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§285.7. Maintenance Requirements

(a) Maintenance requirements. Maintenance requirements for all on-site sewage facilities (OSSFs) are identified in §285.91(12) of this title (relating to Tables).

(b) Maintenance company

(1) An individual must be certified by the manufacturer of an OSSF using aerobic treatment to maintain the system under a maintenance contract with the owner of the system or to provide training to the owner in the maintenance of the system. A manufacturer may not unreasonably withhold certification and, except as otherwise provided by this subsection, must offer the certification to individuals who are not employees of the manufacturer on the same terms as the manufacturer offers the certification to the manufacturer's employees.

(A) Additionally, the individual shall:

(i) Satisfactorily complete an executive director-approved course for persons who provide aerobic system maintenance. This course must be a minimum of 16 classroom hours of instruction in the public health and safety, proper maintenance procedures, and record keeping and reporting. This course must have been approved by the executive director after September 1, 2005;

(ii) be employed by a maintenance company in which at least one employee holds an Installer II license;

(iii) meet all of the manufacturer's criteria and requirements for entering into business relationship; and

(iv) satisfactorily complete any other reasonable requirements imposed for certification by the manufacturer.

(B) A person providing maintenance with a valid wastewater Class d license on or before August 31, 2006, may continue to do so until August 31, 2008, provided that person also satisfies the requirements of subparagraph (A)(i), (iii), and (iv) of this title.

(2) For nonstandard systems, an individual providing maintenance shall be trained by the professional engineer or professional sanitarian responsible for preparing the planning materials for a nonstandard system.

(3) the maintenance company and the individual certified by the manufacturer will be responsible for fulfilling the requirements of the maintenance contract.

(c) Maintenance contracts. OSSFs required to have maintenance contracts are indemnified in §285.91(12) of this title. The OSSF shall be maintained and tested by the maintenance company holding a maintenance contract.

(1) Contract provisions. The OSSF maintenance contract shall, at a minimum:

- (A) list items that are covered by the contract;
- (B) specify a time frame in which the maintenance company will visit the property in response to a complaint by the property owner regarding the operation of the system;
- (C) specify the name of the individual employed by the maintenance company who is certified by the manufacturer of the system and is responsible for fulfilling the terms of the maintenance contract;
- (D) identify the frequency of routine maintenance and the frequency of the required testing and reporting; and
- (E) identify who is responsible for maintaining the disinfection's unit.

(2) Contract submittals. Unless expected by paragraph (4) of this subsection, a copy of the signed maintenance contract shall be provided by the owner to the permitting authority before the authorization to construct is issued. Before the current contract expires, the owner of an OSSF is required to have a new maintenance contract signed. A copy of a new contract shall be submitted to the permitting authority at least 30 days before the contract expires.

- (A) Initial maintenance contract. The initial written maintenance contract shall be effective for at least two years from the date the OSSF is first used. For a new single family dwelling, this date is the date of sale by the builder. For an existing single-family dwelling this date is the date the notice of approval is issued by the permitting authority.
- (B) Ongoing maintenance contract. After the expiration of the two year initial maintenance contract, the owner shall have ongoing maintenance performed by either the original maintenance company qualified under subsection (b)(1) of this section, unless the exceptions in paragraph (4) of this subsection apply.

(3) Amendments or terminations.

- (A) If the maintenance company changes the individual certified by the manufacturer under subsection (b)(1)(A) of this section, the maintenance company shall initiate an amendment of the contract. The contract shall be amended within 30 days after the change in personnel. The permitting authority shall be provided with a copy of the amended contract within 30 days after the amended contract is signed.

