

R317. Environmental Quality, Water Quality.

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

Date of Enactment or Last Substantive Amendment: September 1, 2013

Notice of Continuation: May 13, 2021

Authorizing, and Implemented or Interpreted Law: 19-5-104; 19-5-106; 19-5-121

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

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

1.1. Authority

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. Purpose

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 and establish methods for compliance and evaluating non-compliance.

1.3. Scope

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

R317-11-2. Definitions.

1. "Alternative onsite wastewater system" means an onsite wastewater system that is not a conventional onsite wastewater system.
2. "Approved Training Provider" means a provider approved by the director for training and examinations for certification of persons who design, inspect and maintain underground wastewater disposal systems, or conduct soil evaluations or percolation tests for underground wastewater disposal systems.
3. "Certificate" means a certificate issued by the director stating that the recipient has met the minimum requirements to be certified as described in this rule.
4. "Conventional system" means an onsite wastewater system typically consisting of a building sewer, a septic tank, and an absorption system utilizing absorption trenches, absorption beds, deep wall trenches, or seepage pits.
5. "Director" means the director of the Division of Water Quality. "Division" means the Utah Division of Water Quality.
6. "Onsite professional" means a person who is certified at Level 1, 2, or 3 according to this rule.
7. "Underground Wastewater Disposal System" means a system for underground disposal of 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 Rule R317-1.

R317-11-3. Classes of Certification.

3.1. Classes

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

- A. Level 1, soil evaluations 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.

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

4.1. Private Residence

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. Test Conducting

An uncertified individual may conduct soil evaluations or percolation 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. Involvement in Pumping

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

4.4. Plumbers and Electricians

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

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 Certification

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

- A. attend a training course provided by an approved training provider 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 Certification

In order to qualify for initial Level 2 certification, a person must:

- A. attend a training course provided by an approved training provider 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 Certification

In order to qualify for initial Level 3 certification, a person must:

- A. attend a training course provided by an approved training provider 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. Substitutions for Training Courses

All applicants are required to take an examination, but an applicant's current licensure and experience may be substituted for attending the training courses described in Subsections R317-11-5.1.A, R317-11-5.2.A, and R317-11-5.3.A, as follows:

- A. An environmental health scientist licensed under Title 58, Chapter 20a, Environmental Health Scientist Act qualifies to substitute licensure and experience for required training for a Level 1, 2 or 3 certification if the Environmental Health Scientist provides to the director evidence of current licensure in Utah and two years experience appropriate to the class of certification requested.
- B. A professional engineer licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act qualifies to substitute licensure for required training for a Level 1, 2, or 3 certification if the professional engineer provides to the director evidence of current Utah licensure.
- C. A person who is a contractor licensed under Title 58, Chapter 55, Utah Construction Trades licensing Act qualifies to substitute licensure and experience for required training for a Level 1 or 2 certification if the licensed contractor provides to the director evidence of at least five years of experience installing underground wastewater disposal systems.

5.5. Evidence of License

Evidence of current licensure and experience appropriate to the class of certification must be provided to the director at the time of application for certification.

5.6. Citizenship Requirements

An applicant is also required to meet the requirements of Section 63G-12-104 regarding citizenship or alien identification certification.

R317-11-6. Application for Certification.

6.1. In order to become certified at any level, a person must:

- A. meet the qualifications for certification as described in Section R317-11-5; and
- B. submit an application to the director on forms approved by the division, including citizenship or alien identification certification, along with payment of applicable fees.

R317-11-7. Training and Examinations.

Training will be provided by an approved training provider. 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 approved training provider.

R317-11-8. Certificates.

8.1. Certificates will be issued by the director upon receipt of the completed application, required fees, and evidence that the requirements of Section R317-11-5 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, calculated in accordance with Section R317-11-9.

R317-11-9. Renewal of Certification.

9.1. Renewal Required

Certification renewal is required every 3 years for all levels of certification.

9.2. Continued Eligibility

A certified individual who renews a certificate in a timely manner continues to be eligible for certification without meeting new requirements unless the certification is suspended, revoked or annulled.

9.3. Renewal Date

Renewal of a certificate may be obtained at any time prior to certificate expiration by:

- A. making application to the director along with payment of applicable fees; and
- B. successfully completing the required refresher course or courses provided by an approved training provider; or
- C. providing with the application evidence of successfully completing other approved training.

R317-11-10. Lapsed Certifications.

10.1. Reinstatement Period

Expired certifications may be reinstated within six months after the expiration date by:

- A. completing the required refresher course or courses as provided by an approved training provider, and
- B. submitting a renewal application and reinstatement fee to the division.

10.2. Past Reinstatement Period

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

R317-11-11. Exceptions.

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

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

12.1. Grounds

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 significant negligence in the performance of work done pursuant to the certification.

12.2. Disciplinary Action

Disciplinary action such as suspension, revocation, or annulment of certificate by the director 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.

12.3. Annulment

Any certificate not issued as specified in this rule will be annulled.

12.4. Recommendations to the Director

Recommendations may be made to the director 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 director. Any request for an informal hearing shall be made within 30 days of the date the notification is mailed.

12.5. Final Recommendation

Following an informal hearing, or the expiration of the period for requesting a hearing, the director shall be notified of the final recommendation.

12.6. Challenges

A challenge to the director's determination may be made as provided in Rule R305-7.

R317-11-13. Certification Requirements and Effective Dates.

No person shall design, inspect, maintain, or conduct soil evaluations or percolation tests for an underground wastewater disposal system unless they hold current certification from the director, except as exempted in Section R317-11-4.

R317-11-14. Noncompliance.

Noncompliance with these certification rules is a violation under Section 19-5-115 and may be subject to enforcement by the director.