

**ERIE COUNTY DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH SERVICES**

INSTRUCTIONS FOR PROPERTY TRANSFER CERTIFICATION

Article IV Section 12 of the **Erie County Sanitary Code** requires that a Property Transfer Certification be issued by the Erie County Department of Health (ECDOH) prior to any transfer of title involving a property serviced by an onsite wastewater treatment (septic) system and/or an individual water supply (private well). Attached is an “*Application for a Property Transfer Certification*” which must be submitted to the Erie County Department of Health to request the Property Transfer Certification Inspection before the formal transfer of title takes place. Property Transfer Certifications, once issued, are valid for a period of twelve (12) months and the original applicant. No time extensions will be issued for Property Transfer Certifications. If the certificate expires, a new application and fee must be submitted and the property will be re-inspected.

The attached “**Septic System Test Affidavit, Terms and Conditions**”, must be completed, signed, and mailed in with the Property Transfer Certification application. The application and affidavit must be completed in full and signed by the current owner of the property. This form must be received prior to a property transfer inspection being scheduled.

Please be advised that proper inspection of an onsite wastewater treatment system requires that the ground surrounding the system be free of cover or debris in order to conduct the necessary testing. If upon arrival at the property, it is noted that your system is overgrown with tall grasses, trees, bushes or is located under a building, patio, deck, landscaping, etc. the property transfer inspection will not be able to be completed. Once snow cover or frozen ground occurs, the ECDOH will suspend property transfer inspection for the winter months. Property transfer inspections will resume when temperatures are above freezing, ground is no longer frozen and snow cover is absent.

Preparing for your property transfer inspection:

1. A responsible person, over 18 years of age, must be at the residence. Property transfer inspections typically take 3 days and you can expect our staff to be at your residence for approximately 1 ½ hours on each day. Access to the interior of the home is necessary for our staff to perform a plumbing inspection and to introduce dye into the system. Property transfer inspections are typically conducted Monday through Friday between 8:30 am and 4:30 pm.
2. Ensure that all wastewater lines (including laundry and utility sink discharges) are connected to the sewage disposal system and that gutter and sump pump lines are not connected to the sewage disposal system.
3. The area of the sewage disposal system must be free of tall grass, weeds, debris or other cover.
4. Do NOT pump the septic tank for 30 days prior to the test.
5. If your system is a sand filter, locate and uncover the pump tank or inspection tank that is located after the sand filter.
6. Ensure all pumps and alarms are functioning properly.

To test the onsite wastewater treatment system, yellow-green tracing dye is introduced into the system through plumbing fixtures in the home. Our inspectors will run water while on the property and you will be required to run additional water to a specified amount prior to the final day of the inspection. During the inspection our inspectors will ensure that all wastewater lines are connected to the system. The inspector will also perform a visual inspection of the yard and surrounding area (swales, ditches, wetlands, creeks, etc.) looking for signs of system failure, including yellow-green tracing dye.

There are certain circumstances where a standard property transfer inspection will not be able to be performed. These would include:

1. If your property is served by a sand filter with a direct discharge to a creek, stream, ditch, etc., you will be required to correct the discharge by installing either downstream absorption trenches or a complete new system. To determine the next step, we will collect a sample from the inspection tank following the sand filter and have it analyzed for biological oxygen demand (BOD). BOD is a generally accepted standard for determining whether a sand filter is functioning properly. If the results of the BOD sample indicate the system to be functioning at an acceptable level, BOD less than 25 mg/l, then you will be required to have downstream absorption trenches installed following the sand filter. A dye test will be performed following the installation of the downstream absorption trenches. If dye is found at the ground surface, the system will be considered in failure and next steps will need to be determined. If the results indicate the sand filter to not be functioning at an acceptable level, BOD levels greater than 25 mg/l, you will be required to replace the entire septic system serving your property. The septic tank can be reused if it is properly sized and in satisfactory condition.
2. If the home is served by an **enhanced treatment unit (ETU)**, it is required that any ETU be serviced within one year of the property transfer inspection and that a copy of the inspection report be submitted to the department. If the ETU is followed by a conventional leach field, sand filter, raised bed, etc., then a dye test will be performed. If the ETU is directly discharging to a

creek, stream, or ditch, then a sample for biological oxygen demand (BOD) will be taken from the effluent of the unit. BOD is an indicator of the system functionality. If the results indicate the system is functioning at an acceptable level, BOD less than 25 mg/l, then you may be required to install a leach system or sand filter following the unit. If the sample result indicates the ETU is not functioning as required, BOD results greater than 25 mg/l, you will be required to replace the entire system.

