



March 24, 2021

Jane Crowley, Health Agent  
Eastham Board of Health  
2500 State Highway  
Eastham, MA 02642

Re: Proposed Harbormaster Building – Rock Harbor, 631 Dyer Prince Road, Eastham, MA  
Wastewater System Design Submittal

Dear Ms. Crowley:

On behalf of the Applicant, the Town of Eastham, please find enclosed the wastewater design plans and calculations for the location referenced above. The proposed Harbormaster Building includes 695 square feet of office area with a Title 5 design flow of 200 gallons per day. The system is not designed for use by the public.

The proposed project consists of a new harbormaster building on a wood pile foundation with associated parking, stormwater management, on-site wastewater management, pedestrian pathways, landscaping, invasive species removal, and habitat restoration.

The proposed redevelopment project will involve work within coastal resource areas including barrier beach (coastal dune), Riverfront Area, and Land Subject to Coastal Storm Flowage (LSCSF), as well as within the 100-foot buffer zone to salt marsh, jurisdiction areas under the Massachusetts *Wetlands Protection Act* (M.G.L. Ch. 131 § 40), its implementing Regulations (310 CMR 10.00), and the Eastham Wetlands Protection Bylaw and associated Regulations of the Eastham Conservation Commission. Portions of the proposed project will also occur within Priority Habitat (PH 945) and Estimated Habitat (EH 756). Invasive species removal, specifically the population of Japanese knotweed (*Fallopia japonica*) in the northern portion of the site where the wastewater leaching field is located, will be managed through a combination of mechanical and chemical methods. Efforts to address invasive species may commence prior to project construction, pending approval from the Conservation Commission.

Additional project details will be provided during Conservation permitting. A Notice of Intent (NOI) was submitted to the Conservation Commission in September 2020. The project scope and design have since been updated, and a revised plan with new project description will be submitted to the Conservation Commission for a future hearing next month.

Due to the sensitive nature of the site, a NitROE 2KS wastewater treatment system permitted under the Massachusetts Department of Environmental Protection (MassDEP) Provisional Use Approval is proposed. The approval letter for Provisional Use is attached. The system is currently being evaluated by MassDEP for meeting a total nitrogen (TN) of less than 11 milligrams per liter (mg/L). This is a significantly lower TN level than any other I/A treatment system has been shown to produce; typical commercial I/A systems are required to meet 25 mg/L total nitrogen.

Jane Crowley  
March 24, 2021  
Page 2 of 2

The system is comprised of a gravity sewer, enhanced settling tank (septic tank), NitROE 2KS Wastewater Treatment System, pump chamber, and gravity feed leaching bed. Treatment is provided in the multi-compartment NitROE tank through aeration and denitrification zones. Aeration is provided by a small fan which will be located in the elevated Harbormaster building along with the system control panel. Groundwater at the site is estimated based on the observed weeping in test pit #6; no redoxymorphic features or groundwater were observed during soil testing. The estimated seasonal high groundwater level is based on guidance from the Cape Cod Commission Technical Bulletin 92-001 applied to the weeping elevation.

Thank you in advance for your review of this I/A system proposed for this project. Please let me know if you have any questions or comments.

Sincerely,

**Horsley Witten Group, Inc.**

A handwritten signature in black ink, appearing to read "Joe Henderson". The signature is written in a cursive style with a large, stylized "H" and "J".

Joe Henderson, P.E.  
Senior Engineer

Enclosure

cc: Rob Marcalow, Kuth Ranieri Architects



Commonwealth of Massachusetts  
City/Town of Eastham

## Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

### C. On-Site Review

Deep Observation Hole Number: 5 Hole # 9/15/20 Date 1115 Time 70 Partly Sunny Weather 41°48'06"N Latitude 70°00'24"W Longitude  
 Land Use: Parking lot (e.g. woodland, agricultural field, vacant lot, etc.) Knotweed, Poison ivy Vegetation Few cobbles Surface Stones (e.g. cobbles, stones, boulders, etc.) 0-3% Slope (%)

Description of Location: North of paved parking

1. Land Parent Material: Udipsammments Summit Position on Landscape (SU, SH, BS, FS, TS)  
100± feet Wetlands 100± feet  
25± feet Other 102" feet  
 Disturbed Soil  Fill Material  Weathered/Fractured Rock  Bedrock  
 Depth weeping from pit 102" Depth standing water in hole

Depth (in)	Soil Horizon/ Layer	Soil Texture (USDA)	Soil Matrix: Color-Moist (Munsell)	Redoximorphic Features		Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
				Depth	Color	Percent	Gravel			
0-10	Ae	LS	10YR 7/2			15	5	SG		Aeolian
10-24	B	LS	10YR 6/3			5		SG	FIP	Aeolian
24-42	1C	MS	10YR 5/4					SG		Roots & Grass
42-64	Ab	MS	10YR 3/4			5		SG		Moist
64-102	2C	CS	10YR 3/6							

Additional Notes: Buried A layer contained abundant organic matter, but was much less dense and decomposed than peaty layers in other locations on site  
 Parc test #1 performed here



Commonwealth of Massachusetts  
City/Town of Eastham

## Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

### C. On-Site Review

Deep Observation Hole Number: 6 Hole # 9/15/20 Date 75 Sunny Weather 41°48'06"N Latitude 70°00'24"W Longitude

1. Land Use: Parking lot Knottweed, Poison ivy Vegetation 100 Time 0-3% Slope (%)  
(e.g. woodland, agricultural field, vacant lot, etc.) Few cobbles Surface Stones (e.g. cobbles, stones, boulders, etc.)

Description of Location: North of paved parking

2. Soil Parent Material: Udipsamments Summit Position on Landscape (SU, SH, BS, FS, TS)  
Landform Drainage Way 125± feet Wetlands 100± feet  
Open Water Body 100± feet Drinking Water Well 250± feet Other      feet

3. Distances From: Property Line 25± feet Drinking Water Well 250± feet Other      feet  
 Yes  No If Yes:  Disturbed Soil  Fill Material  Weathered/Fractured Rock  Bedrock

4. Unsuitable Materials Present:  Yes  No If Yes: 102" Depth weeping from pit 102" Depth standing water in hole

### Soil Log

Depth (in)	Soil Horizon/ Layer	Soil Texture (USDA)	Soil Matrix: Color-Moist (Munsell)	Redoximorphic Features		Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
				Depth	Color	Percent	Gravel			
0-10	Ae	LS	10YR 3/3					SG		
10-24	B	LS	10YR 6/3			15		SG		Aeolian
24-48	1C	MS	10YR 5/6			5		SG	FIP	Aeolian
48-64	Ab	MS	10YR 3/4					SG		Roots & Grass
64-102	2C	CS	10YR 3/6			5		SG		Moist

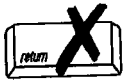
Additional Notes: Buried A layer contained abundant organic matter, but was much less dense and decomposed than peaty layers in other locations on site  
Perc test #2 performed here



Commonwealth of Massachusetts  
 City/Town of Eastham  
**Percolation Test**  
 Form 12

Percolation test results must be submitted with the Soil Suitability Assessment for On-site Sewage Disposal. DEP has provided this form for use by local Boards of Health. Other forms may be used, but the information must be substantially the same as that provided here. Before using this form, check with the local Board of Health to determine the form they use.

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Site Information**

Town of Eastham  
 Owner Name  
 631 Dyer Prince Road  
 Street Address or Lot #  
 Eastham MA 02654  
 City/Town State Zip Code  
 Joe Henderson 508 873 9954  
 Contact Person (if different from Owner) Telephone Number

**B. Test Results**

	9/15/20 Date	11:50A Time	9/15/20 Date	2:00P Time
Observation Hole #	5		6	
Depth of Perc	18"		18"	
Start Pre-Soak	11:50A		1:58P	
End Pre-Soak	11:57A		2:00P	
Time at 12"	11:57A		2:00P	
Time at 9"	12:10P		2:03P	
Time at 6"	12:23P		2:06P	
Time (9"-6")	13m		3m	
Rate (Min./Inch)	<5 min/in		<5 min/in	
	Test Passed: <input checked="" type="checkbox"/>		Test Passed: <input checked="" type="checkbox"/>	
	Test Failed: <input type="checkbox"/>		Test Failed: <input type="checkbox"/>	

Matthew Lehman EIT  
 Test Performed By:  
 Susan Barker  
 Board of Health Witness

Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_

Test Hole #: 6 Elev: 9  
Site Location Rock Harobr

Job #: 20077  
Date: \_\_\_\_\_  
Prepared by: \_\_\_\_\_

Soil Evaluato Matt L  
Contractor: RBO  
Notes: \_\_\_\_\_

STEP 1 Measure depth to water table  
to nearest 1/10 ft. (depth is in  
feet below ground surface) 9/15/2020 8.5  
Date Depth (feet)

STEP 2 Using Water-Level Range  
Zone and Index Well Map  
A) Appropriate index well TWW-89  
B) Water-level range zone 0-2

STEP 3 Using monthly "Current  
Water Resources Conditions"  
determine current depth to  
water level for index well. Sep-20 12.01  
mm/yy

STEP 4 Using the Table of Potential  
Water Level Rise for Index  
Well (STEP 2A), current  
depth to water level for index  
well (STEP 3), and water- 1.8

STEP 5 Estimate depth to high water  
by subtracting the water-level  
adjustment (STEP 4) from  
measured depth to water 6.7  
Elev: 2.3

Notes:  
See handbook for "Potential Water-Level Rise"  
Monthly index well data: [www.capecodcommission.org/wells.html](http://www.capecodcommission.org/wells.html)

LEGEND:

GENERAL	SYMBOLS
BERM	BENCHMARK
BUILDING	SPIGOT
CENTERLINE	CONTROL POINT
CONTOUR - MINOR	EXISTING SPOT GRADE
CONTOUR - MAJOR	SPOT GRADE
CURB	SEWER MANHOLE
CURB CUT	ELECTRIC MANHOLE
EDGE OF PAVEMENT	EXISTING TREE
EDGE OF GRAVEL	MANHOLE
FENCE - CHAIN LINK	DOWN MANHOLE
FENCE - WIRE	CATCHBASIN
FENCE - WOOD	FLARED END OUTLET
GUARD RAIL	STONE APRON
PATHWAY	WATER VALVE
EDGE OF STONE	SEWER VALVE
SIDEWALK	GAS VALVE
TREE LINE	UTILITY POLE W/ GUY
WALL - RETAINING	UTILITY POLE
WALL - STONE	CURB STOP
	CLEAN OUT
	UTILITY BOX
	HYDRANT
	DRAIN PIPE
	GAS LINE
	OVERHEAD WIRE
	SANITARY SEWER
	SEWER FORCE MAIN
	UNDERGROUND ETC
	UNDERGROUND ELEC.
	CABLE LINE
	TELEPHONE LINE
	WATER LINE
	MONITORING WELL
	WATER WELL
	WETLAND BOUNDARY
	WETLAND 50 BUFFER
	WETLAND 100 BUFFER
	RIVERFRONT 200 BUFFER
	NHESP RARE SPECIES HABITAT
	BARMIER BEACH
	FILLED TIDELANDS
	FEMA FLOOD ZONE
	ROCK
	SGH
	HANDICAP SYMBOL
	NUMBER OF PARKING SPACES
	INVASIVE SPECIES
	INVASIVE JAPANESE KNOTWEED
	INVASIVE SPOTTED KNAWEED
	INVASIVE BLACK LOCUST

