



# Guide to Subsurface Sewage Treatment System Disclosure at Property Transfer

## **W**hat does the law require for Subsurface Sewage Treatment System (SSTS) disclosure?

Minn. Stat. §115.55, subd. 6, requires a property seller disclose, in writing, to the buyer how sewage generated at the property is managed. This applies whether the sewage goes to a permitted facility, or to an on-site SSTS.

The disclosure must be made by delivering a written statement to the buyer or transferee that:

- the sewage goes to a facility permitted by the agency, or
- the sewage does not go to a permitted facility, is therefore, subject to applicable requirements, and describes the system in use, including the legal description of the property, the county in which the property is located, and a map drawn from available information showing the location of the system on the property to the extent practicable. Additionally, if the seller or transferor knows that an abandoned SSTS exists on the property, the disclosure must include a map showing its location. In the disclosure statement, the seller or transferor must indicate whether the SSTS is in use and, to the seller's or transferor's knowledge, in compliance with applicable sewage-treatment laws and rules

## **Is a disclosure the same as a compliance inspection?**

No. A SSTS disclosure is different than a compliance inspection. A disclosure describes, to the best of the property owner's knowledge, the location of a SSTS on the property and what condition it is in. A compliance inspection is conducted by a specifically trained and licensed individual to determine if the SSTS is in compliance with state regulations. A disclosure is *not* a compliance inspection and cannot be used as a substitute.

While state regulations do not require a compliance inspection prior to property transfer, many local ordinances, especially in shoreland areas, may have this requirement. Always check with your Local Government Unit (LGU) first to see if they have this requirement. Additionally, lending institutions may require compliance inspections for some properties.

## **What if the information is not disclosed or the seller provides false information?**

Unless the buyer or transferee and seller or transferor agree to the contrary in writing before the closing of the sale, a seller or transferor who fails to disclose the existence or known status of an SSTS at the time of sale, and who knew or had reason to know of the existence or known status of the system, is liable to the buyer

or transferee for costs relating to bringing the system into compliance with the SSTS rules and for reasonable attorney fees for collection of costs from the seller or transferor. This action must be commenced within two years after the date on which the buyer or transferee closed the purchase or transfer of the real property where the system is located.

### **Need more information?**

For more information on the Minnesota Pollution Control Agency's SSTS program, please visit our Web site at [www.pca.state.mn.us/programs/ists/](http://www.pca.state.mn.us/programs/ists/) or call us at 651-296-6300, or toll free at 800-657-3864, please ask for SSTS staff.