 15.285(2).
4. This Piloting Approval authorizes the use of the System, with the approval of the local approving authority, for upgrades of existing failed, failing or substandard systems and for new construction for systems with design flows less than 400 gallons per day.

II. Design Standards

1. The Clear Rex Bubble (System) operates in a fill and draw sequencing batch reactor (SBR) mode and can be used in new and retrofit situations. Secondary biological treatment of the wastewater by suspended growth occurs using the activated sludge extended aeration process. The System consists of a control panel, pumps, aerators, and installation materials.
2. The System is installed in series between a septic tank and a soil absorption system (SAS) constructed in accordance with 310 CMR 15.100 - 15.279, subject to the provisions of this Approval. The System requires a Pretreatment tank such as a new or existing septic tank in conformance with 310 CMR 15.223 through 15.226, and a Reactor tank. The System is installed in the Reactor tank. The two tanks provide for a primary settling zone and an aerobic biological zone. Solids settle in the quiescent pretreatment tank. The reactor tank contains the Clear Rex Bubbler unit running automatically as an SBR. The floating Clear Rex Bubbler unit includes 3 integrated pumps for; aeration/mixing, filling/sludge pumping and clear water pumping. The control panel is equipped with an alarm and is pre-programmed for design flow. The System is fully automatic, operates off a 120-volt power supply and requires a 3-foot minimum tank depth. The system can be equipped with an optional communicator to transmit alarms and information over the internet or phone line, and has a built in function to identify and adapt to changes in water flows. A special "vacation" mode is designed to keep the bacteria alive during non-occupancy periods of up to 5 months.

3. The System shall include a properly sized and constructed septic tank, designed in accordance with 310 CMR 15.223 – 15.229, connected to the building sewer and followed in series by the System and SAS.
4. The System shall be installed in a manner which neither intrudes on, replaces any component of, or adversely affects the operation of any component of the subsurface sewage disposal system designed and constructed in accordance with the standards of 310 CMR 15.200 - 15.279.
5. The System shall be provided with visible and audible alarms that are activated in event of equipment malfunction. The alarms and controls shall be housed within an enclosure mounted in a location readily accessible to the operator.
6. Access to all System tanks and to the septic tank shall be in accordance with 310 CMR 15.228 (2). The septic tank shall have at least three manholes, with the two over the inlet and outlet having a minimum opening of 20 inches. All access ports and manhole covers shall be secure removable impermeable covers of durable material installed and maintained at or above finish grade to allow for maintenance of the System (except septic tank covers which are not required to be at finish grade).
7. The System shall use appropriate H-20 loading capable tanks and covers for areas subject to traffic loads.
8. Any System structures with exterior piping connections located within 12 inches or below the Estimated Seasonal High Groundwater elevation shall have the connections made watertight with neoprene seals or equivalent.
9. New Construction:
 - a. When the System is used for new construction no reduction in SAS field size is allowed under this approval. Design flow shall not exceed 400 gallons per day. For new construction or increases in flow, Systems for piloting may only be installed to serve facilities provided that:
 - i. a site evaluation, in compliance with 310 CMR 15.100 through 15.107, has been approved by the local Approving Authority;
 - ii. the Designer shows on the plans:
 - (1) an existing conforming conventional system on-site that is sized for the proposed design flow and is approved with a separate reserve area in accordance with 310 CMR 15.000; or
 - (2) a primary area for a conventional system that could be built on-site with a separate reserve area in accordance with the design standards for new construction of 310 CMR 15.100 through 15.293; and
 - (3) the Approving Authority approves the reserve area for a conventional system designed in accordance with the standards for new construction of 310 CMR 15.100 through 15.293.

