

**HOUSE . . . . . No. 774**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Chris Walsh*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act Regulating Greywater Recycling systems in the Commonwealth.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/15/2015</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>9/3/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>9/3/2019</i>

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By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 774) of Chris Walsh, Carmine L. Gentile and Denise Provost for legislation to further regulate greywater recycling systems in the Commonwealth. Environment, Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
—————

An Act Regulating Greywater Recycling systems in the Commonwealth.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 142 of the General Laws is hereby amended by inserting after  
2 section 22 the following section:

3           Section 23. Regulating single family greywater recycling systems and mandating  
4 greywater recycling in new multifamily construction projects in the commonwealth.

5           A.     Purpose

6           a.     The purpose of this section is to establish regulations that provide building owners  
7 with guidelines for simple, cost-effective options for reusing greywater for toilet flushing and  
8 subsurface irrigation.

9           b.     This section is intended to encourage water conservation, and re-use in  
10 communities across the commonwealth, save money, increase the effective water supply, and  
11 protect public health and water quality.

12 B. Applicability

13 a. This section applies to multi-family buildings utilizing less than 3,000 gallons of  
14 water per day.

15 b. This section applies to the reuse of greywater inside buildings regulated by the  
16 Uniform State Plumbing Code.

17 c. Greywater reuse must comply with all applicable local ordinances and codes, and  
18 state statutes and regulations including, but not limited to, the Uniform State Plumbing Code.

19 d. The use of a greywater recycling and irrigation system does not serve as an  
20 alternative to the use of an approved on-site sewerage system or connection to an approved  
21 public sewer for greywater disposal at any building, including buildings using waterless toilets.

22 C. Administration

23 a. The local board of health for all cities and towns in the commonwealth shall  
24 implement this section under the authority of 248 CMR 10.24. In the event that a local board of  
25 health does not implement this section, the provisions of this section shall nonetheless apply to  
26 greywater reuse for toilet flushing and irrigation in that jurisdiction.

27 b. If a local board of health is unable to adjust its resources to implement and  
28 enforce this section in accordance with subsection (a) of this section, the provisions of Section 23  
29 shall continue to apply to greywater reuse for toilet flushing and irrigation in that jurisdiction.

30 c. The local board of health is authorized to establish fees for greywater recycling  
31 system permits under this section, and the local health officer is authorized to collect fees to  
32 implement this section.

33 d. Nothing in this section prohibits the adoption and enforcement of more stringent  
34 regulations by a local board of health.

35 D. Definitions

36 a. These definitions apply throughout this section unless the context clearly requires  
37 otherwise.

38 i. Blackwater is wastewater containing fecal matter and urine. It is also known as  
39 brown water, foul water, or sewage. It is distinct from greywater or sullage, the residues of  
40 washing processes. Blackwater should not be used in the home because of the high risk of  
41 contamination by bacteria, viruses and other pathogens.

42 ii. Greywater is defined as wastewater from showers, bathtubs, hand washing  
43 lavatories, sinks that are not used for disposal of hazardous or toxic ingredients, sinks that are not  
44 used for food preparation or disposal, and clothes-washing machines. Greywater does not include  
45 wastewater from the washing of material, including diapers, soiled with human excreta or  
46 wastewater that has come in contact with toilet waste.

47 iii. Greywater irrigation system means an integrated system of components located  
48 on the property it serves, on or nearby property where it is legally allowed to be used, that  
49 conveys greywater from the building where it originates and provides irrigation of plants.

50 iv. On-site sewage system means an integrated system of components located on or  
51 nearby the property it serves that conveys, stores, treats, and/or provides subsurface soil  
52 treatment and dispersal of sewage. It consists of a collection system, a treatment component or  
53 treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a

54 holding tank sewage system or other swage system that does not have a soil dispersal  
55 component.

56 v. Public sewer system means all facilities used in the collection, transmission,  
57 storage, treatment, or discharge of any waterborne waste, whether domestic in origin or a  
58 combination of domestic, commercial, or industrial wastewater. A public sewer system may also  
59 be called a sanitary sewer system.

60 vi. Single family residence means one single-family house that is not used for  
61 commercial or other nonresidential purposes as defined by 780 CMR.

62 vii. Tier 1 greywater system means a greywater recycling and irrigation system with a  
63 maximum design flow of 400 gallons per day, as documented by the local building official  
64 during the permitting phase, serving a single-family residence. A Tier 1 system serves a single-  
65 family residence connected to an approved public sewer system or on-site sewage system.

