

### **3701-29-03 Registration of installers, service providers, and septage haulers.**

- (A) Except as provided in paragraph (M) of this rule, only persons registered by the board of health as an installer, septage hauler, or service provider shall perform the duties defined in paragraph (FFF), (JJJJ), or (OOOO) of rule 3701-29-01 of the Administrative Code, respectively.
- (B) Installers, septage haulers, and service providers shall register with the board of health for each category of work prior to performing the duties defined in paragraphs (FFF), (JJJJ), or (OOOO) of rule 3701-29-01 of the Administrative Code within the board's jurisdiction. A registration shall not be transferable and shall expire at the end of the calendar year.
- (C) An application for registration as an installer, septage hauler, or service provider shall be made to the board of health and shall include:
  - (1) The registration fee established by a board of health in accordance with rule 3701-36-14 of the Administrative Code;
  - (2) Proof of compliance with testing requirements related to the category of registration established by the department of health. If a registration is revoked or suspended in accordance with paragraph (L) of this rule, the board of health may require the registrant to demonstrate compliance with testing requirements before a registration is reinstated or a new registration is issued by the board of health.
  - (3) Proof of compliance with any system specific training, qualification, or certification required as a condition of a system's approval by the director, or one of the following:
    - (a) Provide proof of status as an Ohio waste hauler association qualified service provider, or proof of certification in the national association of wastewater transporters O&M or inspector programs;
    - (b) Other certification programs developed and/or authorized by the director; or
    - (c) Hold a current Class A, I, II, III or IV treatment works operator certification from Ohio EPA as authorized under Chapter 3745-7 of the Administrative Code.
  - (4) Proof of no less than five hundred thousand dollars general liability insurance coverage. In the case of dual or multiple registrations as an installer, septage hauler, and/or service provider, the required general liability insurance shall apply to multiple registration categories.
  - (5) Beginning with the registration year starting on January 1, 2016, proof of completion of at least six continuing education hours during the previous calendar year through educational programs approved by the department of health or demonstration of competency obtained through one of the following mechanisms:
    - (a) Installers may provide proof of status as a certified installer of onsite wastewater treatment systems through the national environmental health

association;

- (b) Septage haulers may provide proof of status as a vacuum truck technician through the national association of wastewater transporters;
- (c) Service providers may provide proof of status as an Ohio waste hauler association qualified service provider, or proof of certification in the national association of wastewater transporters O&M or inspector programs; or
- (d) Other continuing education programs as authorized by the director.

Registrants shall provide proof of compliance with this paragraph at the time of registration renewal. In the case of dual or multiple registrations as an installer, septage hauler, and/or service provider, required continuing education hours may apply to multiple registration categories as approved by the department of health.

- (6) Proof of a surety bond or other financial assurance options approved by the director of health which provides statewide coverage for all work performed on a STS in any local health district in the state of Ohio, on a form provided by the director of health.
  - (a) The surety bond or financial assurance shall establish a contractual relationship between the principal and the surety or guarantor, and shall be executed by the applicant as principal and a surety company authorized to do business in the state as surety or the guarantor.
  - (b) The surety bond or financial assistance shall be for the benefit of any aggrieved party for damages incurred as a result of a violation of this chapter. For purposes of this rule, aggrieved party means system owner or the agent of the system owner where the system owner has contracted with an installer, service provider or septage hauler and whose STS is not installed, altered, serviced, maintained or abandoned in compliance with the provisions of this chapter.
  - (c) The surety bond or financial assistance shall be issued to provide insurance coverage for the calendar year of the registration application for any work performed in all local health districts in Ohio. The surety bond shall provide that the aggregate liability of the surety for any and all breaches of the conditions of the bond shall in no event exceed the penal sum of the bond for each calendar year for which the bond is issued. The financial assurance shall provide that the aggregate liability of the financial assurance for any and all breaches of the conditions of the financial assurance shall in no event exceed the penal sum of the financial assurance for each calendar year for which the financial assurance is issued.
  - (d) If the surety bond or financial assurance for the registration is canceled, the registrant shall immediately submit to each board of health where a registration has been issued proof of a new surety bond or financial assurance in accordance with the requirements of this rule. The surety company or guarantor of the financial assurance shall give ninety days written notice to the director of health prior to the effective date of cancellation. In the event that a surety bond or financial assurance is canceled and the registrant does not submit proof of a new bond or financial

assurance to the board of health, the registration shall be suspended and the registrant shall cease from performing the duties of a registered contractor.

- (e) An installer, service provider, and septage hauler shall maintain a separate surety bond or financial assurance in the amount as required in Table 1 for each category of registration. If an installer also registers as a service provider, then the surety bond for the service provider registration shall be reduced to fifteen thousand dollars.

Table 1. Contractor bonding requirements

Number of systems (annually)	Installer		Service Provider		Septage Hauler	
	HSTS	SFOSTS	HSTS	SFOSTS	HSTS	SFOSTS
One system	Equal to system cost	\$25,000	N/A	\$25,000*	\$25,000	\$25,000
More than one system	\$40,000		\$25,000*		\$25,000	

\* STS service provider bond requirement reduced to \$15,000 for service providers with dual registration as STS installer and STS service provider.

