

HOUSE No. 4311

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 21, 2020.

The committee on Consumer Protection and Professional Licensure to whom was referred the petition (accompanied by bill, House, No. 805) of Steven S. Howitt and others relative to septic system inspections, reports recommending that the accompanying bill (House, No. 4311) ought to pass.

For the committee,

TACKEY CHAN.

HOUSE No. 4311

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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, as appearing in the 2018 Official
2 Edition, is hereby amended by striking out section 13A, and inserting in place thereof the
3 following:-

4 Section 13A. (a) A system inspector of on-site sewage disposal systems, approved by the
5 department of environmental protection, who performs an on-site inspection sewage disposal
6 system under the provisions of the state environmental code, shall provide photographs to serve
7 as direct evidence of what was observed on-site at the time of the inspection to ensure the
8 accuracy of the information documented in the inspection report. Said photographs shall be clear
9 and conspicuous, time and date stamped, and submitted as part of the inspection report to the
10 local approving authority. Any said report submitted to the local approving authority without
11 said photographs shall be considered incomplete; provided, however, an inspection completed in
12 a community that requires the presence of a board of health official as part of the inspection
13 process shall not require photographs to be taken. The photographs shall include images of all of,
14 but not be limited to, the following:

- 15 (i) Tank inlet baffle before pumping to show liquid level in relationship to inlet
16 invert;
- 17 (ii) Tank outlet baffle before pumping to show liquid level in relationship to outlet
18 invert;
- 19 (iii) Distribution box, after the cover is removed, before pumping to show liquid level
20 in relationship to outlet inverts;
- 21 (iv) Area over Soil Absorption System indicating signs of breakout, hydraulic failure,
22 overgrown vegetation, or the absence of such;
- 23 (v) Inside plumbing to show main line as it exits the building;
- 24 (vi) Pump chamber, if applicable, to show pumps, floats, or discharge pipe before
25 actuating pump;
- 26 (vii) Cesspool or privy, before and after pumping, if applicable; and
- 27 (viii) Any additional components supporting a Conditional Pass or Failure
28 recommendation as noted in the report.
- 29 (b) A system inspector of on-site sewage disposal systems, approved by the department
30 of environmental protection, who performs an on-site inspection sewage disposal system under
31 the provisions of the state environmental code, that reports a conditional pass or failure of a
32 system shall not recommend a specific disposal system installer, including himself, to perform
33 any work related to the replacement, repair, alteration or design of said system; provided,
34 however, that all system inspectors shall, at the time of inspection, provide to the property owner
35 a list prepared by the local board of health of disposal system installers who are approved to

36 perform such work which shall be signed by the property owner, and a copy thereof provided.
37 Failure to include said signed list as part of the inspection report shall result in an incomplete
38 report. Each board of health shall prepare and make available a list containing the name,
39 address, and phone number for at least five such installers who request to be included on such
40 list. Nothing contained herein shall be construed to prohibit a system inspector from distributing
41 such list on which his own name shall appear; provided, however, that such inspector shall in no
42 way distinguish his name from others on such list.

43 (c) A violation of this section shall be punished by a fine of not less than \$1,000 for a first
44 offense, not less than \$2,000 and a 3 month license suspension for a second offense, and the
45 revocation of the system inspector's license upon a third offense.

46 SECTION 2. The department of environmental protection shall notify all such approved
47 system inspectors and installers of the requirements of this act.