

**Massachusetts Department of Environmental Protection
Division of Watershed Management
Title 5 Programs**

**Frequently Asked Questions (FAQ)
Related to Guidance on Title 5 (310 CMR 15.000) Compliance
for Accessory Dwelling Units
April 23, 2025
Revised September 11, 2025**

Please note that this FAQ only addresses requirements in Title 5, 310 CMR 15.000. Any questions that local Boards of Health or Health Departments (BOHs) may have related to impacts that the AHA may have on its local by-laws or regulations should be directed to the municipality's legal counsel.

MassDEP recognizes that local approving authorities (BOHs) may have some additional questions regarding AHA and Title 5. MassDEP has included a number of questions and answers in this document and will continue to update the document as additional questions are received.

1. Q. Are septic systems that were constructed in accordance with the 1978 Title 5 Code considered nonconforming?

A. Yes. Any septic system not constructed in accordance with 310 CMR 15.000 (the "1995 Code"), including those constructed in accordance with 310 CMR 15.00, the 1978 Code, are nonconforming.
2. Q. If the total number of rooms between the principal dwelling and the ADU exceeds eight, is the number of bedrooms determined in accordance with the definition of bedroom in 310 CMR 15.002 by dividing the total number rooms by two and rounding down?

A. No. Both the principal dwelling and the ADU are separate and distinct dwelling units that occupy the same facility and the number of bedrooms in each of these units must be counted separately. This is consistent with how the number of bedrooms in an apartment building are counted: the number of rooms in the building are not totaled and then divided by two.
3. Q. If a Title 5 Inspection is performed and an ADU is discovered, would it be a "Conditional Pass" if there is a one compartment tank and adequate SAS?

A. No. The septic system would be inspected using the criteria in 310 CMR 15.303. If no failure criteria are triggered, the system can pass without condition. However, the system inspection report should reflect the circumstances encountered at the facility so that the BOH is made aware and can follow up. Often this is noted in the comments section of the system inspection report. The Department's *Guidance on Title 5 (310 CMR 15.000) Compliance for Accessory Dwelling Units* (Guidance) and Question 15 below provide additional information on the requirements for two compartment tanks/two tanks in series. ([Title 5 Official Inspection Form | Mass.gov](#))

4. Q. If a septic system [for a 3-bedroom single family house] was previously repaired or upgraded and variances or local upgrade approvals (LUAs) were granted, [the system] is not in full compliance with Title 5, and an ADU is proposed that will increase the design flow of the facility, are the only options for a local approving authority to work with the 3-bedroom design by decreasing the bedrooms [in the principal dwelling] to 2 and adding the 1 bedroom to the ADU? Can alternative treatment be used in "increase design flow?" Are there any other alternatives?

A. The addition of an ADU is new construction if there is an increase in the total number of bedrooms on the facility (i.e. an increase in design flow). If the existing system was upgraded with LUA and/or variances and additional options are not available, it may be possible that full compliance can be achieved elsewhere on the facility.

5. Q. Are there any circumstances where a fully compliant septic system can use Alternative Treatment to increase the design flow to serve an ADU without increasing the SAS?

A. In certain limited situations the sizing of the SAS may be reevaluated depending upon the specific Alternative System being proposed and its approval status. More information on approved Alternative systems can be found here: [Approved Title 5 innovative/alternative technologies | Mass.gov](#) . Please note any restrictions that may be posed by the requirements of 310 CMR 15.242(1)(b).

6. Q. In a nitrogen sensitive area, such as a Zone II, if a 3 bedroom (30,000 sq. ft. of facility land required) becomes a 4 or 5 bedroom due to the addition of an ADU, can an Alternative Treatment be added to allow for the increase in flow if the SAS has adequate leaching?

