



Town Of Sterling

Board of Health

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There has been a considerable amount of misinformation circulating regarding the recent Board of Health regulation requiring that, upon sale of a property, a test hole be dug to insure that the leaching facility is in compliance with Title 5.

310 CMR 15.000: THE STATE ENVIRONMENTAL CODE, TITLE 5 states that a leaching facility is in failure if any portion of the soil absorption system extends below the high groundwater elevation. This condition would allow harmful bacteria present in septage to enter the groundwater untreated and would represent a considerable public health threat.

Since 1995 soil evaluation (estimating high ground-water elevations using soil morphology) has been the accepted and a dominant method for determining the maximum groundwater elevation in Massachusetts. This is a permissible requirement within the Title 5 Inspection process. In Massachusetts, any new septic system or a repair that required replacement of a leaching facility has been evaluated using this method and therefore satisfies the new requirement. Additionally, Title 5 Code requires that all septic systems be tested prior to the sale of any property.

The new BOH regulation enacted in December 2022 and effective January 2, 2023 requires that prior to the sale of any property, the owner must demonstrate that the leaching facility is in compliance with Title 5 inspection and not be in failure. From a practical standpoint this means that if a soil evaluation has not been recorded subsequent to April 1995, the owner must demonstrate that the bottom of the leaching system lies solely above the maximum groundwater level as determined by a soil evaluation. The depth of the test hole will depend upon the type of leaching facility. The test details for the two most common older septic systems are as follows:

Leaching Fields/Beds Usually the bottom of a leach field is 3-3½ feet below the surface of the ground. Thus a test hole depth of 3½ -4 ½ feet would be required.

Leaching Pits (3-foot height) The bottom of this type leaching pit is typically 3½-4 feet below the surface of the ground. Thus, the test hole would be 4-5 feet below the surface of the ground.

Please contact the Board of Health with any questions or concerns to retain the facts regarding these regulations. The Board of Health is here to assist you.

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