10. Remedial Use for Upgrades:

- a. To upgrade or replace an existing failed or nonconforming system where a conventional system designed in accordance with the standards for new construction of 310 CMR 15.100 through 15.293 could be feasibly built on-site, an Alternative System may be installed, provided that:
 - i. there is no increase in the actual or proposed design flow;
 - ii. System installations are limited to design flows 400 GPD or less and soils 60 minutes per inch or faster;
 - iii. the Designer shows on the plans an area for the best feasible conventional upgrade without the use of any alternative System, in the event that the piloted alternative System fails or is not capable of providing equivalent environmental protection;
 - iv. the Designer demonstrates that the impact of the proposed Alternative System has been considered and the design requirements of 310 CMR 15.000 have been varied to the least degree necessary so as to allow for both the best feasible upgrade within the borders of the lot and have the least effect on public health, safety, welfare and the environment; and
 - v. both the installation of the Alternative System and the System Owner shall not disturb the site in any manner that would render it unusable for the future installation of a conventional system designed in accordance with the standards for new construction of 310 CMR 15.100 through 15.293.
- b. For Systems sited in soils with a percolation rate of 60 minutes or less per inch, the size of the SAS may be reduced up to 50 percent from the effective leaching area required when using the loading rates for gravity systems of 310 CMR 15.242(1)(a), provided that:
 - i. no reduction is allowed for a reduction in depth to groundwater;
 - ii. no reduction is allowed in the required four feet of naturally occurring pervious material;
 - iii. effluent pressure distribution is provided and designed in accordance with Department guidance. The Department's Pressure Distribution Guidance can be viewed on the internet under *Title 5/Septic Systems Guidance* at <http://mass.gov/dep/water/laws/policies.htm#t5guid>; and
 - iv. no further reduction in the required effective leaching area is allowed under LUA (310 CMR 15.403 – 405).

III. General Conditions

1. No more than 15 Systems may be installed under this Approval as required by 310 CMR 15.285(2), and facility design flow shall not exceed 400 gallons per day. A representative of the Company shall be on site to inspect and approve each System installation.

2. All provisions of 310 CMR 15.000 are applicable to the use of this System, the System owner and the Company, except those that specifically have been varied by the terms of this Approval.
3. Any required operation and maintenance shall be performed in accordance with a Department approved plan. Any required sample analysis shall 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 pursuant to an approved testing plan, to omit any required data or to fail to submit any report required by such plan. This and other general requirements applicable to use of alternative systems are listed at 310 CMR 15.287.
4. The System Designer shall be a Massachusetts Registered Professional Engineer or a Massachusetts Registered Sanitarian, including when designing systems for repair.
5. The following table lists the monitoring requirements for Systems installed under this Approval. All monitoring data shall be submitted to the Department and local approving authority within 45 days of the sampling date.

TABLE 1 – Initial Inspection and Sampling Schedule

Sampling location	Minimum Frequency	Parameter³	Effluent Limits	Sample Type
Effluent ¹	Monthly for at least the first 18 months	pH	6 to 9 S.U. ²	Grab
		BOD ₅	30 mg/l ⁴	Grab
		TSS	30 mg/l	Grab
		Flow ⁵	----	Flow meter, or, Water meter reading

Footnotes:

- ¹ Effluent sampling location shall be at Reactor tank effluent, distribution box, pipe entering effluent pump chamber or other location representative of System effluent.
- ² Standard units
- ³ Any other parameters sampled shall be reported.
- ⁴ mg/l = milligrams per liter
- ⁵ Flow Metering – Flow shall be recorded each time the system is inspected and sampled by the System Operator and may be based on either actual metering data of System wastewater flow, or, water meter data for the total facility adjusted during summer months if necessary using winter season water use data.

6. If after 18 months System is operating successfully, BOD₅ and TSS sampling may be suspended and the System Operator may then begin inspection and field testing of the System at least every six months in accordance with the Department’s policy and anytime there is an alarm event. Reduced System monitoring requires the System comply with the following parameters which are to be field measured, recorded, and reported. This policy, *Inspection and Sampling in Title 5 I/A Single Family Home*

Remedial and General Use Treatment Systems with Design Flows Less than 2000 gallons/day can be viewed on the internet at <http://mass.gov/dep/water/wastewater/iatechs.htm>. The policy's Remedial use requirements are the applicable requirements.

TABLE 2 – Reduced Monitoring Schedule with Field Testing *

Parameter	Monitoring Frequency	Sample Type	Location	Effluent Limits
pH	every 6 months	measure	effluent	6 to 9 S.U.
turbidity	every 6 months	measure	effluent	≤ 40 NTU
dissolved oxygen	every 6 months	measure	effluent	≥ 2 mg/l
Flow (see Item 5, footnote 5)	every 6 months	meter reading	System influent-effluent, or, water meter	----

* The Field Testing Protocol can be viewed on the internet at <http://www.mass.gov/dep/water/laws/policies.htm#t5pols>.

a. Field Testing – Exceedances

If field testing indicates exceedances of the criteria for pH, turbidity, or dissolved oxygen, the Operator shall perform any maintenance, repairs, or adjustments, as deemed appropriate, and shall take a sample for laboratory analyses.