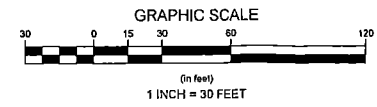
SURVEY NOTES

- THE TOPOGRAPHY AND EXISTING SITE CONDITIONS DEPICTED HEREON ARE THE RESULT OF AN ON THE GROUND FIELD SURVEY CONDUCTED BY THE HORSLEY WITTEN GROUP, INC. JULY 24, 2020 AND JULY 30, 2020.
- HORIZONTAL DATUM IS MASS STATE PLANE COORDINATE SYSTEM, DATUM ESTABLISHED BY GPS-RTK.
- THE ELEVATIONS DEPICTED HEREON WERE BASED ON THE NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988.
- THE PROPERTY LINES AND RIGHTS OF WAYS DEPICTED HAVE BEEN ESTABLISHED BY FIELD SURVEY AND DEEDS AND PLANS OF RECORD.
- THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AND STRUCTURES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF VARIOUS UTILITY COMPANIES AND WHEREVER POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED UPON AS BEING EXACT OR COMPLETE. THE LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES SHALL BE VERIFIED IN THE FIELD PRIOR TO THE START OF ANY CONSTRUCTION. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANY. ANY GOVERNING PERMITTING AUTHORITY IN THE TOWN OF EASTHAM, AND "DIGSAFE" (1-888-344-2223) AT LEAST 12 HOURS PRIOR TO ANY EXCAVATION WORK IN PREVIOUSLY UNALTERED AREAS TO REQUEST EXACT FIELD LOCATION OF UTILITIES.
- THE PROPERTY IS LOCATED WITHIN F LRM ZONE AE (EL. 14 FEET) AS SHOWN ON COMMUNITY PANEL NO. 25001(CM17), DATED JULY 18TH, 2014.
- THE WETLAND DELINEATION SHOWN HEREON WAS CONDUCTED BY THE HORSLEY WITTEN GROUP, INC. ON JULY 24, 2020.
- REFERENCE PLANS: BARNSTABLE COUNTY REGISTRY OF DEEDS LAND COURT PLAN #28843A.
- FILLED TIDELAND AREAS, NHESP RARE SPECIES HABITAT, BARMIER BEACH, AND FLOOD ZONE LINES SCALED FROM MASS GIS.

SOIL TEST PIT DATA

PERFORMED BY AL LEHMAN, HORSLEY WITTEN GROUP, INC.  
 WITNESSED BY: S. BARMIER, ASSISTANT HEALTH AGENT  
 DATE: SEPTEMBER 15, 2020

TP-5		TP-6	
0'	8.8	0'	8.0
10'	8.0	10'	8.2
24'	8.6	24'	7.0
42'	5.3	48'	5.0
64'	3.5	64'	3.7
102'	0.3	102'	0.5
WEeping AT 102' (EL. 0.3) ESHGW EL. 2.1		WEeping AT 102' (EL. 0.5) ESHGW EL. 2.3	



NOTE: If this drawing is not on 24in x 36 in, it has been revised from its original size. Scales as noted on drawings/details are no longer applicable.  
 3/19/2021 3:15 PM



725 GREENWICH ST STE 300  
 SAN FRANCISCO CA 94133  
 32A MAIN ST STE 2  
 FRANKLIN, MA 02038  
 TEL : 415 . 544 . 9880  
 WWW.KUTHRANIERI.COM

Horsley Witten Group, Inc.  
 Sustainable Environmental Solutions  
 www.horsleywitten.com  
 90 Route 6A  
 Southwick, MA 02563  
 508-833-5500 voice  
 508-833-3150 fax

**Rock Harbor Harbormaster Building and Site Revitalization**  
 631 Dyer Prince Road  
 Eastham, MA 02642

Town of Eastham  
 19-120-0

NOT FOR CONSTRUCTION

CONSERVATION PERMITTING SUBMISSION  
 AUGUST 4, 2020



EXISTING CONDITIONS

**C001**

**Rock Harbor Harbormaster Building and Site  
Revitalization**  
631 Dyer Prince Road  
Eastham, MA 02642

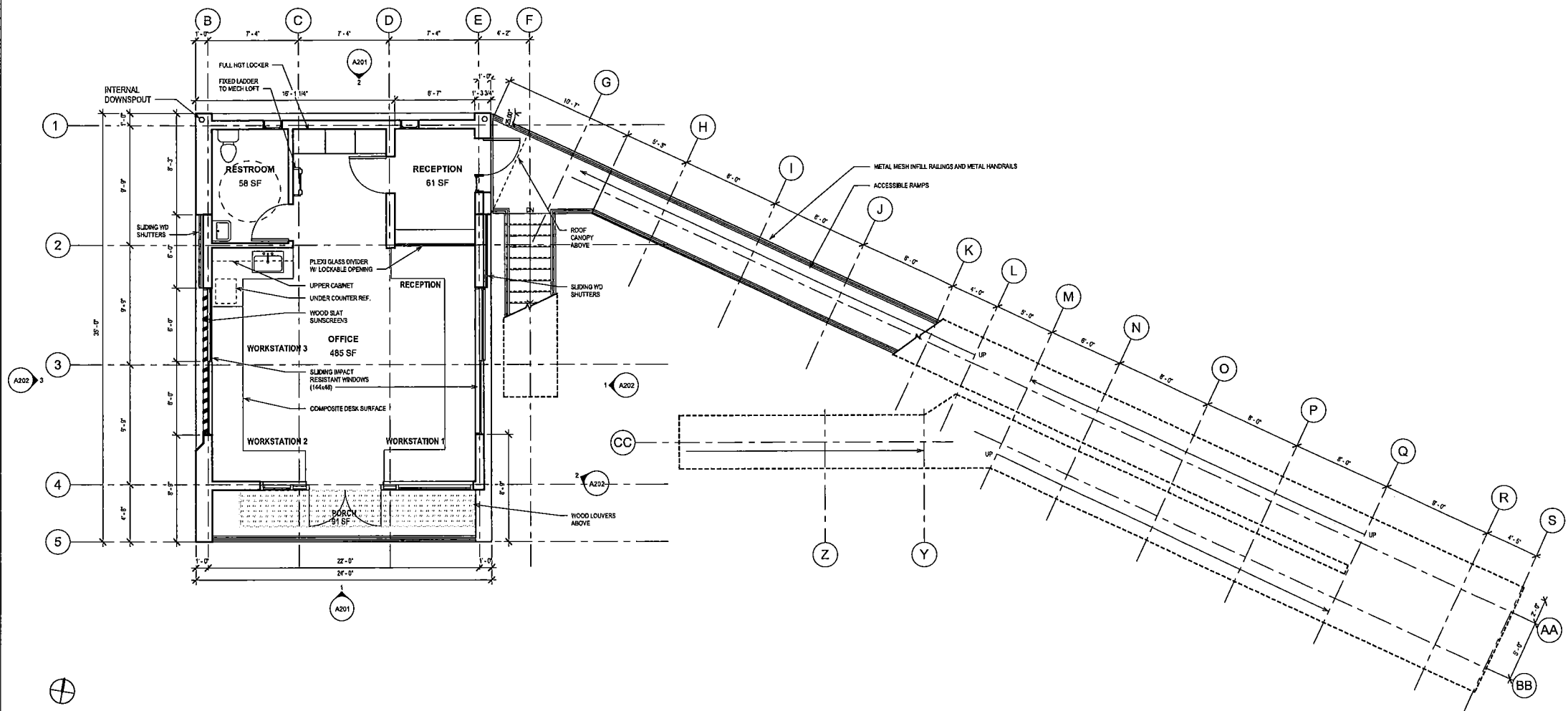
Town of Eastham



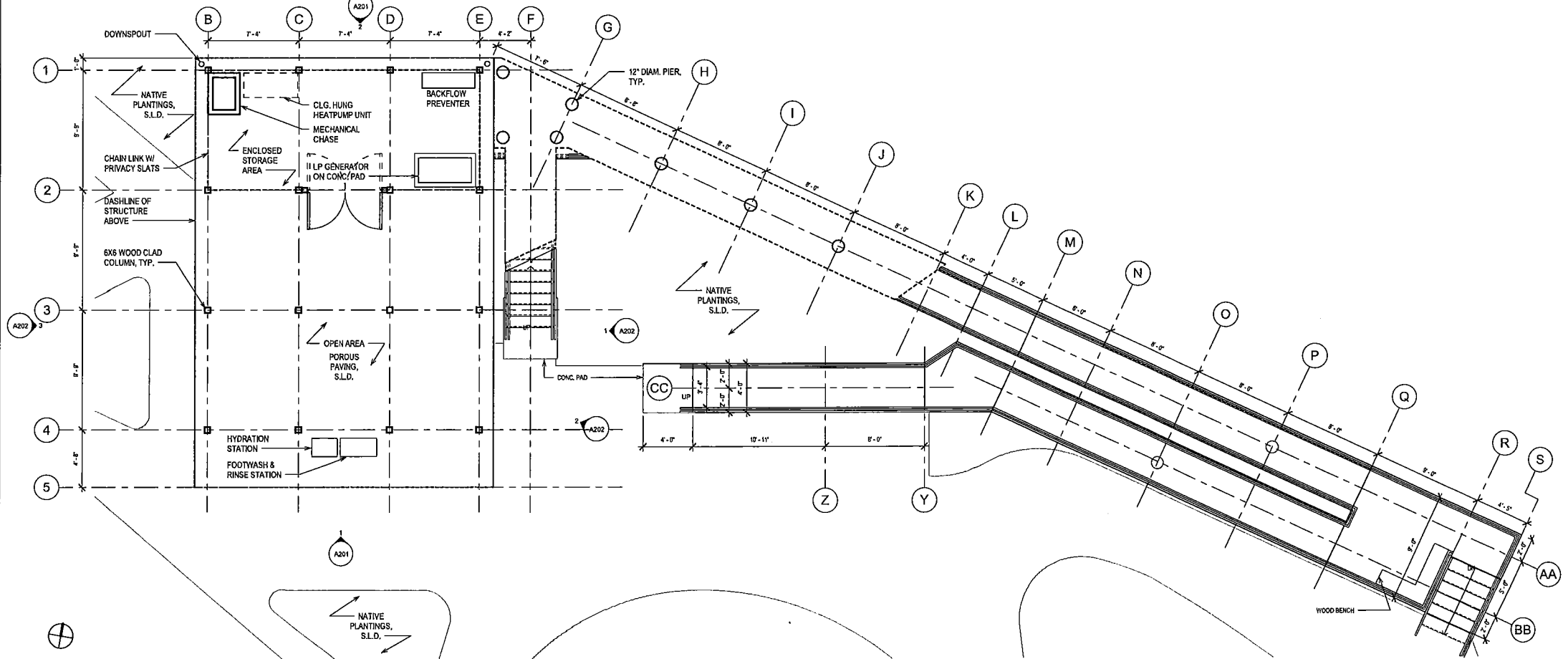
Planning Submission  
3/16/21

FLOOR PLANS

**A101**



1 PLAN - OFFICE LEVEL  
1/4" = 1'-0"



2 PLAN - STORAGE LEVEL  
1/4" = 1'-0"

NOTE: If this drawing is not on 30in x 42 in, it has been revised from its original size. Scales as noted on drawings/details are no longer applicable.  
3/16/21 7:28:57 AM



