



## Title 5 Inspections

*(Please note that hotlinks may be broken due to URL changes over time in linked web pages.)*

### When a septic system must be inspected

- Within two years of selling the property. If weather conditions prevent inspection at the time of a sale, the inspection must be done within six months after the sale.
- When there is a proposed change in use or expansion of the facility which requires a building or occupancy permit. This does not mean an inspection is required every time a building permit is needed - only when the use of the facility is changed (e.g., from residential to commercial) or when a facility is expanded (e.g., when a bedroom is added, the square footage of an office building is expanded, or seats are added to a restaurant).
- Any change in the footprint of a building also requires an inspection to determine the location of the system to ensure that new building construction will not take place on top of any system components or on the reserve area of the system. If official records are available to determine the location of the system components, the physical inspection is waived.
- For large systems with a design flow of 10,000 to 15,000 gallons per day or more at full build-out, on the basin schedule shown in [310 CMR 15.301 \(6\)](#), and every five years thereafter;
- Every year for shared systems;
- When the property is divided or ownership of two or more properties is combined;
- When MassDEP or the local Board of Health orders an inspection.

### Exceptions to the normal inspection timelines

Inspections in connection with a property sale generally are good for two years. If a facility is sold more than once in the two-year period, the single inspection is valid for all property transfers.

If a system is pumped annually and pumping records are kept, an inspection is valid for three years.

No inspection is required if the owner or person acquiring title has signed an enforceable agreement with the Board of Health to upgrade the system or connect to a sanitary sewer or shared system within two years.

Cities or towns with a MassDEP-approved local inspection program may have different requirements. Consult your [Board of Health](#) to see if different rules apply.

### Responsibility for arranging the inspection

The property owner or facility operator is generally responsible for obtaining an inspection of the system. Prior to the time of transfer of title, the buyer and seller may change the responsibility for arranging the inspection, provided that the responsibility is specified in a written contract, and that the inspection still occurs within the specified timeframes.

The inspection is intended to provide sufficient information to make a determination as to whether or not the system in its current condition is adequate to protect public health and the environment. However, the inspection is not a guarantee that the system will continue to function adequately and is not a guarantee that the system will not fail at a later date. This is a particularly important point to remember if you are going to significantly increase the flow to the system.

### Key elements of an inspection report

- General layout of the system components (location of the building sewer, septic tank or cesspool, distribution box and leaching field);
- Type of use (e.g., house, school, retail space), Title 5 design flow, and whether the facility is presently occupied;
- Whether the system is failing, and if it's a large system, whether it is threatening public and environmental health;
- Water use records from the previous two years, if available;
- Description of the septic tank, including condition, approximate age, and thickness of grease/scum layer;
- Evaluation of the distribution box and dosing tanks with pumps (if any), including condition and evidence of solids carryover or backup;
- Condition of the soil absorption system, including any signs of hydraulic failure;
- Estimation of high groundwater elevation using best professional judgment.

For detailed inspection requirements, see MassDEP's [Title 5 Official Inspection Form](#) and [Guidance for the Inspection of Subsurface Sewage Disposal Systems](#).

At a minimum, any septic tank, distribution box, or cesspool must be located and inspected. Most often, this will not require extensive excavation. Generally, leaching areas are not required to be dug up ([310 CMR 15.301\(10\)](#)). However, where distribution boxes are used, they must be inspected and may require excavation if covers are not up to grade. Also, the inspector must make reasonable efforts to locate and identify other components and features. If any component cannot be located or inspected, or if any determination cannot be made, the inspector must state on the inspection form the reasons and the steps taken to complete the inspection. [310 CMR 15.302](#) provides examples of "reasonable efforts."

### Submitting an inspection report

If an inspection is required, the information must be recorded on the MassDEP-approved [inspection form](#) and submitted within 30 days of the inspection. Failure to submit the form within 30 days is a violation of Title 5. Forms are also available from your local Board of Health. Other forms or reports will not be considered valid by MassDEP or the Board of Health. Using the MassDEP-approved form ensures that all the information required for a valid inspection is obtained and reviewed.

