

**GRAND TRAVERSE COUNTY
REGULATION FOR THE EVALUATION OF
ONSITE WATER AND SEWAGE DISPOSAL SYSTEMS
AT TIME OF PROPERTY TRANSFER**

PREAMBLE

The Board of Commissioners of Grand Traverse County adopts this Regulation that states the procedures, standards and enforcement that shall be used by the Grand Traverse County Health Department ("The Health Department"), under the authority of the Environmental Health Regulations For Grand Traverse County Health Department and the Grand Traverse County Health Officer, to manage any residential premises containing an Onsite Water and/or Sewage Disposal System, in order to promote the safety, health and general welfare of the community as follows:

- a) Ensure the adequate disposal of sewage from homes served by an Onsite Sewage Disposal System ("OSDS"); and
- b) Ensure a safe and adequate supply of drinking water for those homes served by an Onsite Water Supply System ("OWSS"); and
- c) It is not the intention of this regulation to cause existing systems that are currently functioning, but do not meet existing construction standards, to be brought into compliance with such standards, except as otherwise defined in this Regulation.

Section I: Name

This regulation shall be known and cited as "Regulation For The Evaluation of Onsite Water and Sewage Disposal Systems at Time of Property Transfer."

Section II: Purpose

This Regulation contains minimum standards and supplements the Rules and Regulations enacted by the Michigan Department of Environment, Great Lakes and Energy (EGLE), the Michigan Department of Health and Human Services (MDHHS), and Grand Traverse County. In addition, this Regulation supplements Michigan law as it relates to public health and environmental quality and shall supersede all local minimum standards previously enacted that are inconsistent with this Regulation.

Section III: Definitions

The following rules of language shall apply to the text of this Regulation:

- a) The word "shall" is mandatory.

- b) The word "may" is permissive.
- c) When not inconsistent with the context, words in the present tense shall include the future and words designating singular numbers shall include the plural.

A. Dwelling: Shall mean any building, structure, or shelter that generates sewage through the use or availability of toilet, sinks, laundry, bathing, or other facilities designed for household, commercial, or other purposes.

B. Failure: Is defined as follows:

1. For an onsite sewage disposal system, one (1) or more of the following apply:
 - i. Backup of sewage into a dwelling
 - ii. Discharge of effluent onto the ground surface
 - iii. Discharge of treated sewage that does not comply with applicable standards
 - iv. Liquid level in the septic tank above the outlet invert
 - v. Structural failure of a septic tank
 - vi. Discharge of sewage into surface water, storm drain, or directly into groundwater
 - vii. The liquid level in a disposal field above the outlet holes in the pipe of such field
 - viii. An illicit connection or illicit discharge
 - ix. Or other conditions where the OSDS is determined not to be in substantial conformance with Grand Traverse County Health Department regulations and/or guidelines or is deemed unsafe or unsanitary by the Health Officer.
2. For an onsite water supply system, one (1) or more of the following apply:
 - i. Potable water sample results exceeding the maximum allowable limit for contaminants
 - ii. Substantial nonconformance with water well construction requirements causing a safety concern
 - iii. Substantial nonconformance with water well isolation from contamination source requirements.

C. The Health Department: Shall mean The Grand Traverse County Health Department.

D. Health Officer: Shall mean the Public Health Officer, the acting Public Health Officer or her/his duly authorized representative.

E. Illicit connection: Shall mean any physical or constructed connection to an OSDS that allows wastewater to bypass required treatment processes.

F. Illicit discharge: Shall mean any direct or indirect discharge of untreated sewage in violation with The Environmental Health Regulations For The Health Department.