**KUTHRANIER**  
ARCHITECTS

725 GREENWICH ST STE 300  
SAN FRANCISCO CA 94133

32A MAIN ST STE 2  
FRANKLIN, MA 02038

TEL: 415.544.9880  
WWW.KUTHRANIER.COM

**Horsley Witten Group, Inc.**  
Sustainable Environmental Solutions  
www.horsleywitten.com  
90 Routes 6A  
Sandwich, MA 02563  
508-833-6600 voice  
508-833-3150 fax

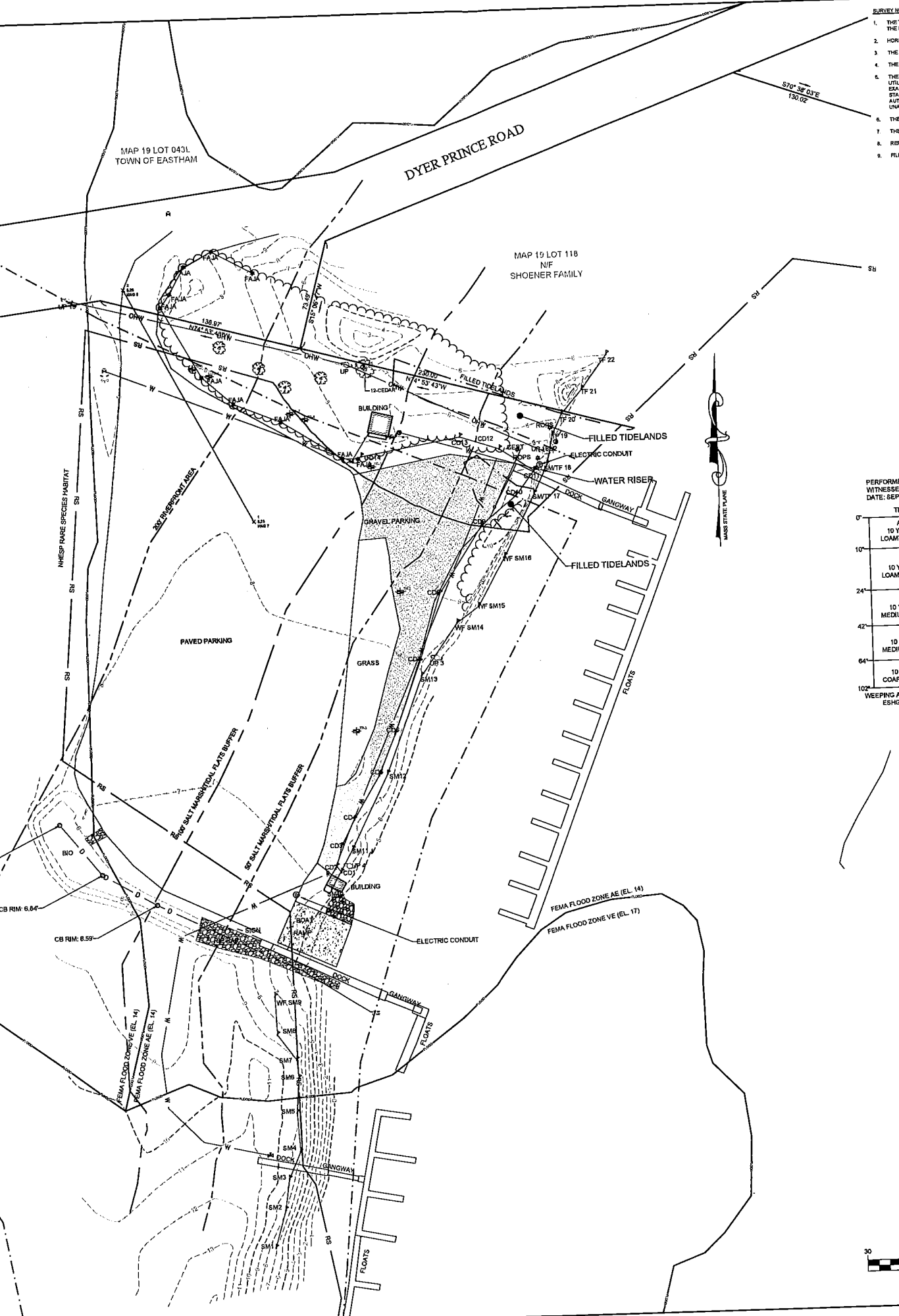
**Rock Harbor Harbormaster Building and Site Revitalization**

631 Dyer Prince Road  
Eastham, MA 02642

- SURVEY NOTES**
1. THE TOPOGRAPHY AND EXISTING SITE CONDITIONS DEPICTED HEREON ARE THE RESULT OF AN ON-GROUND FIELD SURVEY CONDUCTED BY THE HORSLEY WITTEN GROUP, INC. JULY 24, 2020 AND JULY 30, 2020.
  2. HORIZONTAL DATUM IS MASS STATE PLANE COORDINATE SYSTEM, DATUM ESTABLISHED BY GPS-ATK.
  3. THE ELEVATIONS DEPICTED HEREON WERE BASED ON THE NORTH AMERICAN VERTICAL DATUM (NAVVD) OF 1988.
  4. THE PROPERTY LINES AND RIGHTS OF WAY DEPICTED HAVE BEEN ESTABLISHED BY FIELD SURVEY AND DEEDS AND PLANS OF RECORD.
  5. THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AND STRUCTURES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF VARIOUS UTILITY COMPANIES, AND WHEREVER POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED UPON AS BEING EXACT OR COMPLETE. THE LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES SHALL BE VERIFIED IN THE FIELD PRIOR TO THE START OF ANY CONSTRUCTION. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANY, ANY GOVERNMENT PERMITTING AUTHORITY IN THE TOWN OF EASTHAM, AND "DODD" (1-888-384-7233) AT LEAST 12 HOURS PRIOR TO ANY EXCAVATION WORK IN PREVIOUSLY UNALTERED AREAS TO DETERMINE EXACT FIELD LOCATION OF UTILITIES.
  6. THE PROPERTY IS LOCATED WITHIN FEMA FLOOD ZONE AE (EL. 14 FEET) AS SHOWN ON COMMUNITY PANEL NO. 25010C041J DATED JULY 18TH, 2014.
  7. THE WETLAND DELINEATION SHOWN HEREON WAS CONDUCTED BY THE HORSLEY WITTEN GROUP, INC. ON JULY 24, 2020.
  8. REFERENCE PLANS: BARNSTABLE COUNTY REGISTRY OF DEEDS LAND COURT PLAN #2885A.
  9. FILLED TIDELAND AREAS, NHEHP RARE SPECIES HABITAT, BARRIER BEACH AND FLOOD ZONE LINES SCALED FROM MASS GIS.

**LEGEND:**

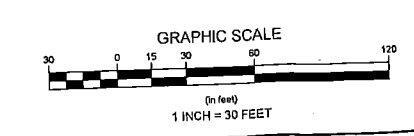
GENERAL			
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[Symbol]	CENTERLINE	[Symbol]	CONTROL POINT
[Symbol]	CONTOUR - MINOR	[Symbol]	EXISTING SPOT GRADE
[Symbol]	CONTOUR - MAJOR	[Symbol]	SPOT GRADE
[Symbol]	CURB	[Symbol]	SEWER MANHOLE
[Symbol]	CURB CUT	[Symbol]	ELECTRIC MANHOLE
[Symbol]	EDGE OF PAVEMENT	[Symbol]	EXISTING TREE
[Symbol]	FENCE - CHAIN LINK	[Symbol]	MANHOLE
[Symbol]	FENCE - WIRE	[Symbol]	DRAIN MANHOLE
[Symbol]	FENCE - WOOD	[Symbol]	CATCHBASIN
[Symbol]	GUARD RAIL	[Symbol]	FLARED END OUTLET
[Symbol]	PATHWAY	[Symbol]	STONE APRON
[Symbol]	EDGE OF ROCK	[Symbol]	WATER VALVE
[Symbol]	SIDEWALK	[Symbol]	SEWER VALVE
[Symbol]	TREE LINE	[Symbol]	GAS VALVE
[Symbol]	WALL - RETAINING	[Symbol]	CURB STOP
[Symbol]	WALL - STONE	[Symbol]	CLEAN OUT
<b>PROPERTY INFORMATION</b>			
[Symbol]	ABUTTING LOT	[Symbol]	UTILITY BOX
[Symbol]	BASELINE	[Symbol]	HYDRANT
[Symbol]	PROPERTY, LOT, OR ROW	[Symbol]	UTILITY POLE W/GRID
[Symbol]	SETBACK LINE	[Symbol]	UTILITY POLE
<b>UTILITIES</b>			
[Symbol]	DRAIN PIPE	[Symbol]	WATER WELL
[Symbol]	GAS LINE	[Symbol]	WATER RISE
[Symbol]	OVERHEAD WIRE	[Symbol]	WATER VALVE
[Symbol]	SEWER	[Symbol]	SEWER VALVE
[Symbol]	SEWER FORCE MAIN	[Symbol]	MONITORING WELL
[Symbol]	UNDERGROUND ELEC.	[Symbol]	WATER WELLS
[Symbol]	CABLE LINE	[Symbol]	WATER VALVE
[Symbol]	TELEPHONE LINE	[Symbol]	WATER VALVE
[Symbol]	WATER LINE	[Symbol]	WATER VALVE
<b>ENVIRONMENTAL</b>			
[Symbol]	WETLAND BOUNDARY	[Symbol]	WETLAND BOUNDARY
[Symbol]	WETLAND 50 BUFFER	[Symbol]	WETLAND 50 BUFFER
[Symbol]	WETLAND 100 BUFFER	[Symbol]	WETLAND 100 BUFFER
[Symbol]	WETLAND 300 BUFFER	[Symbol]	WETLAND 300 BUFFER
[Symbol]	NHEHP RARE SPECIES HABITAT	[Symbol]	NHEHP RARE SPECIES HABITAT
[Symbol]	BARRIER BEACH	[Symbol]	BARRIER BEACH
[Symbol]	FILLED TIDELANDS	[Symbol]	FILLED TIDELANDS
[Symbol]	FEMA FLOOD ZONE	[Symbol]	FEMA FLOOD ZONE
<b>ABBREVIATIONS</b>			
CD= COASTAL DUNES			
TF= TIDAL FLATS			
SM= SALT MARSH			
JAJA= INVASIVE JAPANESE KYOTWEED			
CEST= INVASIVE SPOTTED KNAPWEED			
ROPS= INVASIVE BLACK LOCUST			



