

340-071-0131

**Time of Transfer Evaluation**

- (1) After January 1, 2006, before transferring ownership of real estate served by an onsite system using alternative treatment technology, the seller must have the system evaluated in accordance with this rule.
  - (a) The evaluation must be performed by an agent or a person who is qualified to perform the evaluation and is registered in accordance with ORS chapters 672 or 700 or has a current NSF International wastewater system inspector accreditation or other certification approved by the department.
  - (b) The evaluation must include the following:
    - (i) An examination of the records available on the existing system, including all permit records and pumping and other maintenance records.
    - (ii) A field evaluation of the existing system.
    - (iii) A report of findings on a form approved by the department including the information obtained relevant to system performance, such as age; usage; records of installation, maintenance, and repairs; type, size, capacity, and condition of components; evidence of any failures; other relevant information (e.g., condition of repair area if known); and a complete sketch of the system showing location and distances of major components.
  - (c) The seller must ensure that a copy of the report is submitted to the buyer before completion of the transfer and submitted to the agent within 30 days of the completed transfer.
  - (d) 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.
  - (e) The evaluation is required for all systems that have been made operational.
- (2) An evaluation required by this rule cannot be waived even if a buyer agrees to a waiver.
- (3) An evaluation completed 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transfers that occur within two years of the evaluation, unless the seller has reason to believe the evaluation no longer represents relevant site or system conditions.
- (4) The failure of an owner to comply with this rule does not invalidate an instrument of conveyance executed in the transaction.
- (5) A person may not conduct a time of transfer evaluation required by this rule unless he or she meets the qualifications in subsection (1)(a) of this rule.

Stat. Auth.: ORS 454.625 &amp; 468.020

Stats. Implemented: ORS 454.615

Hist.: DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05