A. In public and private water supply protection areas subject to the nitrogen loading restrictions in 310 CMR 15.215(1), 310 CMR 15.288(5) provides that the nutrient removal credit for use of the system pursuant to 310 CMR 15.217 (Systems with Enhanced Nitrogen Removal) will be established in General Use Certifications issued for alternative systems that remove nitrogen. More information regarding systems with

enhanced nitrogen removal that have been certified for General Use can be found here: [Approved Title 5 innovative/alternative technologies | Mass.gov](#).

The 440 gallons per day per acre nitrogen loading limitation imposed by 310 CMR 15.215(1) may be calculated in the aggregate by using nitrogen credit land in accordance with an approved Facility Aggregation Plan or Community Aggregation Plan in accordance with the provisions of 314 CMR 15.216.

7. Q. Are ADUs subject to the requirements for Shared Systems in 310 CMR 15.290 through 15.292?

A. No. Shared Systems serve more than one Title 5 Facility. ADUs and the principal dwellings they are accessory to are located on the same Facility; therefore, Shared System criteria do not apply. However, if at some point in time in the future the Facility is divided into separate facilities with the ADU and the principal dwelling on separate facilities, Shared System approval would be required in accordance with 310 CMR 15.292.

8. Q. Are any of the requirements of Title 5 [that apply to] ADUs subject to the Variance provisions of 310 CMR 15.410?

A. Yes. The regulation at 310 CMR 15.410(1) allows Local Approving Authorities to vary the application of any provision of Title 5 in accordance with the limitations and requirements of 310 CMR 15.410, 15.411, 15.413, 15.414, 15.415, and 15.416. The Local Approving Authority is reminded that it may grant variance only after:

- The person requesting a variance has established that enforcement of the provision of Title 5 from which variance is sought would be manifestly unjust. In the case of new construction, the project proponent must demonstrate that this would deprive them of substantially all beneficial use of the property; and
- The person requesting a variance has demonstrated that an equal level of environmental protection can be achieved without strict application of the provision from which variance is sought.

9. Q. If an ADU is proposed to be constructed on a Facility containing a single-family house with a recorded deed restriction limiting the dwelling to two bedrooms and the ADU will add one or more additional bedrooms to the Facility, may the Facility owner request approval from the Local Approving Authority and MassDEP to release the deed restriction?

A. The MassDEP-approved Grant of Title 5 Bedroom Count Deed Restriction contains a provision on Amendment and Release. This provision provides the Local Approving

Authority with discretion to amend the Restriction. It further provides that the Local Approving Authority must release the Restriction if the property will be connected to sewer and the system will be abandoned. MassDEP's approval is not required for amendment or release of the Restriction, but the Grantor must send a certified Registry copy of an amendment or release to MassDEP within 30 days of its date of recordation and/or registration.

10. Q. For facilities proposed to have an ADU, is there a requirement for a minimum lot size?

A. Title 5 only regulates Facility acreage if it is located in an area designated as nitrogen sensitive under 310 CMR 15.214(1)(a) (public or private water supply protection area) and subject to the nitrogen loading restrictions of 310 CMR 15.215(1).

11. Q. Does anything prohibit locating two septic systems on a facility on which an ADU is proposed?

A. No. Many Facilities are served by more than one septic system. Please refer to the Guidance for additional information on Facilities with ADUs served by multiple septic systems.

12. Q. Does the presence of an on-site well impact design issues related to the septic system to serve a facility that includes an ADU?

A. Yes. The presence of an on-site well on a Facility will affect septic system design. Applicable setback distances required by 310 CMR 15.211 and nitrogen loading limitations in 310 CMR 15.215(1) must be met.

13. Q. Does MassDEP anticipate modifying Title 5, specifically the setback requirements of 310 CMR 15.211?

A. No. MassDEP has no plans to propose revisions to Title 5 at this time.

14. Q. Will seasonal occupancy of ADUs as rental units be permitted under Title 5?

A. Yes. Title 5 does not regulate rental of residential dwellings. The only Title 5 provision that addresses seasonal use of structures is 310 CMR 15.260 (Tight Tanks).