3. it is required that any aerobic treatment unit be serviced within one year of the property transfer inspection and that a copy of the inspection report be submitted to the Department. If the aerobic unit is followed by a conventional leach field, sand filter, raised bed, etc. then a dye test will be performed. If the aerobic unit is directly discharging to a creek, stream, or ditch, then a sample for biological oxygen demand (BOD) will be taken from the effluent of the unit. BOD is an indicator of the system functionality. If the results indicate that the system is functioning at an acceptable level, BOD less than 25 mg/l, then you may be required to install a leach system or sand filter following the unit. If the sample result indicates the aerobic unit is not functioning as required, BOD results greater than 25 mg/l, you will be required to replace the entire system.
4. There may be other extraordinary circumstances that do not allow for a standard property transfer inspection to be conducted. These situations will be evaluated on an individual basis and a plan for testing the system will be determined based on the individual circumstances.

For the private water supply portion of the property transfer, the structure and location of the water supply is inspected and the water is tested for bacteriological quality. Please note, if there is an existing disinfection system (i.e.: chlorination or an ultra-violet light unit) it must be operating at the time of inspection. If you need to have your water tested for other contaminants, such as nitrate, nitrite and lead, please complete the attached "Additional Sampling" form and submit with your property transfer application.

If your home is served by an excavated (dug) well you will be required to have a New York State Department of Environmental Conservation registered well driller perform an inspection of the well. Based on the inspection results you will be required to either install a filtration and chlorine disinfection system or abandon the well and install a new drilled well prior to issuance of a property transfer certification.

Effective April 1, 2023 the Waiver policy will be terminated and replaced with a ***Variance of Property Transfer Certification***.

If any of the following apply, a "***Variance of Property Transfer Certification***" will be required to close on the property:

- 1) the anticipated closing date of the property transfer is scheduled before an inspection can be performed
- 2) the home has been vacant for longer than 90 days
- 3) the home is vacant and has an unmetered water supply, or
- 4) if additional time is needed for corrections to the existing onsite wastewater treatment system or water supply.

The "***Variance of Property Transfer Certification***" application must be completed and submitted by the purchaser. By applying for a variance, the purchaser agrees to allow for an inspection of the sewage disposal and/or water systems and to assure that all necessary corrections will be made. The purchaser is required to apply for the variance and schedule and complete the required inspection prior to the expiration date. Failure of the purchaser to allow for inspection of the water supply and onsite wastewater treatment system prior to expiration of the variance is considered a violation of this Erie County Sanitary Code and could be issued a penalty of up to \$500.00 per day of violation. In rare circumstances, an extension of the variance expiration date may be granted. The purchaser will need to submit in writing an explanation for need of extension at least 60 days prior to the variance expiration date. The Department will issue an extension in writing.

Once the property transfer inspection has been completed, we will E-mail a copy of the property transfer certificate to all parties that have provided E-mail addresses on the application. We will not be mailing hardcopies or faxing copies of these documents. If you need a hardcopy of the paperwork, you may request one by calling our office after the property transfer inspection is complete.

One week after you have submitted your application and all required paperwork, please call our Department at (716) 961-6800. We will transfer you to the sanitarian assigned to inspect your property and schedule an appointment. To determine the status of your Property Transfer Certification inspection, you may call our office at (716) 961-6800 and ask for the sanitarian responsible for the town in which the property is located.

Please note, our inspectors devote the majority of their workday to the field, therefore you will likely not speak to someone the day you call and will need to leave a message. Our inspectors will return your call as soon as possible.

For more information regarding the property transfer program, onsite wastewater treatment system operation and maintenance or water supplies, please visit our website at www.erie.gov/health.

ERIE COUNTY DEPARTMENT OF HEALTH - ENVIRONMENTAL HEALTH SERVICES

APPLICATION FOR A PROPERTY TRANSFER CERTIFICATION

All information must be supplied

Please contact this Department at 961-6800 one week after application is submitted.