**SOIL TEST PIT DATA**

PERFORMED BY M. LEHMAN, HORSLEY WITTEN GROUP, INC.  
WITNESSED BY: S. BARKER, ASSISTANT HEALTH AGENT  
DATE: SEPTEMBER 15, 2020

TP-5	TP-6
0' - 8.8	0' - 9.0
As	As
10 YR 7/2	10 YR 3/3
LOAMY SAND	LOAMY SAND
8.0	6.2
B	B
10 YR 8/3	10 YR 6/3
LOAMY SAND	LOAMY SAND
24	7.0
1C	1C
10 YR 5/4	10 YR 5/6
MEDIUM SAND	MEDIUM SAND
42	5.0
As'	As'
10 YR 3/4	10 YR 3/4
MEDIUM SAND	MEDIUM SAND
64	3.7
2C'	2C'
10 YR 3/6	10 YR 3/8
COARSE SAND	COARSE SAND
102	0.5
WEEPING AT 102" (EL. 0.3)	WEEPING AT 102" (EL. 0.5)
ESHGW EL. 2.1	ESHGW EL. 2.3



NOTE: If this drawing is not on 24in x 36 in, it has been revised from its original size. Scales as noted on drawings/details are no longer applicable.  
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Town of Eastham

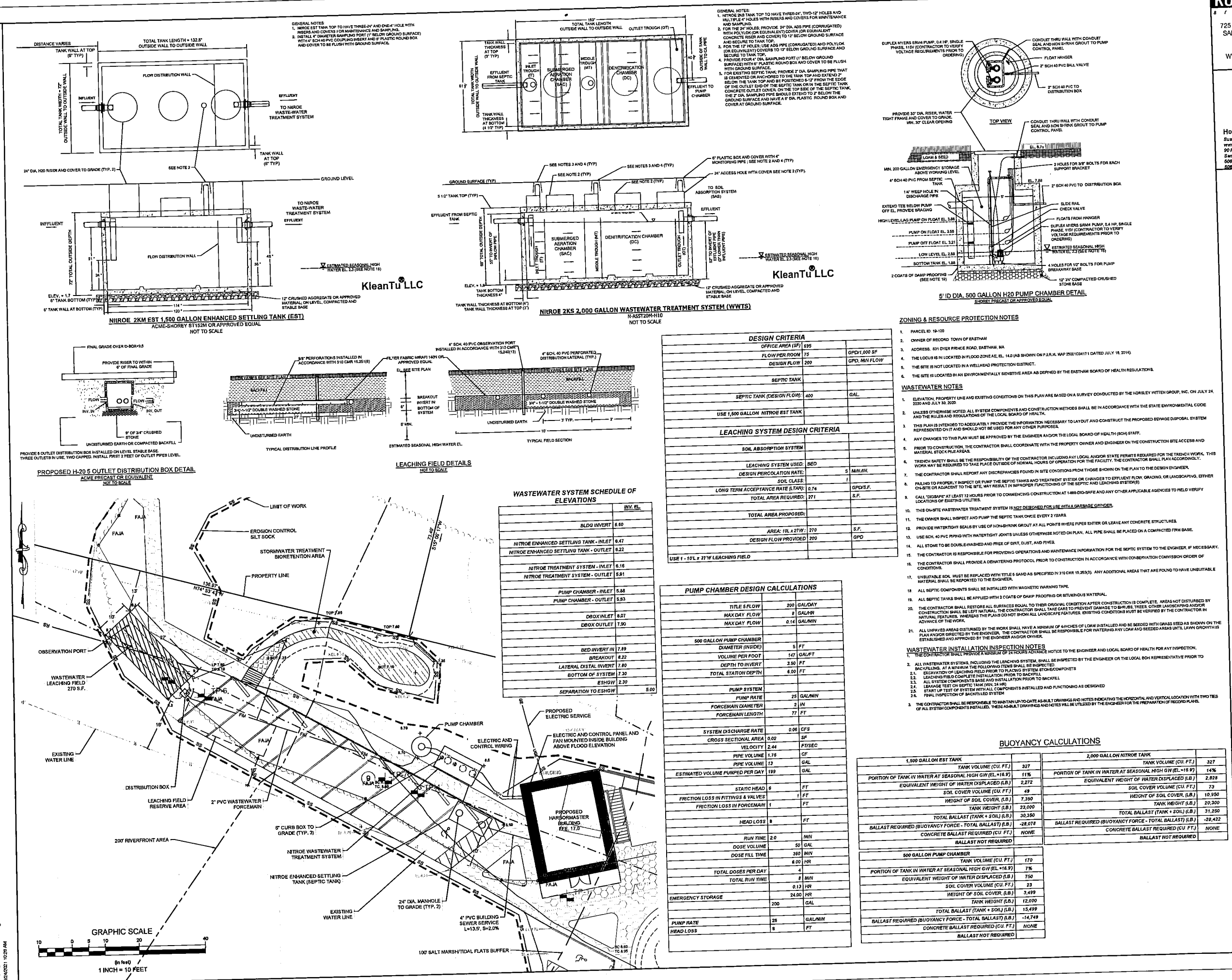
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NOT FOR CONSTRUCTION

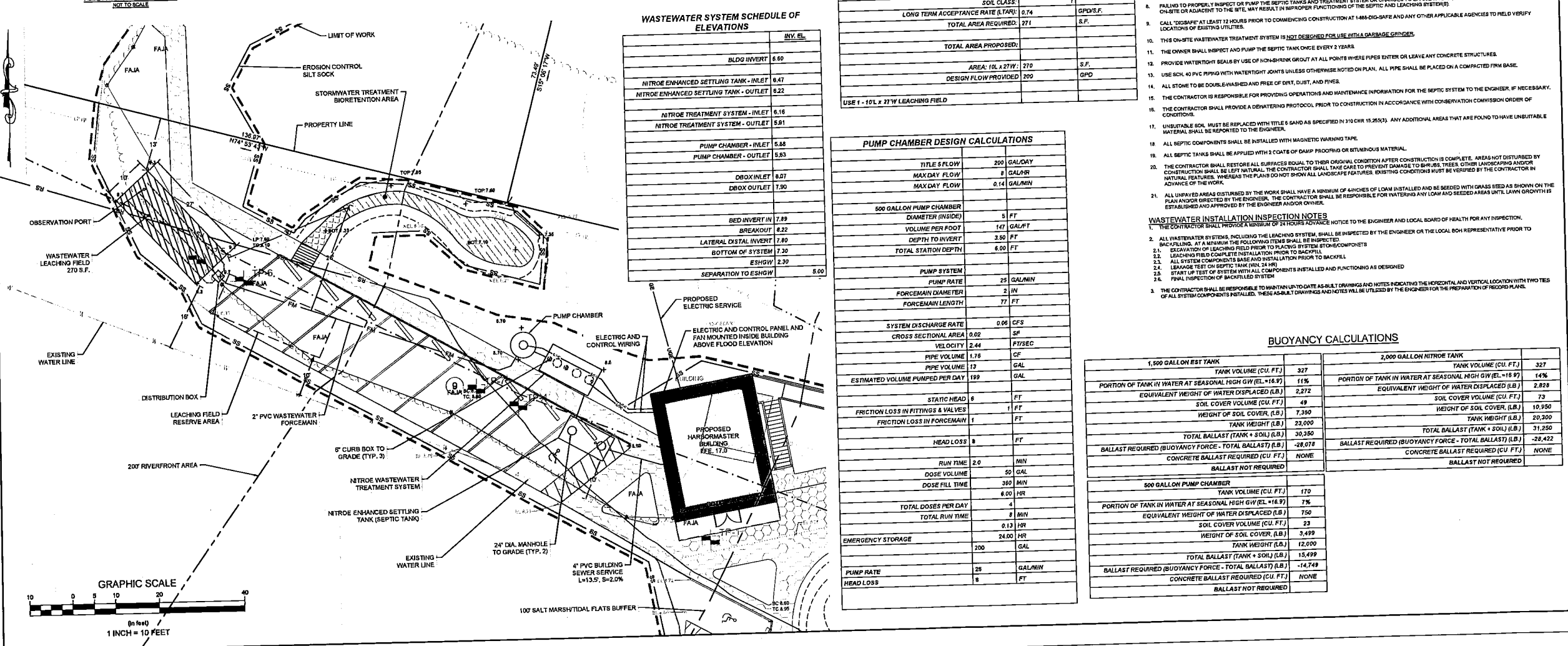
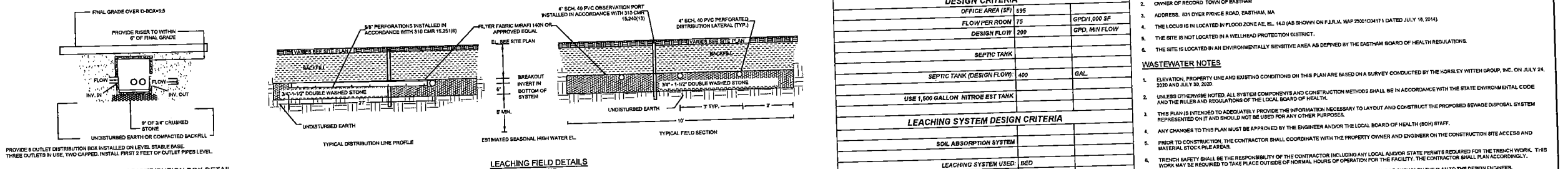
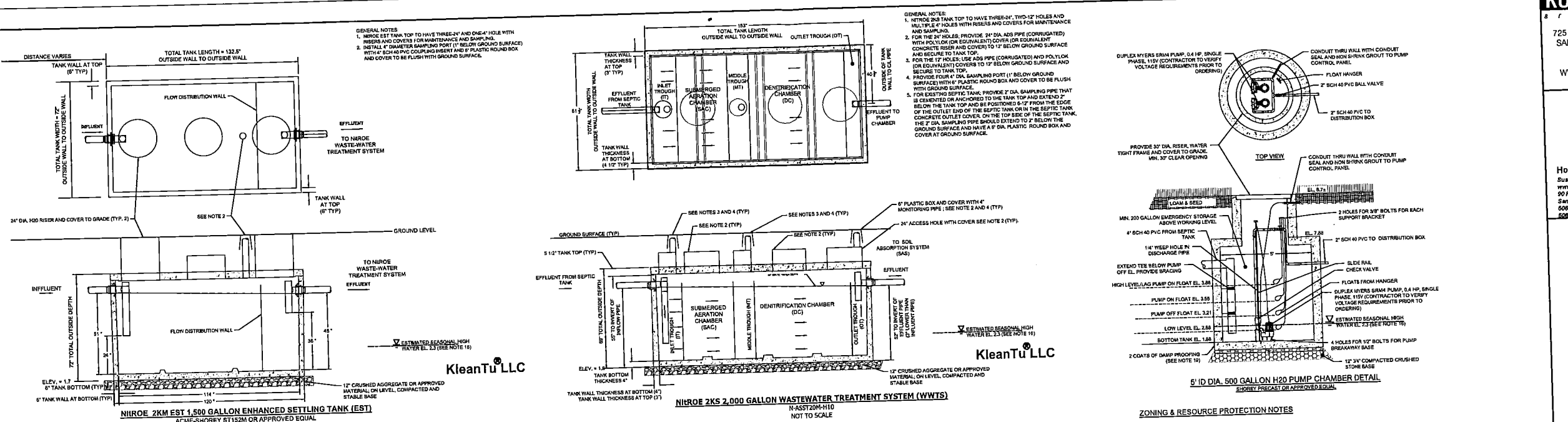
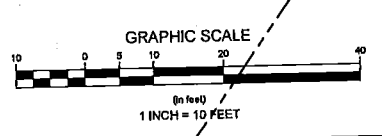
CONSERVATION PERMITTING SUBMISSION  
AUGUST 4, 2020

