March 22, 2018

Time of Sale or Transfer (TOST) Regulation Repealed

The Barry-Eaton District Health Department (BEDHD) Board of Health and both counties’ Boards of Commissioners have voted to repeal the Regulations Governing On-site Sewage and On-site Water Supply System Evaluation and Maintenance in Barry and Eaton County, Michigan. This regulation included the Time of Sale or Transfer (TOST) program and requirements.

After two public hearings held in February, the Board of Health voted 4-2 to send the regulation to each county’s Board of Commissioners for a final vote on the repeal. On March 13, the Barry board voted 6-0 to repeal the regulation. On March 21, the Eaton board voted 9-6 to repeal the regulation.

The TOST program will remain in effect for the next 45 days. On May 5, 2018, the regulation will no longer be in effect, and there will be no BEDHD requirement for an evaluation or health department review or authorization to transfer for properties with on-site wells or sewage systems. After the regulation ends, Registered Evaluators (REs) will no longer be registered or overseen by BEDHD.

After May 5, BEDHD will continue, as always, to investigate complaints and do site visits in order to issue well and sewage system permits. The correction of well and sewage system conditions that are a threat to public health and found through these two means will be conducted under the authority of BEDHD’s Sanitary and Nuisance Codes, as well as the Michigan Public Health Code.

The BEDHD TOST webpage will continue to have information about the requirements of the repealed regulation for a period of time; changes to that page should be expected in the future. Records will continue to be accessible through the Freedom of Information Act.

BEDHD seeks to complete this transition as smoothly as possible. Individuals with questions or concerns can contact BEDHD’s Environmental Health Division at (269) 945-9516 (select 3, then 5; Barry office) and (517) 541-2615 (Eaton office).