

# Regulation 61-56.2

## Licensing of Onsite Wastewater Systems Master Contractors

### Disclaimer

DHEC provides this copy of the regulation for the convenience of the public and makes every effort to ensure its accuracy. However, this is an unofficial version of the regulation. The regulation's most recent final publication in the *South Carolina State Register* presents the official, legal version of the regulation.



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<b>Statutory Authority:</b>	S.C. Code Sections 44-1-140(11), 44-1-150, 44-55-827 and 48-1-10 et seq.
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Regulation History as Published in State Register			
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**\*Proviso 34.64 of the 2021-2022 General Appropriations Act, effective July 1, 2021, directs DHEC to regulate onsite wastewater systems, including septic tanks and other sewage treatment and disposal systems, in the same manner as such systems were regulated on January 12, 2021. As such, the amendments made through the repeal of R.61-55 and its incorporation into R.61-56 made effective on May 28, 2021, in Document Number 4979 are not reflected herein; the Department provides this copy of R.61-56.2 as in effect on January 12, 2021.**

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## **100. PURPOSE**

The purpose of this regulation is to protect public health and the environment by ensuring the competence of onsite wastewater system master contractors. Proper construction, installation and approval practices for onsite wastewater systems are essential for the safe treatment and disposal of domestic wastewater.

## **200. DEFINITIONS**

**ALTERNATIVE SYSTEM** - A system incorporating design modifications of the proposed subsurface wastewater infiltration area (drainfield) or absorption trench geometry for the purpose of achieving compliance with required setbacks and offset to the zone of saturation and/or restrictive horizons. No such system shall be utilized unless the Department has established a specific standard.

**ALTERNATIVE TILEFIELD PRODUCTS** - Products specifically designed to replace or eliminate the aggregate typically utilized in soil absorption trenches. Such products must be approved for use by the Department and must adhere to required equivalency values established herein.

**APPLICANT** - A property owner, general contractor or agent representing the property owner, or a developer who seeks a permit to construct and operate an onsite wastewater system.

**BOND** - A sum of money set aside (Surety Bond) to insure completion of work under a contract.

**CONVENTIONAL SYSTEM** - An onsite wastewater system that utilizes a network of conventional absorption trenches installed in the naturally occurring soil for the treatment and disposal of domestic wastewater.

**CONSTRUCT** - The installation or repair of an onsite sewage treatment and disposal system.

**DEPARTMENT** - The South Carolina Department of Health and Environmental Control (DHEC).

**DOMESTIC WASTEWATER** - The untreated liquid and solid human body waste and the liquids generated by water-using fixtures and appliances, including those associated with food service operations. For the purposes of this regulation, domestic wastewater shall not include industrial process wastewater.

**EFFLUENT** - The liquid discharged from a septic tank, effluent pump station, or other sewage treatment device.

**EXISTING SYSTEM** - An onsite wastewater system, which has received final construction approval or has been serving a legally occupied residence or structure.

**FAILING ONSITE WASTEWATER SYSTEM** - An onsite wastewater system that is discharging effluent in an improper manner or has ceased to function properly.

**LICENSE** -The official document issued by the Department authorizing a person to provide services for installation, repair, modification or final inspection and approval of onsite wastewater systems that they install.

**LICENSED SEPTIC TANK CONTRACTOR** - A person authorized under Regulation 61-56.1, License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets, to construct, repair or clean onsite sewage disposal systems or self contained toilets.

**ONSITE WASTEWATER SYSTEM** - A system, generally consisting of a collection sewer, septic tank(s), and soil absorption trenches (subsurface wastewater infiltration area), designed to treat and dispose of domestic wastewater through a combination of natural processes that ultimately result in effluent being transmitted through the soil, renovated, and ultimately discharged to groundwater.

**ONSITE WASTEWATER SYSTEM MASTER CONTRACTOR** - A person authorized under this regulation to construct, repair, modify, inspect and issue final construction approval for onsite wastewater systems that they install.

**PERMIT** - A written document issued by the Department authorizing the construction and operation of an onsite wastewater system under this regulation. The construction and operation permit survives the life of the onsite wastewater system that it authorizes.

**REPAIR** - Any work performed on an existing onsite wastewater system for the purposes of correcting a surface failure or other unauthorized discharge, enhancing system performance, or relocating the entire system or system components, provided there are no changes in use that would impact the existing system.

**REVOCAION** - The permanent withdrawal of rights and privileges granted by a license.

**SEPTIC TANK** - A watertight, covered receptacle designed and constructed to receive the discharge of domestic wastewater from a building sewer, separate solids from the liquid, digest organic matter, store digested solids through a period of detention and biological conditioning of liquid waste, and allow the effluent to discharge for final treatment and disposal.

**SOIL ABSORPTION TRENCH** - A trench installed in the naturally occurring soil that is utilized for the treatment and disposal of domestic wastewater. A conventional trench is characterized by the following: (a) at least twenty-three (23) inches in depth; (b) thirty-six (36) inches in width; (c) filled with aggregate so that at least six (6) inches is beneath the distribution pipe, with at least five (5) inches on both sides of the pipe, and at least three (3) inches covering the pipe; and (d) at least nine (9) inches of backfill. Other trench configurations are specified in the attached Appendices of Standards for Onsite Wastewater Systems.

**STANDARD** - A group of requirements developed by the Department that specifies the minimum site conditions and design criteria necessary for the approval of a specific type of onsite wastewater system (i.e., alternative system) that differs from a conventional system. A standard may also address minimum design criteria for certain components of onsite wastewater systems as well as methodologies for determining system sizing.

