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TITLE TRANSFER/ SEPTIC SYSTEM INSPECTION REGULATION

Supplements to Title 5

Effective Date

Pursuant to Chapter 111, Section 31 of Massachusetts General Laws, the Bourne Board of Health (the "Board"), at its regular meeting on ~~October 27~~ December 8, 2021 February 23, 2022, voted to amend its existing regulation from May 26, 2004, last updated October 26, 2016 relative to additional requirements for Title 5 Title transfer inspections with the following:

In order to protect public health and the environment; and to ensure proper enforcement of the ~~Bourne Board's of Health's~~ existing regulation, the Board ~~of Health~~ hereby adopts the following:

1. The ~~Bourne Board of Health~~ Board reserves the right to witness any Title transfer inspection prior to the issuance of the Title transfer report.
2. The ~~Bourne Board of Health~~ Board will require that all Title 5 inspectors notify the Board ~~of Health~~ seventy-two business hours prior to conducting any Title transfer inspections in the Town of Bourne.
3. The Board ~~of Health~~ will be given a list of any pending inspections and will review the current septic system data for that property and will determine ~~whether or not~~ whether the Board ~~of Health~~ needs to witness that specific inspection. -It is the intent of the Board ~~of Health~~ to concentrate on those inspections where separation to groundwater may be an issue, on those systems installed prior to 1978, systems within 150 feet of resource areas, or where previous inspections have indicated that the systems are close to meeting failure criteria.
4. The Board ~~of Health~~ will maintain a list of proposed inspections, with the inspector's name and date of phone call date notified by the inspector. -The inspectors will either be given a verbal-written waiver on the requirement for the witnessing of the inspection, or will be advised that the Board ~~of Health~~ will need to be present at the inspection. Scheduling of these appointments will be done within seventy-two business hours by the Board ~~of Health~~.
5. The ~~Bourne Board of Health~~ Board requires a filing fee ~~of \$40.00~~ for each official Title 5 Inspection Report submitted. -Pursuant to Title 5, 310 CMR 15.301(10), all Title transfer reports will be submitted to the Board ~~of Health~~ within 30 calendar days of the inspection.
6. As per existing policy, leaching systems will continue to be reviewed by the inspectors under the same criteria as would be used for leach pits, i.e. 6 inches ²² of leaching capacity or half days flow present in order to pass the inspection. The 6 inches of leaching capacity must be evidence by clean sidewall and no presence of sludge or staining. Block, stone, or brick risers on pits will not be included as part of sidewall leaching area, nor will any riser material be considered as part of the sidewall leaching area or the capacity of a leaching system.

7. Inspectors must clearly indicate on the inspection form the level of standing liquid in any leaching component, the level of staining in any leaching component, and the presence, or lack thereof, of both sanitary tees in any inspected tank. -In the case of missing sanitary tees, no passing report shall be issued unless there is proof of the correction of said deficiency.

8. If one or more system components need to be repaired or replaced as described in the Conditional Pass section, the Bourne Health Agent (the "Health Agent") must be notified by the ~~i~~Inspector within ~~twenty-four hours~~one business day. -Any such work will require a valid disposal works construction permit and inspection by the ~~Board of Health~~. -A Certificate of Compliance will be issued following the inspection of the satisfactorily repaired or replaced components.

9. If conditions exist which require Further Evaluation by the Board ~~of Health in order to~~to determine if the system is failing to protect public health, safety, or the environment, the Health Agent must be notified by the ~~i~~Inspector within ~~twenty-four hours~~one business day. The ~~i~~Inspector must submit a report to the Board ~~of Health~~ which clearly demonstrates the conditions which were discovered at the time of ~~inspection, and inspection and~~ provides the Board ~~of Health~~ with the property owner's contact information. In many cases, public hearings of the Board ~~of Health~~ will be held to discuss and vote on such a determination. - Monitoring wells, laboratory sampling, and additional testing may be required.

10. All systems are required to have a minimum of a four foot vertical separation between the bottom of the soil absorption system and the high groundwater elevation in order to pass inspection in the Town of Bourne. Inspectors must clearly demonstrate how they employed the methods described in 310 CMR 15.000 to make the determination of high groundwater elevation. Additional paperwork including the USGS Adjustment calculations and monitoring well data may be required. Inspectors must notify the Health Agent within ~~twenty-four hours~~one business day to discuss systems which may not meet this vertical separation to discuss on a ~~case by case~~case-by-case basis. In some instances, properties which received variances and / or local upgrade approvals by the ~~Bourne Board of Health~~Board may be grandfathered. Requests for grandfathering per this regulation must be submitted in writing for review and vote by the Board.

11. Pursuant to 310 CMR 15.303(2), any system shall be upgraded upon the order of the ~~Bourne Board of Health~~Board if determined that a specific circumstance exists by which any system threatens public health, safety, ~~welfare~~welfare, or the environment, causes or threatens to cause damage to property or creates a public health nuisance.

12. ~~Upon inspection,~~ Upgrades may be required for septic systems which were not constructed in accordance with the approved plans, or if the soil absorption system is not designed to meet the design flow of the facility it serves. These systems may be considered failed systems until rectified.

13. Cesspools meaning any pit with ~~open-jointed~~ linings or holes in the bottom and/or sidewalls into which raw sewage is discharged, the liquid portion of the sewage being disposed of by seeping or leaching into the surrounding soils, and the solids or sludge being retained in the pit, are considered failed systems automatically ~~upon inspection~~. Cesspools are nonconforming systems.

~~14. All non-conforming septic systems as defined in 310 CMR 15.000 within one hundred fifty (150) feet of any wetland or nitrogen sensitive area as defined in 310 CMR 15.000 shall be inspected. If considered to be non-conforming, it will be considered to be failing to protect public health, safety, welfare and the environment and shall be upgraded to meet the requirements of Bourne Board of Health Regulations and/or Title 5 within 2 years of the effective date of this regulation. - *goal to establish separate health regulation to address this issue~~

15. ~~This regulation shall take effect immediately upon publication of a summary in a newspaper of general circulation in the Town of Bourne, which date shall be posted on the front page of this regulation.~~

Adopted: ~~October 27~~December 8, 2021 February 23, 2022

Effective:

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-The Bourne Board of Health

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