15. Q. It is our understanding that ADUs will be regulated as multi-family dwellings subject to the provisions of 15.223(1)(b) requiring a two-compartment tank or two tanks in series with a combined minimum liquid capacity of 1,500 gallons. a. Assuming the existing dwelling's tank is 1,500 gallons, what volume is recommended for the second tank

serving the ADU? b. How do the provisions of 15.229 regarding pumping to septic tanks apply where, for example, a detached ADU's tank needs to be pumped to the existing tank?

A. As stated within the Guidance, a multi-compartment tank or two tanks in series is required because 310 CMR 15.223(1)(b) requires a multi-compartment tank or two tank in series for systems serving Facilities other than a single-family dwelling unit (the septic system will serve both the principal dwelling and the ADU). In the event that the existing single compartment septic tank of 1,500 gallons is required to become a multicompartiment septic tank or two tanks in series, then the requirements of 310 CMR 15.224 or 15.225 respectively apply. In summary the second compartment shall be sized for a minimum hydraulic detention time of 24 hours based on the design flow.

If a proposed detached ADU is designed to connect to the existing septic system via a pump chamber, then the requirements of 310 CMR 15.229 apply. Please refer to this section which has specifics depending upon the percentage of design flow being pumped and whether the pump is a grinder versus non-grinder pump.

16. Q. It is likely that some ADUs will not be able to achieve full compliance with all new construction compliance standards, e.g. setback distances. Would the installation of a nitrogen reducing technology required under a local regulation be a basis upon which a variance could be granted consistent with 15.414(4)?

A. Depending on the facts and circumstances of each individual case, Title 5 authorizes local boards of health to vary the requirements of 310 CMR 15.00 in accordance with the standards and limitations established by 310 CMR 15.410 through 15.415. Comparison of the public health, safety, and environmental benefits of a system that fully complies with Title 5 requirements to a system that is not fully compliant but includes enhanced nitrogen removal is dependent on factors such as, but not limited to: whether the system is located in a public or private water supply protection area, a natural resource nitrogen sensitive area, or both; and the specific Title 5 requirements proposed to be varied. As stated in 15.414(4), increased flows not in compliance with 310 CMR 15.000 will rarely provide better protection than existing flows to a system designed and constructed in compliance with the 1978 Code or 310 CMR 15.000.

17. Q. Can a local regulation that is more restrictive than Title 5 be enforced as it relates to the septic system to serve an ADU?

A. Local Approving Authorities should consult with their legal counsel regarding the application of local requirements to ADUs subject to the AHA. Regulations that provide definitions and details regarding the administration of the ADU provisions of the AHA,

760 CMR 71.00: *Protected Use Accessory Dwelling Units*, became effective on January 31, 2025.

18. Q. Will mobile homes, manufactured homes and tiny homes, if proposed for use as an ADU, and if able to meet the requirements of the Affordable Homes Act, be treated the same as stick-built construction for the purpose of determining System Sewage Flow Design flows?

A. Yes. The number of bedrooms in these ADUs will be counted consistent with stick-built construction units and will be added to the number of bedrooms in the principal dwelling for purposes of determining if new construction requirements apply. Please note that neither the design flows assigned to Family Mobile Home Parks nor to Retirement Mobile Home Parks in 310 CMR 15.203(2) are applicable since they refer to mobile home parks in the aggregate and not an individual mobile home which is being used as an ADU.

19. Q. Can an existing garbage grinder be removed to allow a proposed ADU to take advantage of the available capacity?

A. No. Although the presence of a garbage grinder increases the leaching area by 50 percent to account for the organic loading, it does not increase the design flow if removed. In addition, the existing Disposal System Construction Permit (DSCP) and Certificate of Compliance (CoC) reflect the design flow without the additional SAS increase.