G. Municipality: Shall mean any incorporated city, village, or township within Grand Traverse County.

H. OSDS: Shall mean an onsite sewage disposal system.

I. Owner: Shall mean any person who has legal title to any premises.

J. OWSDS: Shall mean an onsite water and sewage disposal system.

- K. OWSS: Shall mean an onsite water supply system.
- L. Person: Shall mean any individual, firm, partnership, party, corporation, company, society, association, or other legal entity.
- M. Premises: Shall mean any tract of land, or portion thereof, or any combination of tracts under single or common ownership, operation, or control, that contains any type of dwelling—whether currently, formerly, or intended to be inhabited permanently or temporarily—and/or any water well, septic tank, drain, drain field, underground tank, piping, or similar appurtenance that contains or has contained sewage, biological waste, or other environmental contaminants.
- N. Sewage: Shall mean any treated or untreated liquid waste containing human excreta, wastewater from toilets, baths, showers, sinks, laundries, or other sanitary sources, originating from residential, commercial, or other sources.
- O. Substantial Conformance: Shall mean there is a minimal likelihood of degradation of groundwater or surface water, or risk to public health caused by improper construction or location of an OSDS and/or an OWSS , or a malfunctioning OSDS and/or an OWSS .
- P. Surface Water: Shall mean any body of water above ground, including lakes, ponds streams, rivers or as determined by the Health Department.

Section IV: Regulations

A. In General

- 1. Authority. The Authority for this Regulation is enacted pursuant to MCL 333. 1101 et seq., as amended, MCL 324.1701 et seq., and MCL 46.11, to protect the public health, safety and welfare of the citizens of Grand Traverse County.
- 2. Jurisdiction. The Public Health Officer shall have jurisdiction to administer and enforce the provisions of this Regulation. Nothing in this Regulation, however, shall be construed to restrict or abrogate the authority of any municipality, or incorporated city, village or township in Grand Traverse County to adopt standards that are more restrictive.
- 3. Effective Date. This Regulation shall become effective in Grand Traverse County on January 1, 2026.

B. Limitations on Sale or Transfer of Property

No premises in Grand Traverse County that contains an OSDS and/or OWSS System shall be sold, transferred, or conveyed without undergoing an evaluation and receiving approval from The Health Department, if it contains a dwelling located within 300 feet of surface water, measured from the closest part of the dwelling to the surface water, or high-water mark (if available).

C. Evaluations

- 1. Following the effective date, each premises in Grand Traverse County with an OSDS and\or OWSS that meets the conditions of Section IV.B. shall be evaluated and reviewed by The Health Department before the sale, transfer, or conveyance of the

property if certification has not been completed within the thirty-six (36) months preceding the date of transfer. Transfers exempt from evaluation include:

- i. Transfer from a spouse.
- ii. Change in ownership solely to exclude a spouse.
- iii. Transfer subject to life lease or life estate, (until the life lease or life estate expires).
- iv. Transfer to effect foreclosure or forfeiture of real property.
- v. Transfer by redemption from a tax sale.
- vi. Transfer creating or ending joint ownership if at least one person is an original owner of the property or his or her spouse.
- vii. Transfer to establish or release a security interest.
- viii. Premises built within the previous thirty-six (36) months prior to date of property transfer.
- ix. Premises that shall be demolished and shall not be occupied after the property transfer.
- x. New homes that have not been occupied.
- xi. Transfer of premises that has had an OSDS and/or OWSS installed and approved by The Health Department within the past thirty-six (36) months, pursuant to a permit issued by The Health Department for the OSDS and/or OWSS.

2. The owner of premises containing an OSDS and/or a OWSS shall have the system evaluated by a Health Department certified evaluator. Persons certified to perform evaluations of an OWSDS shall meet the minimum standards as set forth in Guidelines approved by the Health Officer.
3. Evaluation reports shall include, but are not limited to:
 - i. The property address of the site.
 - ii. The name of the owner of the premises and their contact information including:
 1. Mailing address;
 2. Email address;
 3. Phone number
 - iii. The location of the system(s) that shall include but not be limited to:
 1. Distances from any dwelling(s);
 2. Isolation distance between water well and sewage system;
 3. Isolation distance from surface waters or wetlands.
 - iv. The size and physical dimensions of each OSDS, including all connected septic tank(s), that are associated with any dwelling located on the premises. Details to include but not limited to (per system):
 1. Type of OSDS (e.g., conventional septic system, pressure mound septic system, alternative treatment system)
 2. Tank Material (e.g., concrete, polyethylene)
 3. Tank Capacity in gallons

