

R317. Environmental Quality, Water Quality.

R317-11. Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Soil Evaluations or Percolation [~~and Soil~~] Tests for Underground Wastewater Disposal Systems.

R317-11-1. Authority, Purpose and Scope.

1.1. This rule describes the procedures for certification and recertification of individuals who design, inspect and maintain underground wastewater disposal systems, or conduct soil evaluations or percolation tests for underground wastewater disposal systems as set forth in Title 19, Chapter 5, Section 121.

1.2. The purpose of this rule is to define the minimum requirements for those persons who design, inspect and maintain underground wastewater disposal systems, or conduct soil evaluations or percolation tests for underground wastewater disposal systems as directed by the board and establish methods for compliance and evaluating non-compliance.

1.3. These certification rules apply to any person who designs, inspects, or maintains underground wastewater disposal systems, or who conducts soil evaluations or percolation tests [~~or soil evaluations~~] for underground wastewater disposal systems. Certification is required by any person who performs these activities as provided below.

R317-11-2. Definitions.

2.1. "Alternative onsite wastewater system" means a system for treatment and disposal of domestic wastewater or wastes which consists of a building sewer, a septic tank or other sewage treatment or storage unit, and a disposal facility or method which is not a conventional system; but not including a surface discharge to the waters of the state.

2.2. "Board" means the Utah Water Quality Board.

2.3. "Certificate" means a certificate issued by the Executive Secretary stating that the recipient has met the minimum requirements to be certified as described in this rule.

2.4. "Conventional system" means an onsite wastewater system which consists of a building sewer, a septic tank, and an absorption system consisting of a standard trench, a shallow trench with capping fill, a chambered trench, a deep wall trench, a seepage pit, or an absorption bed.

2.5. "Division" means the Utah Division of Water Quality.

2.6. "Executive Secretary" means the Executive Secretary of the Utah Water Quality Board.

2.7. "Onsite professional" means a person who is certified at Level 1, 2, or 3 according to this rule.

2.8. "Training Center" means the Utah On-site Wastewater Treatment Training Center which has been designated by the Executive Secretary for training and administration of examinations for certification of persons who design, inspect[;] and maintain underground wastewater disposal systems, or conduct soil evaluations [~~and~~] or percolation tests for underground wastewater disposal systems.

2.~~[8-]~~9. "Underground Wastewater Disposal System" means a system for underground disposal of [~~domestic~~] wastewater. It usually

consists of a building sewer, a septic tank, and an absorption system. It includes onsite wastewater systems and large underground wastewater disposal systems as defined in R317-1.

R317-11-3. Classes of Certification.

3.1 There are three classes of onsite professional certification, Level 1 being the lowest and Level 3 being the highest:

A. Level 1, soil evaluation and percolation testing;

B. Level 2, design, inspection and maintenance of conventional underground wastewater disposal systems, including soil evaluations and percolation testing; and

C. Level 3, design, inspection and maintenance of alternative or conventional underground wastewater disposal systems, including soil evaluations and percolation testing.

~~[3.2. Certification at any level also requires current certification for all lower levels.~~

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R317-11-4. Individuals Not Required to Obtain Certification.

4.1. An individual is not required to obtain certification to maintain an underground wastewater disposal system that serves a noncommercial, private residence owned by the individual or a member of the individual's family and in which the individual or a member of the individual's family resides or an employee of the individual resides without payment of rent.

4.2. An uncertified individual may conduct soil evaluations or percolation ~~[or soil]~~ tests for an underground wastewater disposal system that serves a noncommercial, private residence owned by the individual and in which the individual resides or intends to reside, or which is intended for use by an employee of the individual without payment of rent, if the individual:

A. Has the capability of properly conducting the tests, as determined by the local health department and

B. Is supervised by a certified individual when conducting the tests.

4.3. A person involved in the pumping of an underground wastewater disposal system does not have to be certified under this rule, although licensing by the local health department is required under R317-550.