20. Q. Can tight tanks be allowed to serve an ADU?

A. No. Tight tanks are prohibited for new construction, additionally, tight tanks may only be used to eliminate a failed on-site system when no other feasible alternative to upgrade the system in accordance with 310 CMR 15.201 through 15.293 exists.

Additional Frequently Asked Questions (September 11, 2025)

21. Q. Do you require an additional septic tank for ADUs that are a stand-alone unit?

A. If the ADU is to connect to the septic system serving the principal dwelling, that system must incorporate a two-compartment septic tank or two septic tanks in series. If, however, the ADU is to be served by its own septic system, a properly sized septic tank, including a two-compartment septic tank, if required because of a garbage grinder in the ADU, is required.

22. Q. To get around upgrading their system, a resident wants to build a 1-bedroom detached ADU while removing a bedroom in the main house (converting 2 rooms into one), thus keeping the total number of bedrooms the same. In the event they had to replace a failed system, would this meet the intent of a repair/upgrade versus new construction?

A. If a proposal to reconfigure the principal dwelling unit to reduce the number of bedrooms in that unit by the same number of bedrooms proposed for the ADU is approved by the BOH and the detached ADU is located within an existing building on the facility such as an existing barn or other outbuilding, it would not be subject to new construction requirements. However, the system will need to be inspected and if the existing septic system fails, Title 5 requires an upgrade of the system in compliance with 310 CMR 15.401-15.405. Please note that if the existing system is a cesspool, regardless of whether it passes a System Inspection or not, the cesspool will have to be upgraded.

23. Q. Did I hear correctly that local septic regulations need to be addressed by each locality's counsel? Does this mean that local septic regulations will not apply to ADUs?

A. MassDEP does not implement, enforce, or interpret local septic regulations and their application to ADUs should be determined by each municipality that establishes them. Regulations have been promulgated by the Executive Office of Housing and Livable Communities at 760 CMR 71.00, Protected Use Accessory Dwelling Units. Municipalities should consult with their legal counsel about how these regulations affect local septic system regulations.

24. Q. Do ADUs only apply to the new construction definition if new flow is added? If a new building is built, but bedrooms are decommissioned to accommodate the new building, does this mean it is not considered new construction?

A. The construction of an ADU in a new building on the facility that requires an occupancy permit or an increase in the design flow is considered to be new construction pursuant to the definition of "New Construction" at 310 CMR 15.002.

25. Q. An ADU is an increase in dwelling units, not an increase in bedrooms, correct?

A. Adding an ADU to a facility will always increase the number of dwelling units on the facility. The addition of the ADU to the facility may or may not increase the number of bedrooms on the facility.

26. Q. If a property owner were to remove an existing garbage disposal, would that give them an additional 50% of their design flow to accommodate an ADU?

A. No. The use of garbage grinders is not relevant to the approved design flow, which is based on the number of bedrooms. Whether a garbage grinder is removed or not does not equate to adding a bedroom or bedrooms on the facility. Additionally, it would be very difficult to enforce the removal of a garbage grinder and ensure that it remains removed. Please recall that the Disposal System Construction Permit (DSCP) and the Certificate of Compliance (CoC) lock in the approved design flow for the facility.

27. Q. Prior to adding to a compliant 1995 system, is an inspection of the existing system required to make sure that the system is functioning properly?

A. An inspection is required pursuant to 310 CMR 15.301(5) which states, “A system shall be inspected prior to any change in the type of establishment, or increase in design flow, or prior to any expansion of use of the facility served for which a building permit or occupancy permit from the local building inspector is required.” The addition of an ADU constitutes an expansion of use of the facility, and may include an increase in design flow.

28. Q. If the ADU is connected to a system with capacity for one more bedroom, is a reserve area required? Is a two-compartment tank or two tanks in a series required?

A. The answer is dependent upon the age of the system to which the ADU is proposed to connect. The Guidance ([link: ADU Guidance 4-7-25.pdf](#)) outlines various scenarios and steps forward.