4. Physical Dimensions in feet
5. Location on Property (relative a dwelling or property boundaries)
- v. The name of The Health Department certified evaluator compiling the report and their contact information.
- vi. A description of the current operational or functional status of the system(s).
- vii. Identification of any necessary repairs or replacement of all or portions of the system(s).
- viii. Compliance with bacteria and nitrate water quality standards as a minimum with other water quality parameters as required by The Health Department.
- ix. Other relevant or unusual observations related to the system(s).
- x. Any recommendations made by the certified evaluator.
- xi. Completed forms approved by The Health Department.
- xii. A statement from the certified evaluator that the report was conducted in accordance with the law and does not contain any false or misleading information. Further, an acknowledgement from the certified evaluator that submittal of a fraudulent, misleading, or incorrect report shall constitute a violation of this Regulation subject to enforcement, including by issuance of a municipal civil infraction.

4. A Health Department certified evaluator shall certify that the inspection report is true, correct and is an accurate assessment of the OSDS and/or OWSS evaluated and may be relied upon by The Health Department as to the condition of the septic disposal system.
5. After The Health Department's review of the evaluation report is complete, The Health Department shall send a review of the evaluation report to the owner or the owner's authorized agent, outlining the functional status of the OSDS and/or OWSS and whether it complies with the Grand Traverse County Environmental Health Regulations.

D. Performance Standards

1. The Health Department's review shall determine whether the system(s) adversely affect the public health and environment or violates any other applicable rules or regulations.
2. The Health Department's review shall determine whether the OSDS dwelling and its operational status are in substantial conformance with the standards within the Environmental Health Regulations for Grand Traverse County Health Department.
3. OWSS shall be evaluated for:
 - i. Their proximity to sources of contamination.
 - ii. Substantial compliance with State of Michigan construction standards.
 - iii. Compliance with bacteria and nitrate water quality standards at a minimum, and with additional water quality standards as deemed necessary by the Health Department in areas with known water quality concerns.
4. Water samples shall be collected from a source connected to the dwelling drinking water system, in accordance with Michigan's Water Well Disinfection Manual.

Samples shall be analyzed at a laboratory certified by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to determine the presence of coliform bacteria, nitrates, or other contaminants as determined by The Health Department.

E. Evaluator Registration and Certification

1. All evaluators performing evaluations under this Regulation shall be registered with The Health Department and certified before undertaking any evaluations. All qualified evaluator applicants must file an application with The Health Department, pay the approved County registration fee and satisfactorily complete a training course approved by The Health Department, and conduct one (1) evaluation with a Health Officer. Prospective evaluators must demonstrate knowledge of construction practices, operational standards, as well as the causes and indicators of sewage system failures. No evaluations reports shall be accepted from individuals not certified by The Health Department.
2. Any person certified to conduct evaluations within Grand Traverse County shall obtain an annual registration per The Health Department Regulation Guidelines.
3. An individual shall not be permitted to install or replace a OSDS or OWSS without prior approval of The Health Department. This section does not preclude the requirements for permits where necessary.

F. Revocation of Certification

1. The Health Officer may revoke any certified evaluator's certification under any of the following conditions:
 - i. The evaluator fails to comply with any requirement under these regulations.
 - ii. The Health Officer determines that the evaluator is not competent to perform as required by this regulation.
 - iii. The evaluator is unable to properly perform an evaluation of an on-site water supply and/or sewage disposal system.
 - iv. The Health Officer determines the evaluator to be negligent in the course of his/her duties under this regulation.
 - v. The evaluator submits false or misleading information.
 - vi. Significant information is missing from the evaluation report and has not been provided by the evaluator within three (3) business days after being requested by The Health Department.
 - vii. The evaluator has failed to maintain his/her required certification as required by this regulation.
2. The Health Department shall give written notice to an evaluator before s/he is de-certified by the Health Officer. The evaluator shall be given an opportunity at an informal meeting with The Health Department and/or the Health Officer to demonstrate why s/he should not be de-certified.
3. If an evaluator is de-certified, re-certification shall be contingent upon completing the requirements established by The Health Department.