If the laboratory analysis results indicate violations of the secondary treatment standards, the Operator shall perform a follow-up inspection within 60 days of the original inspection and perform additional field testing.

If the additional field testing indicates exceedances of the criteria for pH, turbidity, or dissolved oxygen, the Operator shall perform any maintenance, repairs, or adjustments, as deemed appropriate, and shall take another sample for laboratory analyses.

If the second laboratory analysis results indicate violations of the secondary treatment standards, the Operator shall submit a report to the System Owner and the Approving Authority within 60 days of the follow-up inspection. The report shall include field testing results, laboratory analyses, inspection checklists, and the report shall detail steps taken to bring the system into compliance and proposed recommendations for further action.

7. Violations of the BOD5, TSS or pH in the System effluent shall not constitute a failure of the System for the purposes of 24-hour notification as required in provisions applicable to all Alternative Systems. Breakout constitutes a failure of the System. If breakout occurs, the Operator and System Owner shall comply with the 24-hour notification reporting provisions applicable to all Alternative Systems.

8. 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.
9. In accordance with applicable law, the Department and/or 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.
10. 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. Accordingly, no System shall be installed, 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 Department.
11. Installation of the System shall be in strict conformance with the Designer's approved plans and specifications, 310 CMR 15.000 and this Approval.
12. The System Owner and the Designer shall not submit to the local approving authority a Disposal System Construction Permit (DSCP) application for use of the System after the expiration date of the Approval for the Technology, except where the Company for the Technology demonstrates that a complete renewal application was submitted to the Department at least 180 days prior to the date of expiration, or a later date if granted in writing by the Department. The Approval continues in effect until the Department has acted on the timely and complete renewal application.
13. The Approval shall only apply to model units with the same model designations specified in this Approval and meet the same specifications, operating requirements, and plans, as provided by the Company at the time of the application. Any proposed modifications of the units shall be subject to the review of the Department for coverage under the Approval.

IV. Conditions Applicable to the System Owner

1. The System is approved in connection with the discharge of sanitary wastewater only. Any non-sanitary wastewater generated or used at the facility served by the System shall not be introduced into the System and shall be lawfully disposed of.
2. Effluent discharge shall not exceed the limitations listed in Section III, item 4, Table 1.
3. Operation and Maintenance plan and agreement:
 - a. Throughout its life, the System shall be under an operation and maintenance (O&M) agreement. The first O&M agreement shall be for at least 18 months

with the Company or its licensed agents as described in Section V, items 5. Each subsequent O&M agreement shall be for at least one year.

- b. No System shall be used until an O&M plan is submitted to the local approving authority which:
 - i. provides for the contracting of a person or firm competent in providing services consistent with the System's specifications and the operation and maintenance requirements specified by the Designer and any specified by the Department;
 - ii. contains routine O&M activities specified by the Company necessary for proper operation of the System;
 - iii. contains procedures and responsibilities for recording monthly wastewater flow or water meter readings;
 - iv. contains procedures for notification to the Company and the local approving authority within five days of a System failure or alarm event and for corrective measures to be taken immediately;
 - v. provides the name of an Operator, which must be a Massachusetts certified operator, minimum Grade II, as required by 257 CMR 2.00, that will operate and maintain the System at the frequency specified in Section III, item 4 - Table 1, or, item 5 - Table 2, as applicable, and anytime there is an alarm event, and
 - vi. shall require submittal of sampling or monitoring data and Operator inspection results to the Department and the local approving authority within 45 days of each sampling date and each inspection date. The inspection results must be recorded on a DEP approved inspection form (see <http://www.mass.gov/dep/water/approvals/t5forms.htm#inspect>) and the Company's technology inspection checklist. The forms must be completed and signed by the System operator.
4. Inspection, operation/maintenance, sampling, and field testing of the System required by the Approval shall be performed by a Service Contractor/Operator who has been trained by the Company, met the Company training qualifications and whose name appears on the Company's current list of qualified Service Contractors/Operators.
5. After the first 18 months of operation, if the System is approved as acceptable by the Department, the System owner may reduce inspection and monitoring as prescribed in Section III, item 5, Table 2.
6. The System owner shall at all times have the System properly operated and maintained in accordance with the Company's and the designer's operation and maintenance requirements and this Approval.
7. Anytime the Operator is changed, within seven days of such change, the System owner shall notify the Department and the local approving authority in writing and submit a copy of the new agreement to operate and monitor the System.