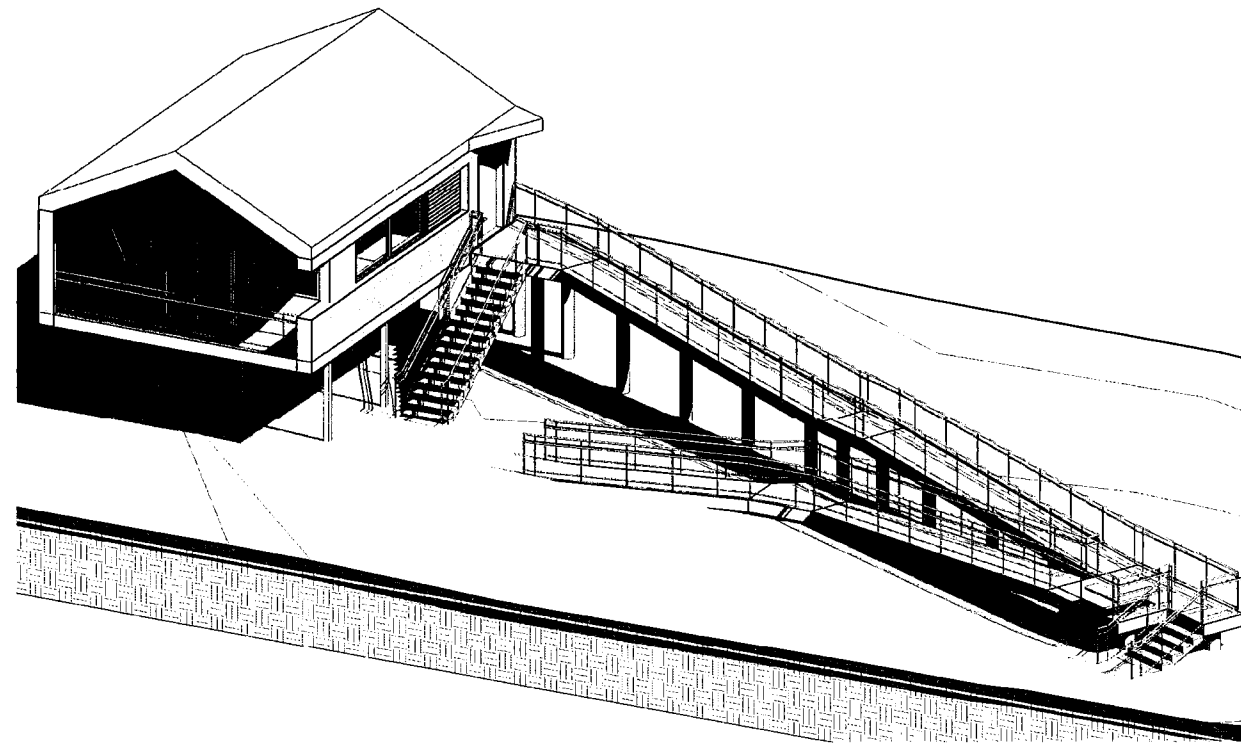
EXISTING CONDITIONS

**C001**



NOTE: If this drawing is not on 30in x 42 in. it has been revised from its original size. Scales as noted on drawings/details are no longer applicable.  
3/24/21 10:22 AM

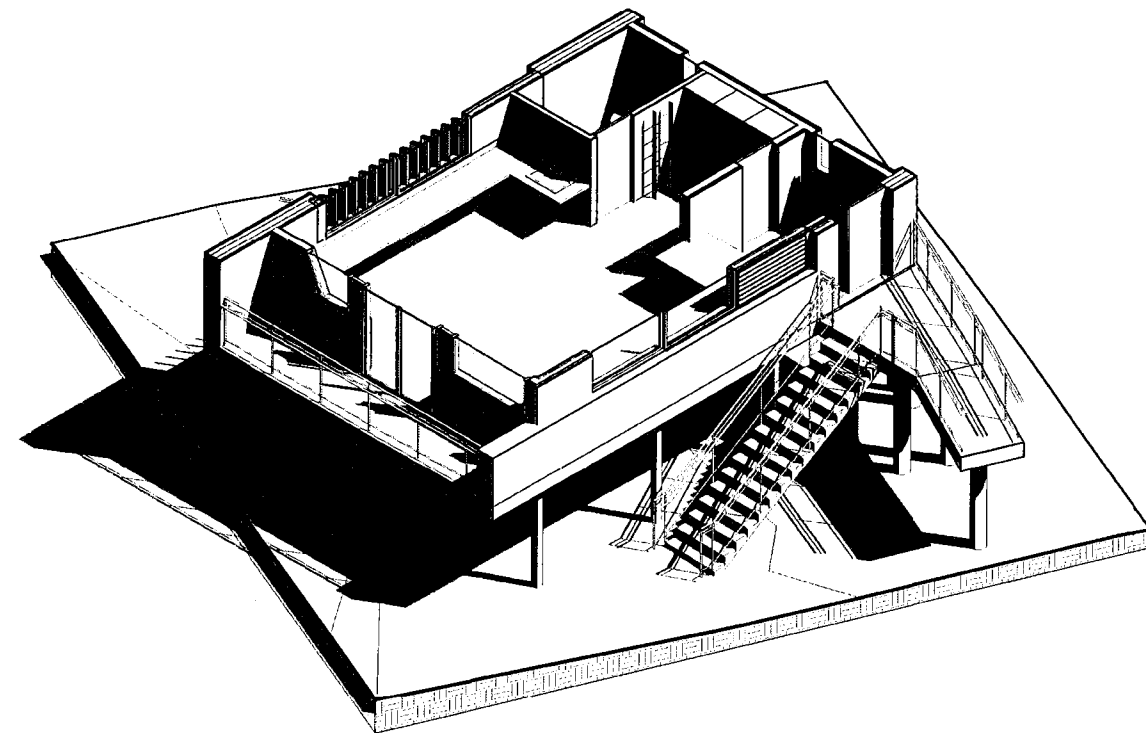




③ ORTHOGRAPHIC VIEW 3



② ORTHOGRAPHIC VIEW 1



③ ORTHOGRAPHIC VIEW 2



① PERSPECTIVE VIEW 1

**Rock Harbor Harbormaster Building and Site Revitalization**

631 Dyer Prince Road  
Eastham, MA 02642

Town of Eastham



Planning Submission  
3/16/21

NO.	DATE	DESCRIPTION
1	3/16/21	Planning Submission
2	3/17/21	100% Schematic Design - Revision 1
3	3/17/21	100% Schematic Design

3D VIEWS

**A900**

NOTE: If this drawing is not on 30in x 42 in, it has been revised from its original size. Scales as noted on drawings/details are no longer applicable.  
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Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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

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### PROVISIONAL USE APPROVAL RENEWAL

Pursuant to Title 5, 310 CMR 15.000

#### Name and Address of Applicant:

KleanTu LLC.  
300 Old Pond Road, Ste# 206  
Bridgeville, PA 15017

#### Trade name of technology and models:

NitROE® Waste-Water Treatment System (NitROE® WWTS) with unit sizing for design flows up to 2000 gpd (NitROE® 2KS WWTS and NitROE® 2KM WWTS) (hereinafter the 'System' or the 'Technology'). Owner and Operator manuals, installation manual, schematic drawings illustrating the System models and the technology inspection checklist are part of this Certification.

DEP Transmittal No.: X285590  
Date of Issuance: May 12, 2020,  
Expiration date: May 12, 2025

#### 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 Provisional Approval to: KleanTu LLC, located at 300 Old Pond Rd., Ste 206 in Bridgeville, PA (hereinafter "the Company"), NitROE® 2KS WWTS and NitROE® 2KM WWTS (hereinafter "the Technology" or "System") for use in the Commonwealth of Massachusetts subject to the conditions herein. Sale and use of the Technology is 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.

Marybeth Chubb, Section Chief  
Wastewater Management Program  
Bureau of Resource Protection

May 12, 2020  
Date

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.  
TTY# MassRelay Service 1-800-439-2370  
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## **I. PURPOSE**

Subject to the conditions of this Approval and any other local requirements, the purpose of this Approval is to allow installation and operation of at least 50 on-site sewage disposal systems utilizing the technology in Massachusetts in order to conduct a performance evaluation of the capabilities of the Technology during the first 3 years of operation of each system, in accordance with Title 5 – 310 CMR 15.286 (7), *Provisional Approval of Alternative System*.

The specific goal of the Performance Evaluation is to determine if the Technology is capable of consistently meeting the concentration limits for total nitrogen (TN) of less than 11 milligrams per liter (mg/L) for installations with design flows less than 2,000 GPD in the effluent discharged to the soil absorption system. In areas subject to nitrogen loading limitations, increases in the discharge rate per acre may be allowed when the nitrogen concentration discharged to the soil is reduced.

