

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker Governor

Karyn E Polito Lieutenant Governor Matthew A. Beaton Secretary

Martin Suuberg Commissioner

#### **CERTIFICATION FOR GENERAL USE**

Pursuant to Title 5, 310 CMR 15.000

#### Name and Address of Applicant:

Bio-Microbics, Inc. 8450 Cole Parkway Shawnee, KS 66227

#### Trade name of technology and models:

FAST Treatment Systems with Nitrogen Reduction including models *MicroFAST*® 0.5, 0.75, 0.9, 1.5, 3.0, 4.5, 9.0, HighStrengthFAST® 1.0, 1.5, 3.0, 4.5, 9.0 and *NitriFAST*® 0.5, 0.75, 1.0, 1.5, 3.0, 4.5, 9.0 (all hereinafter the "System") for facilities with design flows less than 2,000 gallons per day (GPD). Schematic drawings illustrating the models and an Inspection Checklist are part of this Certification.

Transmittal Number:

X232831

Date of Issuance:

December 29, 2010, revised March 20, 2015

#### **Authority for Issuance:**

Pursuant to Title 5 of the State Environmental Code, 310 CMR 15.000, the Department of Environmental Protection (hereinafter "the Department") hereby issues this General Use Approval to: Bio-Microbics, Inc., 8450 Cole Parkway, Shawnee, KS 66227 (hereinafter "the Company"), approving the above referenced FAST technology (hereinafter "the Technology" or "System") for use in the Commonwealth of Massachusetts subject to the conditions herein. Sale and use of the Technology are subject to compliance by the Company, the Designer, the System Installer, the Operator, and the System Owner with the terms and conditions herein. Any noncompliance with the terms or conditions of this Certification constitutes a violation of 310 CMR 15.000.

David Ferris, Director

Wastewater Management Program

Bureau of Water Resources

I. Purpose

March 20, 2015

Date

- Subject to the conditions of this Approval and any other local requirements, the purpose of
  this Approval is to allow the use of the System in Massachusetts on a General Use basis.
  With the necessary permits and approvals required by 310 CMR 15.000, this Certification
  authorizes the installation and use of the System in Massachusetts.
- 2. The System may be installed for residential facilities with design flow less than 2,000 GPD where a system in compliance with 310 CMR 15.000 exists on-site or could be built and for which a site evaluation in compliance with 310 CMR 15.000 has been approved by the local approving authority; or by the Department if Department approval is required by 310 CMR 15.000. This Approval allows for the use of the System as an equivalent alternative technology in accordance with 310 CMR 15.202 on facilities for nitrogen reduction in a Department designated nitrogen sensitive or limited area as defined in 310 CMR 15.214 and 15.215.

Non-residential facilities are not allowed under this approval. Non-residential facilities include properties with businesses and/or commercial establishments.

- 3. The technology shall meet or exceed the following effluent discharge requirements:
  - Effluent Total Nitrogen (TN) concentration of 19 mg/L (for 660 gallons per day per acre -gpda- loading) or 25 mg/L (for 550 gpda loading).
  - Effluent pH range shall be 6.0 to 9.0.
  - The System is approved for use at facilities with a maximum design flow less than 2,000 GPD.
- 4. The System Owner or the designated System Operator (or 'Operator') has responsibility for oversight and sampling of the System if the property served was allowed to increase the discharge rate per acre above 440 gpda in an area subject to Nitrogen Loading Limitations.

The System Owner will be required 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 System is not capable of meeting the required reduction in nitrogen in the effluent.

The Company is responsible for the approved technology as described below.

## II. General Description of the Technology and Design Standards

- 1. The tank containing the FAST® insert is installed between the building sewer and the soil absorption system (SAS). The SAS shall be designed and constructed in accordance with 310 CMR 15.100 15.279 and subject to the provisions of this Certification.
- 2. Technology Description The FAST® system is an aerobic wastewater treatment system that utilizes a completely submerged fixed film process to treat organics and nitrify, and a passive recycle system for denitrification. Each model contains submerged media specific to the application. Microorganisms grow on the media and remove soluble contaminants from the wastewater, utilizing them as a source of energy for growth and production of new microorganisms. The FAST® system insert consists of a liner around the media and an airlift to provide aeration and mixing within the confines of the liner. The area outside the liner in the septic tank remains anoxic for denitrification and a passive recirculation system

moves the aerated wastewater to the outside of the liner to obtain denitrification. The aeration and circulation inside the liner are provided by a blower that pumps air into a draft tube that extends down the center of the media. Treated effluent passes out of the aerobic zone of the treatment plant through a pipe connected directly to a baffled quiescent area in the liner. Final effluent is discharged to a soil absorption system. Specific model considerations are as follows:

- The MicroFAST® 0.5, 0.75 and 0.9, HighStrengthFAST® 1.0 and NitriFAST® 0.5, 0.75 and 0.9 are installed in the second compartment of a two-compartment tank with a total liquid capacity of at least 1,500 gallons constructed in accordance with 310 CMR 15.226.
- The MicroFAST®, HighStrengthFAST® and NitriFAST® 1.5 are installed in the second compartment of a two compartment 3000-gallon tank constructed in accordance with 310 CMR 15.226.
- The MicroFAST®, HighStrengthFAST® and NitriFAST® 3.0 is installed in a separate tank constructed in accordance with 310 CMR 15.226 and located between a standard Title 5 septic tank, designed in accordance with 310 CMR 15.223 and 15.224, and the soil adsorption system (SAS). In this larger system, an additional recycle pump may be needed to send nitrified effluent back to the septic tank for added denitrification. Consult the Company for proper layout.
- The NitriFAST® models can also be used for additional nitrification in series after the MicroFAST® models or HighStrengthFAST® models. In this configuration the tanks used for the NitriFAST® shall be constructed in accordance with 310 CMR 15.226 and meet the minimum dimensions and volumes required by the Company.
- Flow equalization may also be employed prior to the FAST® system depending on the type of facility. Consult Company for proper layout.
- 3. All access ports and manhole covers shall be readily removable, of durable material and installed and maintained at grade to allow for maintenance of the System. No structures shall be located directly upon or above the access locations which could interfere with performance, access, inspection, pumping, or repair. Sufficient access for infrequent maintenance of the System treatment media and all other treatment works shall be evaluated, and addressed in the System design if necessary, by the designer. System control panel(s) including alarms shall be mounted in a location accessible to the operator of the System.