29. Q. Can additional leaching area be added to a 1995 Code compliant system to accommodate an ADU that increases the design flow for a facility?

A. Yes, provided that the existing septic system meets new construction standards (1995 Code compliant), can be expanded to accommodate the additional design flow, and meets required setbacks. This expansion may require additional soil testing to confirm soil conditions. A two-compartment septic tank or two tanks in series is required.

30. Q. Is an ADU viewed as an increase in bedrooms or an increase in dwelling units?

A. An ADU is an increase in the number of bedrooms if it increases the total number of bedrooms on the facility. An ADU is always an increase in the number of dwelling units on a facility because it is a separate and distinct dwelling unit from the principal dwelling on the facility.

31. Q. If a homeowner is calling their remodel an “addition” vs. an ADU, do they still meet the definition?

A. MassDEP defers to the local approving authorities to review proposals and determine whether they meet the definition of an ADU under the AHA. If the “addition” results in a separate dwelling unit, it must comply with any applicable Title 5 requirements.

32. Q. If the town has more restrictive local Regulations than Title 5 (separation to groundwater, etc.), does the ADU have to comply with the local regulations or just the new ADU Title 5 regulations?

A. Title 5 applies to the construction and use of septic systems serving accessory dwelling units but does not contain any new ADU-specific regulations. Regulations promulgated by the Executive Office of Housing and Livable Communities at 760 CMR 71.00, Protected Use Accessory Dwelling Units, also apply. 760 CMR 71.00(1) provides that municipalities “shall not prohibit, impose a Prohibited Regulation or Unreasonable Regulation, or, except as provided under 760 CMR 71.03(5) and 760 CMR 71.03(6), require a special permit, waiver, variance or other zoning relief or discretionary zoning approval for the use of land or structures for a Protected Use ADU, including the rental thereof, in a Single-family Residential Zoning District; provided that Municipalities may reasonably regulate a Protected Use ADU, subject to the limitations under 760 CMR 71.00.” Municipalities should consult with their legal counsel about the application of these regulations. MassDEP does not have jurisdiction to implement or enforce the regulations at 760 CMR 71.00 or local regulations.

33. Q. What if a property owner was to remove a bedroom from the primary dwelling so there isn't an increase in the number of bedrooms, but the system is still nonconforming because it is a cesspool with an overflow. Do they need to install a new Title 5 system?

A. Yes, since this facility is changing from one that contains a single-family home to one with a single-family home and a separate and distinct ADU, there is a change in the type of establishment that the septic system will serve, it will now be a facility with more than one dwelling unit. Therefore, in accordance with 310 CMR 15.301(5) the system must be upgraded.

34. Q. What is the minimum flow in gallons per day (gpd) the one-bedroom system needs to be sized at?

A. Consistent with design flows for single and multiple family dwellings in 310 CMR 15.203(2), the design flow for a one-bedroom system would be 110 gpd/bedroom.

35. Q. Where the proposed ADU is within a Title 5 Natural Resource Area/Nitrogen Sensitive Area, is not increasing the design flow, but is increasing the actual flow of a 1995 code compliant system, would it need Best Available Nitrogen Reducing Technology (BANRT)? Because that would that still meet Title 5 definition of new construction?

A. Installation of BARNT is required for all septic systems located within watersheds designated as Natural Resource Area/Nitrogen Sensitive Areas unless the municipality has filed a Notice of Intent or application for a Watershed Permit, or a De Minimis Load Exemption application with the Department (see 310 CMR 15.215(2)). The timing of BARNT installation, when required, is determined differently for existing systems, new construction proposals, and any schedule included in a municipality's application for a Watershed Permit with the Department (see 310 CMR 15.215(2)).

36. Q. Should the Board of Health always make the owner include a garbage grinder in their design since it is so easy to put one in?

A. That decision is entirely up to the local approving authority.

37. Q. Statements about room count being separate for ADUs are confusing. Why do you not combine the room counts, especially if they are using the same system?