8. The System owner shall furnish the Department any information, which the Department may request regarding the System, within 21 days of the date of receipt of that request.
9. Prior to signing any agreement to transfer any or all interest in the property served by the System, or any portion of the property, including any possessory interest, the System Owner shall provide written notice of all conditions contained in the Approval to the transferee(s). Any and all instruments of transfer and any leases or rental agreements shall include as an exhibit attached thereto and made a part of thereof a copy of the Approval for the System. The System Owner shall send a copy of such written notification(s) to the Local Approving Authority within 10 days of giving such notice to the transferee(s).
10. Prior to installation of the System, the System Owner shall submit to the Department the written approval of the local approving authority, together with a copy of the complete application submitted to the local approving authority and a complete BRP WP 64b application and obtain DEP written approval as required by 310 CMR 15.285(2). The WP 64b application can be obtained on the internet at <http://www.mass.gov/dep/water/approvals/t5forms.htm#ia>.
11. Prior to commencement of construction of the System and after recording and/or registering the Deed Notice required by 310 CMR15.287(10), the System Owner shall provide to the local approving authority a copy of:
 - a. a certified Registry copy of the Deed Notice bearing the book and page/or document number; and
 - b. if the property is unregistered land, a Registry copy of the System Owner's deed to the property, bearing a marginal reference on the System Owner's deed to the property.

The Notice to be recorded shall be in the form of the Notice provided by the Department. A copy of the Deed Notice form can be obtained at <http://www.mass.gov/dep/water/laws/policies.htm#t5guid>.
12. The Company must review, approve, and sign off on all designs of the System prior to the submittal to the local approving authority and the Department.
13. The System Owner shall maintain on-site, at all times, a copy of the approved plans, the Owner's Manual, the O&M Manual, and a copy of the Approval.
14. The System Owner shall not install, modify, upgrade, or replace the System except in accordance with a valid DSCP issued by the local approving authority which covers the proposed work.
15. Any inspection, operation, maintenance, or monitoring requirements remain in effect until the Conditions are modified, terminated, or superseded by a new Approval.

16. The System Owner shall notify the local approving authority in writing within seven days of any cancellation, expiration or other change in the terms and/or conditions of the O&M Agreement required by Paragraph IV, item 3.
17. Upon determining that the System has failed, as defined in 310 CMR 15.303, the System Owner or Service Contractor/Operator shall be responsible for the notification of the local approving authority within 24 hours of such determination.
18. This Approval shall be binding on the System Owner and on its agents, contractors, successors, and assigns, including but not limited to the Designer, Installer, and Service Contractor/Operator. Violation of the terms and conditions of this Approval by any of the foregoing persons or entities, respectively, shall constitute violation of this Approval by the System Owner unless the Department determines otherwise.

V. Conditions Applicable to the Company

19. By **February 15th** 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 all Systems installed in Massachusetts utilizing the Technology. The information shall include:
 - a. the address of each facility where the Technology was installed, the owner's name and address (if different), the type of use (e.g. residential, commercial, institutional, etc.), the design flow;
 - b. the installation date and date of start-up;
 - c. the name of the Operator (or 'Service Contractor'); and
 - d. the report shall include a history of all failures and malfunctions of systems since the date of installation with the address, the date of each event, and corrective actions taken, including but not limited to, design, installation, operation, or maintenance changes required to reach compliance.
20. The Company shall notify the Director of the Wastewater Management Program at least 30 days in advance of the proposed transfer of ownership of the technology for which this Approval is 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.
21. The Company shall make available to owners, operators, and installers of the System, in printed and electronic format: minimum installation requirements; an operating manual, including information on substances that should not be discharged to the System; a protocol for collecting samples for laboratory analysis; a maintenance checklist; a list of trained Operators and a recommended schedule for maintenance of the System. It is recommended the Company have a Massachusetts page on their web site to include these items.