- (B) If the maintenance company discontinues the maintenance contract, the maintenance company shall notify, in writing, the permitting authority, the manufacturer, and the owner at least 30 days before the date service will cease.
 - (C) If the owner discontinues the maintenance contract, the owner shall notify, in writing, the permitting authority, the manufacturer, and the maintenance company at least 30 days before the date service will cease.
 - (D) If a maintenance contract is discontinued or terminated, the owner shall contract with another maintenance company and provide the permitting authority with a copy of the new-signed maintenance contract no later than 30 days after the termination, unless the owner meets the requirements of paragraph (4) of this subsection.
- (4) Expectations to maintenance contract. At the end of the initial two-year maintenance period, the owner of an aerobic treatment system for a single-family residence shall either maintain the system personally or obtain a new maintenance contract.
- (A) If the owner of an OSSF using aerobic treatment for a single family residence elects to maintain the system directly and in accordance with §30.244(a) of this title (relating to Exemptions), the owner must obtain specific on-site maintenance training for the system from either the manufacturer or an installer who has been certified by the manufacturer.
 - (i) Training for the homeowner of an aerobic OSSF must be given within 30 calendar days of the date when requested by the homeowner. Additionally, this training must be completed a minimum of 30 days prior to the end of the existing maintenance contract.
 - (I) A manufacturer shall train the owner of the aerobic OSSF when requested by the owner, under the time frame described in this subsection. Failure to provide the owner with approved training within the specified time frame may result in removal of the manufacturer's product(s) from the list of approved systems.
 - (II) An installer shall train the owner of the aerobic OSSF when requested by the owner, under the time frame described in this subsection. Failure to provide the owner with approved training within the specified time frame may result in penalties to the installer, as described in §285.61 of this title (relating to Duties and Responsibilities of

Installers). These penalties may include revocation of the installer's license and registration as a maintenance provider.

(III) The specific on-site maintenance training for owners of aerobic systems must:

(-a-) have been previously approved by the executive director;

(-b-) provide for six hours of training;

(-c-) be provided and completed in a timely manner that allows the owner to be trained and comply with the requirements of training and maintenance of this subsection and §285.70 of this title (relating to Duties of Owners With Malfunctioning OSSF's);

(-d-) include the importance to public health and safety of proper maintenance of the system; and

(-e-) a demonstration of the procedure for performing scheduled maintenance

(ii) within 30 days after the owner's completion of the training, the manufacturer or installer shall provide both the owner and the permitting authority with a written certificate or letter, signed by the manufacturer or installer, stating that the owner has received and completed the required training.

(B) Maintenance of an aerobic system by a homeowner is subject to any inspection and reporting requirements imposed by an authorized agent or the commission applicable to a maintenance company that contracts to maintain a system.

(C) If the residence is sold, the new homeowner, not later than the 30th day after the date the owner takes possession of the property, must obtain the training required by this subsection from either an installer certified by the manufacturer of the system or the manufacturer. If the homeowner does not request training, then the homeowner must contract with a maintenance company for the maintenance of the system. However, this requirement does not limit a homeowner's ability to both receive training and maintain the homeowner's aerobic system as required in this paragraph.

(d) Testing and reporting. OSSFs that must be tested are identified in §285.91(12) of this title.

(1) The maintenance company, or the homeowner, if applicable under subsection (c)(4) of this section, shall test and report for each system as required in §285.90(3) of this title (relating to Figures) and §285.91(4) of this title. The report must:

(A) Include any responses to owner complaints, the result of the maintenance company's findings or the owner's findings, and the test results; and

- (B) Be submitted to the permitting authority and, if applicable, the owner within 14 days after the date the test is performed.
- (2) To provide the owner with a record of the maintenance check, the maintenance company shall install a weather resistant tag, or some other form of weather resistant identification, on the system at the beginning of each maintenance contract. This indemnification shall:
 - (A) Identify the maintenance company;
 - (B) List the telephone number of the maintenance company;
 - (C) Specify the start date of the contract; and
 - (D) Be either punched or indelibly marked with the date the system was checked at the time of each maintenance check, including any maintenance check in response to owner complaints.
- (3) The number of required tests may be reduced to two per year for all systems having electronic monitoring and automatic telephone or radio access that will notify the maintenance company, or the owner if applicable under subsection (c)(4) of this section, of system or components failure and will monitor the amount of disinfections in the system. The maintenance company shall be responsible for ensuring that the electronic monitoring and automatic telephone or radio systems are working properly.
- (4) The manufacturer and the installed on-site aerobic system shall make available to the homeowner all replacement parts for that aerobic system to any homeowner who elects to maintain the on-site aerobic system as identified in subsection (c)(4) of this section. Failure to do so may result in removal of the manufacturer's product(s) from the list of approved systems.
- (5) An authorized agent or the commission may routinely inspect an on-site sewage system using aerobic treatment for a single family residence that is maintained directly by the owner of the system not more than once every five years.