To: TROX Randall [TROX.Randall@deq.state.or.us]
Cc: CN=Jayne Carlin/OU=R10/O=USEPA/C=US@EPA;Allison Castellan [allison.castellan@noaa.gov]; llison Castellan [allison.castellan@noaa.gov]; N=Robert Goo/OU=DC/O=USEPA/C=US@EPA[]
Bcc: []
From: CN=Don Waye/OU=DC/O=USEPA/C=US
Sent: Wed 9/19/2012 4:58:08 PM
Subject: Re: ANSWER needed on What Other States Have Time of Transfer Program (as a result of CZARA federal requirement)
http://www.gencourt.state.nh.us/rsa/html/l/485-a/485-a-mrg.htm
http://www.mass.gov/dep/water/wastewater/buysell.htm
http://www.mass.gov/dep/water/wastewater/inspects.htm
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allison.castellan@noaa.gov
http://coastalmanagement.noaa.gov
(embedded image)

Randy,

Just a quick follow-up note from yesterday's loose end on MD's point-of-sale "'program". There is no state law or regulation compelling these inspections, however, it has become common practice in Maryland for the mortgage lender to require them as a condition for a home loan. My colleague, Robert Goo, just spoke with Jay Prager, who heads Maryland Dept. of Environment's decentralized wastewater treatment program and reports the following:
"MDE has no requirement for POS inspections. However, if the mortgage company requires an inspection the inspector has to take a MDE course to get certified to conduct the inspections. Jay also said that pretty much all of the sales in MD require inspections because the mortgage companies demand them. MDE sets the code of practice for the inspections and after that it is a civil matter decided by the plaintiffs if there is a dispute."

I found the details of Massachusetts' property transfer onsite inspection program interesting. If the system has been inspected within 2 years of the home sale, then no new inspection is required. If there is bad weather during the time the property is being transferred, then the law allows the inspection to occur within 6 months of the home sale. I do not know how they enforce this or who pays for any repairs uncovered by an inspection that occurred after the sale. Perhaps there's an escrow account?

Don Waye
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From: Don Waye/DC/USEPA/US
To: TROX Randall <TROX.Randall@deq.state.or.us>
Cc: Jayne Carlin/R10/USEPA/US@EPA, Allison Castellan <allison.castellan@noaa.gov>
Date: 09/18/2012 04:58 PM
Subject: Re: ANSWER needed on What Other States Have Time of Transfer Program (as a result of CZARA federal requirement)

Randy,

Touching base with Allison, I have learned there are limits on New Hampshire's point-of-sale inspection requirement -- it is just for waterfront properties within 200 feet of tidal waters. Here's the link:
http://www.gencourt.state.nh.us/rsa/html/l/485-a/485-a-mrg.htm
Scroll down to section 485-A:39 Waterfront Property Sale; Site Assessment Study.

It sounds like you are already familiar with what Massachusetts has, but here's a couple of links to more information on that program:
http://www.mass.gov/dep/water/wastewater/buysell.htm
http://www.mass.gov/dep/water/wastewater/inspects.htm

Our information on the Maryland program is sketchy right now. I did find information on a 1998 law stipulating that point-of-sale inspections must be by trained inspectors and must go beyond visual inspections. As far as I can tell from the official record, Maryland did not rely on point-of-sale inspection requirements for approval of this condition under CZARA.

Also, a few counties within state coastal nonpoint management areas have point-of-sale inspection requirements for onsite systems, but I do not know how much of a factor CZARA was in these requirements.

Don Waye
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Nonpoint Source Control Branch (OWOW/AWPD)

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From: Allison Castellan <allison.castellan@noaa.gov>
To: Don Waye/DC/USEPA/US@EPA
Cc: Jayne Carlin/R10/USEPA/US@EPA, TROX Randall <TROX.Randall@deq.state.or.us>
Date: 09/18/2012 01:47 PM
Subject: Re: ANSWER needed on What Other States Have Time of Transfer Program (as a result of CZARA federal requirement)

Randy--

According to my records, MA, NH and MD relied on pt. of sale inspections to meet CZARA requirements. However, I'm not sure if these were developed specifically for CZARA or were already on the books that the states pointed to when developing their CZARA programs. Other states had voluntary programs (like ME) or had requirements for more frequent inspections (3-5 years).

Hope this is helpful.
Allison

On Tue, Sep 18, 2012 at 12:49 PM, Don Waye <Waye.Don@epamail.epa.gov> wrote:
Jayne & Randy,

I think Oregon may be the first one; perhaps Allison can verify. I know Iowa has one, but obviously not as a result of CZARA.

Other states have expressed an interest in this approach.

Don Waye
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Jayne Carlin---09/18/2012 12:44:44 PM---Hi Don and Allison, See Randy's request below. Are either of you able to answer his question? If s

From: Jayne Carlin/R10/USEPA/US
To: allison.castellan@noaa.gov, Don Waye/DC/USEPA/US@EPA
Cc: TROX Randall <TROX.Randall@deq.state.or.us>
Date: 09/18/2012 12:44 PM
Subject: ANSWER needed on What Other States Have Time of Transfer Program (as a result of CZARA federal requirement)

Hi Don and Allison,

See Randy's request below. Are either of you able to answer his question? If so, please go ahead and send your responses directly to him with a cc to me.

Thanks!

Jayne

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----- Forwarded by Jayne Carlin/R10/USEPA/US on 09/18/2012 09:41 AM -----

From: TROX Randall <TROX.Randall@deq.state.or.us>
To: Jayne Carlin/R10/USEPA/US@EPA,
Date: 09/17/2012 05:16 PM
Subject: Time of transfer Question

Hello Jayne,

We are getting some interest in our time of transfer septic inspection rulemaking. Last Friday, we were invited to testify on the rulemaking to the House Committee on Energy, Environment & Water (the link is an audio file that has the Onsite topic starting approximately at 1:24:00 and is about 45 minutes long). One of the questions were asked that we need to answer is what other states have a Time of transfer program as a result of CZARA federal requirement. Maine has a voluntary inspection program that 'provides assurance to the federal government that the state of Maine has adequate administrative controls relative to subsurface systems'. Since this is a CZARA requirement that existing septic system inspection programs are required to be in place, our legislators want to know what other states have this in due to federal requirements (hopefully not being too redundant). Massachusetts has a Title 5 inspection program that came on in the 90's when I still lived there.

I'm hoping someone in EPA has ready access in their brain to this information request and you maybe know who that someone is. It's worth a shot.

Randy Trox
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