Section V: Responsibilities of Parties Involved

A. Owner Responsibilities

1. Maintaining the system to prevent the occurrence of a substantially non-conforming condition, to prevent a public health hazard or nuisance, and to prevent contamination/pollution to the environment.
2. Notifying The Health Department of any known or suspected condition as described in Section V.A.1.
3. Plugging of all abandoned wells on the premises in accordance with all applicable State and local laws/rules.
4. Applying for and receiving a transfer evaluation prior to sale or transfer of any premises meeting the criteria in Section IV.B., including review and approval by The Health Department.
5. Establishing and indicating the location of all wells, septic tanks, drainfields and other system components prior to the transfer evaluation(if known). This may include uncovering tank lids, buried wellheads, buried piping, drainfield corners and otherwise providing access to all system components and appurtenances.
6. Resolving any substantially non-complaint condition:
 - i. Prior to closure of a real estate transaction covered by these regulations, the owner or authorized agent shall present documentation to a prospective buyer that the corrective action plan required as the result of a transfer evaluation has been approved by The Health Department in accordance with Section VI.
 - ii. If a public sanitary sewer or public community water supply is available as determined by the operating entity that manages and maintains the public utility, the owner shall apply to the municipality for a permit to connect to the available public utility.
 - iii. If no public sanitary sewer or public community water supply is available, the owner shall apply for a permit with The Health Department for system changes and corrections required as part of the approved corrective action plan.
7. Obtaining a review by The Health Department of the OWSDS as specified in Section IV.C.

B. Certified evaluator Responsibilities

1. Provide documentation of each evaluation in accordance with Section IV.C.3. of this Regulation and other documentation as deemed necessary by The Health Department to process an approval request.
2. Abide by The Health Department established policy, criteria and standards for evaluation of an OSDS and/or OWSS and the requirements stated herein.
3. Participate upon notice of The Health Department, in administrative conferences, hearings, or other compliance and/or enforcement activities resulting from the application of these requirements.

C. The Health Department Responsibilities

1. Administration and enforcement of these regulations.
2. Maintaining the most current evaluation report as long as a premises is served by an

OSDS and/or OWSS and for three years thereafter.

3. Maintaining a current listing of evaluators currently certified with The Health Department to perform evaluations under this Regulation.
4. Requiring correction, remediation, abatement or replacement of OSDS or OWSS exhibiting evidence of substantial non-conformance with the requirements of these regulations.
5. Establishing criteria for the evaluation of OWSDS, for the certification and registration of evaluator making such criteria and associated forms available to the public.
6. Reviewing all evaluation reports in a timely manner.
7. Providing technical assistance to owners, contractors and certified evaluators regarding OWSDS design specifications and design requirements.
8. Issuance of authorizations for sale, transfer or conveyance of property served by conforming OSDS and/or OWSS.
9. Reviewing proposed property alterations, new uses of a property, or other changes on a parcel that may impact an existing OSDS and/or OWSS or prevent adequate operation or replacement of such system.
10. Finding workable solutions through the variance or deviation process outlined in the Environmental Health Regulations for Grand Traverse County, or through other means, for premises not able to meet the requirements of the Regulations, to abate or remediate significantly non-conforming systems, public health or safety hazards, or nuisance conditions.
11. Providing certified evaluators existing essential information pertaining to the property to be evaluated.