4.4. Licensed plumbers and electricians, when maintaining electrical equipment or wastewater drainage lines leading to the underground wastewater disposal systems are not required to be certified under this rule.

4.5. Uncertified employees, subordinates or associates of a certified individual are not required to be certified under this rule when working on activities related to underground wastewater disposal systems under the supervision of a certified individual. Supervision means that a certified individual is personally responsible for the work, and reviews, corrects and approves work done by an uncertified employee, subordinate or associate. Such work must be signed by a certified individual.

R317-11-5. Qualifications for Certification.

5.1. Level 1, Soil Evaluations and Percolation Testing. In

order to qualify for initial Level 1 certification, a person must:

A. Attend a training course provided by the Training Center specifically for the purpose of certification at Level 1, and

B. Demonstrate knowledge of course subject matter by successfully passing an examination to be given at the conclusion of the Level 1 training course.

5.2. Level 2, Design, Inspection and Maintenance of Conventional Underground Wastewater Disposal Systems, including soil evaluations and percolation testing. In order to qualify for initial Level 2 certification, a person must:

A. Attend a training course provided by the Training Center specifically for the purpose of certification at Level 2,

B. Demonstrate knowledge of course subject matter by successfully passing an examination to be given at the conclusion of the Level 2 training course, and

C. Be certified for soil evaluations and percolation testing at Level 1.

5.3. Level 3, Design, Inspection and Maintenance of Alternative or Conventional Underground Wastewater Disposal Systems, including soil evaluations and percolation testing. In order to qualify for initial Level 3 certification, a person must:

A. Attend a training course provided by the Training Center specifically for the purpose of certification at Level 3,

B. Demonstrate knowledge of course subject matter by successfully passing an examination to be given at the conclusion of the Level 3 training course, and

C. Be certified for soil evaluations and percolation testing at Level 1, and certified for design, inspection and maintenance of conventional systems at Level 2.

5.4. An environmental health scientist licensed under Title 58, Chapter 20a, Environmental Health Scientist Act, may waive attendance at the respective training course and elect to be tested as required in this section to obtain certification for Level 1, 2, or 3. In order to qualify for waiver of training, the Environmental Health Scientist must provide to the Executive Secretary evidence of current licensure in Utah and 2 years experience appropriate to the class of certification requested.

5.5. A professional engineer licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, may waive attendance at the respective training course and elect to be tested as required in this section to obtain certification for Level 1, 2, or 3. In order to qualify for waiver of training the professional engineer must provide to the Executive Secretary evidence of current Utah licensure.

5.6. A person who is a [~~licensed contractor in Utah~~] contractor licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act, may waive attendance at the respective training course and elect to be tested as required in this section to obtain certification for Level 1 or 2. In order to qualify for waiver of training the [~~licensed~~] licensed contractor must provide evidence of at least five years of experience in constructing [~~onsite~~] underground wastewater disposal systems.

5.7. Evidence of current licensure and experience appropriate to the class of certification must be provided to the Executive

Secretary [~~prior to eligibility to test~~] at the time of application for certification.

R317-11-6. Application for Certification.

- 6.1. In order to become certified at any level, a person must:
- A. Complete the relevant training course(s) with the Training Center (See R317-11-5.4 - 5.6 above for alternate requirements for licensed environmental health scientists, engineers, and contractors);
 - B. Pass the corresponding test(s); and
 - C. Submit an application to the Executive Secretary on forms approved by the Division, along with payment of applicable fees.

R317-11-7. Training and Examinations.

Training will be provided by the Training Center. Examinations will be given at the conclusion of each training session. Training will be provided at least twice per year, but may be given more often at the discretion of the Training Center.

R317-11-8. Certificates.