66 viii. Tier 2 greywater system means a greywater recycling and irrigation system  
67 serving a residential or nonresidential building. A Tier 2 system only serves a building connected  
68 to an approved public sewer system or large on-site sewage system.

69 E. General Requirements applicable to all Tiers

70 a. Construction of a greywater system, including storage and disposal systems, must  
71 comply with this chapter and any more stringent requirements of the State Code.

72 b. Greywater does not contain hazardous chemicals derived from activities such as  
73 cleaning car parts, washing greasy or oily rags, or disposing of waste solutions from home photo  
74 labs or similar hobbyist or home occupational activities.

75 c. The design goal for a greywater recycling system is to store greywater for no  
76 longer than 24 hours.

77 d. This section will allow the reuse of kitchen sink water with approval from the  
78 local building official. It is required that kitchen sink water be applied subsoil or contained  
79 within a rat-proof outlet shield.

80 e. Towns or cities may not further limit the use of greywater described in this  
81 section by rule or ordinance.

82 F. Tier 1 Greywater Systems allow private residential direct reuse of greywater for a  
83 flow of less than 400 gallons per day. This section shall not require a permit for applying less  
84 than 400 gallons per day of private residential greywater originating from a residence for the  
85 residence's toilet flushing, household gardening, composting, or landscape irrigation if the  
86 following conditions are met:

87 a. The greywater originates from a single family dwelling;

88 b. Human contact with greywater and soil irrigated by greywater is avoided;

89 c. Greywater is applied in a manner that minimizes the potential for contact between  
90 greywater or soil irrigated with greywater and domestic pets;

91 d. A constructed greywater distribution system provides for overflow and/or  
92 diversion into the sewer system or on-site wastewater treatment and disposal system;

93 G. Tier 1 Greywater Requirements. A greywater system may only be connected to  
94 the public sewer system or on-site sewage system if the following requirements are met:

95 a. The connection must be in the line between the house stub-out for the on-site  
96 wastewater treatment and disposal system and the on-site treatment tank.

97 b. The greywater system is constructed so that if blockage, plugging, or backup of  
98 the system occurs, greywater can be directed in to the sewage collection system or onsite  
99 wastewater treatment and disposal system, as applicable except as provided for under 4, below.  
100 The greywater system may include a means of filtration to reduce plugging and extend system  
101 lifetime;

102 c. The greywater distribution system shall be designed so that 100% of the  
103 greywater can be diverted to the sewer system or on-site wastewater treatment and disposal  
104 system during periods of non-use of the greywater system. For residential use an onsite  
105 wastewater treatment facility for blackwater treatment and disposal, the use of a greywater  
106 system does not change the design, capacity, or reserve area requirements for the onsite  
107 wastewater treatment facility at a residence, and ensures that the facility can handle the  
108 combined blackwater and greywater flow if the greywater system fails or is not fully used. The  
109 greywater system shall be designed with two valved zones, each of which can accommodate the  
110 full expected greywater volume. Providing the greywater system passes a flow test in each zone,  
111 the capacity of the on-site system may be reduced, or in the instance that an approved  
112 composting toilet system is present, eliminated;

113 d. Greywater diverter valves shall be downstream from traps and vents in plumbing  
114 that leads to septic or sewer;

115 e. The greywater is stored in tanks per 248 CMR 10.03(b)

116 f. and the tanks:

- 117 i. Are clearly labeled as nonpotable water;
- 118 ii. Utilize biodegradable nontoxic dye to color the greywater to identify it in contrast  
119 to potable water;
- 120 iii. Restrict access, especially to children;
- 121 iv. Are covered to eliminate habitat for mosquitoes and other pests;
- 122 v. Are able to be cleaned;
- 123 vi. Are sited outside of a floodway; and
- 124 vii. Meet the structural requirements of the 2004 American Water Works Association  
125 standards;
- 126 g. The greywater system uses piping clearly identified as a nonpotable water  
127 conduit, including identification through the use of painted purple pipe, purple pipe or pipe taped  
128 with purple metallic tape;
- 129 h. The greywater system is operated to maintain a minimum vertical separation  
130 distance of at least 5 feet from the point of greywater application to the top of the seasonally high  
131 groundwater table;
- 132 i. Greywater applied by surface irrigation does not contain water used to wash  
133 diapers or similarly soiled or infectious garments unless the greywater is disinfected before  
134 irrigation;