Address of Building _____

Town _____ Zip _____

Type of Building Residential Number of Bedrooms _____ Number of Occupants _____

Commercial Current building use _____

Is building vacant? yes no If yes, date of vacancy _____

Sewage Disposal System

Water System

Metered

Individual/Private

Public

Individual/Private

Public

Y

N

Name of Seller _____ Phone: _____

Address of Seller _____

City, State, Zip _____

Email _____

Sellers Attorney _____ Phone: _____

Sellers Attorney's E-mail: _____

Realtor _____ Email: _____

Name of Buyer if known _____ Phone: _____

Email: _____

Buyers Attorney _____ Phone: _____

Buyers Attorney's E-mail: _____

- Fee Schedule: \$300.00 – Onsite Wastewater Treatment System (OWTS) – only
\$196.00 – Individual Water Supply – only
\$496.00 – Both OWTS and individual water
\$150.00 – Review of inspection completed by licensed professional

Enclose a check or money order, payable to the Erie County Commissioner of Finance for the required fee.

Date

Signature of Applicant

Anticipated Closing Date

The certificate will be e-mailed to all parties that have provided an E-mail. No copies will be mailed or faxed.

PLEASE COMPLETE AND RETURN TO: Erie County Department of Health
503 Kensington Ave
Buffalo, New York 14214 P: (716) 961-6800; F: (716) 961-6880



ONSITE WASTEWATER TREATMENT SYSTEM AFFIDAVIT, TERMS AND CONDITIONS

(Print Legibly)

1. The undersigned, depose(s) and say(s) on this date of _____: I am/We are the owner(s) of premises commonly known as _____
In the City/Town/ Village of _____, County of Erie and State of New York and I am /we are familiar with the said premises.
2. I/ We hereby certify to the Erie County Department of Health that the septic/aeration tank located on the said premises has not been pumped within thirty (30) days prior to the execution of this affidavit. If known, the septic tank was last pumped out on _____. Unknown _____
3. I/ We hereby further certify that the said septic/aeration tank will not be pumped out until authorized by the Erie County Department of Health after inspection of the said onsite waste water treatment system.
4. I/ We hereby further certify that my knowledge of the onsite waste water treatment system is:
 - a. Unknown. _____
 - b. Known _____
 - i. If known, answer to the best of your knowledge the following:
 1. Do you have any records of your system? ___ Yes ___ No
 2. Approximate date system installed _____. Unknown _____
 3. Septic/Aeration tank, gallon capacity _____. Unknown _____
 4. Tile field of _____ lines, each _____ feet long. Unknown _____
 5. Sand filter of _____ feet wide and _____ feet long. Unknown _____
 6. Pumps and alarms operational? ___ Yes ___ No ___ N/A Unknown _____
 7. Inspection tank available? ___ Yes ___ No ___ N/A Unknown _____
5. This affidavit is made for the purpose of declaring to the Erie County Department of Health that no deviations have been or will be made to the said premise onsite wastewater treatment system's normal operating process by using any chemical(s), restricting flow or in any other way that would impact the inspection/test results.

Owner Signature

Owner Name (Print)

ADDITIONAL WATER TESTING

For Private Wells

As part of the property transfer inspection, your private well will be tested for certain bacteria (total coliform and *E. coli*) that are indicative of water contamination. However, some lenders (like FHA) may require your water to be analyzed for other contaminants as well. The Erie County Department of Health is able to collect these additional samples at the time of property transfer inspection. Your property transfer certification will not be contingent on the results of these lender required samples*.

The samples will be delivered to the Erie County Public Health Laboratory for analysis. Cost for the analysis of these samples will be billed directly to you by the Erie County Public Health Laboratory. Do not submit payment at this time.

Please check next to the additional samples that you would like collected from your water supply**.

_____ Lead \$20.00

_____ Nitrate \$30.00

_____ Nitrite \$30.00

The results will be mailed to you by the Erie County Public Health Laboratory once payment is received.

Please do not submit payment at this time. You will be billed for the analysis of these samples by the Erie County Public Health Laboratory.

Billing Information:

Name

Address

Town

Zip

Phone number

Email

*Note: The Erie County Department of Health will not be receiving a copy of these results. If you have any questions in regards to your results you may contact us at 716-961-6800 or visit our website at www.erie.gov

** It may take up to 2 weeks to receive results from the Erie County Public Health Laboratory.