- 8.1. Certificates will be issued by the Executive Secretary upon receipt of the completed application, required fees, and evidence that the requirements of R317-11-5 above have been met.
- 8.2. Date of issuance of an initial certificate will be determined by the date the exam is passed.
- 8.3. Certificates will expire on December 31 of the appropriate calendar year, in accordance with R317-11-9.

R317-11-9. Renewal of Certification.

- 9.1. Certification renewal is required every 3 years for all levels of certification. [~~For those certified at Level 1 for soil evaluation and percolation testing, or Level 2 for design, inspection and maintenance of conventional underground wastewater disposal systems, certification will be valid for a period of up to five years from the date of issuance of a certificate under R317-11-8 above. For those certified at Level 3 for design, inspection and maintenance of alternative underground wastewater disposal systems, certification will be valid for a period of up to two years from the date of issuance of a certificate under R317-11-8 above. Certificate renewal is required for all levels of certification.~~]
- 9.2. Eligibility for renewal of certificates is based on continuous certification.
- 9.3. Renewal of a certificate may be obtained within 12 months of certificate expiration by:
- A. Making application to the Executive Secretary along with payment of applicable fees; and
 - B. [~~Showing e~~] Evidence of successfully completing the refresher course(s) as provided by the Training Center[;] or other training obtained prior to certificate expiration that is approved by the Executive Secretary[, ~~within twelve months prior to certificate expiration; and~~
 - C. ~~Maintaining all lower level certifications~~].

R317-11-10. Lapsed Certifications.

10.1. Expired certifications may be reinstated within 6 months after the expiration date by:

A. Completing the refresher course(s) as provided by the Training Center, and

B. Submitting a renewal application and reinstatement fee to the Division.

10.2. After the reinstatement period, initial certification requirements must be met in order to be certified.

R317-11-11. Exceptions.

The Executive Secretary has authority to consider exceptions to this rule upon written request.

R317-11-12. Suspension, Revocation, or Annulment of Certification.

1[0]2.1. Grounds for suspending, revoking, or annulling a person's certificate may be, but are not limited to, any of the following:

- A. Demonstrated disregard for the public health and safety;
- B. Misrepresentation or falsification of information or reports submitted to the Division;
- C. Cheating on a certification exam;
- D. Falsely obtaining or altering a certificate; or
- E. Incompetence, misconduct or gross negligence in the performance of work done pursuant to the certification.

1[0]2.2. Disciplinary action such as suspension, revocation, or annulment of certificate by the Executive Secretary may result where it is shown that the circumstances and events relative to the work done pursuant to the certification were under the individual's jurisdiction and control. Circumstances beyond the control of the individual shall not be grounds for disciplinary action.

1[0]2.3. Any certificate not issued through due process of this rule will be annulled.

1[0]2.4. Recommendations may be made to the Executive Secretary regarding the suspension, revocation, or annulment of a certificate. Prior to making any such recommendation, the individual shall be informed in writing of the reasons for such a recommendation. The individual shall be allowed an opportunity for an informal hearing before a review committee appointed by the Executive Secretary. Any request for an informal hearing shall be made within 30 days of the date the notification is mailed.

1[0]2.5. Following an informal hearing, or the expiration of the period for requesting a hearing, the Executive Secretary shall be notified of the final recommendation.

1[0]2.6. A challenge to the Executive Secretary's determination may be made as provided in R317-9-3.

R317-11-1[1]3. Certification Requirements and Effective Dates.

After January 1, 2002, no person shall design, inspect, maintain, or conduct soil evaluations or percolation [~~or soil~~] tests for an underground wastewater disposal system unless they hold current certification from the Executive Secretary, except as exempted in R317-11-4.

R317-11-1[2]4. Noncompliance.

1[2]4.1. Noncompliance with these Certification rules is a violation of Section 19-5-121 Utah Code Annotated.

1[2]4.2. Cases of noncompliance with this rule shall be referred to the Executive Secretary.

KEY: waste water, occupational licensing, certification, onsite professional

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