

GROUND WATER PROTECTION ORDINANCE

The source Water Protection Ordinance which became effective January 1, 1999, requires that a certification be obtained from the St. Joseph County Health Department relative to the water supply and wastewater disposal system on most transfers in St. Joseph County, Indiana. Non-compliance may result in a fine up to \$500.

In addition to services provided as part of processing and/or closing on a transaction, Meridian Title Corporation will assist in facilitating the obtainment of certification from the St. Joseph County Health Department without additional cost to buyer and seller. The \$20.00 certification fee payable to the County Health Department will be collected at closing and be reflected on the HUD Settlement Statement as "Health Dept. RE Cert. Fee." When Meridian Title Corporation closes a file, we will ask the seller or their representative to sign the Health Department Application and indicate if their property is served by public or private water and waste removal systems. When the transaction is closed by the lender and we have processed the file, we will forward to the lender the application for completion at closing.

The application along with additionally required documentation and fee will be delivered to the Health Department by Meridian Title Corporation.

Properties served by municipal water or sewer service will need to provide a copy of a current utility bill to accompany the application to obtain certification.

Properties served by private systems will require water quality tests (bacteria, nitrate, lead and copper) as well as completion of the On Site Sewage Disposal System Inspection Report. The cost of these inspections will be as charged by companies hired to provide these services. Meridian Title Corporation will need to be advised who will pay the cost of the Certification Fee and for inspections required for compliance in order to complete the closing statements.

On files Meridian Title Corporation is processing, water quality inspections will be ordered when so noted on the Contract to Purchase or as part of the order received by Meridian Title Corporation. Additionally, when a septic inspection is required we will forward to the inspector a copy of the On Site Sewage Disposal System Inspection Report for their completion.

When Meridian Title Corporation is not involved in the processing and/or closing, the responsibility will be that of the parties involved to prepare necessary documentation, deliver to Health Department and procure the certification.

Quick Guide to Groundwater Protection Ordinance

All files closing after July 1, 2005 are subject to compliance of amended ordinance.

Generally all transfers that require a Seller's Residential Real Estate Disclosure Form wherever located in St. Joseph County to include cities and towns are subject to this ordinance. The County will now require the following information on transfers:

1. A wastewater disposal system inspection or a certification from the appropriate utility that the property is served by a public sewer (i.e.: a copy of a water utility billing dated not more than 1 year prior to the transfer).
2. A Health Department has developed a form that Septic Inspectors will be required to use for certification.
3. A potable water supply well system inspection or a certification from the appropriate municipal Public Water System that the property is served by a municipal Public Water System (i.e.: a copy of a water utility billing dated not more than 1 year prior to the transfer).
 - a. If the property is served by a potable water supply well, the well system inspection shall include a water test for the following:
 - (1) Total Chloriform Bacteria
 - (2) E. Coli Bacteria
 - (3) Nitrates
 - (4) Fluoride
 - (5) Arsenic
 - (6) Sulfate
 - (7) Residual Chlorine
 - (8) Other tests as deemed reasonable and ordered by the Health Officer to the extent such tests protect against a health threat.

Water testing must be performed by a state approved lab.

The costs of the *testing for the additionally required chemicals* will be an additional estimated \$75.00 to the current fees through Valley Lea Labs for a total of \$125.00 and the turn-around time for these tests in 2 weeks. FHA transactions will still require the lead test now being done where the water is run for 10 minutes and then cannot be disturbed for a 6 to 8 hour wait period (the intent of the FHA required Lead Test is to determine residual lead in plumbing and the new ordinance test is for groundwater lead). FHA water fees are approximately \$164.00.

There is a \$30 fee paid to the Health Department for certification.

- ⇒ Buyer must receive 24-hour notice to attend water and septic inspections and acknowledge, in writing, they have received notice and choose to waive or attend said inspections.
- ⇒ A comprehensive septic inspection shall be performed to observe and document the condition of the septic system. “Walk-overs” are not acceptable to satisfy the ordinance. The charge for this inspection should be approximately \$150-175. This does not include pumping fees and test cannot be completed if pumping is done prior to inspection.
- ⇒ Buyer must review inspection results 3 days prior to closing and is not able to waive this requirement unless specifically approved by the Health Department.

Please inform Meridian Title Corporation who will be paying for inspections and Health Department certifications.