ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (ADEC)

WASTEWATER PROGRAM HANDOUT:
Real Estate Transactions Helpful Information

This document provides assistance to real estate professionals regarding common situations during real estate transactions. It is not regulatory in nature. It does not cover all situations. If you have any questions, please contact your local ADEC office listed at the end of this document.

Definitions:
Full definitions are maintained in Title 18 of the Alaska Administrative Code, Chapter 72 (18 AAC 72), paragraph 72.990.

For the purposes of this document only "on-site wastewater system" means a "domestic wastewater treatment works" and a "domestic wastewater disposal system".

For the purposes of this document only, "engineer" means a professional civil or environmental engineer licensed by the State of Alaska.

Types of Wastewater System Documentation:
The Alaska Department of Environmental Conservation (department) documents on-site wastewater systems in two manners:

1. The department currently documents on-site wastewater systems using a Documentation of Construction form completed, signed and submitted to the department by an engineer, Certified Installer or Approved Homeowner. Once a Documentation of Construction is recorded by the department the Documentation of Construction will appear on the department's Septic Tracking System (SEPTS).*
2. On-site wastewater systems designed by an engineer and submitted to the department are reviewed by the department and approved with an Approval to Operate.

* This is the current method of documenting on-site wastewater systems. The department has implemented various documentation forms and methods in the past. If the department issued a document for an on-site wastewater system, a copy of the document that was issued at the time it was submitted will be in SEPTS.

How do I check if a system is properly recorded with the department?
All on-site wastewater system records in the Engineering Support and Plan Review (ESPR) Section are filed by the property's legal description *provided on the application*. The majority of the time, the legal description is the subdivision, lot and block. For other properties, it may be a survey and tract, others may be described in Township and Range, otherwise known as the Public Land Survey System (click HERE for information). A search cannot be completed by mailing addresses.

Using the legal description, you can search for the property documentation in the SEPTS online database. Below is an example of how to search SEPTS.

Go to the SEPTS online database (click HERE for a link).

Search using subdivided property information:

1. Click the link that says "Search by Installer/Facility Name/Legal Description".
2. To limit your results, it is best to choose your area office, but it is not mandatory.
3. Input the *least* amount of information in the "Legal Desc" search box. Do not press "Enter" after you type anything in this search box. Pressing "Enter" will likely return a "No Results Found" result.
4. Click Search.

Here are some other examples of search hints:

If searching for:	**Enter this term:**
USS 5663 Tract A	5663
Moose Meadows Lot 3 Block 4	Meadows (there are a LOT of "moose" in SEPTS)
Moose Meadows Lot 71F	71F (that's an odd lot number and there should be few)

Search using township and range:

Click the link that says "Search by Township/Range/Section" and follow the instruction on the SEPTS search page to decode a legal description.

NOTE: The Municipality of Anchorage and Valdez maintain their own on-site wastewater system records for single family and duplex homes. SEPTS does not duplicate the records listed in these databases.

What if I cannot find documentation?
If SEPTS returns no documentation, you have additional options. One common issue is that the legal property description may have changed since the system was originally filed with the department. In this case, you should follow the platting history of the property to search other potential legal descriptions the property. The Department of Natural Resources Recorder's Office search tool may be helpful with this search (Click HERE). You can see past plats and any recorded changes made to the property so you can search past legal descriptions. Search the SEPTS database with previous legal descriptions.

It is also possible that the property was not entered into the SEPTS database, but a paper file exists at the regional department office. Contact your local department office and request a paper document search. If a property has a long history of being subdivided, you should provide your local office with a list of possible past legal descriptions based on your research.

How does ESPR search for a property record?
ESPR searches electronically and physically for every legal description you provide. If the search produces no results, ESPR will inform you that no record exists for the legal description provided. You may also elect to come to any area office and conduct a physical search as well, especially if you have multiple legal descriptions. Depending on office workload, replies for requested information can take 5-10 working days. ESPR staff often can help with simple searches much faster, but complex searches take additional time to complete and are prioritized based on competing workloads.

What if no document exists for a property with an installed on-site wastewater system?
If the sale of the property depends on documentation from the department of the on-site wastewater system (typically this is a lender requirement) and the department cannot locate documentation, advise your client

to retain the services of an engineer. The department does not recommend engineers for hire, so typical search techniques like the internet, telephone books and word of mouth work well to find an engineer. The state maintains a database of professional licensed engineers as well, but not all of the engineers conduct work for on-site systems (Click HERE).

The engineer will inspect the on-site wastewater system and compile a report to submit to ESPR. The engineer is required to professionally assert that the system is functioning in a way that is protective of public health and the environment and provide ESPR with sufficient detail to properly document the system. ESPR will process the submittal and upload the document into SEPTS or provide a written response to the submitting engineer.

The engineer may identify problems with the current installation and recommend repairs or perhaps replacement of the system. In some cases an engineering plan will be required.

ESPR's review time for a complete engineering plan is 30 days. If the plan is incomplete or requires additional information from the engineer, the review time may be longer due to an iterative process with the submitting engineer.

