Further Information

The following information about the ADEQ transfer of ownership inspection program is available on the Internet:

- Text of the ADEQ rule governing transfer of ownership inspections for on-site wastewater treatment facilities:
  www.azsos.gov/public_services/Title_18/18-09.pdf
  (scroll down to Arizona Administrative Code R18-9-A316 pages 42-43).

- Description of the Comprehensive Septic Tank Inspection Program, including regular program information updates, answers to frequently asked questions, downloadable forms and brochures, and links to important information about qualified inspectors:
  www.azdeq.gov/environ/water/engineering/not.html

- Forward questions for ADEQ staff to: Septic_inspection@azdeq.gov

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Comprehensive Septic Tank Inspection Program

As of July 1, 2006, new Arizona Department of Environmental Quality rules require any person transferring a property served by an on-site wastewater treatment facility to have an inspection of the facility performed before the transfer of ownership. This requirement applies to any property served by:

- **A conventional septic tank system, or**
- **An alternative on-site system used instead of a conventional system.**

This is a change from the original ADEQ inspection program, which required only newer systems to be inspected at the time of property transfer.

To summarize the new program, all on-site systems, regardless of the date of construction, must be inspected when ownership of the property changes.

Why is this important?

ADEQ's on-site system program is intended to protect public health and prevent contamination of Arizona's surface water and groundwater resources. The transfer of ownership inspection is one component of this program to achieve these public health and water quality protection goals.

Specifically, if you own a property that is served by a septic tank or alternative wastewater treatment and disposal system, you must have the system inspected when you sell or otherwise transfer ownership of the property. If you are a real estate professional, you need to be aware of the new inspection requirements because a great number of property transactions in Arizona involve a septic tank or alternative system.

The new inspection requirements ensure that a consistent procedure for inspections and permit transfers of ownership are used throughout Arizona. The requirements also are designed to mesh with the inspection provisions contained in the standard Arizona Association of REALTORS® real estate contract. In many property transactions, it is anticipated that REALTORS® will facilitate the filing of required forms by sellers and buyers.

By way of background, ADEQ regulates all sewage treatment facilities in Arizona under its Aquifer Protection Permit (APP) program, from large regional wastewater treatment plants to household on-site systems consisting of a septic tank or alternative system. ADEQ regulates on-site systems under "general permit" provisions of the APP program, with permitting functions performed by ADEQ or, more usually, by a local county government agency authorized by ADEQ to perform those duties.

ADEQ's regulatory program:

- Prescribes the permitting process for on-site systems,
- Establishes site investigation and design standards, and
- Specifies the permittee's (owner's) operation and maintenance responsibilities.

What are the inspection steps?

1. The transferor (owner, seller) of the property served by the on-site system must retain an inspector to perform the inspection **not more than 6 months before the date of the property transfer.**

2. The inspector must be qualified. According to ADEQ rules, the inspector must meet all of the following requirements:
   a. Possess working knowledge of the type of facility and the inspection process,
   b. Hold a certificate of training from a course for inspectors recognized by ADEQ (ADEQ has collaborated with the University of Arizona and others to provide such courses), AND
   c. Hold a license in one of the following categories:
      1) An Arizona-registered engineer,
      2) An Arizona-registered sanitarian,
      3) An owner of a vehicle licensed under ADEQ rules to pump or haul septage, or an employee of the licensee,
      4) A contractor licensed as either a B-4, C-41, A, A-12, L-41, KA, or K-41 contractor by the Arizona Registrar of Contractors,
      5) A wastewater treatment operator certified by ADEQ, or
      6) A person qualifying under another category designated by ADEQ.

3. The inspector performs the inspection. The inspector records the information on the ADEQ *Report of Inspection* form, signs and dates the form, and delivers it to the transferor of the property.

4. Before the property is transferred, the transferor must provide the transferee (buyer, new owner) of the property the following:
   a. The completed ADEQ *Report of Inspection* form, and
   b. Any documents in the transferor's possession relating to permitting, operation, and maintenance of the on-site system.

5. The transferee (buyer) must complete the ADEQ *Notice of Transfer* form and submit it with the applicable ADEQ fee (set by rule at $50) within 15 days following the property transfer. ADEQ will be automating the process in late 2006 and details will be posted on the ADEQ Web site at: www.azdeq.gov/environ/water/permits/wastewater.html#onsiteseptic.
   The automated filing process will simplify filing by allowing everything to be done over the Internet including payment of fee.

Exception for the unused on-site system.

If ADEQ authorized construction of the on-site wastewater treatment facility under its permitting program, but the facility was not put into service before the property transfer, the transfer of ownership inspection is not required. However, the transferee (new owner of the property) must still file the ADEQ *Notice of Transfer* form and fee.

For example, a person buying a property from a builder who had constructed a new home with an on-site system would have to file the ADEQ *Notice of Transfer* form, but the builder would not have to obtain a transfer of ownership inspection of the new system under the ADEQ rule. However, the buyer may want an inspection performed as a provision of the real estate sale contract.

What must the inspector do?

1. The inspector must address the physical and operational condition of the on-site wastewater treatment facility and describe observed deficiencies and repairs completed, if any, on the *Report of Inspection* form.

2. The inspector must indicate on the *Report of Inspection* form that each septic tank or wastewater treatment vessel on the property was pumped or was otherwise serviced to remove, to the maximum extent possible, solid, floating, and liquid waste accumulations. The ADEQ rule allows exceptions from the pumping requirement in three circumstances:
   a. A Discharge Authorization (permit) was previously issued for the system and the system was put into service less than 12 months before the date of the property transfer,
   b. Pumping or servicing was not needed at the time of inspection based on manufacturer's written operation and maintenance instructions (this may apply to certain alternative systems),
   c. No accumulation of floating or settled waste was present in the septic tank or wastewater treatment container (this may exempt certain remote or seasonal systems that get very little use).

3. As described earlier, once the inspector completes, signs and dates the ADEQ *Report of Inspection* form the inspector delivers it to the transferor of the property.

Well Known Fact

Pumping the septic tank is the single most important thing that can be done to maintain and extend the life of the system.