

SECTION 24

LICENSING OF SEPTIC SYSTEM INSTALLERS

A. License and Provisions of Installer License

1. No person shall construct, install, alter, extend or repair a subsurface sewage disposal system within Williamson County, unless he/she holds a valid installers license issued by the Department of Sewage Disposal Management.
 - (a) Licenses are issued to individuals only.
 - (b) Licenses shall not be issued to corporations, partnerships, or other such business entities.
2. The Department shall recognize two classes of licensed installers:
 - (a) Conventional Installers License

The conventional installers license shall only allow the holder of such a license to construct, alter, extend or repair conventional subsurface sewage disposal systems as set forth in these regulations.
 - (b) Combined Conventional and Alternative Installers License

The combined installers license shall only allow the holder of such a license to construct, alter, extend or repair conventional or alternative subsurface sewage disposal systems as set forth in these regulations.
3. A license is required for all persons who install systems either as a primary contractor or subcontractor.
4. No licensed installer may subcontract with an unlicensed individual for installation of these systems in whole or in part.
5. The installers license shall be deemed necessary in addition to any other business permit or license required and shall be obtained prior to beginning construction, alteration, extension or repair of such systems.
6. Every construction, alteration, extension, or repair shall be under the direct supervision of a licensed installer.
 - (a) Direct supervision requires the licensed installer to be personally responsible for the performance of every installation of a subsurface sewage disposal system.
 - (b) Direct supervision requires personal direction of the work, by the licensed installer, on any given site by providing proper instruction to any and all of his/her employees and to ensure that each phase of the installation has been properly constructed within the bounds of state law and these regulations.
 - (c) The licensed installer shall be present and remain on site during any and all excavation work associated with any phase of the installation of a subsurface sewage disposal system.
7. In emergency situations, property owners may enact *emergency relief measures* to existing systems. Such measures shall be reported to the Department on the first business day following the day of enacting the emergency relief measure.
 - (a) An emergency shall be defined as only those incidences where sewage is backing up into the internal plumbing fixtures of a structure.
 - (b) The Department will inspect all such measures and, if required, permanent septic system repairs shall be made by a licensed installer in accordance with the requirements outlined in these regulations.

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The combined installers license shall allow the holder of such a license to construct, alter, extend or repair both conventional and/or alternative subsurface sewage disposal systems as set forth in these regulations.

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B. Installer Licensing Procedures

Procedures for obtaining an installers license shall be as follows:

1. Conventional or Alternative/Conventional Combined Licenses:

(a) For a new license, the applicant shall:

(1) ~~File an application form, obtained from the Department, completed in its entirety by the applicant, and returned to the Department.~~

(2) ~~Pay the annual licensing fee at the time of application submittal. Said fee will be established in accordance with the fee schedule adopted by the Williamson County Board of Health.~~

(3) ~~Complete all requirements of the training course sponsored by the Department.~~

(4) ~~Provide proof of valid installers license from the State of Tennessee.~~

(5) ~~Provide proof of completion of training course(s) and certification related to the advanced treatment system or drip dispersal system manufacturer for the types of systems that installer intends to install (if applicable).~~

(6) ~~The applicant shall demonstrate to the Department of Sewage Disposal Management that he or she is capable of installing conventional and/or alternative sewage disposal systems that meet the requirements of the regulations as set forth herein. Applicants shall participate in a probationary period prior to the final confirmation of their license.~~

(A) ~~This probationary period shall include the applicant's first three subsurface sewage disposal system installations. These first three installations shall be under the direct supervision of the Department in order to allow confirmation of the applicant's qualifications.~~

(B) ~~Failure to complete the subsurface sewage disposal system installations in the probationary period to the satisfaction of the Department shall be considered grounds for the denial of a license.~~

(7) ~~Execute the Installers Bond Agreement and provide the surety, if required, as outlined herein at the time of application.~~

(b) ~~For renewal of an existing license, the applicant shall:~~

(1) ~~File an application form, obtained from the Department, completed in its entirety by the applicant, and returned to the Department. The application should be filed no later than November 30.~~

(2) ~~Pay the annual licensing fee at the time of application submittal. Said fee will be established in accordance with the fee schedule adopted by the Williamson County Board of Health. It shall be the responsibility of the installer to pay the appropriate licensing fee upon the renewal date. The Department shall provide no renewal notice or reminder to the installer. Should an installer fail to pay the annual license fee upon the renewal date, said installer will be immediately removed from the listed of approved installers, and no requests for inspections shall be taken until the licensing requirements are reestablished.~~

(3) ~~Execute the Installers Bond Agreement and provide the surety, if required, as outlined herein at the time of application.~~

(4) ~~Provide proof of a valid installers license from the State of Tennessee.~~

(c) ~~In the event that the Department determines an applicant is not qualified, the Director will issue written notice of disapproval of the application stating reasons for said disapproval. An applicant may be denied renewal of a license where past performance history reveals unsatisfactory work or repeated violations of the provisions as outlined in the construction permit, its related plans and any requirements outlined in these regulations.~~