Does my client have to use an engineer if there is no documentation of a system?
If your client wants to try to document the system that is installed, then a report from an engineer is required to be submitted to ESPR for documentation. If your client choses to completely replace the existing system with a new system, then a Certified Installer (Click HERE) may be hired to install the system if a conventional on-site system can be installed. Not all areas are suitable for the installation of a conventional on-site wastewater system. An engineer or Certified Installer can evaluate if a location is suitable for installation of a conventional on-site wastewater system. Retention of an engineer is necessary if the proposed site is not suitable for a conventional on-site wastewater system and an engineered on-site wastewater system is necessary.

What if the authorization or approval has an old legal description on it?
With on-site wastewater systems, the land is part of the system. If lot lines move, even just a little, parts of the on-site wastewater system located underground and out of sight could now be on another parcel. ESPR does not have the resources to inspect or survey properties to determine if platting actions have impacted the subsurface components of an installed on-site wastewater system.

In cases where legal descriptions have changed, the current method the department utilizes to modify the older approval is for the current owner to have an engineer submit a report to the department for processing. Since on-site wastewater systems utilize the land for treatment and/or disposal of wastewater, a professional assertion is the most direct way to document the platting changes have not impacted the on-site wastewater system. Examples of platting changes that could impact the system include: subdivided lots where private water systems or on-site wastewater systems were installed near the original on-site wastewater system, moved lot lines resulting in parts of the on-site wastewater system being located off the owner's property, or added easements or features (like a driveway) that are over or near the on-site wastewater system. Numerous potential scenarios exist where the re-arrangement of the lot can adversely impact the operation and maintenance of an installed on-site wastewater system, which is why an engineer's assertion is necessary.

Effective April 1, 2016, the department will streamline the process for land owners to modify the legal description for a property's on-site wastewater system. The department will make available a form the

current legal owner of the property can sign and submit requesting a modification of the legal description on an existing on-site wastewater system document. The form will require the current legal owner to assert that the change has not impacted the on-site wastewater system. The department will not modify the original on-site wastewater document, but will append the owner's request and the department's receipt of the request to the original on-site wastewater document. In this case, the department will not evaluate the accuracy of the owner's assertions regarding the platting modifications as land use designations are outside the purview of ESPR.

What if the document or approval was for a different property condition?
The most common condition that changes at a property is the number of bedrooms. For a residential on-site wastewater system, it is customary to design or size the on-site wastewater system based on the number of bedrooms. Often times, an owner who has an on-site wastewater system document for a specific number of bedrooms will modify the home, and change the number of bedrooms. The conflict normally materializes when the owner wants to sell the home with a higher number of bedrooms than the on-site wastewater system was documented for, and the lender or buyer notices the mismatch.

In this case, ESPR cannot change the number of bedrooms on the document as this would be changing the basis for the system's design without the designer's consent. One option is for the owner to contact the on-site wastewater system's original designer and see if they would be willing to certify to ESPR that the system is designed to support a different number of bedrooms. A second option is for the owner to hire a new engineer to assess the on-site wastewater system and assert if the design can support the new number of bedrooms by submitting an engineering plan to ESPR for review.

In other cases, such as addition of slopes (cut banks) or well installation, contact your local ESPR office for assistance.

How should I advise my clients?
The best advice we can offer is to begin early to determine the status of an on-site wastewater system. If the property will be financed through a lender, and the property has an on-site wastewater system, there is a very good chance the lender is going to want information on the on-site wastewater system. Search for on-site wastewater system documents as a part of preparing the property for listing. Don't wait until a contract is signed to find out you may need 30 days or more to complete an engineering plan review.

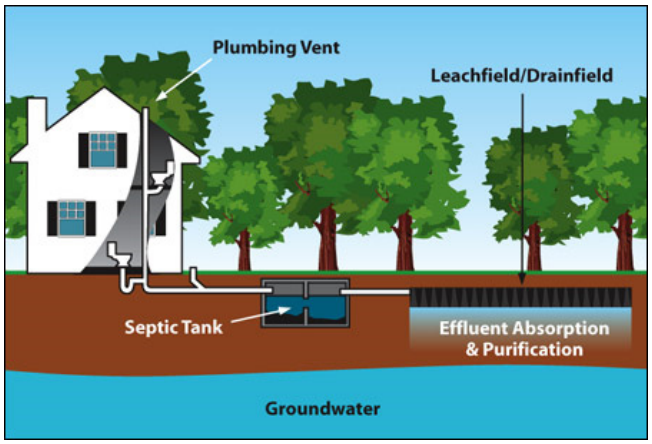
Next, advise your client that just because the system works, doesn't mean that the department has documentation of it. This is a common issue we hear about when owners have added bedrooms to a home, or tied in a garage or cabin without reviewing or modifying the wastewater system. Many sellers in this position will adamantly claim the system has been working fine for years and simply wants the department to "OK" the modification. In this case, the owner would need to hire an engineer to evaluate if the system can, in fact, accommodate the modifications or additions the owners made. Evidence that the toilets flush is not evidence the on-site wastewater system is operating properly.