For most systems, the System Inspector is responsible for submitting the inspection report directly to the Board of Health. The buyer must also receive a copy from the seller of the property.

In some cases, inspection reports must be submitted to authorities other than the Board of Health:

- Inspection forms for State and Federal facilities must be submitted to MassDEP instead of the local Board of Health.
- Reports for large systems and shared systems must be submitted to both the local Board of Health and MassDEP.

Inspection report with a conditional pass

A system with certain components which need repair or replacement can qualify for a conditional pass on the inspection report. Upon completion of replacement or repair of the specific system component, and with the approval of the Board of Health, the system will pass inspection.

Examples of system components eligible for a conditional pass include:

- A metal or cracked septic tank,
- A broken or obstructed pipe,
- An uneven distribution box.

Soil absorption systems and cesspools cannot be repaired under a conditional pass.

Voluntary inspections

Even if an inspection is not required, a system owner may choose voluntarily to have an assessment of the condition and operability of their system. Results of voluntary assessments are solely for the use of the owner, and do not need to be submitted to local Boards of Health or MassDEP.

Special inspection requirements for condominiums

The condominium association is responsible for the inspection, maintenance and upgrade of the system or systems serving the units, unless the governing documents of the association provide otherwise.

Inspection schedule for condominiums: Once every three years. With four or fewer units: every three years, or within two years prior to the sale of one of the units.

### Special inspection requirements for large systems

Large systems serve a facility with a design flow of 10,000 to 15,000 gallons per day. Large systems must be inspected on the basin schedule shown in [310 CMR 15.301 \(6\)](#), and then every five years thereafter.

The owner and the System Inspector must submit the inspection form to MassDEP within 30 days of the inspection. Large systems also must be inspected at time of transfer if a routine inspection has not been performed in the previous two years. If the large system is pumped on an annual basis and the pumping records are available, an inspection is valid for three years prior to transfer.

### Finding an approved System Inspector

MassDEP maintains on its website lists of [approved Inspectors](#), located both in- and out-of-state.

Valid system inspections can only be done by individuals approved by MassDEP as System Inspectors. Massachusetts Registered Professional Engineers (PEs) with a concentration in civil, sanitary or environmental engineering, Massachusetts Registered Sanitarians, and Certified Health Officers automatically are considered System Inspectors under Title 5.

In addition, the following individuals may become Inspectors if they take the MassDEP-approved course and pass the MassDEP-approved exam:

- Board of Health members and agents;
- Engineers-in-Training (EIT certified) with a concentration in civil, sanitary or environmental engineering;
- Professional home inspectors;
- Permitted/licensed septage haulers;
- Permitted system installers; and
- Other individuals with a minimum of one year of demonstrated experience in septic system inspections.

### **System inspections conducted by any other individual are not valid for compliance with Title 5.**

### How to determine whether someone is a MassDEP-approved System Inspector

Individuals who take the course and pass the exam receive a certificate from MassDEP identifying them as an approved System Inspector.

Individuals automatically approved as System Inspectors (Massachusetts Registered Professional Engineers with a concentration in civil, sanitary or environmental engineering, Massachusetts Registered Sanitarians and Certified Health Officers) may request to have their names placed on

the list as well. In addition, these professionals should be able to furnish you with evidence of their professional registrations or certifications.

Potential conflict if the System Inspector also works for the Board of Health

When dealing with any single system, a System Inspector may not act as an agent of the Board of Health and also as the System Inspector hired by the system's owner.

If you have a complaint about the results of your inspection

Contact your regional [MassDEP office](#) and speak to the staff responsible for Title 5. MassDEP will review your complaint and determine if further action is required. If you receive an inspection report that appears to have been altered or contains false or misleading information, call the Massachusetts Environmental Strike Force at (617) 556-1000 or toll free at 1-888-VIOLATE (1-888-846-5283).

MassDEP may revoke or suspend the approval of a System Inspector if it determines that an Inspector has falsified or fraudulently altered an inspection form or misrepresented the results of an inspection. The System Inspector has an opportunity for a hearing prior to MassDEP taking this action.

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