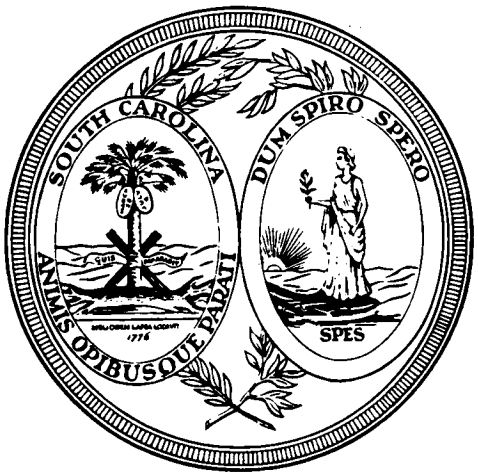
Regulation 61-56.1

License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-contained Toilets



C. Earl Hunter
Commissioner

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South Carolina Department of Health and Environmental Control

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
REGULATION 61-56.1

LICENSE TO CONSTRUCT OR CLEAN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS AND SELF-CONTAINED TOILETS

SECTION I. PURPOSE

To regulate persons engaged in the business of constructing, repairing, or cleaning onsite sewage treatment and disposal systems and cleaning self-contained toilets, to protect public health and the environment.

SECTION II. DEFINITIONS

A. **Cleaning** - the removal and transportation of septage from an onsite sewage treatment and disposal system or self-contained toilet to an approved disposal location.

B. **Construct** - the installation or repair of an onsite sewage treatment and disposal system.

C. **Department** - the South Carolina Department of Health and Environmental Control and its authorized representatives.

D. **License** - the official document issued by the Department authorizing a person to be engaged in the business of construction, repair, or cleaning of onsite sewage treatment and disposal systems or the cleaning of self-contained toilets.

E. **Onsite Sewage Treatment and Disposal System** - a system, or any part of a system, designed to treat and dispose of, or store sewage. Examples include septic tank systems, sewage-holding systems, and similar devices.

F. **Person** - any individual, firm, company, corporation, or association.

G. **Revocation** - the permanent withdrawal of rights and privileges granted by a license.

H. **Self-Contained Toilet** - a single or multiple-unit toilet and holding tank combination.

I. **Septage** - the mixture of solids and liquids removed during cleaning of a septic tank, grease trap, or any other part of an onsite sewage treatment and disposal system, holding system, or self-contained toilet which receives domestic sewage; includes the liquid, solid and semi-solid materials which settle to the bottom of transport containers.

J. **Sewage** - any liquid waste containing animal, vegetable, or chemical matter in suspension or solution from water closets, urinals, lavatories, bathtubs, laundry tubs or devices, floor drains, drinking fountains or other water-using fixtures.

K. **Suspension** - the temporary or indefinite withdrawal or cessation of rights and privileges granted by a license.

SECTION III. LICENSE REQUIRED

A. No person may engage in the business of and be responsible for the construction, repair, or cleaning of onsite sewage treatment and disposal systems or the cleaning of self-contained toilets in South Carolina without first applying for, receiving, and subsequently maintaining a valid license to conduct such activities, as herein required by the Department; provided, that a person may construct or repair an onsite sewage treatment and disposal system for personal use at his residence without obtaining a license.

B. **Licenses, Applications, and Fees**

1. License applications, on forms approved by the Department, shall be submitted to the Department in the county where the applicant's primary place of business is located; provided, persons residing out of state must submit their applications to the Department in the South Carolina county where it is reasonably anticipated the bulk of the activities sought to be licensed would occur.

2. The following shall apply to applications submitted by persons engaged in the business of cleaning onsite sewage treatment and disposal systems or self-contained toilets:

   a. The applicant shall list on the application form each approved septage disposal facility they intend to use. Written verification of permission to use each disposal facility shall accompany the application.

   b. For each renewal of an existing license, the person seeking renewal shall submit to the Department an updated application.

   c. Upon request by the Department, each person seeking a new license or renewal of an existing license shall make available for inspection all vehicles and equipment used in the pumping and transporting of septage.

   d. Additional inspections of vehicles and equipment may be conducted by the Department to ensure compliance with this regulation.

   e. If a licensee replaces, deletes, or adds to his inventory of vehicles used in pumping and transporting septage, the licensee shall immediately notify the Department for the purpose of updating his application.

3. Prior to receipt of a license authorizing a person to engage in the business of and be responsible for the construction or repair of an onsite sewage disposal system, the applicant shall complete an examination, demonstrating his knowledge and comprehension of the onsite sewage treatment and disposal regulation (Regulation 61-56, 1976 Code of Laws of South Carolina, as amended). Any applicant failing to satisfactorily complete the licensing examination may be eligible to retake the examination after 30 days. If the applicant fails to satisfactorily complete his second examination, he may then be allowed to retake subsequent examinations after a 60-day waiting period.

4. Persons engaged only in the business of cleaning onsite sewage treatment and disposal systems, holding systems, or self-contained toilets, shall be exempt from the aforementioned examination, and shall be issued a license upon satisfactory compliance with this regulation.