A. The bedroom count presumption in the definition of bedroom at 310 CMR 15.002 applies to single family dwellings. The room counts are not combined for multiple family dwellings, duplexes, apartment buildings, or condominiums. They are not combined for principal and accessory dwelling units because, like these other facilities that contain multiple dwellings, they are also separate and distinct dwelling units.

38. Q. I always thought the desire for a 2-bedroom minimum system size was to be able to handle surge flows in the event of a party or house guests, etc. If building a 1-bedroom ADU with a separate new compliant onsite system, wouldn't a 2-bedroom minimum design be prudent even if not required due to the Facility definition which seems like it would allow a one-bedroom onsite system to be designed?

A. MassDEP has determined that construction of a system designed for 110 gpd for a one-bedroom ADU complies with applicable Title 5 regulations. Please note that a 1,500-gallon septic tank would still be required.

39. Q. If the ADU was to be served by a stand-alone septic system, would it be fair to only require a single-compartment 1,000-gallon tank?

A. Title 5 requires that the minimum septic tank capacity be 1,500 gallons. If the ADU were to include a garbage disposal, a two-compartment tank would be required.

40. Q. A property is located within a Natural Resource Area/Nitrogen Sensitive Area (NRA NSA). An ADU is proposed to be added with a composting toilet and a greywater system separate from the system serving the principal dwelling. The ADU will increase the number of bedrooms within the facility.

- a. Is this allowable in NRA NSAs?
 - b. If it is allowable, even though they are technically not BANRT, is an upgrade to BANRT required for the whole facility, including the system serving the principal dwelling, since it is considered new construction in an NRA NSA?
- A. 310 CMR 15.215(2) requires systems in NRA NSAs to incorporate the Best Available Nitrogen Reducing Technology (BANRT). MassDEP has published a list of approved BANRT systems on MassDEP's Title 5 webpage.
- a. Composting toilets and greywater systems are not currently approved BANRT systems. An approved BANRT system would be required.
 - b. Because the design flow of the facility is increasing, both the system serving the ADU and the system serving the principal dwelling must meet new construction standards and must incorporate BANRT in accordance with 310 CMR 15.215(2)(b).
41. Q. An existing 3-bedroom dwelling is served by a conforming (1995 Code) 440 gpd system, meeting new construction standards, and it is located on a 56,600-sf lot in a PWS NSA. A 2-bedroom ADU is proposed to be added to this facility and will be served by a separate septic system. Can this proposed ADU be built?
- A. It is possible the ADU could be built provided the existing system and the new proposed system can accommodate the nitrogen loading limitations pursuant to 310 CMR 15.215(1) on the facility at the total approved design flow (6 bedrooms = 660 gpd) due to triggering new construction standards and being located in a Nitrogen Sensitive Area. This may be accomplished by obtaining a sufficient amount of nitrogen credit land, consistent with 310 CMR 15.216 or installation of nitrogen-reducing technology, consistent with 310 CMR 15.202 or CMR 15.217, on both systems.
42. Q. A property owner has a 1-acre lot with an existing 3-bedroom house and wants to construct a 1-bedroom detached ADU with a separate septic system. The Town wants the existing septic system serving the primary dwelling to be inspected and the property owner does not want to do it, claiming that Town does not have any bylaw requiring it.
- A. The construction of a detached ADU on the facility will not only require issuance of a building and occupancy permits for the ADU but will also increase the design flow across the facility. Therefore, in accordance with 310 CMR 15.301(5) the existing system serving the primary dwelling will need to be inspected. Please note additionally that the approving authority, in this case, the Board of Health, can order an inspection of a system at any time in accordance with 310 CMR 15.301(9)
43. Q. If the ADU is attached, is this a multi-family house? If the ADU is detached, is this two single-family dwellings?