### 4. Wastewater Loading and Effluent Concentration Design Standards

For new residential construction in an area subject to the Nitrogen Loading Limitations of 310 CMR 15.214, and the facility does not meet with the Nitrogen Loading Limitations pursuant to the aggregation provisions of 310 CMR 15.216, an increase in calculated nitrogen loading per acre is allowed for facilities with design flow less than 2000 gpd with limitations as follows:

 The design flow shall not exceed 660 gallons per day per acre (gpda) and the total nitrogen (TN) concentration in the effluent shall not exceed 19 milligrams per liter (mg/L); or

- The design flow shall not exceed 550 gallons per day per acre (gpda) and the total nitrogen (TN) concentration in the effluent shall not exceed 25 milligrams per liter (mg/L).
- TN is measured as the total of TKN (Total Kjeldhal Nitrogen), NO3-N (Nitrate nitrogen) and NO2-N (Nitrite nitrogen).

#### **III.** General Conditions

- 1. The provisions of 310 CMR 15.000 is applicable to the use and operation of this System, the System owner and the Company, except those that specifically have been varied by the terms of this Certification.
- 2. Any required operation and maintenance, monitoring and testing 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, unless otherwise provided in the Department's written approval. It shall be a violation of this Certification 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.
- 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 or 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 sanitary sewer system. Accordingly, no System shall be upgraded or expanded, if it is feasible to connect the facility to a sanitary sewer, unless as allowed by 310 CMR 15.004.
- 6. Design, installation, and use of the System shall be in strict conformance with the Company's DEP approved plans and specifications and 310 CMR 15.000, subject to this Certification.

### IV. Conditions Applicable to the System Owner

- 1. The System owner shall at all times have the System properly operated and maintained by a Company approved Operator in accordance with this Certification, the designer's operation and maintenance requirements and the Company's approved procedures.
- 2. The System is certified only in connection with the discharge of sanitary wastewater from facilities with a design flow of less than 2000 gpd. Any non-sanitary wastewater generated and/or used at the facility served by the System shall not be introduced into the System and shall be lawfully disposed of.

3. The System Owner shall provide access to the site for the System Operator to perform inspections, maintenance, repairs, responding to alarm events, field testing, and sampling as may be required by the Approval.

#### Operation and Monitoring Requirements

- 4. System effluent total nitrogen (TN) concentrations shall not exceed 19 or 25 mg/L and effluent pH shall not be less than 6.0 or more than 9.0. Field test observations of dissolved oxygen (DO) shall equal or exceed 2 mg/L and for Turbidity shall be equal or less than 40 NTU.
- 5. All samples shall be taken at a flowing discharge point, i.e. distribution box, pipe entering a pump chamber or other Department approved location from the treatment unit.
- 6. Inspection, operation and maintenance (O&M), sampling, and field testing of the System required by the Approval shall be performed by a Company approved Operator who has been certified at a minimum of Grade Level 4 (four) by the Board of Registration of Operators of Wastewater Treatment Facilities, in accordance with Massachusetts regulations 257 CMR 2.00, and is an approved Title 5 System Inspector in accordance with 310 CMR 15.340.
- 7. Prior to commencement of construction of the System, the System Owner shall provide to the local approving authority a copy of a signed O&M Agreement that meets the requirements of paragraph IV (8).
- 8. The System Owner shall maintain, at all times, an O&M Agreement with a qualified System Operator approved by the Company. The Agreement shall be at least for one year and include the following provisions:
  - a) The name of a System Operator who is an approved System Inspector in accordance with 310 CMR 15.340 and who meets any additional qualification requirements specified in the Approval;
  - b) The System Operator must inspect the Alternative System as required by paragraph IV (9) and (12);
  - c) The System Operator shall be responsible for submitting the monitoring results to the System Owner in accordance with paragraph IV (13) and to the local approving authority in accordance with paragraph IV (14); and
  - d) In the case of a System failure, an equipment failure, alarm event, components not functioning as designed, or violations of the Approval, procedures and responsibilities of the System Operator and System Owner shall be clearly defined for corrective measures to be taken immediately. The System Operator shall agree to provide written notification within five days, describing corrective measures taken, to the System Owner and the local board of health.
- 9. The System Owner shall comply with the following monitoring requirements if the System is subject to a TN concentration limit in accordance with paragraph II (4):

- a) Year-round installations shall be inspected and have effluent sampled for at least the TN parameter quarterly for the first year, then a minimum of twice/year thereafter, at least 5 months apart and with at least one sample taken between December 1 and March 1 of each year. Field testing shall be completed per paragraph IV (11) below, and as determined necessary by the System Operator. See DEP Field Testing Protocol at <a href="http://www.mass.gov/dep/water/laws/policies.htm#t5pols">httm#t5pols</a>. Wastewater flow shall be recorded at each inspection, see 'Flow Metering' paragraph IV (10).
- b) Seasonal installations shall be inspected and have effluent sampled for at least the TN parameter a minimum of twice/year. At least one sample must be taken 30 to 60 days after each seasonal occupancy begins. A second sample must be taken no less than 2 months after the first sample. Field testing shall be completed per paragraph IV (11) below, and as determined necessary by the System Operator. Wastewater flow shall be recorded at each inspection, see 'Flow Metering' paragraph IV (10).
- c) Systems in operation prior to issuance of this Approval, which have received approval of sampling reduction from the Department may continue with that System monitoring frequency.

Properties occupied at least 6 months per year are considered year-round properties. Properties occupied less than 6 months per year are considered seasonal properties.

TN is measured as the total of TKN (Total Kjeldhal Nitrogen), NO3-N (Nitrate nitrogen) and NO2-N (Nitrite nitrogen).

- 10. Flow Metering: Reporting of residential System water use is not required, however it is recommended the Operator record water meter readings if available at all inspections, or otherwise estimate System flow, to assist in addressing possible operational problems or issues. Flow measurement when recorded shall be based on:
  - a) actual metering data of wastewater flow to the System or actual water meter data of flow to fixtures that discharge to the wastewater system; or
  - b) actual water meter data for the total facility with either actual meter data or estimated flows for non-wastewater usage subtracted from the total facility water usage. If estimating the wastewater portion of metered water usage, the System Operator shall provide a best estimate of wastewater discharged to the System with the method of estimating, such as pump run times, occupancy rates, adjustment due to seasonal outdoor watering use, etc.; or
  - c) for Systems installed under a prior Approval that did not include a wastewater flow data reporting requirement, if no flow meters are available, the System Operator shall provide a best estimate of wastewater discharged to the System with the method of estimating, such pump run times, occupancy rate, etc.
- 11. Field Testing: Temperature, turbidity, pH and DO shall be measured and recorded in the field whenever the effluent is sampled for TN. See applicable sections of the Department's Field Testing Protocol at <a href="http://www.mass.gov/dep/water/laws/policies.htm#t5pols">http://www.mass.gov/dep/water/laws/policies.htm#t5pols</a>.