(d) ~~Applicants who are denied an installers license may request review of such denials through the procedures outlined in Section 25 of these regulations.~~

(e) ~~Applicants who are denied an installers license shall not be allowed to reapply for a period of one year from the date of final denial notification from the Department, or following notice of determination of an appeal, whichever is later.~~

3. ~~All installer licenses shall be valid from January 1 until December 31. Should an installer receive a license after January 1, said license fee shall be prorated. All installer licenses shall expire on December 31. All license renewal applications should be filed no later than November 30.~~

4. ~~Bond Agreement and Surety~~

(a) ~~A properly executed License Bond Agreement shall be provided on an annual basis.~~

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(b) In addition to the bond agreement, a license may be subject to providing required surety in support of that bond agreement. The following licenses shall require that surety be posted in support of said bond agreement:

(1) Conventional installers licensee shall provide a letter of credit in the amount of thirty thousand and no/100 (\$30,000) with the Williamson County Department of Sewage Disposal Management as the beneficiary.

(2) Combined conventional/alternative installers licensee shall provide a letter of credit in the amount of fifty thousand and no/100 (\$50,000) with the Williamson County Department of Sewage Disposal Management as beneficiary.

(c) The letter of credit presented as surety for the license bond agreement shall be issued by an approved financial institution, which is defined as a bank or trust company chartered by the State of Tennessee or a national bank or federal savings association chartered and regulated by the Office of the Comptroller of the Currency. Said financial institution shall have a physical branch location in Williamson or Davidson Counties or accept a draft on the letter of credit via overnight delivery. The letter of credit shall have a provision for automatic renewal until notification to the Department from the financial institution of its intent to cancel (also known as an evergreen clause).

(d) It shall be the responsibility of all licensed installers to provide or renew the Letter of Credit prior to the expiration date of said document. The Department shall provide no renewal notice or reminder to the installer.

(1) In the event the letter of credit is not renewed within fourteen (14) days prior to the expiration date of same, or if the new documentation is not in accordance with these regulations, then the License Bond Agreement and supporting surety may be declared in default and the Director may issue a call or draft letter if the installer has any open permits of any kind.

(2) Should an installer's letter of credit be declared in default, said installer will be immediately removed from the list of approved installers, and no requests for inspections shall be taken and no new permits shall be issued until the licensing requirements are reestablished.

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(a) The suspension shall be effective immediately.

(b) Within seven (7) days of such suspension, a Board of Health meeting shall be convened to review and consider the action taken. The Board may recommend modification, ratification, continuation or termination of the suspension.

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(d) If the suspension is continued or modified, the installer may appeal such action in accordance with and pursuant to the procedures in Section 25 of these regulations.

2. Any installer's license may be suspended by the

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The receipt of ten (10) Yellow Flagged failed inspections within a period of one year shall be the equivalent of one Red Flag. This one year time period shall be concurrent with the installer's yearly licensing cycle. Violations of a significant nature resulting in a Yellow Flagged failed inspection, shall be those as outlined in Section 20.

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C. Suspension of License

1. Any installer's license may be suspended by the Board of Health.

(a) This suspension may occur as a result of any of the following circumstances:

(1) If any part or portion of a subsurface sewage disposal system is covered or backfilled before being inspected or approved, the installer responsible for such actions shall be subject to a license suspension. Violations of this provision, by an installer, occurring more than one time shall be grounds for license revocation. Revocation proceedings are outlined in Subsection D, of this Section.

(2) The installer has received three or more Red Flagged failed inspections within the period of one year. This one year time period shall be concurrent with the yearly licensing cycle. Violations of a significant nature resulting in a Red Flagged failed inspection shall be as outlined in Section 20.

(3) Failure to obtain a Permit to Install for a new installation or a Permit to Install for repair of a system prior to commencing work on any new or existing subsurface sewage disposal system by the installer.

(4) Where an installer has repeatedly conducted business in an unprofessional manner and in conflict with or inconsistent with, these regulations, such action(s) shall be construed as a demonstration of a consistent pattern of incompetence or a willful disregard for these regulations by said installer. Violations of this provision may be basis for license suspension.

(b) Upon the occurrence of one of the above circumstances, the Department will submit the name of the installer and all supporting facts to the Board of Health for its consideration regarding the recommended suspension. Where a license suspension is warranted, the Department shall notify the licensed installer in writing, via certified, return-receipt mail, of transmittal to the Board of Health and of the date of the Board of Health meeting in which the suspension proposal will be heard. This notice shall be sent to the installer no less than ten (10) days prior to said meeting. The Board of Health will determine if a suspension is required. Furthermore, if a decision for suspension is rendered, the Board will determine the length of said suspension and if any remedial work is required on any system affected by the installer's actions.