The Company is responsible for oversight and sampling of the systems during the Performance Evaluation. The System Owner has responsibility for continued oversight and sampling of the system if the property served was allowed to increase the discharge rate per acre above 440 gallons per day per acre (gpd) 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.

With the other applicable permits or approvals that may be required by Title 5, this Approval authorizes the installation and use of the Alternative System in Massachusetts. All the provisions of Title 5, including the General Conditions for all Alternative Systems (310 CMR 15.287), apply to the sale, design, installation, and use of the System, except those provisions that specifically have been varied by this Approval.

## **II. GENERAL DESCRIPTION OF THE TECHNOLOGY**

The NitROE ® 2KS or 2KM WWTS (the ‘System’) is installed in series between a Title-5 system septic tank and a soil absorption system constructed in accordance with 310 CMR 15.100 – 15.279, subject to the provisions of this Approval to accommodate design flows of less than 2,000 GPD.

The System is comprised of two-unit processes which are sequentially performed in two different chambers. The first chamber is aerated, via an external air pump and airline header/hose arrangement, to achieve both organic carbon reduction along with the biological conversion of ammonia-N to nitrate-N. From the Aeration Chamber, the wastewater then gravity flows into a Denitrification Chamber where, in the presence of natural organics from wood chips, bacteria mediate the conversion of nitrate-N to inert N gas that exits to the atmosphere via the Title 5 system vent piping. Depending on design flow and availability of local tank structures, the sequential Aeration and Denitrification process steps can be performed in the same single tank, which is NitROE® 2KS WWTS, or each process could be performed in its own separate tank with the overall NitROE® WWTS comprised of multiple tank combinations, which is NitROE® 2KM WWTS.

The use of the Technology under this Approval requires:

- Disclosure Notice in the Deed to the property;
- Certifications by the Company, the Designer, and the Installer;
- System Owner Acknowledgement of Responsibilities;

- A certified operator under contract for periodic inspection and maintenance;
- Periodic sampling;
- Recordkeeping and reporting; and
- An external power supply

### III. CONDITIONS OF APPROVAL

#### A. Basis for Conditions

1. The term “System” refers to the Technology in combination with any 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.
2. The term “Approval” includes the Special Conditions, Standard Conditions, General Conditions of 310 CMR 15.287, and the approved Attachments.
3. Items required by this Approval include:
  - a) Performance Evaluation Plan (PEP) with sampling and analysis requirements and approved by the Department. The PEP must be submitted to the Department for review and approval within 60 days of issuance of this Approval and meet the requirements of the Department’s *Guidance for the Preparation of Performance Evaluation Plans <2,000 GPD*;
  - b) Minimum System installation requirements;
  - c) Company schematic drawings and specifications;
  - d) Owner’s Manual, including information on substances that should not be discharged to the System;
  - e) Operation and Maintenance manual, including but not limited to, operator qualification requirements, inspection requirements, sampling and analysis requirements, recordkeeping requirements, and/or reporting requirements; and
  - f) MassDEP Operation and Maintenance (O&M) checklist and I/A technology inspection checklist.

#### B. Special Conditions

1. Department review and approval of the System design and installation is not required unless the Department determines on a case-by-case basis pursuant to its authority at 310 CMR 15.003(2)(e) that the proposed System requires Department review and approval.
2. System installations must meet the specific siting conditions for Provisional Use provided in 310 CMR 15.286(4) and the facility must meet the siting requirements of this Approval.
3. Any System for which a complete Disposal System Construction Permit Application is submitted while this Approval is in effect, may be permitted, installed, and used in accordance with this Approval unless the Department, the local approval authority, or a court requires the System to be modified or removed or requires discharges to the System to cease.
4. The System Owner shall provide access to the site for purposes of sampling the System in accordance with the Company’s technology Performance Evaluation Plan approved by the

Department, in addition to providing access for performing inspections, maintenance, repairs, and responding to alarm events.

5. The System Owner shall ensure that no permanent buildings or structures, other than the System, are constructed in the area for the installation of all the components of a fully conforming Title 5 system with a reserve area. The area for a fully conforming Title 5 system with a reserve area shall not otherwise be disturbed by the System Owner in any manner that will render it unusable for future installation of a fully conforming Title 5 system.
6. 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.

If it is feasible to connect a new or existing facility to the sewer, the Designer shall not propose an Alternative System to serve the facility and the facility Owner shall not install or use an Alternative System.

When a sanitary sewer connection becomes feasible after an Alternative System has been installed, the System Owner shall connect the facility served by the System 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 or the Local Approving Authority.

7. The control panel including alarms shall be mounted in a location accessible to the System Operator.
8. For any System that does not flow by gravity to the SAS, the System shall be equipped with sensors and high-level alarms to protect against high water due to pump failure, pump control failure, loss of power, or system freeze up. The control panel including alarms and controls shall be mounted in a location always accessible to the operator (or service contractor). Emergency storage capacity for wastewater above the high level alarm shall be provided equal to the daily design flow of the System and the storage capacity shall include an additional allowance for the volume of all drainage which may flow back into the System when pumping has ceased.

Instead of providing emergency 24-hour storage, an independent standby power source may be provided for operation during an interruption in power. With any interruption of the power supply the source must be capable of automatically activating in addition to manual start up capability. The standby power must be sufficient to handle peak flows for at least 24 hours and sufficient to meet all power needs of the System including, but not limited to, pumping, ventilation, and controls. Standby power installations must be inspected and exercised at least annually and all automatic and manual start up controls must be tested. Standby power installations must comply with all applicable state and local code requirements. Provided that a standby power installation complies with these requirements, no variance is required to the provisions of 310 CMR 15.231(2).

9. System unit malfunction and high water alarms shall be connected to circuits separate from the circuits to the operating equipment and pumps.
10. All System control units, valve boxes, conveyance lines and other System appurtenances shall be designed and installed to prevent freezing per the Company's recommendations.

11. 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.
12. In compliance with 310 CMR 15.240(13), a minimum of one (1) inspection port shall be provided within the SAS consisting of a perforated four inch pipe placed vertically down into the stone to the naturally occurring soil or sand fill below the stone. The pipe shall be capped with a screw type cap and accessible to within three inches of finish grade.

#### Operation and Maintenance

13. Inspection, operation and maintenance (O & M), sampling, and field testing of the System required by this Approval shall be performed by a System Operator with the following qualifications:
  - a) is an approved System Inspector in accordance with 310 CMR 15.340;
  - b) has been trained by the Company and whose name appears on the Company's current list of qualified operators; and
  - c) has been certified at a minimum of Grade Level IV (four) by the Board of Registration of Operators of Wastewater Treatment Facilities, in accordance with Massachusetts regulations 257 CMR 2.00. The name of the Operator shall be included in the O&M agreement required by paragraph B (14).
14. Prior to the use of the System, the System Owner shall enter into an O&M Agreement with a qualified contractor and submit the Agreement to the Approving Authority and the Company. The Agreement shall be at least for one year and include the following provisions:
  - a) The name of the qualified Operator that appears on the Company's current list of Service Contractors;
  - b) The System Operator must have the qualifications specified in paragraph B (13);
  - c) The System Operator must inspect the System in accordance with the Approval and anytime there is an equipment failure, System failure, or other alarm event;
  - d) In the case of a System failure, an equipment failure, alarm event, components not functioning as designed or in accordance with the Company specifications, or violations of the Approval, procedures and responsibilities of the 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, the Company, and the local board of health;
  - e) The System Operator shall determine the cause of total nitrogen effluent limit violations if they occur and take corrective actions in accordance with the approved O & M Manual; and
  - f) Procedures and responsibilities for recording quarterly or monthly wastewater flows must be defined, see paragraph B (32) "*Flow Metering*".
15. At all times, the System Owner shall maintain an O&M Agreement that meets the requirements of paragraph B (20).
16. The System Owner and the System Operator shall properly operate and maintain the system in accordance with this Approval, the Designer's operation and maintenance requirements, and the requirements of the local approving authority.



17. Upon determining that the System has failed, as defined in 310 CMR 15.303, the System Operator shall notify the System Owner immediately.
18. 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.
19. In the case of a System failure, an equipment failure, alarm event, components not functioning as designed or in accordance with the Company specifications, or any violations of the Approval, the System Owner and the System Operator shall be responsible for the written notification of the local approving authority and the Company within five days describing corrective measures taken.
20. 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. The O&M report and inspection checklist shall include, at a minimum:
  - a) for a System failing, any corrective actions taken;
  - b) wastewater analyses, wastewater flow data, and field testing results;
  - 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.
21. By September 30th of each year, the System Owner and the Service Contractor shall be responsible for submitting 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.
22. By September 30th of each year, the Service Contractor shall be responsible for submitting to the Company copies of all O&M reports including alarm event responses, all monitoring results, violations of the Approval, inspection checklists completed by the Service Contractor, notifications of system failures, and reports of equipment replacements with reasons during the previous 12 months.
23. A copy of the wastewater analyses, wastewater flow data, field testing results, and System Operator O&M reports and inspection checklists shall be maintained by the Company. It is recommended the System Owner also maintain copies of these items.
24. The System Owner shall notify the 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 B(14).
25. The System Owner and the Service Contractor shall maintain copies of the Service Contractor's O&M reports, inspection checklists, and all reports and notifications to the LAA for a minimum of five years.
26. The System may only be installed to serve facilities where a fully conforming Title 5 system with a reserve area exists on-site or could be built on-site in compliance with the design standards for new construction of 310 CMR 15.000, and for which a site evaluation in

compliance with 310 CMR 15.000 has been approved by the Approving Authority. A fully conforming Title 5 system may include other approved alternative technologies in accordance with the conditions imposed on the alternative technologies.

27. Subject to the provisions of this Approval, the Technology shall be installed in a manner which neither intrudes on, replaces a component of, or adversely affects the operation of all other components of the System designed and constructed in accordance with the standards for new construction of 310 CMR 15.200 - 15.279.

#### Effluent Limit and Monitoring Requirements.

28. For the new construction, unless the facility meets a TN effluent limit of 11 mg/l or less, the system shall not be designed to receive more than 440 gallons of design flow per day per acre (gpda) in an area that is subject to the Nitrogen Loading Limitations of 310 CMR 15.214. If the facility does not meet with the Nitrogen Loading Limitations pursuant to the aggregation provisions of 310 CMR 15.216, the System Owner shall repair, replace, modify or take any other action as required by the Department or the local approving authority to meet the total nitrogen concentration limits in the effluent.

Violation of the TN concentration in the System effluent shall not require notifications as required in paragraphs B (18) and (19).

