TIME OF TRANSFER DRAFT OUTLINE 7/12/12

- A time of transfer evaluation of an onsite wastewater system shall consist of the following:
  - An evaluation must be performed by a person with one or more of the following qualifications:
    - registered in accordance with ORS chapters 672 or 700 with demonstrated training on inspecting onsite systems;
    - a current NAWT Inspector Training and Certification accreditation;
    - a certified maintenance provider or other certification approved by the department.
  - The evaluation must include the following:
    - An examination of the records available on the existing system, including all permit and maintenance records;
    - A field evaluation of the existing system, which may include pumping of tanks and exposing system components for inspection;
    - A report of findings on a form approved by the department including the information obtained relevant to system performance, such as age, usage, permit records, maintenance, repairs, size of components, capacity, condition of components, evidence of failures
    - A diagram of the system showing location and distances of major components.
  - The evaluation must include all portions of the system that serve the property being transferred, including any portion located on lots or parcels not being transferred.

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- Exceptions:
  - Exclusions provided for in ORS 105.470 shall apply to time of transfer evaluations
  - An owner of an alternative treatment technology system, commercial sand filter system, recirculating gravel filter system, or other system operating under a service contract may use a certified maintenance provider to submit a report without a field evaluation provided that:
    - There is a current service contract in place between the maintenance provider and the property owner;
    - The system has been inspected in accordance with the manufacturer's specifications but not less than annually;
    - No evidence of failure was noted at the last service visit.
- Oregon Coastal Nonpoint Pollution Control Program Area

- Within the areas described in subsection (h) of this section, a time of transfer evaluation report application must be submitted for department review and acceptance.
- A time of transfer evaluation of an onsite wastewater treatment system, as described in this division is required for all systems that have been made operational.
- An evaluation required by this rule cannot be waived even if a buyer agrees to a waiver.
- The seller must ensure that a copy of the evaluation report is submitted to the buyer before completion of the transfer and submitted to the department within 30 days of the completed transfer.
- Upon receipt of a time of transfer evaluation report, the department shall review the report for completeness and conformance with the applicable requirements in this division.
- The department will issue a Certificate of Acceptance provided that the department deems the evaluation report complete.
- The department will notify the seller of deficiencies in the evaluation report and require that the evaluation report be re-submitted.
- A Certificate of Acceptance means the evaluation and report conform to the applicable requirements in this division.
- A Certificate of Acceptance in accordance with this rule remains valid for property transfers that occur within two years of the evaluation, unless the seller has reason to believe the evaluation no longer represents relevant site or system conditions.
- The failure of seller to comply with this rule does not invalidate an instrument of conveyance executed in the transaction.
- A person may not conduct a time of transfer evaluation unless he or she meets the applicable requirements in this division.
- The Coastal Nonpoint Pollution Control Program Area is defined as all the land located in Clatsop, Coos, Curry, Douglas, Jackson, Josephine, Lincoln, and Tillamook Counties, and all the following portions of Lane County: T15S, Ranges 07W, 08W, 09W, 10W, 11W, 12W; T16S, Ranges 07W, 08W, 09W, 10W, 11W, 12W; T17S, Ranges 08W, 09W, 10W, 11W, 12W; T18S, Ranges 07W, 08W, 09W, 10W, 11W, 12W; T19S, Ranges 06W, 07W, 08W, 09W, 10W, 11W, 12W; T20S, Ranges 05W, 06W, 07W, Willamette Meridian