



S.C. Department of Health and
Environmental Control

REGULATION 61-56.2
LICENSING OF ONSITE WASTEWATER
SYSTEMS ~~MASTERS~~
~~CONTRACTORS~~ INSTALLERS

Effective ~~June 26, 2009~~

(This Regulation replaces and supersedes any former regulations)

Environmental ~~Quality Control~~ Affairs
Bureau of Environmental Health Services
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DISCLAIMER

This copy of this Regulation is provided by DHEC for the convenience of the public. Every effort has been made to assure its accuracy; however, DHEC reserves the right to withdraw or correct this text if deviations from the official text, as published in the State Register, are found.

PREAMBLE

Pursuant to South Carolina Code Section 44-1-140, the Department of Health and Environmental Control may promulgate regulations for the regulation of the methods of disposition of sewage. R.61-56.2 prescribes standards for the licensing of onsite wastewater systems ~~master contractors~~installers and defines the scope of authority associated with that licensure. This regulation also establishes procedures for the enforcement of violations of the regulation. The effective date of the regulation is ~~June 26, 2009~~.

REGULATION HISTORY

Statutory authority for R. 61-56.2, Licensing of Onsite Wastewater System Master Contractors, resides in ~~in~~ 1976 S.C. Code Sections 44-1-140(11), 44-1-150, 44-55-827 and 48-10 et seq.

R.61-56.2 was added to Chapter 61 of the S.C. Code of Regulations by publication of Document No. 3210 in S.C. State Register Volume 33 Issue 6 on June 26, 2009.

**REGULATION 61-56.2. LICENSING OF ONSITE WASTEWATER SYSTEM MASTER
CONTRACTORS INSTALLERS**

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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~~installers. 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~~wastewater 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 2 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 be engaged in the business of construction or repair of onsite wastewater systems that they install.

LICENSED SEPTIC TANK CONTRACTOR SYSTEM INSTALLER- A person will be authorized under ~~Regulation 61-56.1 License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets~~ Regulation 61-56.2, to construct or repair; or clean onsite sewage disposal systems and self-contained toilets.

- a. Tier 1 - Can install all gravity-fed residential systems
- b. Tier 2 - Can install all tier 1 systems plus pumps, grease traps, systems with curtain drains, elevated infiltration systems, mounded systems and all commercial systems
- c. Tier 3 - Can install all tier 1 and 2 systems plus all specialized systems. Furthermore, this level of license is authorized to complete self-inspections for Onsite Wastewater Systems they install

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.

REVOCATION - 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.

SPECIALIZED ONSITE WASTEWATER SYSTEM DESIGN (less than 1500 GPD) – An onsite wastewater system that is certified to function satisfactorily and in accordance with all requirements of R.61-56 by virtue of it having been designed by a Registered Professional Engineer licensed in the State of South Carolina with technical input from a Professional Soil Classifier licensed in the State of South Carolina. Such systems have limited application, and can only be utilized when the required engineering design, certification, and technical soils documentation have been provided to and accepted by the Department.

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 LICENSE REQUIREMENTS AND FEES

~~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.~~

(1) No person may engage in the business of and be responsible for the construction or repair of onsite sewage treatment and disposal systems in South Carolina without first applying for, receiving, and subsequently maintaining a valid license to conduct such activities, as herein required by the Department; provided, that a person may construct or repair an onsite sewage treatment and disposal system for personal use at his residence without obtaining a license.

(2) Licenses, Applications, and Fees

(a) License applications, on forms approved by the Department, shall be submitted to the Department.

(b) Prior to receipt of a license authorizing a person to engage in the business of and be responsible for the construction or repair of an onsite sewage disposal system, the applicant shall complete an examination, demonstrating his knowledge and comprehension of the onsite sewage treatment and disposal regulation (Regulation 61-56, 1976 Code of Laws of South Carolina, as amended). A non-refundable processing fee of \$? is required each time the examination is taken prior to taking the examination. Any applicant failing to satisfactorily complete the licensing examination may be eligible to retake the examination after 30 days. If the applicant fails to satisfactorily complete his second examination, he may then be allowed to retake subsequent examinations after a 60-day waiting period.

(c) Issuance and Annual renewal of license:

1. Licensing Fees

- a. Tier 1 - \$? fee
- b. Tier 2 - \$? fee
- c. Tier 3 - \$? fee

2. Every license issued by the Department under this regulation shall be valid for a period of one year, unless otherwise suspended or revoked.

3. Annual renewal fees shall be due on a date not more than thirty (30) days from the billing date. A penalty charge of \$? shall be assessed for license fees that are past due. A second penalty of \$\$? shall be assessed for license fees sixty (60) days past due.