**SUBSURFACE WASTEWATER INFILTRATION AREA (DRAINFIELD)** - A specific area where a network of soil absorption trenches or other devices of sewage application are installed to provide the final treatment and disposal of effluent.

**SURETY AGREEMENT** - Through this agreement, the surety agrees to uphold - for the benefit of the obligee - the contractual promises (obligations) made by the principal if the principal fails to uphold its promises to the obligee.

**SUSPENSION** - The temporary or indefinite withdrawal of rights and privileges granted by a license.

### **300. ELIGIBILITY**

An onsite wastewater systems contractor currently licensed under R. 61.56.1, who meets the following criteria, is eligible to be licensed as an onsite wastewater systems master contractor:

- (1) a licensed onsite wastewater systems contractor who has been actively installing for three (3) years immediately preceding the date of application with no disciplinary action pending involving septic tank contracting; or
- (2) an onsite wastewater systems contractor licensee from another state with affidavits from the regulatory authority supporting five (5) years of experience with no pending disciplinary action involving septic tank contracting; and
- (3) the ability to pass an examination administered by the Department with a minimum score of eighty percent (80 %); and
- (4) a properly completed application with supporting documents (if required); and
- (5) proof of required bond and insurance coverage; and
- (6) payment of applicable fees.

### **400. CONTINUING EDUCATION AND TRAINING**

400.1. The master contractor will be required to complete six (6) contact hours of training and continuing education every year from the date of licensing to renew the master contractor license. The Department will provide a listing of approved training providers and courses to meet this requirement.

400.2. The master contractor who fails to meet the training and continuing education requirements will lose the rights and privileges granted under that license until such time as these requirements have been met.

400.3. If the master contractor fails to meet the training and education requirement within the next licensing period, the license will be considered void.

400.4. If a master contractor completes more than the required six (6) hours in a licensing period, as many as three (3) hours can be rolled over into the requirement for the next licensing period.

### **500. PRACTICE, PROCEDURE AND QUALITY CONTROL**

#### **500.1 Practice**

- (1) Onsite wastewater systems installed and approved by master contractors must be installed pursuant to, and in compliance with, construction and operation permits issued by the Department.
- (2) The master contractor does not have the authority to change an issued permit without first obtaining Department approval.
- (3) A master contractor authorized under this regulation will be able to install, inspect and approve any system permitted by the Department under Regulation 61-56 that the master contractor installs himself except those systems designed by a Licensed Professional Engineer.

(4) The master contractor, after giving the Department the opportunity to do a final inspection of the installed system, may record and document the necessary measurements on a form approved by the Department, issue final approval, and cover the installation.

(5) The as-built drawings, along with the master contractor's signature and license number, must be submitted to the Department, with a copy being provided to the property owner for whom the system was installed.

#### 500.2 Procedure

(1) The master contractor shall arrange a time, for the final inspection of an onsite sewage disposal system that is being installed, with a representative of the Department. If, after thirty (30) minutes of that arranged time, the Department representative has not arrived for the inspection, the master contractor may:

- (a) inspect the system;
- (b) record the findings on a form approved by the Department;
- (c) grant final construction approval to the installation; and
- (d) cover the system.

(2) The as-built drawings containing the required measurements and other documentation shall be submitted to the Department no later than the close of business on the next business day. A copy of this document(s) must also be furnished to the property owner for whom the system was installed.

#### 500.3 Quality Control

The Department is required to conduct random final inspections on no less than three percent (3%) annually of the total number of systems installed during the preceding fiscal year. The Department will also conduct field reviews of the as-built drawings submitted by the master contractor compared with the actual installations those drawings represent.

### **600. BONDING AND INSURANCE REQUIREMENTS**

Proof of both insurance and bond coverage shall be furnished to the Department prior to licensure as a master contractor and upon annual license renewal.

The onsite wastewater system master contractor shall be responsible for obtaining and maintaining both insurance and bond coverage for as long as the contractor is operating as a master contractor.

Failure to maintain both insurance and bond coverage shall result in the suspension or revocation of the master contractor license.

### **700. APPLICATION AND LICENSE FEES**

The application fee for an onsite wastewater systems master contractor license shall be seventy-five dollars (\$75.00); this fee must be submitted with the completed application. The application fee is non-refundable.

Upon successful completion of the application and examination requirements, each licensee shall pay a licensing fee of two hundred dollars (\$200.00).

The annual renewal fee for each license shall be two hundred dollars (\$200.00).

Failure to pay the annual renewal fee shall result in the suspension or revocation of the master contractor license.

Licenses issued in accordance with this regulation shall not be transferable.

## **800. ENFORCEMENT**

Deviation from the installation design and conditions in onsite wastewater permits may be considered a violation of this regulation.

Violation of an onsite wastewater system installation permit, or any provisions of this regulation, by a master contractor, must be enforced in accordance as follows:

(1) First offense violations may be enforced under S.C. Code Section 44-1-150 or by suspension of the installer's license for a period not to exceed one (1) year.

(2) Second offense violations may be enforced under S.C. Code Section 44-1-150 or by suspension of the installer's license for a period not to exceed three (3) years.

(3) Third offense violations may be enforced under S.C. Code Section 44-1-150 or by permanent revocation of the installer's license.

A Department decision involving the issuance, denial, renewal, modification, suspension, or revocation of a permit or license may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 44, Chapter 1 and Title 1, Chapter 23.

## **900. SEVERABILITY CLAUSE**

This regulation is issued under the authority of Sections 44-1-140(11), 44-1-150, 44-55-827, and 48-1-10 et seq. of the 1976 Code of Laws, as amended. It shall be enforced in accordance with interpretations and public health reasons approved by the Department. Should any section, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of this regulation shall not be affected thereby.