- 12. At a minimum, the System Operator shall inspect the System:
  - a) quarterly for the first year then two times per year thereafter;
  - b) in accordance with the approved O&M manual, the Designer's operation and maintenance requirements, and the requirements of the local approving authority; and
  - c) any time there is an alarm event, equipment failure, or system failure.

#### Recordkeeping and Reporting

- 13. Within 60 days of any site visit, the System Operator shall submit an O&M report and inspection checklist to the System Owner and the Company. It is recommended the System Owner and Company maintain copies of these items for possible Department audit. The O&M report shall include, at a minimum:
  - a) for a System failing, any corrective actions taken;
  - b) wastewater analyses, wastewater flow data, field testing results and inspection checklists;
  - c) any violations of the Approval;
  - d) any determinations that the System or its components are not functioning as designed or in accordance with the Company specifications; and
  - e) any other corrective actions taken or recommended.
- 14. By February 15th of each year the System Owner or the System Operator if designated by the owner, shall submit to the local approving authority all monitoring results with all O&M reports and inspection checklists completed by the System Operator during the previous 12 months.
- Upon determining that the System has failed, as defined in 310 CMR 15.303, the System Operator shall notify the System Owner immediately.
- 16. Upon determining that the System has failed, as defined in 310 CMR 15.303, the System Owner and the System Operator shall be responsible for the notification of the local approving authority within 24 hours of such determination.
- 17. The System Owner shall notify the Approving Authority and the Company in writing within seven days of any cancellation, expiration or any other change in the terms and/or conditions of the O&M Agreement required by Paragraph IV (8).
- 18. Violations of the TN concentration in the System effluent shall not constitute a failure of the System for the purposes of 24-hour notification or 5-day written reporting as required in Paragraphs IV (16) and (8).
- 19. The System owner shall provide a copy of this Approval, prior to the signing of a purchase and sale agreement for the facility served by the System or any portion thereof, to the proposed new owner.

- 20. The System owner shall furnish the Department any information that the Department requests regarding the System, within 21 days of the date of receipt of that request.
- 21. Prior to issuance of a Certificate of Compliance of the System, and after recording and/or registering the Notice required by 310 CMR15.287(10), the System Owner shall provide to the Local Approving Authority a copy of: (i) a certified Registry copy of the Notice bearing the book and page/or document number; and (ii) 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.
- 22. 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).

#### V. Conditions Applicable to the Company

- 1. 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 Certification 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 Certification applicable to the Company shall be applicable to successors and assigns of the Company, unless the Department determines otherwise.
- 2. The Company shall develop maintain and update as necessary the following: minimum installation requirements; an operating manual, including information on substances that should not be discharged to the System; a maintenance checklist; and a recommended schedule for maintenance of the System consistent with the Department's requirements essential to consistent successful performance of the installed Systems.
- 3. The Company shall institute and maintain a program of operator training and continuing education. The Company shall maintain and annually update, and make available the list of qualified operators by February 15th and make the list known to local approving authorities, the Department and to users of the technology.
- 4. 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.
- 5. The Company shall include copies of this Certification and the procedures described in Section V (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 re-seller to provide each purchaser of the System with copies of this Certification and the procedures described in Section V (3).

- 6. A copy of the wastewater analyses, wastewater flow data, field testing results, and System Operator O&M reports and inspection checklists from each installed System shall be maintained by the Company or its designee for possible Department audit.
- 7. If the Company wishes to continue this Certification after its expiration date, the Company shall apply for and obtain a renewal of this Certification. The Company shall submit a renewal application at least 180 days before the expiration date of this Certification, unless written permission for a later date has been granted in writing by the Department. This Certification shall continue in force until the Department has acted on the renewal application.

#### 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:
    - 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;
    - 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; and
  - b) a certification, signed by the Designer that the design conforms to the Approval with Conditions and 310 CMR 15.000.

#### VII. Reporting

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

Director
Wastewater Management Program
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 Certification for cause, including, but not limited to, non-compliance with the terms of this Certification, non-payment of the annual compliance assurance fee, for obtaining the Certification 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 Certification, 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 Certification and/or the System against the owner or operator of the System and/or the Company.

Transmittal: X232831 (formerly W101238)



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

FEVALL FATRICK Governor

TMOTHY P. MURRAY Lightenant Governor RICHARDIK SULLIVAN JR Secretary

> KENNETH L KIMMELL Commissioner

#### **GENERAL USE CERTIFICATION**

Pursuant to Title 5, 310 CMR 15.00

Name and Address of Applicant:

Bio-Microbics, Inc. 8450 Cole Parkway Shawnee, KS 66227

Trade name of technology and models: MicroFAST® Treatment System, Models: MicroFAST® 0.5, 0.75, 0.9, 1.5, 3.0, 4.5 and 9.0; HighStrengthFAST® Treatment System Models HighStrength FAST® 1.0, 1.5, 3.0, 4.5 and 9.0 and NitriFAST® Treatment System Models NitriFAST® 0.5, 0.75, 1.0, 1.5, 3.0, 4.5 and 9.0 (all hereinafter called the "System"). Schematic drawings illustrating each System, a design and installation manual, an owner's manual, an operation and maintenance manual, and an inspection checklist are part of this Approval.

Transmittal Number:

X236074

Date of Issuance:

Revised February 12, 2013

#### **Authority for Issuance**

Pursuant to Title 5 of the State Environmental Code, 310 CMR 15.000, the Department of Environmental, Protection hereby issues this General Use Certification to Bio-Microbics, Inc. 8450 Cole Parkway, Shawnee, KS 66227 (hereinafter "the Company"), certifying the System described herein for General Use in the Commonwealth of Massachusetts. The sale, design, installation, and use of the System are conditioned on compliance by the Company, the Designer, the Installer, the Service Contractor, and the System Owner with the terms and conditions set forth below. Any noncompliance with the terms or conditions of this Certification constitutes a violation of 310 CMR 15.000.

David Ferris, Director

Wastewater Management Program,

Bureau of Resource Protection

February 19, 2013

Date

Bio-Microbics, Inc. - MicroFAST®, HighStrengthFAST®, NitriFAST®

Revised General Use Certification Issue Date: February 19, 2013

#### e Date: February 19, 2013

#### **Technology Description**

The System is a Secondary Treatment Unit (STU). The System, MicroFAST® 0.5, 0.75, 0.9, 1.5, 3.0, 4.5 and 9.0, and HighStrengthFAST® 1.0, 1.5, 3.0, 4.5 and 9.0, and, NitriFAST® 0.5, 0.75, 0.9, 1.5, 3.0, 4.5 and 9.0 units are installed in a tank or tanks having a primary settling zone and an aerobic biological zone. Solids settle in the primary settling zone that is quiescent. In the aerobic zone, the sewage is continually agitated and aerated. Bacteria in the sewage attach to the surface of the submerged plastic media; they reproduce by consuming the organic material in the sewage.