5. A fee shall be assessed for a new license and for the annual renewal of license.

a. No person engaged in the business of either constructing and repairing or the cleaning of onsite sewage treatment and disposal systems shall be issued a new license pursuant to this regulation until a fee of one hundred ($100) dollars has been paid to the Department; provided, persons engaged in the dual business of constructing/repairing and cleaning systems shall pay a fee of one hundred fifty ($150) dollars. Every license issued by the Department under this regulation shall be valid for a period of one year, unless otherwise suspended or revoked.

b. Each licensee must pay an annual renewal fee of one hundred ($100) dollars, or, for a dual license, one hundred fifty ($150) dollars, to the Department.

c. Annual renewal fees shall be due on a date not less than thirty (30) days from the billing date. A penalty charge of $30.00 shall be assessed for license fees that are past due. A second penalty of $30.00 shall be assessed for license fees sixty (60) days past due.

d. Expiration of a license shall occur when the license fee is ninety (90) days past due. No person with an expired license may be engaged in the business of either constructing and repairing or cleaning onsite sewage treatment and disposal systems, sewage-holding systems, or self-contained toilets.

e. An expired license shall not be renewed. Any person with an expired license may apply for a new license and must meet all applicable requirements for a new license.

6. Licenses issued in accordance with this regulation shall not be transferable.

C. Further Governmental Restrictions Not Prohibited

Nothing within this regulation shall be construed to limit the power of any municipal, county, or governmental entity to enforce other license requirements or additional measures for the restrictions of persons constructing, repairing, or cleaning onsite sewage treatment and disposal systems or cleaning self-contained toilets.

SECTION IV. VEHICLES, EQUIPMENT, AND PRACTICES

A. All vehicles and equipment used to remove and transport septage shall be maintained in a manner that will prevent the occurrence of leaks, spills, and other nuisance conditions. All vehicles shall be properly identified.

1. Hoses, valves, tanks, and other equipment must be maintained in good repair and working order.

2. All vehicles used to transport septage must bear the company name and license number in a prominent place on the sides and rear of each vehicle, using letters and numbers that are at least four (4) inches in height.

B. The cleaning of septic tanks and similar units, and the pumping and transporting of septage shall be done in a manner that is safe and does not create a nuisance or health hazard. The proper cleaning of any septic tank or similar unit shall include the substantial removal of its contents.

C. Disposal of septage shall be allowed only at facilities approved by the Department. A licensee may dispose of septage only at those approved facilities designated by his application and any renewals or updates of his application.

1. Discharge of septage shall be allowed only at those specific locations designated by the owners/ operators of approved disposal facilities.

2. Discharge of septage into a public sewage collection system, without the consent and permission of the owner/operator of such system, is prohibited.

D. A licensee shall adequately supervise employees and ensure that all systems for which the licensee is responsible shall be constructed, repaired, and cleaned in accordance with Regulation 61-56 and other applicable regulations, permits, and standards issued by the Department.

SECTION V. RECORDS OF OPERATION

A. Each person licensed to clean onsite sewage treatment and disposal systems and self-contained toilets is required to maintain accurate, written records of cleaning and transporting activities.

1. Records shall be kept current and shall include at least the following information for each cleaning/ transporting activity:

a. Date and time of septage removal.

b. Name and address of residence or facility where septage was removed. Where one or more self-contained toilets are cleaned at one location (construction site, special event, etc.), one recorded entry per location will be acceptable.

c. Quantity and type of septage removed (i.e., grease trap, septic tank, self-contained toilet). Where one or more self-contained toilets are cleaned at one location, quantity may be expressed by the total number of units cleaned at that location.

d. Date, time, and location of septage disposal.

B. Records shall be made available for inspection by the Department upon request. Records must be retained for a minimum of two (2) years.

SECTION VI. SUSPENSION/REVOCATION OF LICENSE

A. A licensee shall be subject to suspension and revocation of license and to penalties, as provided in Section VIII. for the construction, repair, or cleaning of onsite sewage treatment and disposal systems, or cleaning of self-contained toilets for which he is responsible in violation of State Laws, Regulations, and Standards.

In determining whether a license should be suspended or revoked, the Department may consider such factors as the seriousness of a violation and whether a violation is a repeat of previous violations, among any other relevant factors. The interference by a licensee or his employees with a representative of the Department in performing his duties with respect to this regulation shall constitute grounds for revocation of license. Only the person responsible for supervision and enforcement of this regulation in each county or health district is authorized to initiate action to revoke the license on the grounds of interference.

B. Any person whose license is revoked shall not be eligible to apply for relicensing within one year from the date of revocation. Any person whose license has previously been revoked and who obtains a subsequent license and violates the provisions of this regulation, which results in the revocation of his license for the second time, shall not be granted another license.

C. Prior to such action, the Department shall provide written notification to the licensee, stating the basis for suspension or revocation, and advise the licensee that the license shall be suspended or revoked on the fifteenth (15th) day following receipt of the written notification, unless a Petition for Administrative Review, complying with the requirements of Regulation 61-72, is filed with the Department, within fifteen (15) days of receipt. All hearings shall be conducted in accordance with the Administrative Procedures Act and Regulation 61-72.

D. A license may be summarily suspended by the Department pending a hearing, as herein provided, if the licensee acts in such a manner as to pose an immediate threat to public health. In the case of a summary suspension, the licensee shall be given a hearing as soon as possible after the Department receives a written request for a hearing.

SECTION VII. EXPIRATION OF LICENSE

The expiration of a license due to failure to pay the required annual renewal fee, plus applicable late charges, shall not constitute a contested case and shall not create a right to a hearing pursuant to the South Carolina Administrative Procedures Act.

SECTION VIII. PENALTIES

Violations of this regulation shall be punishable in accordance with Sections 44-1-150, 48-1-320, and 48-1-330, of the 1976 Code of Laws of South Carolina, as amended.

SECTION IX. SEVERABILITY CLAUSE

Should any section, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

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