

Frequently Asked Questions

- 1. What event triggers the Notice of Transfer requirement?** Any time there is a transfer of ownership of a property served by an on-site wastewater treatment facility (conventional septic tank system or alternative on-site system used instead of a conventional system). Typically this is a simple property sale but, pursuant to Arizona Administrative Code (A.A.C.) R18-9-A316, the requirement is triggered for any transfer of ownership. This could include a transfer to a new owner due to repossession, divorce, terms of an estate, a gift or charitable donation, etc.
- 2. Who is responsible for getting the system inspected?** The Seller/Transferor of the property served by the septic system is responsible for obtaining a qualified inspector to perform the inspection. The inspector prepares a Report of Inspection form for the Seller. The Seller provides the completed Report of Inspection form to the Buyer before the property is transferred.
- 3. What are the requirements for the inspection?** Within six months before a property is transferred, the Seller/Transferor must retain a qualified inspector to perform a transfer of ownership inspection. The inspector must use the ADEQ Report of Inspection form for recording the inspection information. Except in rare circumstances as described on the Report of Inspection form, the septic tank must be pumped as part of the inspection. In some property transactions, supplemental real estate contract terms may apply, but in no case should the ADEQ inspection requirements prescribed in A.A.C. R18-9-A316 be altered or omitted.
- 4. Who is responsible for submitting the Notice of Transfer Form?** The Buyer/Transferee is responsible for completing and submitting the Notice of Transfer form. The form must be submitted within 15 days after the date of property transfer.
- 5. Is there a filing fee?** Yes. The Notice of Transfer filing fee is \$50 for forms sent to ADEQ and is set by rule. The completed Notice of Transfer form and fee must be submitted by the Buyer/Transferee to the address specified in the Notice of Transfer form.
- 6. Does date of construction of the system affect the transfer notification procedure?** Yes. The rules governing this program divided the program between delegated county agencies that previously administered the program for newer systems, and ADEQ, which will administer the program for the older systems. Therefore, the Notice of Transfer must be submitted to the ADEQ (or Pima County DEQ for systems located in Pima county) for systems constructed and operated before Jan. 1, 2001, and to the delegated county environmental or health department, for systems constructed after Jan. 1, 2001.
- 7. When does the Notice of Transfer form and fee have to be submitted?** Within 15 days after the property transfer, the Buyer/Transferee shall submit the completed Notice of Transfer form and fee to ADEQ (or Pima County if the system is located there). As a practical matter, in many transactions involving real estate agents, it is expected that the escrow officer will file the Notice of Transfer form and fee for the Buyer/Transferee as part of the closing process.
- 8. Is there any exception to the requirement for filing a Notice of Transfer form and fee?** No. In all instances of a transfer of ownership of a property served by an on-site system, the Notice of Transfer form and fee must be submitted by the Buyer/Transferee. However, A.A.C. R18-9-A316(F) allows the Seller/Transferor to forgo the transfer inspection if the system has never been used. (This typically occurs when a builder/developer sells a house with a newly constructed on-site system to the first occupants of the house).
- 9. What reports and documents are to be delivered to the Buyer/Transferee?** Before a property is transferred, the Seller/Transferor shall provide to the Buyer/Transferee: 1) the completed Report of Inspection form (unless the exemption described in the preceding item is applicable) and 2) documents in the person's possession relating to the permitting, operation, and maintenance of the on-site system.

- 10. Does the Buyer/Transferee need to submit any other documents with the Notice of Transfer Form?** No. However, the Buyer/Transferee shall retain for his or her file a copy of the Notice of Transfer and the documents described in the preceding in item 9.
- 11. Is there an exemption from obtaining an Inspection prior to property transfer?** There is only one exemption from the requirement that all on-site systems must be inspected prior to property transfer. If the on-site system has been built but has never been placed in service, and if the seller has provided the buyer with the agency file number and approval date of installation, the property will be exempt from having an inspection of the on-site system. However, a Notice of Transfer would still need to be filed with the appropriate agency.
- 12. Is a person who holds a dual license K-80 issued by the Registrar of Contractors qualified to perform the transfer of ownership inspection?** Yes, the dual license K-80 includes the commercial license A-12 in its entirety. As a result, the person who holds a dual license K-80 meets the qualification to perform the transfer of ownership inspection listed under AAC R18-9-A316 (B)(3)(d)(ii). Regardless of which license a person holds, they must also meet all of the other applicable requirements in AAC R18-9-A316 (B) in order to perform the transfer of ownership inspection.

Other questions? [Send us an e-mail.](#)