

HOUSE No. 436

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to Title V approval.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>

HOUSE No. 436

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 436) of Bradley H. Jones, Jr. and others relative to the approval of sewer disposal systems which have been installed for less than three years. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 694 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to Title V approval.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 13 of chapter 21A of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking the section in its entirety and inserting in place
3 thereof the following:-

4 Section 13. The commissioner of the department of environmental protection shall adopt,
5 and from time to time amend, regulations to be known as the state environmental code. Any
6 violation of such code, (a) shall be punishable by a fine of not more than twenty-five thousand
7 dollars for each day that such violation occurs or continues, or by imprisonment for not more
8 than one year, or both such fine and imprisonment; or (b), shall be subject to a civil penalty not
9 to exceed twenty-five thousand dollars for each day that such violation occurs or continues. Said
10 code shall become effective and have the force of law as provided in section six of chapter thirty

11 A. Said code shall deal with matters affecting the environment and the well being of the public of
12 the commonwealth over which the department takes cognizance and responsibility including, but
13 not limited to, standards for the disposal of sewage. A duly registered sanitarian or a professional
14 engineer registered in the commonwealth may prepare plans for subsurface systems for disposal
15 of domestic sewage of not more than two thousand gallons per day. Any other plans for a sewage
16 disposal system shall be prepared by a professional engineer registered in the commonwealth.
17 The department shall not require an inspection of a system for the treatment and the disposal of
18 sanitary sewage below the ground surface if the transfer is of residential real property, and is
19 between the following relationships: (1) between current spouses; (2) between parents and their
20 children; (3) between full siblings; (4) where the grantor transfers the real property to be held in
21 a revocable or irrevocable trust, where at least one of the designated beneficiaries is of the first
22 degree of relationship to the grantor; and (5) where the installation of such a system has occurred
23 within the previous three years. Nothing contained in this code shall be in conflict with any
24 general or special law. Notwithstanding the foregoing provisions, nothing in this section or in
25 any rule or regulation shall prohibit the preparation of plans for the repair of subsurface systems
26 for disposal of domestic sewage of not more than two thousand gallons per day by any agent of
27 the owner thereof; provided, however, that such plans are reviewed and approved by the local
28 health authority and by a licensed sanitarian.

29 With regard to the enforcement of this section, including requirements related to forms
30 utilized by septic system inspectors or local boards of health, the commissioner shall evaluate
31 practices, which would minimize the paperwork burden for individuals, small businesses,
32 contractors, state and local governments and their agents, and strive to ensure the greatest
33 possible public benefit from and maximize the utility of information collected, created,

34 maintained, used, shared and disseminated by or for the purpose of the code and to reduce the
35 number of copies required for official use.

36 For the purposes of this section, the term “burden” shall mean the time, effort or financial
37 resources expended by persons to generate, maintain or provide information to or for a
38 governmental agency, including the resources expended for: reviewing instructions; acquiring,
39 installing and utilizing technology and systems; adjusting the existing ways to comply with any
40 previously applicable instructions and requirements; searching data sources; completing and
41 reviewing the collection of information; and transmitting or otherwise disclosing the information.

42 Local boards of health shall enforce said code in the same manner in which local health
43 rules and regulations are enforced but, if any such local boards fail after the lapse of a reasonable
44 length of time to enforce the same, the department may in like manner enforce said code against
45 any violator. The superior court shall have jurisdiction to enforce the provisions of said code and
46 any actions brought to enforce said provisions shall be advanced for speedy trial.