



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

GALE R. BURSTEIN, MD, MPH
COMMISSIONER OF HEALTH

November 15, 2018

Re: Revisions to the Erie County Department of Health Property Transfer Program

Dear Attorneys and Realtors:

Article IV 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). The ECDOH has recently made some changes to our property transfer program. These changes were implemented to more clearly meet the requirements of the Erie County Sanitary Code. The changes are outlined below:

1. If the property is served by a sand filter with a direct discharge to a creek, stream, ditch, etc., regardless of when the system was installed, the homeowner will be required to correct the discharge by installing either downstream absorption trenches or a complete new system. To determine whether just the trenches are needed or the whole system needs to be replaced, we will inspect area, 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 the homeowner 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, indicating failure, 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 is not functioning properly, BOD levels greater than 25 mg/l, the homeowner will be required to replace the entire septic system serving the property.
2. If the property is served by an aerobic treatment unit, it is required that any aerobic treatment unit be serviced within one year prior the property transfer inspection and that a copy of the inspection report be submitted to the Department. If a conventional leach field, sand filter, raised bed, etc. follows the aerobic unit, 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 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.
3. Beginning January 1, 2019, every application received for property transfer inspection must include the Erie County Department of Health Onsite Wastewater Treatment System Affidavit. The affidavit must be completed in full and signed by the property owner. The affidavit is requiring the homeowner to attest to the date the septic tank was last pumped out, that the septic tank has not been pumped for at least 30 days prior to the property inspection, the system components if known and that the septic system has not been altered in any way from its original installation.

We have updated our application and instructions to reflect these changes. Please find attached our revised application. You may also find this application on our website at www.erie.gov. We have also updated our website to reflect the above changes and provide more information regarding property transfer inspections, the care and maintenance of onsite wastewater treatment systems, the care and maintenance of wells and the process of replacing a failing onsite wastewater treatment system.

As always, please contact us at 961-6800 with any questions regarding these changes or the property transfer program in general.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Delaney". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail.

Jennifer Delaney, PE
Director of Environmental Health