22. The Company shall develop and submit to the Department within 60 days of the effective date of this Approval a standard protocol essential for consistent and accurate measurement of performance of installed Systems, including procedures for sample collection and analysis of the System. The protocol shall be in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.
23. The Company shall institute and maintain a program of Operator training and continuing education. The Company shall maintain and annually update, and make the list of qualified Operators available by **February 15** of each year. The Company shall also make the list known to the local approving authorities, the Department and users of the technology.
24. The Company shall furnish the Department any information that the Department requests regarding the System, within 21 days of the date of receipt of that request.
25. Prior to its sale of the System, the Company shall provide the purchaser with a copy of this Approval. In any contract for distribution or sale of the System, the Company shall require the distributor or seller to provide the purchaser of the System, prior to any sale of the System, with a copy of this Approval.
26. For at least the first 18 months of operation, the Company shall be responsible for operating, maintaining and monitoring the Systems in accordance with Section III, item 4, Table 1 of this Approval. The Company shall submit monitoring data and O & M inspection results to the Department and the local approving authority within 45 days of each sampling date and each inspection date. The inspection results must be recorded on a DEP approved inspection form and the Company's technology inspection checklist. Accurate completion of the forms shall be the responsibility of the Company. The Company shall maintain copies of all data and inspections results for all Systems installed under the Approval.
27. During the first 18 months of operation, excluding the first three months of startup operations, if the effluent concentration from the System exceeds the applicable BOD or TSS limits on two consecutive sampling events, the Company shall within 60 days submit a report to the Department explaining the reasons for the exceedances with recommendations for operational or design changes to prevent future violations.
28. After the first 18 months of operation of each System, the Company shall submit within 30 days a summary report describing the operations of the system, any changes in operation or design that were made during the Piloting period, the final results of the Piloting program for that system and whether the system met the effluent limits for the previous 12 months of operation. That report shall also include either recommendations for approving and ending the Piloting program for that system or recommendations for continuing Piloting for any system that has not performed as planned.
29. The Department will review the report in item 10 above and determine if additional Piloting of that System is required. The Company shall either continue the Piloting

program for that system as required by the Department or remove the System(s) and replace it with fully complying Title 5 system(s). If the Department determines that the System has performed at the relevant level for at least 12 months, the Company can turn the responsibility for operation and monitoring of the system over to the System owner in accordance with Section IV, item 5 of this Approval.

30. If the Company wishes to continue the Approval after its expiration date, the Company shall apply for and obtain a renewal of the Approval. The Company shall submit a renewal application at least 180 days before the expiration date of the Approval, unless written permission for a later date has been granted in writing by the Department. Upon receipt of a timely and complete renewal application, the Approval shall continue in force until the Department has acted on the renewal application.
31. The Company shall include copies of the Approval with each Technology that is sold and may be used Massachusetts. In any contract executed by the Company for distribution or re-sale of the Technology, the Company shall require all vendors, distributors, and resellers to provide copies of the Approval to each purchaser of the Technology that may be used in Massachusetts.
32. The Company shall submit to the Department for approval any proposed updates or changes to the Technology schematics, O&M manual, inspection checklist, etc. It is recommended these items be placed on a Company web page separately identified for Massachusetts.
33. The Company shall provide notification of any changes to this Approval within 60 days of issuance by the Department to all System Owners with existing systems utilizing the Technology, to all Service Contractors/Operators servicing existing installations of the Technology, and to all distributors and resellers of the Technology.

VI. Conditions Applicable to the System Designer

1. Upon submission of an application for a DSCP, the Designer shall provide to the local approving authority:
 - a. a certification, signed by the owner of record for the property to be served by the System, stating that the property owner;
 - i. has been provided a copy of the Approval, the Owner's Manual, and the Operation and Maintenance Manual, if applicable, and the Owner agrees to comply with all terms and conditions;
 - ii. has been informed of all the owner's costs associated with the operation including, when applicable: power consumption, maintenance, sampling, recordkeeping, reporting, and equipment replacement;
 - iii. understands the requirement for a service contract;
 - iv. agrees to fulfill his responsibilities to provide a Deed Notice as required by 310 CMR 15.287(10) and the Approval;

- v. agrees to fulfill his responsibilities to provide written notification of the Approval to any new owner, as required by 310 CMR 15.287(5);
 - vi. if the design does not provide for the use of garbage grinders, the restriction is understood and accepted;
 - vii. if the design is for an upgrade of failed or nonconforming system, the System Owner has been provided a copy of the evaluation of the existing system; and
 - viii. whether or not covered by a warranty, the System Owner understands the requirement to repair, replace, modify or take any other action as required by the Department or the local approving authority, if the Department or the local approving authority determines that the Alternative System is not capable of meeting the performance standards.
- b. a certification, signed by the Designer that the design conforms to the Approval with Conditions and 310 CMR 15.000.

VII. Reporting

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

Director
Wastewater Management Program – Title 5 I/A
Department of Environmental Protection
One Winter Street - 5th floor
Boston, Massachusetts 02108

VIII. 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.