

PUBLIC RECORD · OCTOBER 6, 2026

MassDEP regulatory requirements for Ferns

Wastewater and drinking-water permitting, interim septic use, site-compliance obligations, and the environmental super lien.

About this public excerpt. This document reproduces the substantive body of MassDEP correspondence dated October 6, 2026. Email addresses, recipient lists, signatures, direct contact information, and personal names not necessary to understand the regulatory requirements have been removed. Formatting and minor typographical errors have been corrected for readability; the regulatory substance is preserved.

Purpose of the correspondence

MassDEP provided additional detail on wastewater and drinking-water permitting requirements during any interim operating period, as well as the overall permitting requirements. The correspondence also addressed requirements to return the site to compliance under M.G.L. c. 21E and to satisfy the outstanding super lien on the property.

If the project moves forward successfully, MassDEP stated that these requirements would be incorporated into an Administrative Consent Order (ACO) negotiated with the agency. MassDEP expected the ACO to be executed simultaneously with, or shortly after, closing on the property. The information was provided to help establish the terms and conditions of that order while the final business model was still being developed.

WASTEWATER

Wastewater treatment facility permitting — WP11

Adding sewer connections to the Carlisle Public Schools Wastewater Treatment Facility would require a modification to Groundwater Discharge Permit 783 and technical approval of plans for the new sewer line and connections. Carlisle Public Schools, as the permittee, would need to submit a WP11 application for permit modification and plan approval.

The application and instructions are available at mass.gov/how-to/wp11-12-groundwater-discharge-permit-renewals-or-modifications. Because the permittee would be seeking to use existing unused capacity, the engineering report must also include the information described in Section IV.B, “Determination of Unused or Available Capacity,” of MassDEP’s [Guidelines for Design, Construction, Operation, and Maintenance of Small Wastewater Treatment Facilities with Land Disposal](#).

The permitting process includes MassDEP administrative and technical review, development of a draft permit modification, a 30-day public notice period, and issuance of a final permit modification and plan approval.

MassDEP also noted that flows to the treatment facility increased significantly between November 2025 and March 2026. The increase did not violate the permitted flow limit, but MassDEP expressed concern that a similar event, together with additional flow from Ferns and the public library, could cause flow or effluent limits to be exceeded. The permittee must provide a written explanation of the increase and describe how a recurrence would be prevented.

WASTEWATER · INTERIM OPERATIONS

Septic-system use during interim operations

Although the details of any interim operation were not yet known, MassDEP identified two requirements that would apply regardless of anticipated wastewater flow:

- The septic system must be inspected by a licensed System Inspector, including verification that the existing alarm on the overflow tank works. If it does not work, it must be repaired or replaced.
- An appropriately sized external grease trap must be installed. Grease traps must be sized at 15 gallons per day per restaurant seat and should be sized for the final expected seating capacity, not only an interim operation.

The existing system is rated at 970 gallons per day, including 220 gallons per day for the two-bedroom apartment, leaving 750 gallons per day for Ferns operations. If the system passes a Title 5 inspection, MassDEP stated that it could potentially be used without modification during an interim period if operations remain within 750 gallons per day. That would require operating below the capacity expected for the long-term use, for example through reduced seating or disposable serviceware.

MassDEP also described a possible alternative if 750 gallons per day were insufficient: use of the existing 2,000-gallon septic tank and 5,000-gallon overflow tank as tight tanks that would be pumped regularly. This would require a plug preventing discharge to the leach field, design by a professional engineer, and installation by a licensed system installer. MassDEP stated that it could provide more detailed guidance after the full scope of any interim operation was determined.

DRINKING WATER

Replacement source — general requirements

- A replacement well is a new well or wellfield installed to replace or supplement an approved source. For an approved yield below 100,000 gallons per day, it must be within 50 feet of the original source; for an approved yield of 100,000 gallons per day or more, it must be within 250 feet.
- The approved pumping rate of the replacement source may not exceed the approved pumping rate of the original source.

Source permitting process

MassDEP described a four-step review and approval process for a replacement source.

