



ONSITE WASTEWATER SYSTEM INSPECTIONS FOR LOCAL HEALTH INSPECTORS

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OCTOBER 2023

Onsite Wastewater System Inspections in Title 5



Commonwealth of Massachusetts

Title 5 Official Inspection Form

Subsurface Sewage Disposal System Form - Not for Voluntary Assessments

Owner information is required for every page.

Property Address

Owner's Name

City/Town

State

Zip Code

Date of Inspection

Inspection results must be submitted on this form. Inspection forms may not be altered in any way. Please see completeness checklist at the end of the form.

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



A. Inspector Information

Name of Inspector

Company Name

Company Address

City/Town

State

Zip Code

Telephone Number

License Number

Onsite Wastewater System Inspections in Title 5

- ❑ Title 5 is a state code, typically implemented at the local level
- ❑ Title 5 covers a range of subjects
- ❑ System Inspection section of the code is at 310 CMR 15.300 – 15.340



Terminology

- ❑ SI – System Inspection – aka “Title 5 Inspection”
- ❑ DEP – Massachusetts Department of Environmental Protection, a state agency which writes Title 5
- ❑ Title 5 – The fifth chapter of the Massachusetts Environmental Code, dealing specifically with onsite wastewater
- ❑ Local Approving Authority – Title 5 term for the local health official and/or Board of Health which implements Title 5
- ❑ NSA – Nitrogen Sensitive Area – either a parcel served by an onsite system and a drinking water well, or a region which has poorly flushed embayments
- ❑ SAS – Soil Absorption System
- ❑ DSCP – Disposal System Construction Permit

Presentation

Today we will cover -

- ❑ Minimum requirements for local health officials to implement the System Inspection section of Title 5
- ❑ Ideas for maximizing implementation the System Inspection section of Title 5, if desired



Title 5 implementation varies across the Commonwealth

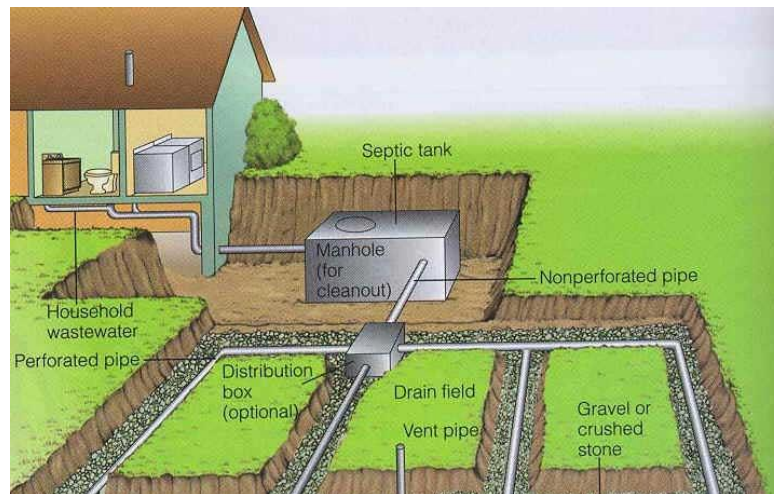
- ❑ Priorities for public health concerns
- ❑ Staffing levels
- ❑ Skills, training and experience
- ❑ Public health and environmental concerns
- ❑ Title 5 applicability to Nitrogen Sensitive Areas



Background

DEP created a broad, state-wide, onsite wastewater system inspection program in 1995 that served as a model for many other states, and continues to function well some 28 years later

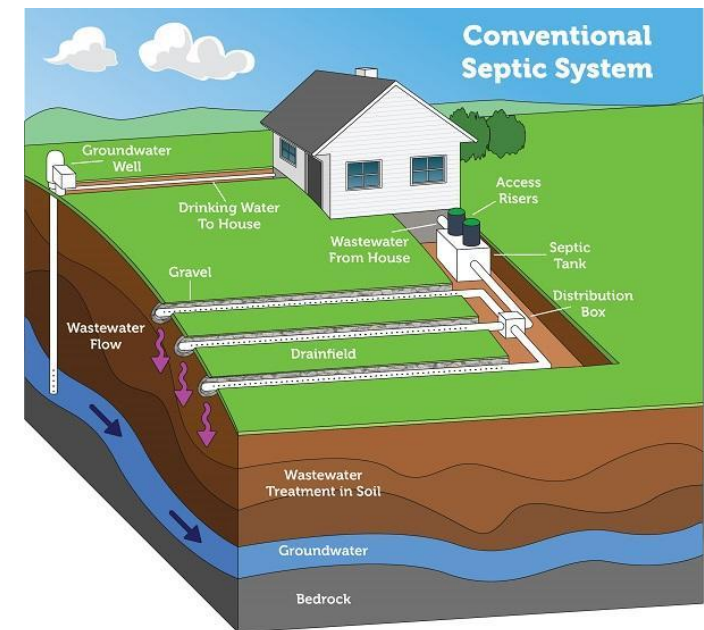
Title 5 requires a System Inspection to be performed before most property transactions, and also at other times