29. Prior to Department approval of the Company's Performance Evaluation Plan, the Company shall be responsible for the following monitoring requirements for all System installations that are subject to a total nitrogen concentration limit in accordance with paragraph B (28). Sampling shall include pH, BOD5, TSS and Total Nitrogen, unless otherwise stated. Flow shall be recorded at each inspection, see "Flow Metering" section below.

- a) Year-round facilities shall be inspected and effluent sampled quarterly;
- b) Seasonal properties shall be inspected and effluent sampled a minimum of twice per year, with at least one annual sample taken 30 to 60 days after seasonal occupancy and a second sample taken no less than 2 months after the first sample; and
- c) After 12 rounds of monitoring, sampling may be reduced to TN only quarterly. Reduced sampling shall also include Field Testing of System wastewater when determined necessary by the operator, see *DEP Field Testing Protocol* at <http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/testsamp.pdf>.

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.

30. During the Performance Evaluation period, the Company shall follow the monitoring requirements specified in the Performance Evaluation Plan for installed Systems.
31. After the three (3) year Performance Evaluation period by the Company and approval by the Department, and until this Approval is modified, terminated, or superseded by a General Use Certification, the System Owner shall comply with the following monitoring requirements if the System is subject to a total nitrogen concentration limit in accordance with paragraph B? (28).

- a) Year-round properties shall be inspected and sampled for at least the TN parameter a minimum of twice/year, 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 as determined necessary by the System operator, see *DEP Field Testing Protocol* at <http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/testsamp.pdf>.  
Water meter readings shall be recorded at each inspection, see “Flow Metering” below.
  - b) Seasonal properties shall be sampled for at least the TN parameter a minimum of twice/year. At least one annual sample must be taken 30 to 60 days after each seasonal occupancy. A second sample must be taken no less than 2 months after the first sample. Field testing of the System shall be completed as determined necessary by the operator. Water meter readings shall be recorded at each inspection, see “Flow Metering” below.
32. Flow Metering - At a minimum, for all systems installed prior to this Approval, water meter flow data shall be recorded each time the system is inspected and sampled by the System Operator. For systems installed after the effective date of this Approval, wastewater flow data shall be recorded each time the system is inspected and sampled by the System Operator and may be based on:
- a) actual metering data of wastewater flow to the system; or
  - b) water meter data for the total facility with metered non-wastewater flows, if available, subtracted from the total facility water usage.
33. Field Testing: Turbidity, pH and Apparent Color - Turbidity, pH, DO and apparent color shall be measured and/or recorded in the field when when determined necessary by the operator. See applicable sections of the Department’s *Field Testing Protocol* at <http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/testsamp.pdf>.
34. At a minimum, the System Operator shall inspect the System:
- a) two times per year;
  - 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
35. The System Operator shall collect samples and obtain analysis results from an approved lab, perform field testing required by the Approval and submit results within 60 days of the site visit to the System Owner.
36. If the Company successfully demonstrates the effectiveness of the System to reduce nitrogen loadings during the Performance Evaluation period, a minimum of three years, the System Owner shall operate the System subject to the requirements of the General Use Certification, if issued, for this technology.

### C. Special Conditions Specific to the Company

1. 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 manufacturer 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.

2. Prior to submission of an application for a DSCP, the Company shall provide to the Designer and the System Owner:
  - a) All design and installation specifications and requirements;
  - b) An operation and maintenance manual, including:
    - i) an inspection checklist;
    - ii) recommended inspection and maintenance schedule;
    - iii) monitoring (i.e. water use and power consumption) and sampling procedures, if any;
    - iv) alarm response procedures, if any, and troubleshooting procedures;
  - c) An owner's manual, including proper system use and alarm response procedures, if any;
  - d) Estimates of the Owner's costs associated with System operation including, when applicable: power consumption, maintenance, sampling, recordkeeping, reporting, and equipment replacement;
  - e) A copy of the Company's warranty; and
  - f) Lists of Designers, Installers, and Service Contractors.
3. The Company shall implement the Performance Evaluation Plan, as submitted and approved by the Department, and shall be responsible for all data collection and submissions to the Department until a final determination on the Performance Evaluation has been made by the Department.
4. Until a final determination has been made by the Department on a completed Performance Evaluation, the Company shall submit to the Department an annual report by February 15th of each year that includes the following:
  - a) a table of all sample data collected for all systems installed to date and all information required by the Department as part of the approved Performance Evaluation Plan;
  - b) status of preparation of a Performance Evaluation Plan if not yet provided to MassDEP, or any recommended changes to the approved Performance Evaluation Plan;
  - c) a list of pending applications for system installations which have been submitted to local approving authorities;
  - d) identification of any System after start-up in violation of the Approval or not in compliance with any performance criteria at the time of the annual report, the reasons for the noncompliance and the status of any corrective actions that are needed; and
  - e) any recommendations and requests for changes to the system monitoring and reporting plan or the performance criteria of the Approval.

The report shall be signed by a corporate officer, general partner or the Company owner.

(Service Contractor records submitted to the Company should not be included with the annual report to the Department, but shall be made available to the Department within 30 days of a request by the Department.)

5. The Company shall institute and maintain a program of Installer training and continuing education that is at least offered annually. The Company shall maintain and annually update, and make available the list of qualified Installers by February 15th of each year. The Company shall certify that the Installers on the list have taken the training and passed the Company's training qualifications.

6. The Company shall institute and maintain a program of Designer training and continuing education, as approved by the Department. The Company shall maintain and annually update, and make available the list of qualified Designers by February 15th of each year. The Company shall certify that the Designers on the list have taken the training and passed the Company's training qualifications.
7. The Company shall institute and maintain a program of Operator training and continuing education, as approved by the Department. The Company shall maintain and annually update, and make available the list of qualified Operators by February 15th of each year. The Company shall certify that the Operators on the list have taken the training and passed the Company's training qualifications.
8. The Company shall not sell the Technology to an Installer unless the Installer is trained to install the System by the Company.
9. Prior to its sale of any System that may be used in Massachusetts, the Company shall provide the purchaser with a copy of the Approval with the System design, installation, O&M, and Owner's manuals. In any contract for distribution or sale of the System, the Company shall require the distributor or seller to provide the purchaser of a System for use in Massachusetts with copies of these documents, prior to any sale of the System.
10. Within 60 days of issuance by the Department of a revised Approval, the Company shall provide written notification of changes to the Approval to all Service Contractors servicing existing installations of the Technology and all distributors and resellers of the Technology.
11. The Company shall provide written notification to the Department's Director of the Wastewater Management Program at least 30 days in advance of the proposed transfer of ownership of the Technology for which the Approval is issued. Said notification shall include the name and address of the proposed owner containing a specific date of transfer of ownership, responsibility, coverage and liability between them.
12. The Approval shall be binding on the Company and its officers, employees, agents, contractors, successors, and assigns, including but not limited to dealers, distributors, and resellers. Violation of the terms and conditions of the Approval by any of the foregoing persons or entities, respectively, shall constitute violation of the Approval by the Company unless the Department determines otherwise.

#### **IV. CERTIFICATION AND NOTIFICATION REQUIREMENTS**

1. Thirty (30) days prior to submitting an application for a DSCP, the Company or its representative shall provide to the Approving Authority a certification, signed by the owner of record for the property to be served by the unit, stating that the property owner:
  - a) has been provided a copy of the Provisional Use Approval and all attachments and agrees to comply with all terms and conditions;
  - b) has been informed of all the owner's costs associated with the operation including power consumption, maintenance, sampling, recordkeeping, reporting, and equipment replacement;

- c) understands the requirement for a contract with a company approved operator and has been provided a current list of all approved operators;
  - d) agrees to fulfill his responsibilities to provide a Deed Notice as required by 310 CMR 15.287(10) and the Approval; and
  - e) agrees to fulfill his responsibilities to provide written notification of the Approval conditions to any new owner, as required by 310 CMR 15.287(5).
2. Upon submission of an application for a DSCP to the Approving Authority, the Company shall submit to the Approving Authority, with a copy to the Designer and the System Owner, a certification by the Company or its authorized agent that the design conforms to this Approval and that the proposed use of the System is consistent with the unit's capabilities and all Company requirements. The review shall include evaluation of the need for installation of water meter(s) at each facility. An authorized agent of the Company responsible for the design review shall have received technical training in the Company's products.
  3. The System Designer shall be a Massachusetts Registered Professional Engineer, or a Massachusetts Registered Sanitarian provided that such Sanitarian shall not design a system with a discharge greater than 2,000 gallons per day.
  4. Thirty (30) days prior to delivery of the treatment unit to the site for installation, the Company shall provide to the Approving Authority a copy of a signed contract for a minimum period of one year with a Company approved Operator and the initial Owner/Occupant of the property.
  5. Prior to the commencement of construction, the System Installer must certify in writing to the Designer and the System Owner that (s)he has taken the Company's training, passed the Company's training qualifications, and is listed on the Company's list of Installers.
  6. Prior to the issuance of a Certificate of Compliance by the Approving Authority:
    - a) In accordance with 310 CMR 15.021(3), the System Installer and Designer must certify in writing that the System has been constructed in compliance with 310 CMR 15.000, the approved design plans, and all local requirements, including any local approving authority site-specific requirements;
    - b) In accordance with 310 CMR 15.021(3), the Designer must certify in writing that any changes to the design plans have been reflected on as-built plans which have been submitted to the Approving Authority by the Designer;
    - c) As a condition of this Approval, the System Installer and Designer must certify to the Approving Authority in writing that the System has been constructed in compliance with the terms of this Approval;
    - d) An authorized agent of the Company must certify to the Approving Authority in writing that the installation was done by a qualified Installer approved by the Company and the installation conforms to this Approval. The authorized agent of the Company responsible for the inspection of the installation shall have received technical training in the Company's products; and
    - e) 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, as required by 310 CMR 15.287(5) of all conditions contained in the Approval to the transferee(s). Any and all instruments of transfer and any leases or rental agreements shall be included as an exhibit attached thereto and made

a part thereof of 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 such notice to the transferee(s).

## V. STANDARD CONDITIONS

1. The provisions of 310 CMR 15.000 are applicable to the design, installation, use and operation of a System utilizing an approved or certified alternative technology, except those provisions that specifically have been varied by the conditions of this Approval.
2. The design, installation, and use of the System must conform to the terms and conditions of the Approval and the Department approved attachments.
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. Standard Conditions Applicable to the System Owner.
4. This Approval shall be binding on the System Owner and on its agents, contractors, successors, and assigns. 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.
5. The System Owner shall obtain all necessary permits and approvals required by 310 CMR 15.000 prior to the installation and use of the System in Massachusetts.
6. The System is approved for the treatment and disposal of sanitary sewage only. The System Owner shall not introduce any wastes that are not sanitary sewage into the System. The System Owner shall dispose of wastes generated or used at the facility that are not sanitary sewage by other lawful means.
7. Prior to issuance of the Certificate of Compliance and after recording and/or registering the Deed Notice required by 310 CMR15.287(10), the System Owner shall submit the following to the Local Approving Authority: (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.
8. The System Owner shall at all times have the installed System properly operated and maintained in accordance with the most recent O&M provisions of this Approval for the alternative technology and in accordance with any additional requirements of the Approving Authority. The most recent O&M provisions of this Approval for the alternative technology are available from the Department.
9. 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.

