

Section 15 – Operating Permits

1. Applicability

- a. An Operating Permit must be obtained for any OWTS that utilizes reduction in soil treatment area size, vertical separation distances to limiting layers or reductions in horizontal separation distances by using higher level treatment.
- b. OWTS that only incorporate pumps or lift stations are exempt from this section.
- c. An Operation and Maintenance contract must be with a Service Provider. A Service Provider is any person engaged in the business of servicing or maintaining an OWTS, and holds a valid National Association of Wastewater Technicians (NAWT) Operation and Maintenance 1 & 2 credential or its equivalent. Inspectors for higher level treatment systems must have training relevant to the specific system or certification by the equipment manufacturer.
- d. The Service Provider shall maintain and provide to the Department a current, valid credential.
- e. The owner of such a system shall obtain an operating permit:
 - i. At the time of installation, repair, alteration, or upgrade of a system pursuant to this section;
 - ii. When a transfer of title inspection is conducted;
 - iii. At the expiration of a current O&M contract;
- f. An Operating Permit shall be maintained and renewed until:
 - i. The system is abandoned for connection to a sanitation district;
 - ii. The Department authorizes the removal of the components requiring regular maintenance; or
 - iii. The higher level treatment is abandoned and approved by the health officer.
 1. Higher level treatment shall not be abandoned unless the OWTS will conform to the requirements for TL1 treatment level systems, including minimum distance setbacks set forth in Table 8-1 and vertical separation from the STA infiltrative surface to any limiting condition set forth in Table 8-2.
- g. For higher level treatment and other components under a service contract, a clearly visible, permanently attached label or plate giving instructions for obtaining service must be placed at a conspicuous location.

2. Minimum Application Requirements

- a. An applicant must submit a complete, written application on a form provided by the Department. Such application must include, at a minimum:
 - i. Owner name and contact information;
 - ii. Address and legal description of the property;
 - iii. Service Provider name and contact information;
 - iv. Record Drawing of system. See Section 4.10 for more information;
 - v. Copy of current Operation and Maintenance Contract;
 - vi. Full fees pursuant to Section 3.10 shall accompany this application.

3. Minimum Operation and Maintenance Inspection Report Requirements

- a. At the completion of an inspection, the Service Provider must submit the following information after each inspection:
 - i. A summary of the type of system installed;
 - ii. Level of treatment the system is approved to provide;
 - iii. Date the system was inspected and maintained;
 - iv. Name and contact information of inspector and/or maintenance provider;
 - v. Condition of system at inspection;
 - vi. Maintenance tasks performed;
 - vii. Copies of permits, if required, for maintenance needing to be performed;
 - viii. Condition of system at completion of maintenance activity.

4. Frequency of Inspection and Maintenance Required

- a. Inspection and maintenance must be conducted at regular intervals for whichever of the following is most frequent;
 - i. Manufacturer recommendations for proprietary systems or design criteria as required per the permitted design for public domain technology;
 - ii. For higher level treatment systems, two inspections at six-month intervals for the first year of operation, followed by annual inspections for the life of the system.

5. Property Owner Responsibility

- a. Ensure OWTS is operating, maintained and performing according to the required standards for the designated treatment level;
- b. Maintain an active service contract with a Service Provider at all times; and
- c. Each time the current contract with a maintenance provider is renewed or replaced, a copy of the contract must be sent to the Department within 30 days of signing.

6. Service Provider Responsibility

- a. Must notify the Department when a service contract has been terminated.
- b. Must obtain appropriate training/certification for specific proprietary treatment products as provided by the manufacturer necessary to provide the required operation and maintenance for said products.
- c. Must obtain and maintain NAWT Operation and Maintenance 1 and 2 certifications at all times.

7. Monitoring and Sampling

- a. For an OWTS for which monitoring of effluent is required, the Department or delegated third party must collect and test effluent samples to ensure compliance with the provisions of this regulation.
- b. Sampling may be required by the Department in conjunction with an enforcement action.
- c. If the Department or a delegated third party collects and tests effluent samples, a fee not to exceed that which is allowed by the OWTS Act may be charged for each sample collected and tested. Payment of such charge must be stated in the permit as a condition for its continued use.
- d. Conditions when the Department can require routine monitoring:
 - i. Indications of inadequate performance;
 - ii. Location in sensitive areas;
 - iii. Experimental systems; and/or
 - iv. Systems under product development permits.
- e. Sampling and analysis must be performed according to American Public Health Association, American Water Works Association, and Water Environment Federation: Standards Methods for the Examination of Water and Wastewater, 21st edition.