

**TOWN OF MASHPEE
BOARD OF HEALTH**

SEPTIC SYSTEM FAILURE POLICY

AUTHORITY OF THE BOARD OF HEALTH:

105 CMR 400.200 of Chapter 1 of the State Sanitary Code and 310 CMR 11, Title 1 of the Environmental Code grant local Boards of Health the authority, in accordance with the provisions of the Massachusetts General Laws, Chapter 111, Section 31, to dispense with ordinary enforcement procedures in the interest of protecting the public health in emergency situations. The Board may, without notice or hearing, issue an order citing the existence of the emergency and requiring remedial action to be taken, as the Board of Health deems necessary. Notwithstanding any other provision of this code, any person to whom such order is directed shall comply therewith within the time specified in such order.

DEFINITION OF A SEPTIC SYSTEM FAILURE:

1. A septic system shall be deemed in failure when any component does not function as intended. Any septic system which causes effluent to be discharged to the surface of the ground, to any waterway or wetland or that has to be pumped more than twice in ninety days or three times in twelve months shall be deemed to be in failure.
2. A septic or dosing tank shall be deemed in failure when it cannot retain sewage.
3. A siphon or pump shall be deemed in failure when it no longer doses sewage to the disposal area or when it no longer meets the requirements of Title V of the State Sanitary Code, Section 15.09.
4. A distribution box shall be deemed in failure when it no longer retains effluent or when it no longer distributes sewage evenly.
5. A leaching facility shall be deemed in failure when it discharges sewage to the surface of the ground, to a watercourse or wetlands or when it no longer permits the infiltration of effluent to the soil.
6. A sewer pipe shall be deemed in failure when it becomes clogged, fractured, uncemented, disconnected or no longer holds or transports sewage to its intended component.

CERTIFICATION OF FAILURE:

POLICIES PART XX, TITLE 5, SECTION 3.00 - **Septic System Failure Policy**

When a sewage disposal system failure exists or is suspected, it shall be the responsibility of the Board of Health, or its agents, to investigate said failure and certify the existence of an emergency if it is determined that one exists. A copy of the certification letter shall be sent to the property owner, the tenant, if any, and the Building Inspector. The certification letter shall specify a time limit for initiation of the repair work.

OWNER'S RESPONSIBILITY:

The property owner shall:

1. Secure the services of a licensed septic installer to perform the soil and perk testing as required by the Board, or its agents, and the repair work as approved by the Board.
2. Agree to have the repair work initiated within the time limit stated on the certification letter.
3. Agree that any subsequent additions or alterations to the dwelling may require the services of a Registered Professional Engineer to certify that the existing system is adequate for the intended addition/alteration.

INSTALLER'S RESPONSIBILITY:

The licensed septic installer shall:

1. Perform soil and perk tests in the presence of a Board of Health Agent, as required by the Agent.
2. Prepare and submit for the Board of Health review an Application for Disposal Works Construction Permit and a detailed and scaled plan of the proposed sewage disposal repair, along with the appropriate fee. This plan shall conform to Title V and local Board of Health regulations.
3. Submit variance requests, along with the appropriate fee, if applicable, in writing to the Board for their consideration.
4. Install the sewage disposal system according to the approved plan and make all necessary arrangements for inspections by the Health Agent with reasonable advance notice (prior to installation for soil and groundwater determination AND prior to backfilling).
5. Provide to the Board of Health an "as built" drawing which shall accurately depict distances from the dwelling to the access ports of the septic system components.

POLICIES PART XX, TITLE 5, SECTION 3.00 - **Septic System Failure Policy**

BOARD OF HEALTH RESPONSIBILITY:

Upon receipt of the application for permit and the proposed repair plan, along with the appropriate fee, the Board of Health and/or the Agent shall:

1. Witness a deep hole and perk test.
2. Review the plan for conformance to Title V and local regulations. Make any necessary recommendations and changes.
3. Issue a sewage works construction permit once the plan is approved.
4. Perform all necessary inspections, which shall include at least one inspection prior to the installation of the leaching facility for soil suitability and groundwater elevation determination and one final inspection prior to backfilling.
5. Issue a Certificate of Compliance to the installer upon completion of the work, final inspection and receipt of the "as built" drawing. NOTE: The issuance of the Certificate of Compliance does not guarantee that the sewage disposal system will continue to function properly indefinitely. It simply indicates that the system was installed according to the approved plan, Title V, local regulations and the approved variances, if applicable. It is the owner's responsibility to ensure that no substance or overload is introduced to the system, which may hinder its proper functioning. The Board of Health recommends periodic pumping of the septic tank to prevent solids from entering and clogging the leaching facility.

The Board of Health adopted this Policy on March 6, 1989.

George R. Costa, Chairman
Roland L. Wilson, Co-Chairman
Stephen J. Greelish, Clerk