135           j.       Application of greywater is managed to minimize standing water on the surface  
136 and to ensure that the hydraulic capacity of the soil is not exceeded, for example by splitting the  
137 flow, moderate application rates, and generous mulching;

138           k.       The greywater is applied at a rate that will not result in ponding or pooling or will  
139 not cause runoff across the property lines outside of the site where it was generated or onto any  
140 paved surface;

141           l.       Surface application of greywater is not used for irrigation of food plants which  
142 have an edible portion that comes in direct contact with greywater;

143           m.       Surface irrigation for greywater is only by flood or drip irrigation. Containment  
144 within horticultural basins or swales is encouraged for flood irrigation;

145           n.       The greywater is not disposed of using a spray distribution system;

146           o.       the greywater is not discharged into a river corridor as defined by 302 CMR 3;  
147 and

148           p.       the greywater use within cities or towns complies with all applicable local  
149 ordinances.

150           q.       No reduction in the size of the on-site septic system will be allowed when using a  
151 greywater system.

152           r.       Builders of single family dwellings are allowed by right to:

153           i.       Install plumbing in new housing to collect greywater from all allowable sources;  
154 and

155           ii.     Design and install a subsurface greywater system around the foundation of new  
156 housing to minimize foundation movement or cracking.

157           s.     Greywater shall only be used:

158           i.     For flushing toilets;

159           ii.    For gardening inedible food plants;

160           iii.   For composting; or

161           iv.   For landscaping at a single family dwelling.

162           t.     The installer of the greywater system must advise the owner of basic operating  
163 and maintenance procedures including any effects on the on-site septic system.

164           u.     Greywater use must not create a nuisance or damage the quality of surface water  
165 or groundwater. If greywater use creates a nuisance or damages the quality of surface water or  
166 groundwater, the permitting authority may take action to protect the surface or groundwater.

167           H.     Tier 2 Greywater Systems are for greywater systems that process over 400 gallons  
168 but under 3,000 gallons of water per day. This category includes commercial, multifamily, and  
169 institutional systems. They follow the same requirements as Tier 1 above, with the additional  
170 requirement that Tier 2 Greywater Systems require a standard permit. The department of  
171 environmental protection in conjunction with the Department of Public Health and  
172 Massachusetts Plumbing Board of the commonwealth shall promulgate guidelines for Tier 2  
173 Greywater Systems.

174           I.     Permits

175 a. Permits shall be issued by the local regulatory authority for a reasonable fee.

176 J. Enforcement

177 a. The local health officer shall enforce these rules and may initiate enforcement  
178 actions against the system owner or other person causing or responsible for the violation of these  
179 rules including system failure. Enforcement actions may include, but are not limited to, fines for  
180 each day the violation continues, requiring a person to stop work on any greywater system, or to  
181 divert the greywater to the approved public sewer system or on-site sewage system serving the  
182 building, until all permits, approvals, and registrations required by rule or statute are obtained.

183 b. Enforcement orders issued under this section shall be in writing and shall include  
184 the violation and the corrective action required, and the name, business address, and phone  
185 number of an appropriate staff person who may be contacted regarding the order.

186 c. Enforcement orders shall be personally served in the manner of service of a  
187 summons in a civil action or in a manner showing proof of receipt.

188 K. Waivers

189 a. The local health officer may grant a waiver from specific requirements of this  
190 section if the officer determines:

191 i. That the waiver requested is the minimum deviation from the specific  
192 requirements of this chapter that is necessary for the conditions; and

193 ii. The alternative approach proposed by the person requesting the waiver is  
194 consistent with the requirements and intent of these rules.

195 L. Applicable Building Types

196 a. This section shall apply as a mandatory regulation to all new multifamily building  
197 construction projects, as defined in 780 CMR for one and two family units and multifamily units,  
198 and all significant multifamily addition or renovation projects over 10,000 square feet and as  
199 defined by the Massachusetts Building Code.

200 M. Effective date

201 a. This section shall take effect on January 1, 2016.

202 SECTION 2. Chapter 248 of the Code of Massachusetts Regulations Section 10.03 of the  
203 Uniform State Plumbing Code is hereby amended by replacing the definition of “Gray-water.”  
204 with the following:

205 A. Greywater is defined as wastewater from showers, bathtubs, hand washing  
206 lavatories, sinks that are not used for disposal of hazardous or toxic ingredients, sinks that are not  
207 used for food preparation or disposal, and clothes washing machines. Greywater does not include  
208 wastewater from the washing of material, including diapers, soiled with human excreta or  
209 wastewater that has come in contact with toilet waste.