

Title 5 Consumer Protection Tips Septic System Inspections and Repairs

(from MADEP Factsheet)

Across the Commonwealth of Massachusetts, failing septic systems and cesspools are a major cause of contaminated drinking water, tainted shellfish beds and polluted beaches. Title 5 of the State Environmental Code protects you, your family and your neighbors from these public health threats by requiring inspection of private sewage disposal systems before the sale, expansion or change in use of properties where they are present. Inspection results are reported to local boards of health. Most systems will pass inspection. Systems that fail must be repaired or upgraded.

If you own a home with a septic system and have plans to put it up for sale, add a bedroom or convert it to a different use, you will need to have your system inspected - and possibly fixed or replaced. This brochure is intended to help you make the right decisions about who to hire and how to finance repairs if they are necessary.

You'd Better Shop Around

When you need to hire a system inspector, there are two important things you need to bear in mind. First, inspection fees are not regulated by the Department of Environmental Protection or anyone else. Inspectors can charge whatever their customers are willing to pay. The fee also may vary depending on the complexity of the inspection. Second, only certain professionals are qualified to perform Title 5 system inspections:

- Professionals who meet experience requirements and have passed a DEP-administered exam;
- Registered Sanitarians;
- Certified Health Officers; and
- Registered Professional Engineers who specialize in civil, environmental or sanitary engineering.

For a list of qualified system inspectors in your area, contact your local board of health or call DEP's Title 5 Hotline at (617) 292-5886 or 1-800-266-1122.

But before hiring anyone, do some comparison shopping:

1 of 3 pages

- Get written estimates from several inspectors. One key question to ask is whether the price of the inspection includes pumping the system; often it does not.
- Ask for and check each inspector's identification and references.
- Before signing any contract, be absolutely certain that it spells out precisely what work is going to be done, how much it is going to cost, what the payment terms are, and what, if any, guarantees the inspector is willing to provide.
- And, once the inspection is complete, make sure the person who signs the form is the same person who conducted the inspection.

What To Do If Your System Fails

If your septic system or cesspool fails inspection, Title 5 allows up to two years for the completion of repairs or an upgrade. The first thing you should do is contact your local board of health, which needs to approve all upgrades and most repairs, and can tell you that will be required.

Again, shop around. Get written estimates, check qualifications and references. Remember that you are under no obligation to have the person who inspects your system perform any other work on it. In fact, you may want to hire separate contractors. While most septic system professionals are honest business people, as in any other profession there may be a few "bad apples" who try to take advantage of the consumer. If you ever believe you have been treated unfairly by a system inspector, soil evaluator, engineer, or system installer, call the Massachusetts Environmental Strike Force at (617) 556-1000.

Options for Financing Repairs

Repair or upgrade costs will vary depending on the nature of the problem, soil conditions, proximity of the system to water supplies, and the size of the lot. Title 5 does not specify who must pay for the system inspections, repairs or upgrades. Keep that in mind if you are planning to sell your home. You may find during negotiations that the prospective buyer is willing to assume some or all of the costs. Just be sure to consult with a lawyer or mortgage lender who is familiar with Title 5 before shaking hands on the deal.

Protect Your Investment

One of the best ways to ensure that your septic system or cesspool will pass inspection is to keep it on a routine maintenance schedule. At a minimum, you should have it pumped out every three years. If you use a garbage disposal, annual pumping is a must.

And a word about septic system additives: There isn't one on the market that can make a failing system pass inspection. DEP approves septic system additives, but only to ensure that they will not harm your system or the environment. DEP does not evaluate the accuracy of claims manufacturers make about the effects their products will have on system performance.

Remember, that even the best-maintained system in the world cannot last forever. Like anything else, it will wear out over time, stop working properly and need to be repaired or replaced.

Need More Information?

If you still have questions about getting your septic system or cesspool inspected, repaired or upgraded, please contact DEP's Title 5 Hotline at (617) 292-5886 or 1-800-266-1122.