- (f) Any person who alleges to be an aggrieved party shall give written notification to the surety or guarantor of the financial assurance, the board of health where the work was performed, and the installer, service provider, or septage hauler as applicable within eighteen months of the date of completion of the work on the STS. The board of health may conduct an investigation as necessary to determine if a violation of this chapter has occurred.
- (7) Any forms, permits, plans, service records or other documentation for prior system installation, alteration, service or repairs that have not been submitted to the board of health as required.
- (8) Any other information as required by the board of health or department of health.
- (D) A registrant that is a partnership, corporation, or other business association, shall designate one partner, officer, or other responsible full-time employee who shall be the company's representative registrant.
- (E) Registration is not required of any person who performs labor or services as an employee under the direct supervision of a registered contractor. For purposes of this rule "direct supervision" means that a registered contractor instructs and controls the person claimed to be supervised, the person is an employee of the registered contractor, and that the registered contractor is responsible for the actions of that person and is reasonably available if and when needed, even though such registered contractor may not be physically present at the work site.
- (F) Subcontractors who perform work under contract for a registered installer, septage hauler, or service provider for electrical or plumbing work are not required to obtain

a registration as a registered installer, septage hauler, or service provider.

- (G) When the registered service provider performs the duties of a service provider on only the registrant's personal residence, the service provider shall be exempt from paragraphs (C)(4), and (C)(6) of this rule and the board of health may waive paragraphs (C)(1) and (C)(5) of this rule, or require continuing education applicable to the product as specified by the manufacturer. A registered service provider that performs the duties of a service provider on only the registrant's personal residence shall be subject to paragraph (J) of this rule.
- (H) When the registered installer performs the duties of an installer on only the registrant's personal residence, the board of health may waive paragraphs (C)(1), (C)(4), and (C)(6) of this rule.
- (I) In addition to the other requirements of this chapter, registered septage haulers shall comply with the following:
  - (1) Registered septage haulers shall obtain a permit from the board of health in accordance with paragraph (B) of this rule for each vehicle used to haul septage within the board's jurisdiction and comply with all applicable septage disposal and land application regulations;
  - (2) Registered septage haulers shall provide a completed application to include the tank capacity of each vehicle to the board of health;
  - (3) Vehicles shall be marked with company name and phone number that is readily legible during daylight hours from a distance of fifty feet while the vehicle is stationary, in accordance with the "Federal Motor Carrier Safety Administration" regulations as described in 49 C.F.R. 390.21(c)(3);
  - (4) All septage hauling equipment shall be maintained in proper operating condition. All tank seal safety specifications shall be met to prevent leakage or spills while in operation, transit, or storage; and
  - (5) When a vehicle is used by the registrant in multiple jurisdictions, the registrant may choose to have the vehicle inspected by the county or combined health district in which the company is based utilizing an inspection form created by the director and submit the inspection form to other boards of health in lieu of multiple inspections per vehicle.
- (J) Every registrant shall maintain and submit to the board of health such complete and accurate records as may be required for determining compliance with all applicable rules of this chapter.
- (K) Every registrant shall comply with any reporting or records retention requirements established by the board of health and this chapter. Service providers shall provide all O&M records, including sampling results, if applicable, as required under rule 3701-29-19 of the Administrative Code to the board of health. For sewage treatment systems that include a pretreatment component, any service agreement for the pretreatment component shall include the maintenance and monitoring of all system components.
- (L) A registrant shall comply with Chapter 3718. of the Revised Code, restrictions on system approvals by the director of health, all provisions included in a permit issued by the board of health, all board of health orders, and any conditions placed on the

contractor's registration.

- (1) A board of health may inspect installers, service providers or septage haulers during their work to ensure compliance with this chapter.
  - (2) When the board of health finds that a registrant is or has engaged in practices in violation of this chapter, the board of health shall provide the registrant with written notification of the alleged violation, indicate that the registration may be revoked or suspended, and afford an opportunity for a hearing if the registrant does not agree to voluntary compliance.
  - (3) The board of health may deny, revoke or suspend a registration when a registrant fails to timely correct violations in compliance with this chapter, or if the registrant has a history of recurrent violations of this chapter, or has been convicted of violations of this chapter.
  - (4) The board of health shall notify the department of health within sixty days following the suspension or revocation of a registration.
- (M) The owner of a campground licensed in accordance with Chapter 3729. of the Revised Code who engages in the collection and transportation of domestic septage within the premises of the campground shall not be required to register under this rule provided the following conditions are met:
- (1) The domestic septage is not transported across or on a public roadway;
  - (2) All septage hauling equipment shall be maintained in proper operating condition and designed to prevent spills while in operation, transit or storage; and
  - (3) All septage hauling equipment shall be available for inspection by the board of health.

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CERTIFIED ELECTRONICALLY

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Certification

09/29/2014

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Date

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