Page 2 of 3

#### **Conditions of Approval**

The term "System" refers to the STU in combination with the other components of an on-site treatment and disposal system that may be required to serve a facility in accordance with 310 CMR 15.000.

The term "Approval" refers to the technology-specific Special Conditions, the Standard Conditions for General Use Certification of Secondary Treatment Units, the General Conditions of 310 CMR 15.287, and any Attachments.

For Secondary Treatment Units that have been issued General Use Certification for the installation of a System to serve a facility where the site meets the requirements for new construction and the design flow is less than 2,000 gpd, the Department authorizes reductions in the effective leaching area (310 CMR 15.242), subject to the Standard Conditions that apply to all Secondary Treatment Units with General Use Certification and subject to the Special Conditions below applicable to this Technology.

#### **Special Conditions**

- 1. The System is Secondary Treatment Unit with General Use Certification. In addition to the Special Conditions contained in this Approval, the System shall comply with all the "Standard Conditions for General Use Certification of Secondary Treatment Units", except where stated otherwise in these Special Conditions.
- 2. The System is approved for facilities where the design flow is less than 10,000 gpd and where a conventional system with a reserve area exists or can be built on-site in full compliance with the new construction requirements of 310 CMR 15.000 and has been approved by the local approving authority.
- 3. The MicroFAST® 0.5, 0.75 and 0.9, HighStrengthFAST® 1.0 and NitriFAST® 0.5, 0.75 and 0.9 are installed in the second compartment of a two-compartment tank with a total liquid capacity of at least 1,500 gallons constructed in accordance with 310 CMR 15.226.
- 4. The MicroFAST®, HighStrengthFAST® and NitriFAST® 1.5 are installed in the second compartment of a two compartment 3,000-gallon tank constructed in accordance with 310 CMR 15.226.

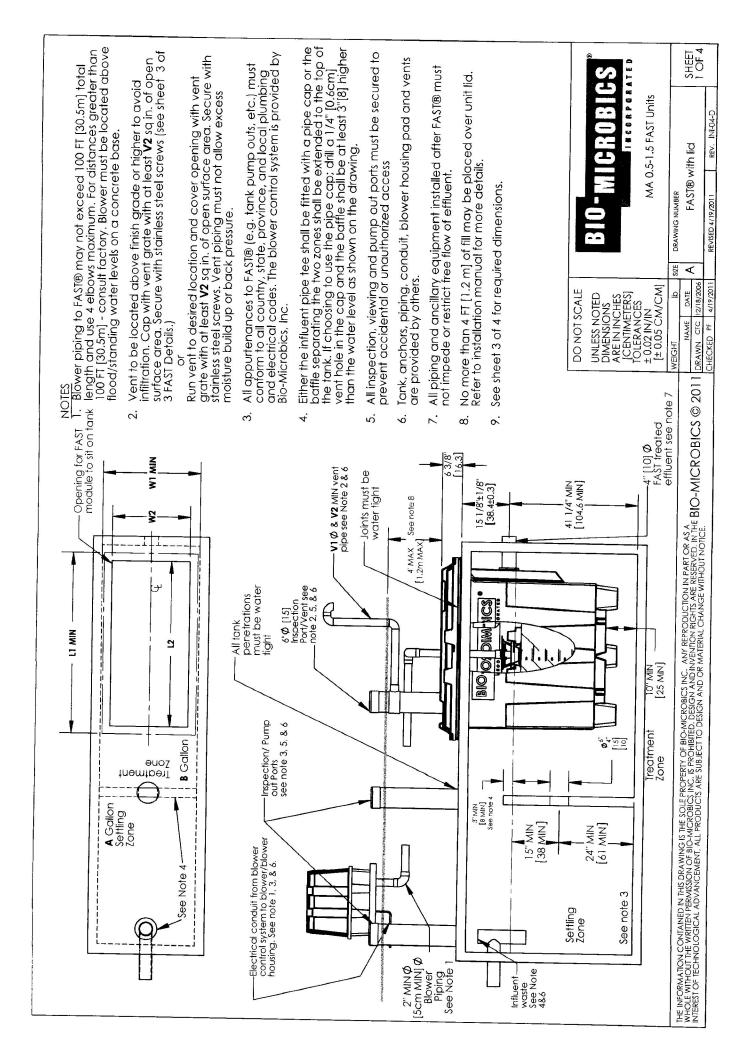
Bio-Microbics, Inc. - MicroFAST®, HighStrengthFAST®, NitriFAST®

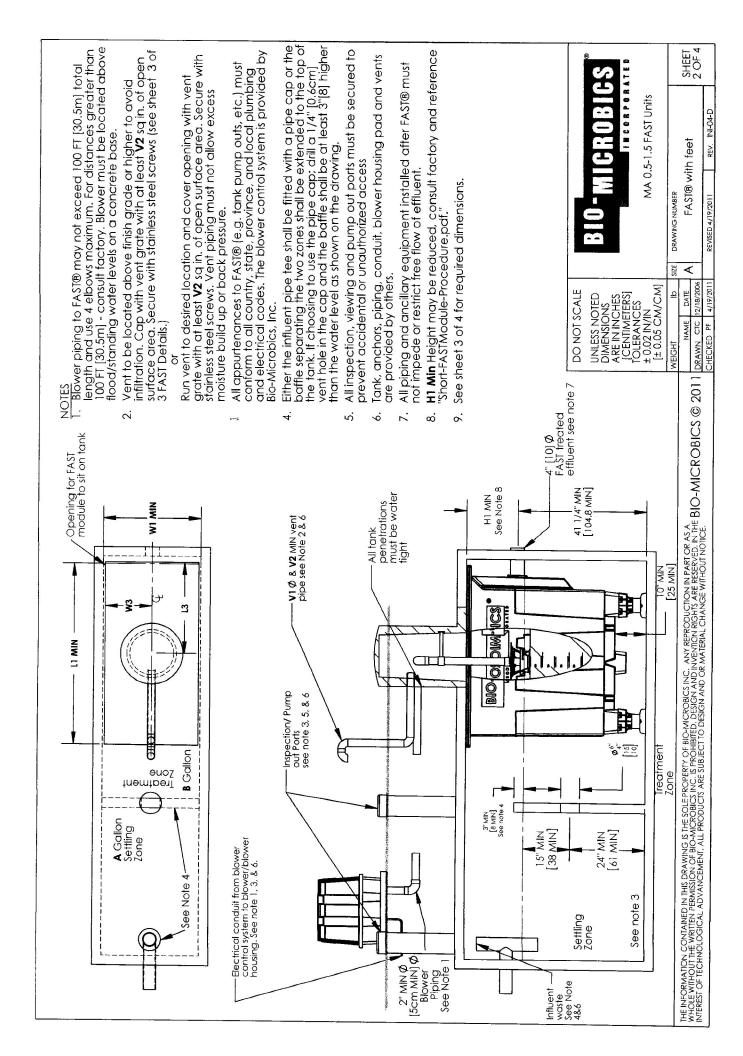
Page 3 of 3

Revised General Use Certification Issue Date: February 19, 2013

5. The MicroFAST®, HighStrengthFAST® and NitriFAST® 3.0, 4.5, and 9.0 units are installed in a separate tank constructed in accordance with 310 CMR 15.226. The units are located between a standard Title 5 septic tank, designed in accordance with 310 CMR 15.223 and 15.224, and the soil adsorption system (SAS).

