

SECTION 40

QUALIFIED SERVICE PROVIDER FOR ADVANCED TREATMENT SYSTEMS (ATS) AND SUBSURFACE DRIP DISPOSAL SYSTEMS

A qualified service provider is required to perform routine operation and maintenance (O&M) on ATS devices and subsurface drip disposal (SDD or Drip) systems installed in Williamson County in accordance with *Sections 38 and 39 of these Regulations*.

A. General Provisions Related to Qualified Service Providers

1. No system utilizing an ATS device or subsurface drip disposal (SDD or Drip) shall be approved unless there is proof, in accordance with this Section 40, that a qualified service provider has been retained to conduct required operation and maintenance on these systems.
2. No person shall operate, maintain, service, modify or alter an ATS device or a subsurface drip disposal (SDD or Drip) system within Williamson County, unless he/she has received approval for such by the Department of Sewage Disposal Management.
 - (a) Approvals are granted to individuals only.
 - (b) Approvals shall not be granted to utilities, corporations, partnerships, or other such business entities.
 - (c) A qualified service provider may not subcontract with an individual for the operation and maintenance of these systems, in whole or in part, if said individual has not received approval to perform the tasks by the Department. The qualified service provider shall have direct supervision over the completion of the operation and maintenance services and shall be personally responsible for the completion of all required services and tasks. Direct supervision includes responsibility to provide proper instruction to any and all of his/her employees and to ensure that each aspect of the operation and maintenance services and tasks have been properly completed in accordance with the provisions of these *Regulations*.
3. Department approval shall not be transferable or assignable and shall automatically become invalid upon any cancellation or rescission of an O&M contract between the qualified service provider and property owner, or if the qualified service provider no longer meets the qualifications as outlined in *Subsection B of this Section 40*.
4. The Department will maintain a list of qualified service providers who may be eligible to provide operation and maintenance services, but said list is not a guarantee of qualifications or ability to service any particular system.

B. Minimum Qualifications

A qualified service provider shall be one who meets all of the following requirements:

1. A qualified service provider must be an approved maintenance provider with the State of Tennessee, Department of Environment and Conservation, Division of Water Resources (TDEC-WR) and provide documented proof of such to the Department.

In lieu of this requirement, the Department would accept the qualifications of a State of Tennessee (TDEC, Board of Water and Wastewater Operator Certification) certified wastewater treatment plant operator (Grade I-IV or Biological/Natural Systems (BNS) operator). The applicant must provide documented proof of such to the Department.

2. As applicable, a qualified service provider must be certified by the ATS manufacturer for O&M purposes on the specific ATS model installed. This certification must be maintained by the service provider for the duration of time that the service provider is contracted to perform O&M for said system. The ATS manufacturer shall provide written notification to the Department of said service provider's qualifications.
3. As applicable, a qualified service provider must be certified by the Drip manufacturer for O&M purposes on the specific Drip system installed. This certification must be maintained by the service provider for the duration of time that the service provider is contracted to perform O&M for said system. The Drip manufacturer shall provide written notification to the Department of said service provider's qualifications.
4. Any qualified service provider approved in accordance with this *Section 40* will be responsible for obtaining at least six (6) Professional Development Hours (PDH's) annually in order to maintain approved status with the State of Tennessee.

C. Qualified Service Provider Approval Procedures

1. Upon application for a system utilizing an ATS device or subsurface drip disposal (SDD or Drip), the following must be submitted along with the application for the system:
 - (a) For new approval for a specific system, the applicant shall:
 - (1) File a form, obtained from the Department, completed in its entirety by the applicant, and returned to the Department and provide all supporting documentation outlined below in *Subparts (2)–(4) of this Part (a)*.
 - (2) Provide proof of valid maintenance provider approval from the State of Tennessee (TDEC-WR) or of valid TDEC wastewater treatment plant operator certification (Grade I-IV or BNS).
 - (3) Provide documented proof of completion of training course(s) and certification related to the operation and maintenance of the advanced treatment system or drip dispersal system manufacturer for the models/types of systems that the applicant intends to service.
 - (4) Schedule a pre-authorization meeting with Department staff to review and discuss Williamson County regulatory specific O&M requirements and service provider responsibilities. Completion of the pre-authorization meeting is a prerequisite before issuance of any permits for the system utilizing an ATS device or subsurface drip disposal (SDD or Drip).
 - (b) Any replacement qualified service provider shall meet the standards and qualifications of this Section 40, including specifically, but not limited to, *Subsection C of this Section 40*.
2. Before any permits may be issued for the system utilizing an ATS device or subsurface drip disposal (SDD or Drip), proof of an executed operation and maintenance contract between the property owner(s) and a qualified service provider must be provided to the Department. Property owner(s), or any successor of owner, shall maintain such contract for the life of the system and provide a copy of the contract to the Department. In the event that the contract is cancelled or not renewed for any reason, the property owner shall notify the Department within 30 days of such cancellation and provide proof of a contract with a new qualified service provider within that same timeframe. Failure to do so will result in a finding that the property owner is in violation of the permit and may be subject to enforcement measures. This notification requirement shall be specified as an obligation of the property owner in the operation and maintenance contract.

D. Service Provider Responsibilities

1. The qualified service provider shall be responsible to provide proof of the operation and maintenance contract referenced in these *Regulations* for each ATS or Drip system that the provider has under an operation and maintenance contract. Proof of said maintenance contract shall be provided prior to issuance of any ATS or Drip system permit and then due on the anniversary date of the *Certificate of Completion* of a residential system or submitted in conjunction with the annual ATS Operation Permit renewal process of a commercial/non-residential system.
2. Services provided by a qualified service provider shall include, but are not limited to, any and all O&M requirements outlined in *Section 38* and/or *Section 39* of these *Regulations*, for such systems operated and maintained.
3. The frequency of O&M site visits by an authorized qualified service provider shall comply with the provisions outlined in *Section 38* and/or *Section 39* of these *Regulations*, for such systems operated and maintained.
4. The qualified service provider shall be responsible for the submission of required O&M reports (including any required effluent sampling results) to the Department in compliance with the provisions outlined in *Section 38* and/or *Section 39* of these *Regulations*, for such systems operated and maintained.
5. In the event that an operation and maintenance contract, between a property owner and an approved qualified service provider, is cancelled or not renewed for any reason, said service provider shall notify the Department within 30 days of such action. This notification requirement shall be specified as an obligation of the qualified service provider in the operation and maintenance contract.
6. Qualified service providers shall be responsible for notifying the Department of any condition, event, or failure of an ATS or Drip system that is outside the parameters of routine operation and maintenance. This notification requirement shall be specified as an obligation of the qualified service provider in the operation and maintenance contract.

Any major repair, modification or alteration to the system shall require the appropriate permits to be obtained from the Department in accordance with *Sections 7 and 34* these *Regulations* and shall only be conducted by an installer licensed in accordance with *Section 24* of these *Regulations*.

7. If at any time during the term of an operation and maintenance contract the qualified service provider no longer meets the qualifications outlined in *Subpart B of this Section 40*, the qualified service provider shall promptly notify the property owner and the Department in writing. This notification requirement shall be specified as an obligation of the qualified service provider in the operation and maintenance contract.

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