Reasons for an Onsite Wastewater System Inspection

A System Inspection helps protect the property, personal health, public health and the environment

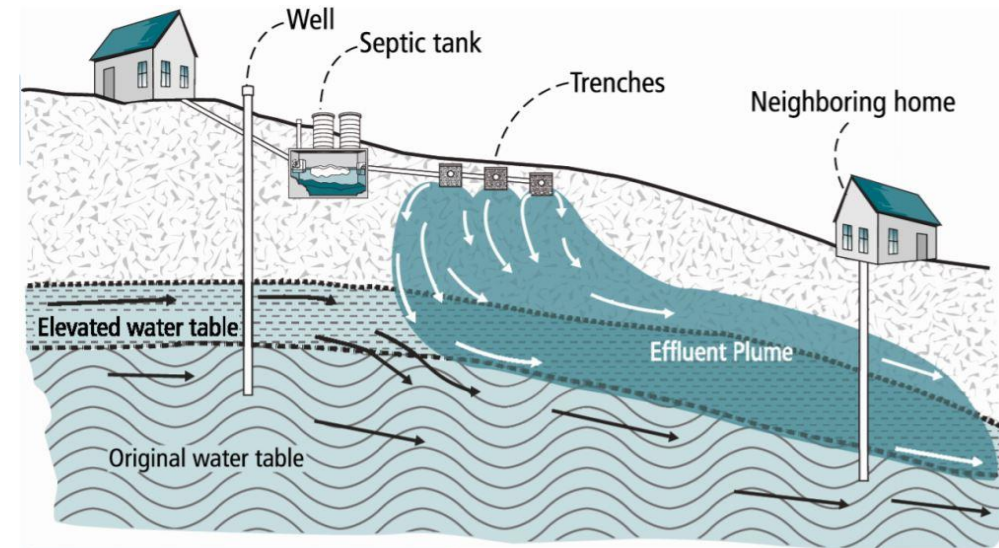
- ❑ Is the property usage or are the occupants at risk?
- ❑ Is public health at risk?
- ❑ Is the environment at risk?



Please note: Septic systems vary. Diagram is not to scale.

Key Risk Point – Property or Occupant

- ❑ Sewage able to go away from the structure
- ❑ Sewage odors in structure
- ❑ Sewage or effluent surfacing on the ground
- ❑ Drinking water well contaminated
- ❑ Cesspool has inadequate water surge capacity



Key Risk Point – Public Health

- ❑ Public water supply at risk due to proximity, or inadequate treatment due to sewage leakage at building sewer or tank
- ❑ Groundwater at risk due to inadequate treatment
- ❑ Bathing beach at risk due to inadequate treatment



Key Risk Point – Environment

- ❑ Effluent on ground surface
- ❑ Groundwater at risk due to inadequate treatment
- ❑ Groundwater at risk due to sewage leakage at building sewer or tank



System Inspections

- ❑ System Inspection tasks are implemented by state-approved persons – a “System Inspector”
- ❑ A System Inspector is acting to implement Title 5. Looking at key risk points and documenting findings
- ❑ A System Inspection is no promise of future operability, it is just documenting conditions at the time of inspection
- ❑ Provides information to the new owner so they can make an informed decision, much like a home inspection
- ❑ Can be a public sector or private sector employee who undertakes a System Inspection

What is Some Key Information About System Inspections(cont)?

- ❑ Inspector is responsible to DEP for acting in compliance with Title 5 (not local health officials)
- ❑ Title 5 requires limited involvement from local health officials in this process
- ❑ DEP was aware of not wanting to overburden local health officials, so they tried to make as little mandatory work for local health officials and indicated many tasks related to System Inspections as “optional” in Title 5



What does Title 5 require of local health officials for System Inspections?

- ❑ Local health departments are required to make records available and to generally implement Title 5 (variances, enforcement, etc.)
- ❑ Specifically, Title 5 requires local health officials to undertake the following:
 - ❑ To receive pump out records and SI reports (301(10) and 240 (10))
 - ❑ To make pump out records (302(2)) and all other onsite wastewater materials available for review (and copying) by a System Inspector or the general public



What does Title 5 say is optional for local health officials?

- Make a determination that an onsite system is failing to protect public health and safety and the environment (303(1))
- Make a determination that an onsite system with flows between 10k-15k GPD is failing to protect public health and safety and the environment (304(2))
- Determine if a Soil Absorption System that is located within certain setback distances is functioning to protect public health and safety, welfare and the environment (known as a SI which Needs Further Evaluation by Local Board of Health) (303(1)(c))
- Review and accept, or deny, a SI report which is intended to refute or corroborate a previous SI report (302(3))
- Create an enforceable agreement with an owner to exempt a SI at time of property transfer because an upgrade is going to occur (301(4)(b))

What does Title 5 say is optional for local health officials? (cont)

- ❑ After a System Inspection which has failed:
 - ❑ Require a system upgrade to occur within 2 years (or less) (303(2))
 - ❑ Require a large (10-15k GPD) system upgrade to occur within 2 years (or less) (304(1))
 - ❑ Issue specific findings for a property to connect to sanitary sewer (if available) or grant a variance to not require a sewer connection (305 (4))
- ❑ Use or distribute general public educational material produced by DEP (300(3))

What is prudent for a local health officials?