6. Access shall be provided to all tanks in the primary settling and aerobic biological zones in accordance with 310 CMR 15.228 (2). The primary settling tank shall have at least three manholes with readily removable impermeable covers of durable material provided at grade. Two manholes, over the inlet and outlet of the primary settling tank, shall have a minimum opening of 20 inches. All access ports and manhole covers shall be installed and maintained at grade to allow for maintenance of the System.





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A MIN  B MIN  FAST ® Chamber (MIN  VI MIN  Vent Diameter (MIN)  V2 MIN  Vent grate open area  L1  FAST® Length and MIN  L2  Length of tank opening  FAST® Length from edge  airline.  W1 MIN  FAST® Width of tank opening from edge  M3  airline.  W3  airline.	
	Settling Zone (MIN Liquid Capacity)
	FAST ® Chamber (MIN Liquid Capacity)
Z Z Z Z	er (MIN)
Z	Vent grate open area (MIN).
Z	FAST® Length and MIN Tank Length
Z	Length of tank opening for hanging FAST®
Z	FAST® Length from edge of liner to center of
Z	
	nk Width.
	Width of tank opening for hanging FAST®.
	FAST® Width from edge of liner to center of
Clearance from	Clearance from center of outlet to inside top
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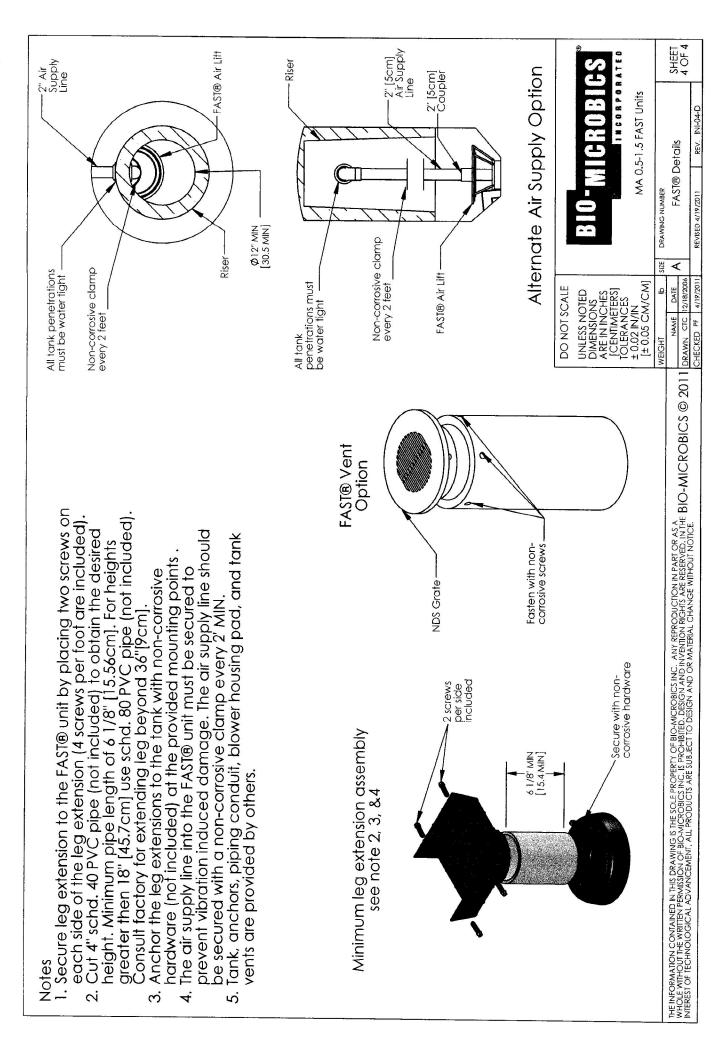
UNLESS NOTED BIMENSIONS ARE IN INCHES [CENTIMETERS] TOLERANCES ± 0.02 IN/IN [± 0.05 CM/CM]	WEIGHT IN SIZE DRAWING NUMBER
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Chart

SHEET 3 OF 4

REV. INI-04-D

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## NOTICE OF ALTERNATIVE SEWAGE DISPOSAL SYSTEM

M.G.L. c. 21A, § 13 and 310 CMR 15.0287(10)

ADDRESS OF PROPERTY SERVED BY ALTERNATIVE SYSTEM:  128 Emmons Road, Bourne, MA 02553
TITLE REFERENCE FOR PROPERTY SERVED BY ALTERNATIVE SYSTEM [check and complete each that applies]:
Deed recorded with the Barnstable Registry of Deeds in Book 33577, Page 274  Certificate of Title No. issued by the Land Registration Office of the Registry District  Source of title other than by deed
NAME(S) OF OWNER OF PROPERTY SERVED BY ALTERNATIVE SYSTEM:  Jonathan Levitt and Marni Levitt
OWNER(S) MAILING ADDRESS: 128 Emmons Road, Bourne, MA
[If Alternative System Owner(s) is other than Property Owner(s), complete the following:] Alternative System Owner Name:
Alternative System Owner Address:
Alternative System Owner Telephone Number: E-mail Address:
WHEREAS, Section 15.280 of Title 5 of the State Environmental Code ("Approval of Alternative Systems"), provides for the Massachusetts Department of Environmental Protection (the "Department") to approve or certify, as appropriate, all proposals to construct, upgrade or replace on-site sewage disposal systems using alternative systems;

WHEREAS, owners and/or operators of approved or certified alternative systems are subject to general conditions, as specified in Section 15.287 of Title 5 of the State Environmental Code, 310 CMR 15.287, and may be subject to special conditions, as specified in the Department's approvals or certifications; such general and special conditions potentially including, without limitation, requirements relating to the use of trained operators, periodic inspections, maintenance, sampling, reporting and/or recordkeeping;

WHEREAS, the owners and/or operators this alternative system acknowledges and agrees to comply with the provisions of all of the Bourne Board of Health Alternative Septic System Regulations and any other conditions for the existence of the system;

WHEREAS, Section 15.287(10) of Title 5 of the State Environmental Code, 310 CMR 15.287(10), requires that "prior to obtaining a Certificate of Compliance for installation of a new or upgraded system, the system owner shall record in the chain of title for the property served by the alternative system in the Registry of Deeds and/or Land Registration Office, as applicable, a Notice disclosing both the existence of the alternative on-site system and the Department's approval of the system. The system owner shall also provide evidence of such recording to the Bourne Board of Health [;]" and

WHEREAS, the Property is served by an alternative sewage disposal system.

