

**St Louis County Environmental Services Department
Onsite Wastewater Division**

Point of Sale Program

What is the Point of Sale (POS) Program?

In an effort to gradually upgrade substandard systems, St. Louis County requires that Point of Sale inspections be completed at the time of property transfer. If the system is found to be substandard system repair or replacement is required, with the timetable dependent upon the degree of problem. POS inspections occur when financing to upgrade the system may be more readily available, and allow the parties to the land exchange an opportunity to negotiate regarding any soil treatment system issues concerning the property.

How many inspections take place annually?

Since 2001, the County has recorded approximately 3800 point of sale inspection of onsite wastewater systems. Approximately 1.5% of the total septic systems in the County are inspected in a given year. Approximately 40% of the systems inspected in the program have needed replacement or upgrade.

What do the inspections find?

The following chart identifies five years of results of inspections sorted by: compliant, non-conforming, failure, and imminent public health threat:

	2004	%	2005	%	2006	%	2007	%	2008	%
Compliant	145	32.4	160	37.3	126	32.9	149	40.7	167	46.3
Non-conforming	101	22.6	95	22.1	90	23.5	64	17.5	87	24.1
Definitional Failure	186	41.6	161	37.5	152	39.7	141	38.5	99	27.4
IPHT	15	3.4	13	3.0	15	3.9	12	3.3	8	2.2
TOTAL	447		429		383		366		361	

“Compliant” refers to a system with the State-required 36” vertical separation from groundwater. “Non-conforming” is a system with more than 12” of vertical separation, but less than the 36” required by the state. “Definitional Failure” refers to systems with less than 12” of vertical separation. “Imminent Public Health Threat” refers to a system that is discharging to the surface.

Overall, the trend shows significant annual increases in the number of compliant systems as reflecting improved regulations and practices.

What needs to be done if a system is found to be non-compliant?

It depends. Under the current ordinance, systems found to be non-conforming do not have to be replaced. “Definitional Failure” systems must be replaced within 2 years. Owners have ten days to abate and 60 days to replace an IPHT. [Note: State regulations require that all systems with less than 36” vertical separation be replaced, but allow the County latitude to be less restrictive. The County has done so, only requiring replacement if less than 12” of vertical separation exists or if an IPHT exists. The Department is drafting the revised ordinance to also be less restrictive than the State requirements.]

What is the process?

When a property owner sells a property with a septic system, they must hire a private inspector to inspect the system in accordance with MPCA criteria. A report is submitted to the Department, which then notifies the property owner of the compliance status and timelines for any needed upgrades. If the system needs to be replaced, the buyer and seller must submit a signed transfer agreement outlining the responsibilities for upgrade. The County program has a deferral for winter conditions and also exempts certain type of transfers such as inter-family sales.

How is the Point of Sale Program working?

While the program is generally working well, there are issues to be addressed:

- Some (perhaps 5%) attempt to circumvent the POS requirement;
- General difficult economic times will make it more difficult for owners (or buyers) to upgrade systems; and
- Other factors such as illness or changes in employment can also make it hard for owners to make needed upgrades.

What does the Department recommend in the new ordinance?

The Department is considering various options, including:

- Addition of an escrow requirement to property transfers to ensure that funding is in place for system upgrades; and
- Additional enforcement procedures to foster compliance (including requiring that licensed inspectors to supply reports of inspections in a timely manner).

Contact Information. The Department’s toll free number is 1-800-450-9278. The Department website is found at www.co.st-louis.mn.us/septic.