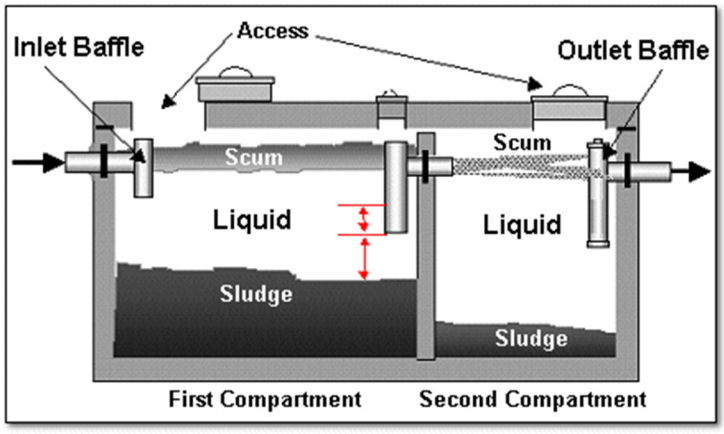
To complicate matters, the modifications or additions may have been made prior to the current owner. Often, the modifications or additions were not noticed when the current owner bought the house because lenders are now requiring additional information concerning on-site wastewater systems prior to financing homes. We see many cases where the modifications or additions were made sometimes decades before the current owner bought the house, but now the current owner has to correct the mismatch between the house's modifications or additions and the original design of the on-site wastewater system to meet the lender's requirements.

TOP TEN SELLER TIPS

1. START EARLY! Get your on-site wastewater system documents in hand early in the sale process.
2. Make sure the on-site wastewater system documents agree with the number of bedrooms for the house you're listing.
3. Make sure the on-site wastewater system documents have the current legal property description.
4. Gather any maintenance records like pumping receipts or repair work.
5. Schedule an inspection of the on-site wastewater system early, if needed.
6. Plan for at least 30 days for ESPR to review complete engineering plans, if plans need to be submitted.
7. Keep on-site wastewater system documents with all other important real estate papers like the deed, survey, etc.
8. Make sure on-site wastewater system plans match any modifications or additions completed on the home.
9. Don't lull yourself into thinking that everything is fine as long as the toilets flush.
10. START EARLY! Don't wait for a signed contract to begin looking for on-site wastewater system documents.

Typical on-site wastewater system layout.





Typical septic tank layout.

TOP TEN BUYER TIPS

1. START EARLY! As soon as possible, determine if the house has an on-site wastewater system.
2. Verify on-site wastewater system documents exist on SEPTS.
3. Ensure the on-site wastewater system documents match the legal description, number of bedrooms, etc.
4. Ask the owner for maintenance records, pumping records, and how the system performs.
5. Ask the owner to point out the system in the yard. Walk the area and note any odors or wet areas.
6. Consider an inspection of the on-site wastewater system by a wastewater professional if you suspect problems.
7. Consider inspecting steel septic tanks installed over 15 years ago for corrosion.
8. Verify the lot site conditions are the same as indicated on the wastewater documents.
9. Ensure all components of the on-site wastewater system comply with land use agreements of the plat.
10. START EARLY! Don't wait for your lender to request on-site wastewater system documents to begin searching for the on-site wastewater system documents.

HELPFUL INFORMATION, RESOURCES AND SITES

ESPR's Website: http://dec.alaska.gov/water/wwdp/onsite/index.htm

Listing of Certified Installers: http://dec.alaska.gov/water/wwdp/onsite/pdf/rptCurrentCI.pdf

DNR Recorder's Website: http://dnr.alaska.gov/ssd/recoff/searchRO.cfm

Engineering License Search: https://www.commerce.alaska.gov/cbp/Main/CBPLSearch.aspx?mode=Prof
Program: Architects, Engineers and Land Surveyors
License Type: Professional Civil Engineer OR Professional Environmental Engineer

SEPTS Database: http://dec.alaska.gov/Applications/Water/Septs/

Homeowner information: http://www.epa.gov/septic

Public Land Survey System: http://nationalmap.gov/small_scale/a_plss.html

Municipality of Anchorage Onsite Records:
http://onsite.ci.anchorage.ak.us/scripts/LFWebLink.exe/weblink/browser.html

Location	Anchorage	Fairbanks	Juneau	Soldotna	Wasilla
Address	555 Cordova St.	610 University Ave	410 Willoughby Ave	43335 Kalifornsky Beach Rd	1700 E Bogard Rd
For engineering related inquiries Contact	Bill Rieth 269-7519	Tonya Bear 451-2177	Rob Kimble 465-5167	Monica English 262-3405	Oran Woolley 376-1852
For on-site wastewater document search inquiries	Kevin Young 269-7673	Tony Sonoda 451-2109	Drew Grant 465-5304	Ryan Peterson 262-3402	Martha Harrison 376-1851

Visit us at our website at: http://dec.alaska.gov/water/wwdp/onsite/index.htm or scan our QR code.