NOW, THEREFORE, Notice of an alternative sewage disposal system is hereby given for the above-referenced Property, as follows:

1. Existence. An alternative system has been installed as a new or upgraded alternative sewage disposal system, on or adjacent to the Property, and serves the Property. The trade name and model number(s) of the alternative system are as follows:

MicroFAST Treatment System
Manufacturer Name:  Bio-Microbics, Inc.
Model number(s): MicroFAST 0.9
A copy of the Department of Environmental Protection's Approval/Certification is available online at the Department's website: <a href="https://www.mass.gov/guides/title-5-innovative-technology-approval-letters">https://www.mass.gov/guides/title-5-innovative-alternative-technology-approval-letters</a>
2. Approval/Certification. On <u>02/19/2013</u> [date], the Department, pursuant to its authority under the section of Title 5 as specified below, approved or certified the technology used in the above referenced alternative system, under MassDEP Transmittal Number <u>X236074</u> [Transmittal Number].
[Check one of the following, as applicable:]  □ Approved for remedial use under 310 CMR 15.284  □ Approved for piloting under 310 CMR 15.285  □ Provisionally approved under 310 CMR 15.286  □ Certified for general use under 310 CMR 15.288
**This Notice of Alternative Sewage Disposal System must be submitted to the Bourne Board of Health*
WITNESS the execution hereof under seal this day of, 20, made by the above named Alternative System Owner(s).
[Alternative System Owner(s) Signature(s)]
Print Name(s):

COMMONWEALTH OF MASSACHUSETTS

, SS
On this day of, 20, before me, the undersigned notary public, personally appeared
(official signature and seal of notary)
[Complete the following Property Owners Consent if Alternative System Owner is other than the Property Owner:]
CONCENTED TO
CONSENTED TO:
[Property Owner(s)]
Print Name(s):
COMMONWEALTH OF MASSACHUSETTS, ss
On this day of, 20, before me, the undersigned notary public, personally appeared
evidence of identification, which were
evidence of identification, which were, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.
cauca purpose.
(official signature and seal of notary)
Approved and Accepted By:
Agent of the Board of Health
Town of Pours

## **GRANT OF TITLE 5 BEDROOM COUNT DEED RESTRICTION**

This Grant of Title 5 Bedroom Count Deed Restriction is made as of				
WITNESSETH				
WHEREAS, Grantor, being the owner(s) in fee simple of 128 Emmons Road, Bourne, MA, that certain parcel of land located in Bourne, Barnstable County, Massachusetts, [with the buildings and improvements thereon], pursuant to a deed from Joan S. Durant, to Grantor, dated 12/09/2020, and recorded with Barnstable County Registry of Deeds in Book 33577, Page 277 [source of title other than by deed] and/or pursuant to Certificate of Title No issued by the Land Registration Office of the Barnstable County Registry District, said parcel(s) of land being more particularly bounded and described in Exhibit A, attached hereto and made a part hereof, and being shown on a plan entitled, ", dated, prepared by, recorded with Barnstable County Registry of Deeds as Plan No, in Plan Book 327, Page 84 [[[and/or registered as Land Court Plan No, on file with the Land Registration Office of County Registry District]]] ("Property"); and				
WHEREAS, Grantor desires to restrict the number of bedrooms, as the term bedroom is defined at 310 CMR 15.002 ("Bedroom") and the Board of Health regulation dated effective April 24, 1992 regarding bedroom definition, through the granting of this Title 5 Bedroom Count Deed Restriction;				
NOW, THEREFORE, Grantor does hereby GRANT to the Town of Bourne of Barnstable County, Massachusetts, a municipal corporation located in Barnstable County, having a mailing address of 24 Perry Avenue, Buzzards Bay, Massachusetts, and acting by and through its Board of Health ("Local Approving Authority"), for nominal and nonmonetary consideration, the sufficiency and receipt of which are hereby acknowledged, with QUITCLAIM COVENANTS, a TITLE 5 BEDROOM COUNT DEED RESTRICTION ("Restriction") in, on, upon, through, over and under the Property.				
Said Restriction operates to restrict the Property as follows:				
1. <b>Restriction.</b> Grantor hereby restricts the total number of Bedrooms in, on, upon, through, over and under the Property to7 Bedrooms, such that at no time shall there exist more than7 Bedrooms in, on, upon, through, over and under said Property.				
<b>2. Severability</b> . Grantor hereby agrees that, in the event that a court or other tribunal determines that any provision of this instrument is invalid or unenforceable:				
(i) That such provision shall be deemed automatically modified to conform to the requirements for validity and enforceability as determined by such court or tribunal; or				
(ii) That any such provision, by its nature, cannot be so modified, shall be deemed deleted from this instrument as though it had never been included herein.				
In either case, the remaining provisions of this instrument shall remain in full force and effect.				
3. Enforcement. Grantor expressly acknowledges that a violation of the terms of this Restriction could result in the following:				

in the following:

- (i) upon determination by a court of competent jurisdiction, in the issuance of criminal and civil penalties, and/or equitable remedies, including, but not limited to, injunctive relief, such injunctive relief could include the issuance of an order to modify or remove any improvements constructed upon the Property in violation of the terms of this Restriction; and
- (ii) in the initiation of an enforcement action and/or assessment of penalties by the Bourne Board of Health and/or the Massachusetts Department of Environmental Protection, a duly constituted agency with a principal office located at One Winter Street, Boston, MA 02108 (DEP), to enforce the terms of this Restriction pursuant to Title 5; M.G.L. c.111, §§ 2C, 17, 31, 122, 123, 125, 127A-O, inclusive, and 129; and M.G.L c. 83, §11.
- **4. Provisions to Run with the Land.** The rights, liabilities, agreements and obligations created under this Restriction shall run with the Property and any portion thereof for the term of this Restriction. Grantor hereby covenants for [himself/herself/itself] and [his/her/its] executors, administrators, heirs, successors and assigns, to stand seized and to hold title to the Property and any portion thereof subject to this Restriction.

The rights granted to the Bourne Board of Health, its successors and assigns, do not provide, however, that a violation of this Restriction shall result in a forfeiture or reversion of Grantor's title to the Property.