A. Title 5 does not define an ADU. However, an ADU is a dwelling unit that is accessory to a principal dwelling.

44. Q. 310 CMR 15.229 allows for pumping up to 25% of a single-family dwelling's flow to a septic tank. If an existing home with an ejector pump adds an attached ADU, would the ejector pump need to be removed to comply with new construction requirements?

A. is difficult to answer without knowing all the specifics. The pump system to the septic tank would need to comply with the requirements of 310 CMR 15.229.

45. Q. If a community has a local regulation with a design flow of 150 gpd per bedroom, does the ADU regulation default to Title 5 and require that the community may only use 110 gpd?

A. Local Boards of Health should consult with their municipality's legal counsel for any questions related to impacts that the Affordable Homes Act may have on its local by-laws and regulations, including design flows.

46. Q. Will the addition of an ADU require an upgrade of a two-compartment tank if no other upgrade is required? For example: a 3-bedroom home has an existing, compliant, 4-bedroom septic system, will the addition of a one-bedroom ADU require a two-compartment tank?

A. Yes. A two-compartment tank is required whenever more than one dwelling unit is to be served by the system; however, in certain instances the Board of Health may review a variance to allow use of a MassDEP approved effluent tee filter in lieu of a two-compartment tank provided all requirements pertaining to variances (see Sections 15.410 through 15.421) are met; however, if the proposal triggers new construction, to show manifest injustice, the applicant must show that enforcement of the provision from which a variance is sought would deprive the applicant of substantially all beneficial use of the property (see 310 CMR 15.410(2)).

47. Q. If a separate 1-bedroom system is built for an ADU, what size septic tank is required? Is a 1,500-gallon septic tank still required?

A. Yes. A 1,500-gallon septic tank is the minimum septic tank size.

48. Q. The ADU Guidance states, "Boards of Health may entertain whether, for example, the use of a MassDEP approved effluent tee filter installed in a one compartment tank may provide an equal level of protection as a two-compartment tank or two tanks in series for scenarios other than New Construction." Can the Board of Health grant a variance to Title 5 to allow for installation of an effluent tee filter instead of requiring two-compartment septic tank?

A. As outlined in the Guidance, the Board of Health may review that variance application and may elect to grant it if all requirements pertaining to variances (see Sections 15.410 through 15.421) are met. However, if the proposal triggers new construction, to show manifest injustice, the applicant must show that enforcement of the provision from which a variance is sought would deprive the applicant of substantially all beneficial use of the property (see 310 CMR 15.410(2)).

49. Q. If there is a 3-bedroom dwelling served by a 3-bedroom septic system with a certificate of compliance issued in 1989 and a detached 1-bedroom ADU is proposed that will have its own system, please outline next steps for this facility.

A. A 3-bedroom system that meets new construction standards, including a reserve area will be required for the principal dwelling and a one-bedroom system that meets new construction standards, including a reserve area, will be required for the ADU.

50. Q. In several instances the Guidance explains next steps if the existing septic system serving the principal dwelling was constructed in full compliance with Title 5. What does “constructed in full compliance with Title 5” mean?

A. “Constructed in full compliance with Title 5” means that a septic system serving the facility has been designed and constructed in accordance with every applicable provision of the current version of 310 CMR 15.000 (i.e., the 1995 Code as it has been amended up to the present time) and includes a reserve area.

51. Q. If a nitrogen-reducing alternative technology is required for a facility where the ADU and the principal dwelling are discharging to the same septic system, is a two-compartment septic tank still required?

A. Nitrogen-reducing alternative systems are designed to enhance on-site sewage disposal and may not contain all of the components of an on-site disposal system constructed in accordance with 310 CMR 15.100 through 15.255, or may contain components in addition to those specified in 310 CMR 15.100 through 15.255. As such, use of a standard septic tank or a two-compartment septic tank may not be applicable. Reference should be made to the terms and conditions of the specific alternative technology approval or certification and any supplemental conditions that may apply.