8. *Do systems have to be dug up to be inspected?*

Answer:
The location and condition of cesspools, septic tanks and distribution boxes must be determined. Often, this will not require extensive excavation. General ly, leaching areas are not required to be dug up.

9. *Is an inspection required for new construction?*

Answer:
No. The Certificate of Compliance issued upon completion of a new system or system upgrade by the Board of Health, or MassDEP for state and federal facilities and large systems, excludes the system from inspection requirements for any transfer of title within the next two years (3 years if pumped every year).

10. *Do we always have to use the MassDEP Inspection form?*

Answer:
Yes. This ensures consistent and thorough inspections. Inspection reports not using the MassDEP Inspection Form will not be considered valid by MassDEP or your Board of Health.

11. *Does the buyer of the property receive a copy of the completed Inspection Form?*

Answer:
Yes, this is required by Title 5.

12. *If I am transferring title of my property to a relative or putting my property in a revocable or irrevocable trust to a first degree family member (spouse, children, parents) do I still need to have my system inspected?*

Answer:
No. An inspection of a system is not required at the time of transfer of title of the facility.

13. *If I live in a condominium who is responsible for having the system inspected?*

Answer:
4 Units or Less:

The cooperative corporation or condominium association shall be responsible for the inspection, maintenance and upgrade of any system or systems serving the units, unless otherwise provided in the governing documents of the condominium association or the cooperative corporation.

Each system located on the facility shall be inspected at least once every three years, or within two years prior to the sale of one of the units.

At the time of transfer of title of any unit, the system serving that unit shall be inspected in accordance with the time of transfer provisions of 310 CMR 15.301 (Time of Transfer : #2 & #6 of this document).

5 Units or More:

Each system located on the facility shall be inspected at least once every three years instead of at time of transfer of title.

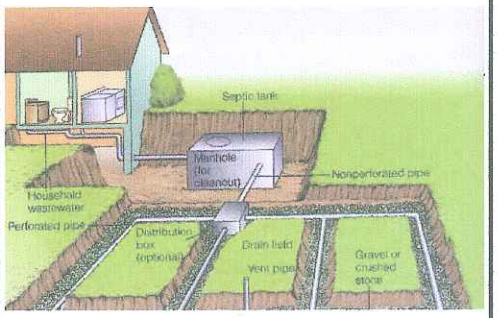
14. *Does Title V require every cesspool to be replaced?*

Answer:
No. Only those cesspools that exhibit signs of hydraulic failure, are located extremely close to private or public water supplies, or otherwise fail to protect or pose a threat to public health, safety or the environment will need to be upgraded (310 CMR 15.303). Also, cesspools must be upgraded prior to an increase in design flow (e.g., the addition of a bedroom to a home or seats to a restaurant).

For additional information please visit the DEP Website at:

http://www.mass.gov/eea/agencies/massdep/water/wastewater/title-5-general-information-frequently-asked-questions.html

FOXBOROUGH BOARD OF HEALTH



TITLE V

QUESTIONS & ANSWERS

40 SOUTH STREET
FOXBORO, MA 02035

Phone: 508-543-1207
Fax: 508-543-6278
www.foxboroughma.gov

1. ***When are on-site system inspections required (Title V Inspection Report)?***

Answer:
In general:

- When properties are sold, divided or combined. (**Unless a valid Title V report is still in place, a Title V report is good for 2 years or 3 years if pumped once a year during the 3 year timeframe see #6**).
- When there is a change in use or an expansion of a facility.
- When MassDEP or the local Board of Health requires an inspection.
- Title 5 requires inspections for large systems, shared systems, and condominiums on a periodic basis.
- Systems located in cities and towns with MassDEP-approved inspection programs are required to comply with local inspection requirements.

There are exceptions and nuances to the general requirements listed here. For example, no inspection is required if the owner has signed an enforceable agreement with the Board of Health to upgrade the system, connect to a sanitary sewer, or connect to a shared system within two years as well as if the Certificate of Compliance is still valid **(see #2 below)**.

2. ***How long is a Certificate of Compliance Valid:***

Answer:
A Certificate of Compliance is valid for three years prior to the time of transfer as long as the system pumping records demonstrate that the system was pumped at least once during all three years (third year must be before the date the Certificate of Compliance expires and the closing date must also be before that time). If the Certificate of Compliance has expired then a Title V Inspection must be done. If the Certificate of Compliance has not expired then you do not need to have a Title V Inspection done.

3. ***If I am selling my home and the septic system has failed the Title 5 inspection if I decide not to sell as a result, am I still obligated to repair the system?***

Answer:
Yes. Once an official inspection is performed on a system, the results must be submitted to the Board of Health within 30 days. Whether or not the homeowner decides to sell, a failed system typically must be upgraded within two years, unless the local Board of Health or MassDEP authorizes an alternative schedule.

For example the Board of Health may require a shorter timeline in the case of an imminent health hazard, or under certain circumstances may allow use of the system for up to five years under an enforceable schedule for repair, replacement, or connection to a sewer or shared system.

4. ***If I know my system is going to fail a Title V Inspection, do I still need to have the system inspected?***

Answer:
No. If you know your system will fail you do not have to hire a Title V Inspector. You can begin by calling a Civil Engineer and having a perc test done then the design plans for the new system/repair can be submitted to the Board of Health office for approval.

5. ***Do I need to have my septic tank pumped for the inspection?***

Answer:
No for conventional systems. Yes for cesspools only but this has to be measured by a Title V inspector for his report first.

6. ***How long is a Title 5 Inspection Report Valid?***

Answer:
A Title 5 Inspection Report is valid for:

a. System shall be inspected at or within two years prior to time of transfer of title;

or

b. Three years if the system has been pumped at least once a year during that three-year timeframe (third year pumping being the year of transfer). (Example: If your Title 5 Inspection was on 4/10/09, then you would have to have your system pumped once in 2010, once in 2011 and once before 4/10/12. You would also have to have your bank closing before 4/10/12).

c. If weather conditions make an inspection impossible at time of transfer, the inspection may be completed as soon as weather permits, but in no event later than six months after the transfer, provided that the seller notifies the buyer in writing of the requirements of 310 CMR 15.300 through 15.305. A copy of the complete inspection report shall be submitted to the buyer or other person acquiring title to the facility served by the system.

7. ***Who arranges for a Title 5 Inspection?***

Answer:
The property owner or facility operator is generally responsible for arranging an inspection. However, prior to the time title is transferred, the seller and buyer may contractually assign responsibility for inspection, provided that it occurs within the specified timeframes.