



# Barry-Eaton District Health Department

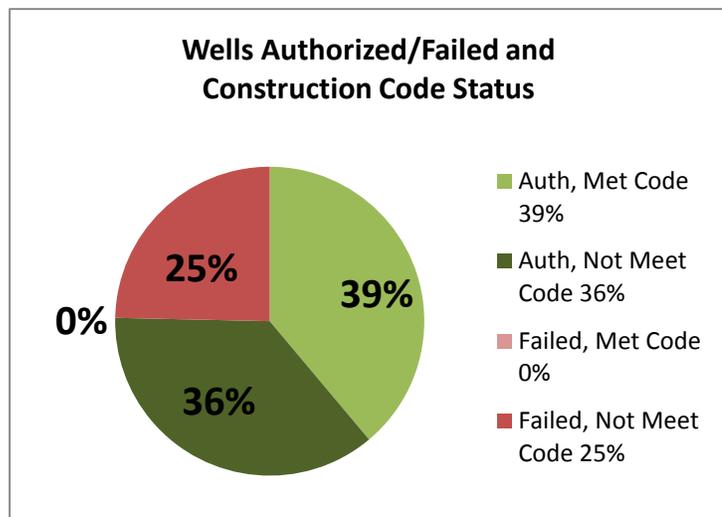
## Time of Sale or Transfer (TOST) Program Study Summary

Since the Time of Sale or Transfer program, called “TOST”, was implemented in 2007 there have been questions regarding the extent of repairs necessary in order to correct a public health hazard found at the time of sale of a property with a well and/or sewage system.

In order to address this concern, Environmental Health staff compiled and analyzed data from 300 TOST evaluations (or 5% of the total evaluations) performed to date. Each system (water supply and sewage) is a separate component that makes up a single TOST evaluation. These results are representative of 288 water supplies and 251 sewage systems. For this study, we examined the relationship between actual construction code compliance and if water supply and sewage system evaluations resulted in “authorization” or “failure”, as defined in the regulation.

### Water Supply System Findings

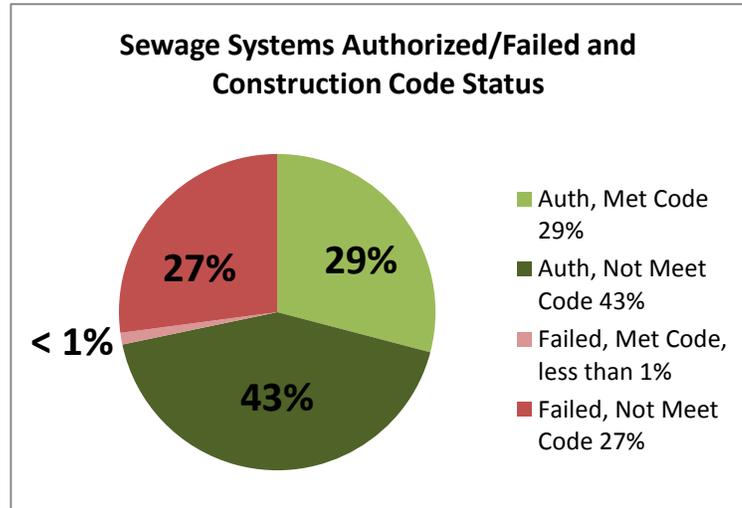
- 112/288 (or 39%) evaluations reviewed that had water supply systems and met the water construction code received a transfer authorization.
- 105/288 (or 36%) of evaluations reviewed that had water supply systems did not meet the water construction code but received a transfer authorization. *Example:* The well is a small diameter well (1 ¼” or 2”) and under direct suction and was found to be more than 25 feet of casing below grade. No failure conditions were present.
- 71/288 (or 25%) of the evaluations reviewed that had water supply systems and did not meet the water construction code received a notice of failure. *Example:* The well is located seventeen feet from a heating oil/fuel oil tank where the standard isolation setback distance is 50’ minimum.



Overall, the majority (or 75%) of the sites with a water supply system were authorized.

### Sewage Supply Systems Findings

- 73/251 (or 29%) of evaluations sampled that had sewage systems and met the local sanitary code received a transfer authorization.
- 107/251 (or 43%) of the evaluations sampled had sewage systems and did not meet the local sanitary code but received a transfer authorization. *Example:* The soil in the sewage system area is subject



to seasonal saturation indicating that the sewage system may not function properly during snow melt and/or significant rainfall events.

- 3/251 (or less than 1%) of the evaluations sampled had sewage systems and met the local sanitary code received a notice of failure. *Example:* Necessary maintenance is needed on the septic tank including pumping to remove over-accumulation of solids and scum.
- 68/251 (or 27%) of the evaluations sampled had sewage systems and did not meet the local sanitary code received a notice of failure. *Example:* The drainfield is 100% full, above the stone, under pressure, and/or backing up and the drainfield stone is black and tarry.

Overall, the majority (or 72%) of the sites with a sewage system were authorized.

### Conclusions

This study shows that many sites with systems that do not meet current construction code are issued transfer authorization by the Health Department. The study also shows that a system that does not meet current construction code has a *much higher chance* to have a failed well or failed sewage system. To understand this fully one must consider that there are many factors involved in how a system is functioning including where it is located, whether it is damaged or in need or maintenance, and the risk level that a non-conforming system poses to public health and the water resources.

Systems exist in all types of site conditions with varying soil and water table conditions, and in various construction types and isolation distances. The use or misuse of a system or the level of maintenance performed on a system also impacts the operation and state of disrepair. While construction codes are periodically updated to meet current knowledge level, technology, and recognized standards, systems that were constructed under previous codes do not necessarily present a substantial risk or hazard to the public or the environment and thus issuance of a transfer authorization is reasonable.

The purpose of the TOST regulation is to protect the quality of water resources, on-site water supplies and the natural environment and to protect the public's health by providing an evaluation and maintenance program for on-site sewage systems and on-site water supply systems.

In addition to the above statement of purpose, the TOST regulation also states that "It is not the intent of this Regulation to cause existing functional systems, which do not meet current construction standards, and in the case of on-site water supply systems, which are not subject to contamination, to be brought into compliance with such standards." This study was conducted as a result of questions commonly associated with the meaning of this language and to **provide assurance to the community that systems are not being failed just because they do not meet construction code.**