### Standard Conditions Applicable to the Designer

10. The Designer shall be a Massachusetts Registered Professional Engineer or a Massachusetts Registered Sanitarian, including when designing systems for repair, provided that such Sanitarian shall not design a system to discharge more than 2,000 gallons per day.
11. Prior to the application for a DSCP, the Designer shall provide the System Owner with a copy of this Approval.

Standard Conditions Applicable to the Company

12. This Approval shall be binding on the Company and its officers, employees, agents, contractors, successors, and assigns. 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 Company unless the Department determines otherwise.
13. The Company shall include copies of the Approval 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 all vendors, distributors, and resellers to provide each purchaser of the System with copies of the Approval.
14. The Company shall make available, in printed and electronic format, the approved Attachments and any approved updates associated with the Approval, to the System Owners, Operators, Designers, Installers, vendors, resellers, and distributors of the System.
15. The Company shall submit to the Department for approval any proposed updates or changes to the Attachments to the Approval.
16. The Company shall notify all System Owners, resellers, and distributors of changes to the Approval within 60 days of issuance by the Department.
17. The Company shall notify the Department's Director of the Wastewater Management Program at least 30 days in advance of the proposed transfer of ownership of the Technology for which the Approval is issued. Said notification shall include the name and address of the proposed owner containing a specific date of transfer of ownership, responsibility, coverage and liability between them. All provisions of the Approval applicable to the Company shall be applicable to successors and assigns of the Company, unless the Department determines otherwise.
18. The Company shall furnish the Department any information that the Department requests regarding the Technology within 21 days of the date of receipt of that request.
19. 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.

Reporting



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

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

Rights of the Department

21. The Department may suspend, modify or revoke the Approval for cause, including, but not limited to, noncompliance with the terms of the Approval, non-payment of any 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 the Approval and/or a System utilizing the Technology against the Company, the Designer, the System Owner, the Installer, and/or the Operator of the System.

**VI. GENERAL CONDITIONS**

Title 5 Regulations 310 CMR 15.287: "General Conditions for Use of Alternative Systems Pursuant to 310 CMR 15.284 through 15.286"

"The following conditions shall apply to all uses of alternative systems pursuant to 310 CMR 15.284 through 15.286:

1. All plans and specifications shall be designed in accordance with 310 CMR 15.220.
2. Any required operation and maintenance, monitoring and testing plans shall be submitted to the Department and approved prior to initiation of the use. Monitoring and sampling shall be performed in accordance with a Department approved plan. Sample analysis shall be conducted by an independent U.S. EPA or Commonwealth of Massachusetts approved testing laboratory, or an approved independent university laboratory, unless otherwise provided in the Department's written approval. It shall be a violation of 310 CMR 15.000 to omit from a report or falsify any data collected pursuant to an approved testing plan.
3. The facility served by the alternative 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. The Department and/or the Local Approving Authority may require the owner or operator of the system to cease operation of the system and/or to take any other action necessary to protect public health, safety, welfare and the environment.
5. The owner or operator shall provide written notice to any new owner or operator that the system is an alternative system. Such notice shall include notice of the general conditions and any special conditions applicable to the system and its owner.

6. The owner or operator, or the proponent of the alternative system, shall obtain and provide the Department with a determination from the board of certification of operators of wastewater treatment facilities established pursuant to M.G.L. c. 21, § 34A as to whether a certified operator is required for operation of the alternative system. The Department shall waive this requirement if it has on file a determination for the alternative system, and shall notify the owner, operator, or proponent of the determination.
7. It is a violation of 310 CMR 15.000 to install, construct, or operate an alternative system except in full compliance with the written approval and 310 CMR 15.287.
8. The Department may require the issuance of a groundwater discharge permit pursuant to 314 CMR 5.00 (groundwater discharge program) for any alternative system.
9. The system owner shall maintain an operation and maintenance contract with a Massachusetts certified operator where one is required by 257 CMR 2.00, or otherwise with a person qualified to operate and maintain the system in accordance with the Department's written approval.
10. 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 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 Local Approving Authority.

Horsley Witten Group  
Sustainable Environmental Solutions

90 Route 6A • Unit 1 • Sandwich, MA 02563  
508-833-6600 • horsleywitten.com



TO: The Abutters of 631 Dyer Prince Road, Eastham MA. Parcel ID: 19-120

SUBJECT: Rock Harbor Harbormaster Building and Site Revitalization Wastewater System.

TO WHOM IT MAY CONCERN,

In accordance with the Town of Eastham Board of Health, you are hereby notified that an application has been filed with the Eastham Board of Health by the owners described below, regarding the installation of a new wastewater treatment system at the above mentioned property. Additional details follow:

APPLICANT/OWNER: Town of Eastham

ADDRESS: 2500 State Highway, Eastham MA 02642

PROJECT LOCATION: a. 631 Dyer Prince Road, Eastham MA

b. Parcel ID: 19-120

PROJECT DESCRIPTION: The project includes the installation of a nitrogen reducing NitROE 2KS wastewater treatment system, to serve the new Harbormaster Building office area. The wastewater treatment system is being permitted under the Massachusetts Department of Environmental Protection (MassDEP) Provisional Use Approval.

APPLICANTS' AGENT: Horsley Witten Group, Inc.

PUBLIC HEARING: Thursday April 29, 2021 at 3:00 PM, Virtual

Plans for this project describing the proposed activity are on file with the Eastham Board of Health.

Sincerely,

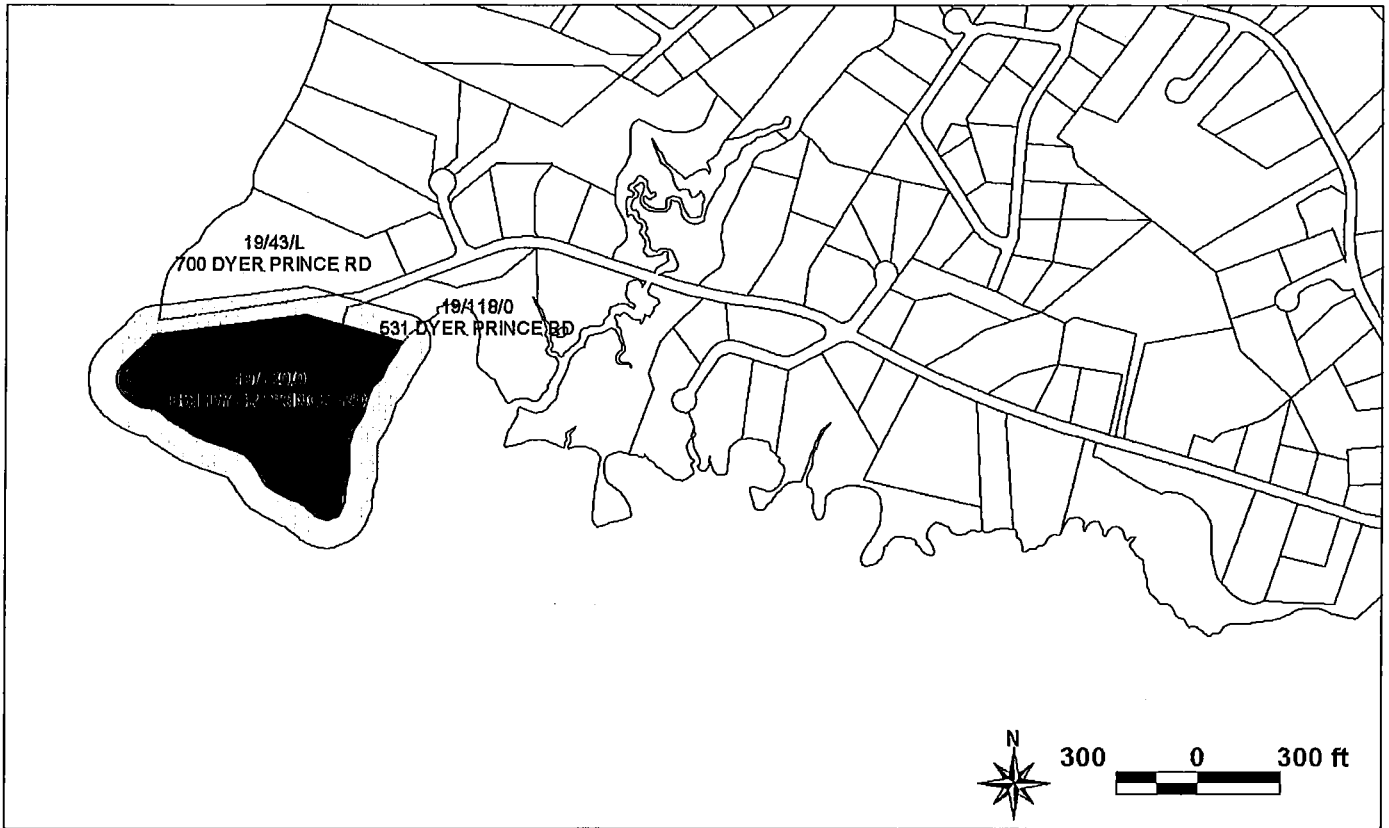
A handwritten signature in black ink, appearing to read "Joe Henderson".

Joe Henderson  
Senior Engineer



TOWN OF EASTHAM, MA  
 BOARD OF ASSESSORS  
 2500 State Highway

Abutters List Within 100 feet of Parcel 19/120/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
11618	19-43-L-E	EASTHAM TOWN OF	700 DYER PRINCE RD	2500 STATE HWY	EASTHAM	MA	02642
6003	19-118-0-R	SCHOENER FAMILY IRREV TRUST KATHLEEN/KAREN SCHOENER TTEES	531 DYER PRINCE RD	28 CONSTITUTION DR	SOUTHBOROUGH	MA	01772
6005	19-120-0-E	EASTHAM TOWN OF ROCK HARBOR BEACH	631 DYER PRINCE RD	2500 STATE HIGHWAY	EASTHAM	MA	02642

19-43-L-E

EASTHAM TOWN OF  
2500 STATE HWY  
EASTHAM, MA 02642

19-118-0-R

SCHOENER FAMILY IRREV TRUST  
KATHLEEN/KAREN SCHOENER TTEES  
28 CONSTITUTION DR  
SOUTHBOROUGH, MA 01772

19-120-0-E

EASTHAM TOWN OF  
ROCK HARBOR BEACH  
2500 STATE HIGHWAY  
EASTHAM, MA 02642