#### 5. Concurrence Presumed. It is agreed that:

- (i) Grantor and all parties claiming by, through, or under Grantor agree to and shall be subject to the Provisions of this Restriction; and
- (ii) Grantor and all parties claiming by, through, or under Grantor, and their respective agents, contractors, sub-contractors and employees, agree that the Restriction herein established shall be adhered to and shall not be violated, and that their respective interests in the Property shall be subject to the provisions herein set forth.
- **6. Incorporation into Deeds, Mortgages, Leases, and Instruments of Transfer**. Grantor hereby agrees to incorporate this Restriction, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest and/or a right to use the Property, or any portion thereof, is conveyed.
- **7. Recordation**. Grantor shall record and/or register this Restriction with the appropriate Registry of Deeds and/or Land Registration Office within 30 days of receiving the approved Restriction from the Local Approving Authority. Grantor shall file with the Bourne Board of Health and the DEP a certified Registry copy of this Restriction as recorded and/or registered within 30 days of its date of recordation and/or registration.
- 8. Amendment and Release. This Restriction may be amended only upon the approval and acceptance of such amendment by the Local Approving Authority. Release of this Restriction shall be granted by the Local Approving Authority upon (i) Grantor's request of such release; and (ii) the Property being connected to a municipal sewer system and the septic system serving the Property being abandoned in accordance with 310 CMR 15.354. Any such amendment or release shall be recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office and a certified Registry copy of said amendment or release shall be filed with the Bourne Board of Health and the DEP within 30 days of its date of recordation and/or registration.
- **9. Term**. This Restriction shall run in perpetuity and is intended to conform to M.G.L. c.184,  $\S 26$ , as amended.

- 10. Rights Reserved. This Restriction is granted to the Bourne Board of Health. It is expressly agreed that acceptance of this Restriction by the Bourne Board of Health shall not operate to bar, diminish, or in any way affect any legal or equitable right of the Bourne Board of Health or of DEP to issue any future order with respect to the Property or in any way affect any other claim, action, suit, cause of action, or demand which the Bourne Board of Health or DEP may have with respect thereto. Nor shall acceptance of the Restriction serve to impose any obligations, liabilities, or any other duties upon the Bourne Board of Health.
- 11. Effective Date. This Restriction shall become effective upon its recordation and/or registration with the appropriate Registry of Deeds and/or Land Registration Office.
- 12. No construction permits shall be issued for the Property until a certified Registry copy is submitted to the office of the Bourne Board of Health unless written approval is otherwise granted by the Board of Health.

WITNESS the execution hereof under seal this _	day of, 2020.	
Grantor, Jonathan Levitt	Grantor, Marni Levitt	
COMMONWEALTH OF MASSACHUSETTS		
	, 2020[Grantor's Name][his/her] free act and deed before	and
Notary Public: My commission expires:		
Approved and Accepted By:		
Agent of the Board of Health Health Department Town of Bourne	Date:	

## Town of Bourne

#### CONSERVATION COMMISSION

## Nitrogen Loading Calculation Sheet for Residential Housing

The following calculation sheet is based upon Technical Bulletin 91-001 issued by the Cape Cod Commission and deals with nitrate nitrogen (NO<sub>3</sub>-N). <u>Use the information from your PLAN OF RECORD</u> to provide the following:

Number of bedrooms (Title 5 definition) = 3 bedrooms  Lot size (in square feet) = 3  204  sq. ft.  Impervious surfaces; **Roof area = 2549  sq. ft. **Paved area = 2337  sq. ft.  Natural Area = lot area minus all impervious surfaces = 3 3 8  sq. ft.
Lawn area in sq. ft. $= 10 / 034 \text{ sq. ft.}$
TITLE 5 FLOW = 110 GAL. / DAY PER BEDROOM WASTEWATER FLOWS (NITROGEN LOAD & WATER LOAD)
Nitrogen from Title 5 design = 14,572 mg NO <sub>3</sub> -N / day / bedroom
Water from Title 5 design = $4163 L H_2O / day / bedroom$
1a) Number of bedrooms = $3 \times 14,572 = 43716 $ mg. NO <sub>3</sub> -N / day 1b) Number of bedrooms = $3 \times 416 = 1248 $ L H <sub>2</sub> O / day
1b) Number of bedrooms = $2 \times 416 = 1248 = L H2O / day$
Actual Nitrogen load = 6071.5 mg NO <sub>3</sub> -N / day / bedroom
Actual Water load = 173.5 L H <sub>2</sub> O / day / bedroom
*Note: This assumes 2.5 people / unit average occupancy within the Town.
2a) Number of bedrooms = $3 \times 6071.5 = 182.6 \times 1000$ mg. NO <sub>3</sub> -N / day 2b) Number of bedrooms = $3 \times 173.5 = 52.0 \times 1000$ L H <sub>2</sub> O / day
2b) Number of bedrooms = $3 \times 173.5 = 52.1  LH2O/day$
IMPERVIOUS SURFACES (NITROGEN LOAD & WATER LOAD)
$NO_3$ -N load number sq. ft. of roof surface $X = 0.19395$ mg $NO_3$ -N / sq. ft.
$H_2O$ load number sq. ft. of roof surface $X = 0.2586 L / sq.$ ft.
3a) Roof surface = $\frac{25 + 1}{100}$ sq. ft. $\frac{1}{100}$ mg NO <sub>3</sub> -N
3a) Roof surface = $25 \frac{10}{10}$ sq. ft. X 0.19395 = $\frac{100}{10}$ mg NO <sub>3</sub> -N 3b) Roof surface = $25 \frac{10}{10}$ sq. ft. X 0.2586 = $\frac{100}{10}$ L H <sub>2</sub> O
$NO_3$ -N load number sq. ft. of paved surface $X = 0.388 \text{ mg}/\text{sq. ft.}$
$H_2O$ load number sq. ft. of paved surface $X = 0.2586 L / sq.$ ft.
10 NO N 3 2 2 7
4a) $NO_3-N = 2337$ sq. ft. paved surface X 0.388 mg/sq. ft. = $\frac{907}{2337}$ mg $NO_3-N$
4b) $H_2O = \frac{2.337}{1.00}$ sq. ft. paved surface X 0.2586 L/sq. ft = $\frac{1}{100}$ L/H/O

