

## LOCAL DISCLOSURE REGARDING ONSITE WASTEWATER TREATMENT SYSTEMS

This Advisory is intended for use in Santa Cruz County, *including all cities and unincorporated areas of the County*. Please read it carefully, whether in electronic or hardcopy form along with any local Advisories or local disclosures and Seller or Agent Disclosures relating to the Property.

### **Summary of Ordinance**

Authority: Santa Cruz County Code Chapter 7.38

In 2022, the Board of Supervisors approved changes to the County Code governing Onsite Wastewater Treatment Systems (OWTS). Sellers of real property must now complete a point-of-sale septic inspection to identify any defects in the Seller's OWTS and other characteristics of the system. If such inspection shows the septic system is failing, then repairs needed to meet the County's OWTS standards shall be completed by the Seller prior to the sale of the Property or transferred to the Buyer to complete the repairs per section 7.38.216.A.4. (*See link to County Point of Sale Report Form and Disclosure*).

Additionally, the County Code includes design requirements governing the (i) repair/replacement of existing OWTS or (ii) installation of new OWTS. Such design requirements will necessitate the use of an Enhanced Treatment System on a number of properties throughout the County if a property owner's existing OWTS needs to be upgraded or replaced.

### **Upgrade or Installation of New OWTS**

The following circumstances may require a property owner to upgrade or install a new OWTS to be compliant with the County Code. This is not a complete list. You are strongly advised to review any desired changes to the property you are buying and those desired change's impacts to the property's OWTS with a local qualified professional who is (i) licensed or certified by a State of California agency to evaluate, design, and/or install OWTS and (ii) registered as an approved provider with Santa Cruz County Environmental Health (*see link to County Health list of registered providers*)("Qualified Professional"):

1. Addition of a bedroom or sleep space.
2. Addition of an ADU or additional structure(s).
3. Addition of more than 500 square feet. (be further advised that if a building addition of up to 500 square feet has already been used by a previous owner of the property, then you may be required to upgrade your OWTS with any future addition).
4. Change in property use that would increase wastewater flow beyond design flow.
5. Past unpermitted work to the OWTS or the structures on the property.

### **Property Conditions Affecting Design of OWTS or Potentially Requiring Use of Enhanced Treatment System:**

The following property conditions may be taken into consideration in the future design of an OWTS, which in some cases may require use of an Enhanced Treatment System on the Property. This list is not exclusive, but rather is exemplary of conditions that could be taken into consideration in the design of an OWTS. Buyers are strongly advised to retain the services of a Qualified Professional to study these items on the Property and report all findings to you before the end of any contingency period:

1. Encroachment of a leachfield or septic tank into a required setback.
2. Easements for encroachment of a leachfield or septic tank onto neighboring property and easement agreements with neighbors.
3. Groundwater level or a leachfield without enough clearance to the groundwater table.
4. Parcel constraints that include soil conditions and percolation, slopes, floodplains, and/or setbacks from streams or embankments.
5. Wells, well setback locations, and well agreements with neighbors.
6. More than one OWTS existing on a property.
7. Greywater systems.
8. Water Softeners and garbage disposals.
9. Existing OWTS not conforming to current standards for tank sizing, leachfields, or setbacks.
10. Non-permitted changes or alterations to existing OWTS or as-built building conditions not in compliance with current permitting requirements.
11. Discrepancies of sleeping spaces between the as-built condition of the property, the Assessor records, the Building Department records, and/or Environmental Health records.
12. Lack of sufficient area for leachfield expansion.
13. Highly sloped properties.
14. Properties located in a biotic resource area, stream setback, nitrate constraint area, County landslide area, karst (limestone) geology, and/or Environmental Health septic constraint area.

### **Failure to Comply**

All residential or commercial properties are required to have a properly functioning OWTS or to have an adequate connection to a public sewer. An OWTS is required to dispose of sewage in a manner that does not create a public health hazard and does not degrade surface or groundwater quality. The County of Santa Cruz has authority to require the repair of a failing OWTS and has further authority to record a notice of code violation against the Property with the Office of the County Recorder or implement summary abatement.

### **Advisory**

A point-of-sale pumping inspection report is required and must be performed within the preceding 6 months prior to the date of transfer. Pumping reports and flows tests conducted for a point-of-sale inspection are only indicative of conditions at the time of the pumping and may not indicate past failures, wet season failure or future system performance. County records regarding the OWTS serving the property can be reviewed at Room 312 of the County Government Center or online at: <https://sceh.com/NewHome/EnvironmentalHealthDocuments.aspx>

BUYERS ARE STRONGLY ADVISED TO RESEARCH THE HISTORY AND CONDITION OF THE PROPERTY'S CURRENT OWTS ALONG WITH ANY CONDITIONS ON THE PROPERTY THAT MAY REQUIRE THE OWTS TO BE UPGRADED IN THE FUTURE. A Qualified Professional (Santa Cruz County Environmental Health Approved Provider) can be hired to research the current system located on the Property, research permit history, complaint history, previous pumper reports, property building history, and provide a better understanding of the limitations of the Property conditions and the current OWTS on site. UPGRADING OR INSTALLING A NEW OWTS, EITHER AN ENHANCED TREATMENT SYSTEM OR A STANDARD SYSTEM, CAN HAVE SIGNIFICANT EXPENSE AND TAKE SIGNIFICANT TIME.

If the existing OWTS uses enhanced treatment, an ongoing service contract with an approved Onsite Systems Service Provider (OSSP) is required. The prospective buyer should review past service contracts and reports and is required to enter into an ongoing service contract with an OSSP and provide notification of such to Santa Cruz County Environmental Health. It is recommended that a current OSSP inspection be completed if one has not been completed in the last six months.

OWTS system design and installation is highly complex. Brokers and agents do not have the expertise to advise on OWTS matters and only a Qualified Professional should be relied upon for advising on the practical and technical implications of OWTS conditions on the Property. A broker or agent referral to a Qualified Professional does not guarantee the Qualified Professional's performance.

APN: \_\_\_\_\_ Address: \_\_\_\_\_

Liquid Waste Hauler Company Name: \_\_\_\_\_

Point-of-sale Inspection Date: \_\_\_\_\_

The undersigned hereby acknowledges receipt of a copy of this Disclosure.

Date \_\_\_\_\_ Buyer \_\_\_\_\_

Date \_\_\_\_\_ Buyer \_\_\_\_\_

Date \_\_\_\_\_ Seller \_\_\_\_\_

Date \_\_\_\_\_ Seller \_\_\_\_\_

Point of Sale Disclosure and inspection report must be submitted to Santa Cruz County Environmental Health Division via email to [ENVPointofsale@santacruzcounty.us](mailto:ENVPointofsale@santacruzcounty.us)