DRINKING WATER · SOURCE PERMITTING

1 · Replacement-well proposal

The proponent must submit a proposal to MassDEP for approval. The letter report must include, at a minimum:

- A justification for the replacement well, including any decline in yield, the reason for that decline, rehabilitation efforts and results, exploratory drilling, and the basis for selecting the proposed location.
- A discussion of Zone I land ownership and any proposal to acquire the Zone I, where appropriate, including compliance with applicable wellhead-protection zoning and non-zoning provisions.
- The proposed well design, operating scheme, and plan for disposition of the original source.
- A pumping-test proposal identifying the test duration (normally at least 24–48 hours, and possibly longer), pumping rate, any observation wells and monitoring frequency, discharge location, and water-quality sampling.
- Water-quality sampling at the end of the pumping test for coliform bacteria, inorganic chemicals, radionuclides, synthetic organic compounds, volatile organic compounds, perchlorate, secondary contaminants, nitrate, nitrite, and PFAS. Additional parameters or treatment may be required depending on the results.
- If exploratory drilling has occurred, a site plan showing the replacement well, Zone I, potential contamination sources, original well, relevant property boundaries, and geologic logs describing depth, yield, and lithology.
- For a planned yield of 100,000 gallons per day or more, a land-use characterization and map covering the Zone I and the area within one-half mile, including contamination sources, landfills, hazardous-waste sites, current land uses, great ponds, streams, and wetlands.

2 · MassDEP project-specific requirements

MassDEP would review the proposal and issue a “Requirements for Approval” letter describing requirements specific to the project.

3 · Source Final Report and permit application

After the pumping test and water-quality analysis, the proponent must submit a Source Final Report with the applicable permit application: BRP WS 15 for a planned yield below 100,000 gallons per day, or BRP WS 20 for a planned yield of 100,000 gallons per day or more.

DRINKING WATER · FINAL REPORT

Required Source Final Report elements

- An as-built well-construction diagram.
- A discussion of findings.
- A plot plan of the replacement well's Zone I.
- A discussion of any changes to the Zone II.
- Water-quality results and an evaluation of whether the replacement well differs from the original source with respect to corrosivity.
- The status of the source-protection bylaw.
- A demonstration that the well has acceptable water quality and can produce the desired yield without additional impacts.
- The well's geographic coordinates.
- Pumping-test data and analysis, if required.

4 · New Source Approval

If all requirements are satisfied, MassDEP would issue a New Source Approval valid for five years. If construction of the permanent pumping facilities does not begin within that period, the approval lapses. To proceed later, MassDEP may require portions of the approval process to be repeated, typically including updated water-quality data if site conditions have not otherwise changed.

ENVIRONMENTAL COMPLIANCE

Massachusetts Contingency Plan status

Release Tracking Number (RTN) 3-00002578 was assigned in October 1989 after petroleum hydrocarbons were discovered in soil and groundwater. Impacts to drinking-water wells on and near the property were subsequently identified, and point-of-entry or point-of-use filtration systems were installed at multiple locations.

The site is in Temporary Solution Status. Site assessment and risk characterization concluded that a condition of No Significant Risk did not exist for unrestricted future residential use because of groundwater contamination where groundwater is used as a drinking-water source.

In July 2026, RTN 3-0053763 was assigned after regulated PFAS6 compounds were detected in groundwater above reportable concentrations, constituting a new 72-hour reportable condition. MassDEP issued Notices of Responsibility for the PFAS6 contamination; at the time of the correspondence, the required Immediate Response Action had not begun.

ENVIRONMENTAL COMPLIANCE · REQUIRED ACTIONS

Actions following acquisition

Within 120 days after purchase, a Tier Classification Transfer and possibly a revised Tier Classification Submittal must be filed with MassDEP under 310 CMR 40.0560 and 40.0570.

An Immediate Response Action would also be required under 310 CMR 40.0410 to assess the PFAS6 release and determine whether additional remedial work is needed.

For sites in Temporary Solution Status where a Permanent Solution is not currently feasible, 310 CMR 40.1050(4)(b) requires a Periodic Review every fifth year after filing the Temporary Solution Statement, until a Permanent Solution Statement is filed. The 2023 Periodic Review stated that a Permanent Solution was technically feasible, but that the responsible party lacked funds to complete the necessary Comprehensive Response Actions.

MassDEP also required at least one round of groundwater monitoring-well sampling using EPA Method 8260. The sampling is intended to address whether additional contaminants of concern may be present because the property historically used a waste-oil underground storage tank and prior groundwater evaluations focused on petroleum hydrocarbons and related contaminants.

PROPERTY LIEN

Environmental super lien

The existing super-lien agreement includes a cost-recovery amount of **\$248,636.84**. MassDEP stated that the full amount must be repaid to the agency upon acquisition of the property.

SOURCE NOTE MassDEP correspondence dated October 6, 2026. This public excerpt is provided for public information and is not a substitute for the original agency record.