128 Emmons Road						
LAWN NITROGEN LOAD = 0.933 mg/sq. ft. lawn surface 3 Book NOW >						
5) sq. ft. of lawn = $\frac{i\partial_{1}034}{}$ X 0.933 = $\frac{9362}{}$ mg						
NATURAL AREA WATER LOADING						
Natural area = lot size - impervious surface = $\frac{34}{318}$ sq.ft.						
6) Natural area = $34,318$ X water recharge factor = $4,660$ L $(0.1358 \text{ L/sq. ft. for Bourne})^1$						
SUMMARY OF NITROGEN LOADING						
Estimated Title 5 Nitrogen & Water Loading						
7a) ADD the above NO <sub>3</sub> N load:						
$43716 + 494 + 907 + 9362 = 54,477 \mod NO_3-N/day$						
7b) ADD the above water (H <sub>2</sub> O) load:						
$\frac{1b}{1248} + \frac{3b}{459} + \frac{4b}{604} + \frac{4b}{600} = \frac{7/7}{1200} L H_2O / day$						
7c) DIVIDE 7a by 7b = $\frac{7}{597}$ ppm NO 3-N****						
Actual Nitrogen & Water Loading						
8a) ADD the above NO <sub>3</sub> N load:						
$ \begin{array}{cccccccccccccccccccccccccccccccccccc$						
8b) ADD the above water (H 2O) load:						
52b + 659 + 664 + 4660 = 6444 L H2O/day						
8c) DIVIDE 8a by 8b = $\frac{4}{97}$ ppm NO <sub>3</sub> -N*****						
FINAL CALCULATION ADD 7c & 8c (ppm) = 4.497 divide by 2 = 6.047 ppm NO <sub>3</sub> -N						
This is the actual nitrate nitrogen load for the project as designed. The target for coastal areas is 5 ppm nitrate nitrogen. Certain critical embayments may require a LOWER figure to prevent degradation.						
*****If your nitrate nitrogen load exceeds the target limit USE A SECOND CALCULATION SHEET						

1 Water recharge factors for data line 6: @21' / yr. use 0.1358 in Bourne and Falmouth; @ 19" / yr. use 0.1228 for Mashpee & Sandwich; @ 18'' / yr. 0.1164 for Barnstable, Dennis & Yarmouth; @ 17'' / yr. use 0.1101 for Brewster & Harwich: @ 16" / yr. use 0.1031 for Chatham, Eastham, Orleans, Provincetown, Truro & Wellfleet.

TO SHOW ALTERNATIVES IN TRYING TO ACHIEVE THE 5 PPM NITRATE NITROGEN

LEVEL\*\*\*\*

# Town of Bourne

### **CONSERVATION COMMISSION**

# Nitrogen Loading Calculation Sheet for Residential Housing

The following calculation sheet is based upon Technical Bulletin 91-001 issued by the Cape Cod Commission and deals with nitrate nitrogen (NO<sub>3</sub>-N). <u>Use the information from your PLAN OF RECORD</u> to provide the following:

Number of bedrooms (Title 5 definition)  Lot size (in square feet)  Impervious surfaces; **Roof area = 3739 sq. ft. **Paved area = 1277 sq. ft.  Natural Area = lot area minus all impervious surfaces  Lawn area in sq. ft.  = 39, 204 sq. ft.  = 1277 sq. ft.  = 33,528 sq. ft.  = 33,588 sq. ft.  = 3739 sq. ft.
TITLE 5 FLOW = 110 GAL. / DAY PER BEDROOM WASTEWATER FLOWS (NITROGEN LOAD & WATER LOAD)
Nitrogen from Title 5 design = $14,572 \text{ mg NO}_3\text{-N/day/bedroom}$ Water from Title 5 design = $4163 \text{ L H}_2\text{O/day/bedroom}$ 1a) Number of bedrooms = $\frac{1}{2} \times \frac{14,572}{2} = \frac{102}{2} \times $
2a) Number of bedrooms = $\begin{array}{cccccccccccccccccccccccccccccccccccc$
NO <sub>3</sub> -N load number sq. ft. of roof surface $X = 0.19395 \text{ mg NO}_3$ -N / sq. ft. H <sub>2</sub> O load number sq. ft. of roof surface $X = 0.2586 \text{ L}$ / sq. ft.
3a) Roof surface = $\frac{3739}{139}$ sq. ft. X 0.19395 = $\frac{725}{129}$ mg NO <sub>3</sub> -N 3b) Roof surface = $\frac{3739}{129}$ sq. ft. X 0.2586 = $\frac{967}{129}$ L H <sub>2</sub> O
$NO_3$ -N load number sq. ft. of paved surface $X = 0.388 \text{ mg/sq. ft.}$ $H_2O$ load number sq. ft. of paved surface $X = 0.2586 \text{ L/sq. ft.}$
4a) $NO_3-N = \frac{1871}{1871}$ sq. ft. paved surface X 0.388 mg/sq. ft. = $\frac{728}{185}$ mg $NO_3-N$ 4b) $H_2O = \frac{1871}{1851}$ sq. ft. paved surface X 0.2586 L/sq. ft. = $\frac{1485}{185}$ L $H_2O$

<sup>1</sup> Water recharge factors for data line 6: @21' / yr. use 0.1358 in Bourne and Falmouth; @ 19" / yr. use 0.1228 for Mashpee & Sandwich; @ 18" / yr. 0.1164 for Barnstable, Dennis & Yarmouth; @ 17" / yr. use 0.1101 for Brewster &

Harwich; @ 16" / yr. use 0.1031 for Chatham, Eastham, Orleans, Provincetown, Truro & Wellfleet.



### TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue Buzzards Bay, MA 02532

www.townofbourne.com/health Phone (508) 759-0600 ext. 1513 Fax (508) 759-0679



## Percentage of Increase Worksheet

Subject Address:	128	Emmins	Road
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Request for variances or waivers that include renovations, alterations, or additions to the existing dwelling, architecturals of the existing house and the proposed house must be submitted to the Board of health at the time of the variance or waiver request and shall include the following:

	EXISTING	PROPOSED	% INCREASE
Bedroom Square Footage (any labeled bedroom and or room which provides minimum seclusion as	1060	1369	29%
per Board of Health definition)	او شری	6410	15%
Non-Bedroom Space (living room, kitchen, bathrooms, closets, hallways etc.)	5585	6-710	ν

Percentage of Total Increase

For the purpose of any variances or waiver requests for a reduction in the 150 foot setback to the wetlands/top of coastal bank, which includes a proposal for renovations, alterations or additions to the existing dwelling, the following guidelines shall apply:

For projects where the renovations, alterations or additions result in an increase of bedroom space by Board of Health definition, of 25% or greater, a septic system which includes nitrogen removal, i.e. some type of Alternative Technology System with pressure dosing shall be required

For projects where the renovations, alterations or additions result in an increase of non-bedroom space such as kitchen, living room, bathroom etc. of 50% or greater an Alternative Technology system may be required.

#### Formula for total increase percentage:

Subtract existing from proposed = square footage added Divide square footage added by existing = % increase **800 existing** 1200 proposed 1200 – 800 = 400 square footage added 400 / 800 = 50% increase