

HOUSE No. 941

The Commonwealth of Massachusetts

PRESENTED BY:

Steven S. Howitt

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 regulating the septic industry.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/20/2021</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/9/2021</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/9/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/9/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/23/2021</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/25/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/25/2021</i>

HOUSE No. 941

By Mr. Howitt of Seekonk, a petition (accompanied by bill, House, No. 941) of Steven S. Howitt and others relative to septic system inspections. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to regulating the septic industry.

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. Chapter 21A of the General Laws is hereby amended by striking out section
2 13A, as appearing in the 2016 Official Edition, and inserting in place thereof the following:

3 Section 13A.

4 A system inspector who performs an on-site inspection of a sewage disposal system
5 pursuant to the state environmental code, shall be required as part of the inspection process to
6 take photographs which at a minimum shall include all items referenced in subpart (a) which
7 shall serve as direct evidence of what was observed on site at the time of the inspection and
8 would also ensure the accuracy of the information documented in the previous sections of the
9 report. Said photographs shall be submitted as part of the inspection report submitted to the local
10 approving authority. Any report submitted to the local approving authority without the
11 aforementioned photographs or unclear photographs shall be considered incomplete. Any

12 inspections completed in a community that requires the presence of a board of health official as
13 part of the inspection process shall not require photographs to be taken.

14 (a)

15 1. Tank inlet baffle (before pumping)

16 2. Tank outlet baffle (before pumping)

17 3. Distribution box (before pumping)

18 *The first 3 pictures must show liquid level in relationship to outlet inverts

19 4. Area over S.A.S. (signs of breakout, hydraulic failure, overgrown vegetation or
20 the absence of such)

21 5. Inside plumbing (show main line as it exits building)

22 6. Pump chamber if applicable (show pump(s), floats, discharge pipe – before
23 actuating pump)

24 7. Pictures of any additional components or supporting pictures of “Conditional
25 Pass” or “Failing” conditions noted in the report.

26 A system inspector of on-site sewerage disposal systems, approved by the Department of
27 Environmental Protection who performs an on-site inspection of a sewerage disposal system
28 under the provisions of the state environmental code that reports a conditional pass or failure of a
29 septic system shall not recommend a specific disposal system installer, including himself, to
30 perform any work related to the replacement, repair, alteration of said system; provided,
31 however, that all system inspectors shall, at the time of inspection, provide to the property owner

32 a list prepared by the local board of health of disposal system installers who are approved to
33 perform such work which shall be signed by the property owner and provided a copy thereof.
34 Failure to include the signed form as part of the inspection report shall result in an incomplete
35 report. Each board of health shall prepare and make available a list containing the name,
36 address, and phone number for at least 5 such installers who request to be included on such list.
37 Each board of health shall notify all approved system inspectors and installers regarding the
38 requirements of the act.

39 A violation of this section shall be punished by a fine. A first offence violation of this
40 section shall be punished by a fine of \$1,000. A second violation would result in a fine of \$2,000
41 and a 3-month license suspension. A third offence would result in a revocation of the inspector's
42 license.