4. Expiration of a license shall occur when the license fee is ninety (90) days past due. No person with an expired license may be engaged in the business of either constructing or repairing onsite sewage treatment and disposal systems.

5. An expired license shall not be renewed. Any person with an expired license may apply for a new license and must meet all applicable requirements for a new license.

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

(3) Further Governmental Restriction Not Prohibited

Nothing within this regulation shall be construed to limit the power of any municipal, county, or governmental entity to enforce other license requirements or additional measures for the restrictions of persons constructing or repairing onsite sewage treatment and disposal systems.

(4) Eligibility

An individual seeking a licensed under R. 61.56.2, who meets the following criteria, is eligible to be licensed as an onsite wastewater systems installer:

(a) Tier 1 and Tier 2 installer:

1. The ability to pass an examination administered by the Department with a minimum score of eighty percent (80 %); and,

a. A properly completed application with supporting documents including proof of continuing education units (CEUs); and,

b. Payment of applicable fees.

(b) Tier 3 Installers:

1. A licensed onsite wastewater systems installer who has been actively installing for three (3) years immediately preceding the date of application with no disciplinary action pending involving onsite wastewater system installing; or,

2. An onsite wastewater systems installer licensee from another state with affidavits from the regulatory authority supporting five (5) years of experience with no pending disciplinary action involving onsite wastewater system installing; 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 including proof of continuing education units (CEUs); 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.~~ All installers are required to complete the necessary number of continuing education units (CEUs) and contact hours of training every year from the date of

licensing to renew the installer license. CEUs must be obtained from the Department approved list of courses and providers.

400.2 ~~The master~~ Any installer 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~~ any installer fails to meet the training and education requirement within the next licensing period, the license will be considered void.

400.4. If ~~a master~~ any installer 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.

400.5 The required CEUs for each Tier are as follows:

(1) Tier 1: Eight (8) hours

(2) Tier 2: Twelve (12) hours

(3) Tier 3: Eighteen (18) hours

500. PRACTICE, PROCEDURE AND QUALITY CONTROL

500.1. Practices: All Installers

(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~~ installer 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. Installers do not have the authority to subcontract unlicensed installers to conduct work under their licenses.~~

(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. Practices and Procedures: Tier 3 Installers

~~(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.~~

(1) Tier 3 installer authorized under this regulation will be able to install, inspect and approve any system permitted by the Department under Regulation 61-56 that the Tier 3 installer installs himself except those systems designed by a Licensed Professional Engineer.

(2) The as-built drawings, along with the Tier 3 installer'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.

(3) The Tier 3 installer shall give the Department the opportunity to do a final inspection and arrange a time for the final inspection of an onsite sewage disposal system that is being installed. If, after thirty (30) minutes of that arranged time, the Department representative has not arrived for the inspection, the Tier 3 installer 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.

(4) 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: Tier 3 Installers

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~~ Tier 3 contractor installer and compared with them to the actual installations those drawings represent.

600. BONDING AND INSURANCE REQUIREMENTS: TIER 3 INSTALLERS

600.1. Proof of both insurance and bond coverage shall be furnished to the Department prior to licensure as a ~~master contractor~~ Tier 3 installer and upon annual license renewal.

600.2. The onsite wastewater system ~~master contractor~~ Tier 3 installer shall be responsible for obtaining and maintaining both insurance and bond coverage for as long as the ~~contractor~~installer is operating as a ~~master contractor~~Tier 3 installer.

600.3. Failure to maintain both insurance and bond coverage shall result in the suspension or revocation of the ~~master contractor~~Tier 3 installer license.

800. ~~700.~~ APPLICATION AND LICENSE FEES ENFORCEMENT

~~700.1. 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.~~

~~700.2. Upon successful completion of the application and examination requirements, each licensee shall pay a licensing fee of two hundred dollars (\$200.00).~~

~~700.3. The annual renewal fee for each license shall be two hundred dollars (\$200.00).~~

~~700.4. Failure to pay the annual renewal fee shall result in the suspension or revocation of the master contractor license.~~

~~700.5. Licenses issued in accordance with this regulation shall not be transferable.~~

~~800.1~~ 700.1. Deviation from the installation design and conditions in onsite wastewater permits may be considered a violation of this regulation.

~~800.2~~ 700.2. Violation of an onsite wastewater system installation permit, or any provisions of this regulation, by an installer ~~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~~ shall 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~~ shall be enforced under S.C. Code Section 44-1-150 or by permanent revocation of the installer's license.

~~800.3~~ 700.3. 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~~ 800. 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.

900. IMPLEMENTATION OF REGULATIONS

The requirement for continuing education (CEUs) shall not be effective until three (3) years after the effective date of this regulation.