3. No new Permit to Install may be obtained by a licensed installer whose license is under suspension, nor may the licensed installer request and obtain inspections upon other permitted sites until the suspension status has been lifted.

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4. Where any installer has his/her license suspended two or more times within the license year, the Department may request revocation of the installer's license by the Board of Health pursuant to the revocation procedures set forth in Subsection D, of this Section.

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D. Revocation of License

1. The license revocation procedure may be invoked when the installer violates provisions of this Section or the provisions outlined in Section 20.

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2. Where any installer has his/her license suspended two or more times within the license year, the Department may request revocation of the installer's license by the Board of Health.

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3. Revocation procedures upon an installer's license are as follows:

- (a) At the inception of the revocation procedures said installer shall be notified by the Williamson County Attorney, in writing, via certified, return-receipt mail.
- (b) Upon receipt of the revocation notice, the installer must respond in accordance with the Section 25.
- (c) Upon the receipt of the revocation notice, the installer shall not engage in the construction of any subsurface sewage disposal systems. Said installer shall be denied a Permit to Install for any systems.

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4. An installer whose license has been revoked shall not be allowed to reapply for a new license, for a period of five (5) years from the date of final notice of revocation from the Department or following notice of determination of an appeal, whichever is later.

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E. Draft of Letter of Credit

1. A presentation of a draft or draw on the installer's letter of credit may occur as a result of any of the following:

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(a) Failure to enact corrective measures regarding any deficiencies, in accordance with the provisions set forth in Section 20, may result in a draft of the letter of credit, after notice and reasonable opportunity for corrective action.

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(c) Failure to properly complete and file the required as-built documentation in accordance with the provisions set forth in Section 20, may result in presentation of a draft of a letter of credit.

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(d) Any action resulting in the initiation of the license revocation procedure shall constitute due justification for a draft of the letter of credit.

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(e) Funds from the presentation or draft on the letter of credit shall be held in escrow on behalf of the property owner in order to provide the financial means to correct violations of deficient subsurface sewage disposal system installations or complete an unfinished installation of a subsurface sewage disposal system. Funds will only be disbursed upon proof of correction of violations or completion and approval of system installation by a properly licensed installer and in the amount necessary to correct the violation or complete the system installation. Any remaining funds shall be returned to the financial institution.

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(f) In the event the letter of credit is not renewed within fourteen (14) days prior to the expiration date of same, or if the new documentation is not in accordance with these regulations, then the supporting surety may be declared in default and the Director may issue a draw letter if the installer has any open permits of any kind.

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F. Property Owner/Tenant Exemption

1. A property owner or tenant of a residential property may install his/her own subsurface sewage disposal system without an installers license from the Williamson County Department of Sewage Disposal System, so long as the following criteria are met:

(a) The applicant for the exemption is the owner of the property and the applicant shall provide a copy of the deed as proof of ownership or the applicant is the tenant of the property and the applicant shall provide a written agreement with proof of his/her tenancy; and

(b) The use of the property is for single-family residential use; and

(c) The applicant shall provide a copy of the floor plan for the single-family residential use and an approved site plan for the single-family residential use; and

(c) The applicant and all property owners execute a Certification and Acknowledgement of the following:

1. the accuracy of the information provided in the exemption application; and

2. the applicant agrees that he/she is familiar with the requirements of the *Regulations* and will abide by and accept responsibility for all phases of installation in accordance with those *Regulations*, including but not limited to: seek and acquire all required permits, seek and achieve approval of all required inspections, and provide all required electrical and as-built documentation; and

3. the applicant will personally perform all phases of the installation; and

4. for systems that require engineered design plans, the applicant shall provide sealed, certified as-built documentation from an engineer licensed by the State of Tennessee showing that the system was installed according to the approved, engineered design plans; and

5. the applicant and all property owners will in no way hold Williamson County and its employees, officers and agents liable for any claims, damages, costs and attorney fees for injuries or damages arising, in part or in whole, from the negligent or intentional acts or omissions of the applicant, property owner and/or tenant, including officers, agents, employees or contractors in connection with or related to the system installation; and

6. acknowledge that the actions of the applicant in conducting the installation, if done improperly, could cause irreparable damage to the designated septic areas or system on the property, which could result in the loss of use of that damaged, designated septic area or system and which would then require replacement with another septic system or designated septic area in accordance with these *Regulations*.

2. Any exemption granted is personal to the applicant and only applies to the property that is the subject of the application and may not be utilized by any other person or on any other property at any time. The exemption shall expire upon final approval of the system and issuance of a *Certificate of Completion* for which the exemption is granted.

3. Except for Section 25, in all instances where the term "installer" or "licensed installer" is utilized in these *Regulations* or the *Appendices* thereto, these terms shall also include the property owner or tenant who qualifies for exemption in accordance with this Subsection F of Section 24.

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