Enforcement:

- ❑ When needed, require measures to ensure no backup or direct discharge of sewage or effluent occurs at a property until an upgrade is implemented (305(3))
- ❑ Develop a system to track and enforce:
 - ❑ Time of property transfer inspections (301(1))
 - ❑ 3 year required SI at condominiums (301(3))
 - ❑ 3 year required SI at shared systems (301(7))
 - ❑ Enforceable agreements between private parties and local health officials for upgrades (301(4))
 - ❑ Extension of a SI validity to 3 years if annual tank pumping has occurred (301(4))
 - ❑ Dividing or combining of land ownership for the required SI (301(8))
 - ❑ All cesspools between 2-10k to be upgraded (by April 2005) (303(3))

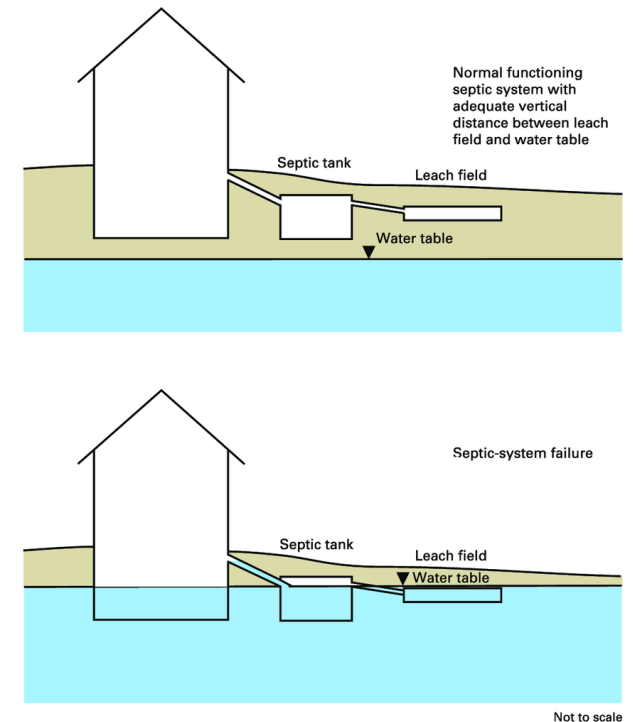
What is prudent for a local health officials?

Management

- Coordinate with building inspector to assure SI occurs at sites with change of type of establishment, expansion of use or increase in design flow (301(5))
- Create or participate in a local plan of onsite system management to exempt from time of transfer SI requirement (301(4))
- Notify DEP if SI form is submitted more than 30 days after inspection (301(10))
- Develop and issue an enforceable schedule of upgrade to extend time of upgrade for up to 5 years (305(1))
- Distribute DEP-provided educational material (300(3))
- Become a System Inspector (340(2))
- Implement SI on behalf of the municipality, if so desired (340(11))

What are other possible tools for a local health officials?

- ❑ License System Inspectors at local level
- ❑ Review individual SI reports for completeness and accuracy, confirm SI is DEP-approved
- ❑ Report problem System Inspectors to DEP
- ❑ Require groundwater determination beneath a soil absorption system to be completed by a Soil Evaluator
- ❑ Require the separation distance between Soil Absorption System and groundwater more than just minimum requirement of 1”
- ❑ Require riser installation when manholes are all buried



Not to scale

What are other possible tools for a local health officials? cont

- Review SI report to see if any situations requiring greater long-term oversight are present (pressure distribution, I/A, condo, shared system ,etc.)
- Make all cesspools unacceptable
- Require invert of septic tank outlet to be exposed and examined for watertightness
- Require d-box to be made to have even distribution
- Require removal of garbage grinders if not designed to accommodate, if present
- Require removal of water softener backwash or sump pumps, if present



How to keep yourself from getting in the middle of every real estate transaction?

- ❑ Develop a procedure for how to handle situations where the design flow does not equal the stated flow on the SI form

- ❑ The design flow on a DSCP ALWAYS is the determining factor, even if a building permit was issued or something else transpired after the DSCP
- ❑ If the DSCP and SI report are in conflict you can:
 - ❑ Ignore the situation because a SI report is not binding in what it says about flow
 - ❑ Send communication to the owner indicating there appears to be a discrepancy and that whatever is on the DSCP is what governs
 - ❑ Work with building inspector and/or assessor or otherwise attempt to determine if flow was added above the DSCP. Seek enforcement to rectify the situation. Seek deed notice for clarification, as one possible activity

Questions?

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