Section VI: Compliance and Corrective Action

- A. When The Health Department determines or concurs with a certified evaluator that a system is failing, a notice shall be sent by The Health Department to inform the owner regarding remedial actions needed to bring the system into compliance. No action shall be taken without acquiring the proper permit(s) issued by The Health Department.
- B. Upon receiving written notice from The Health Department of non-compliance with this Regulation, the owner, buyer or authorized agent shall:
 1. Within thirty (30) days or a timeframe as determined by The Health Department, submit a proposed corrective action plan to bring the affected system into compliance with applicable laws.
 2. On or before the closing date or date of transfer place into an escrow account a deposit of a surety, performance bond or cash in an amount equal to one and one half (1½) times the estimated cost of the contract guaranteeing performance of such contract.
- C. The Health Department shall review the proposed corrective action plan and amend it as necessary to conform to federal, state, and local laws and rules.
- D. All necessary corrective action shall be completed within one hundred eighty (180) days following The Health Department's approval of the proposed correction action plan, unless

weather prohibits the corrective action.

- E. Once The Health Department gives final approval of the completed corrective action, the OSDS and/or OWSS shall be deemed to be in substantial conformance with this Regulation.
- F. If an OSDS and/or OWSS presents an immediate health hazard, the owner or other responsible party shall take such measures, in cooperation with The Health Department, which will immediately reduce or eliminate the impact of such failure until the full corrective plan can be implemented.

Section VII: Enforcement and Compliance

A. Investigations

- 1. If The Health Department has reason to believe that a person is in violation of this Regulation or a rule promulgated under this Regulation, The Health Department may conduct an investigation of a premises. This may include:
 - i. Evaluation at reasonable times of any premises.
 - ii. Collection of evidence and information for the purpose of determining compliance with this Regulation.
 - iii. Sample collection where the Health Officer has reason to believe there is a likelihood of contamination of surface water, groundwater, potable water supply, or other unsanitary or nuisance condition.

B. Voluntary Agreement

- 1. If upon investigation The Health Department finds that a violation of the Regulation exists, The Health Department shall attempt to enter into a voluntary agreement with the owner to resolve the violation. If the voluntary agreement cannot be reached, The Health Department may issue a notice of violation or citation to the owner. A statement of facts upon which the notice or citation is based shall accompany the notice or citation.

C. Penalties

- 1. If the Health Officer believes that a person is violating a provision of this Regulation or a violation notice issued pursuant to this Regulation, the Health Officer may issue a citation within ninety (90) days after the alleged violation is discovered. The citation shall state with particularity the nature of the violation, including reference to the Section of the Regulation alleged to have been violated and a right to appeal the citation pursuant to MCL 333.2461 and Section VIII of this Regulation. The citation shall be delivered or sent by registered mail to the alleged violator.
- 2. Monetary citations shall be imposed in accordance with the following schedule:
 - First violation: \$200.00
 - Second violation: \$500.00
 - Third and subsequent violations: \$1,000.00

A citation shall be issued for each individual violation, and each day that a violation continues shall constitute a separate violation. The citation may be assessed for a specific violation of this Regulation or violation notice issued by the Health Officer under

these regulations.

Section VIII: Appeals

- A. To provide for reasonable and equitable interpretations and applications of the provisions of this Regulation, an owner or interested party may request an appeal per the process described in Section 5.20 of the Environmental Health Regulations for Grand Traverse County Health Department.

Section IX: Fees

- A. Fees to cover expenses, including but not limited to overhead, labor, storage, training, certifications, etc., by The Health Department, shall be assessed by the current fee schedule established by the Grand Traverse County Board of Commissioners adopted as provided in the Public Health Code (Act 368 of 1978, as amended). Fees shall be paid when evaluation reports are filed with the Division. Fees must be paid before the property is transferred.
- B. Third-Party evaluators that are certified by The Health Department are responsible for establishing their own fees for evaluations.

Section X: Severability

- A. These Regulations and the various articles, sections and clauses are declared to be severable. If any article, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid, the remainder of these Regulations shall not be affected.

Section XI: Amendments

- A. The Health Officer may adopt amendments and revisions to these Regulations with the consent and approval of the Grand Traverse County Board of Commissioners, pursuant to Sections 2441 and 2442 of the Public Health Code.