

**SUBCHAPTER F: LICENSING AND REGISTRATION REQUIREMENTS FOR INSTALLERS,  
APPRENTICES, DESIGNATED REPRESENTATIVES, SITE EVALUATORS, MAINTENANCE  
PROVIDERS, AND MAINTENANCE TECHNICIANS**

**§§285.50, 285.60 - 285.65  
Effective September 11, 2008**

**§285.50. General Requirements.**

(a) The procedures for issuing licenses and registrations for on-site sewage facilities (OSSF) installers, designated representatives, apprentices, site evaluators, maintenance providers, and maintenance technicians are in Chapter 30 of this title (relating to Occupational Licenses and Registrations).

(b) Any individual who constructs any part of an OSSF shall hold a current installer license appropriate for the type of system being installed, except as noted in §30.244 of this title (relating to Exemptions). This does not include the individuals under the direct supervision of the licensed installer or registered apprentice.

(c) Any individual who performs the duties of a designated representative under §285.62 of this title (relating to Duties and Responsibilities of Designated Representatives) on behalf of the authorized agent shall possess a current designated representative license. Individuals may not advertise or represent themselves to the public as designated representatives unless they are employed, appointed, or contracted by an authorized agent and hold a current designated representative license.

(d) Any individual who performs the duties of an apprentice under §285.63 of this title (relating to Duties and Responsibilities of Registered Apprentices) must hold a current apprentice registration under a licensed installer.

(e) Any individual, other than a professional engineer, who performs the duties of a site evaluator under §285.60 of this title (relating to Duties and Responsibilities of Site Evaluators) shall possess a current site evaluator license. An individual possessing a current professional engineer license is not required to possess a site evaluator license.

(f) When required by the permitting authority, the installer or the installer's apprentice must be present at the job site during the inspection or re-inspection of the OSSF.

(g) Any individual who acts in any capacity for a permitting authority shall not, within that permitting authority's area of jurisdiction:

- (1) work as an apprentice to an OSSF installer;
- (2) work as an OSSF installer;
- (3) work for an OSSF maintenance provider or maintenance technician;
- (4) work as a site evaluator; or

(5) perform any other OSSF-related activities which fall under the permitting authority's regulatory jurisdiction, except those activities directly related to the individual's duties as an employee of, appointee to, or contractor for the permitting authority.

(h) An Installer I is authorized to construct OSSFs as described in §285.91(9) of this title (relating to Tables).

(i) An Installer II is authorized to construct all types of OSSFs as described in §285.91(9) of this title.

(j) Any individual who performs maintenance of aerobic OSSFs under §285.64 of this title (relating to Duties and Responsibilities of Maintenance Providers and Maintenance Technicians) shall possess a current maintenance provider license or maintenance technician registration with the commission.

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**§285.60. Duties and Responsibilities of Site Evaluators.**

A site evaluator shall:

(1) possess a current license from the executive director;

(2) record their license number on all site evaluations, and all other correspondence prepared as a site evaluator under this chapter;

(3) provide true and accurate information in the site evaluation report required by §285.30(a) of this title (relating to Site Evaluation) and in any other documentation;

(4) maintain a current professional engineer license, professional sanitarian license, professional geoscientist license or certified professional soil scientist certificate, in addition to the site evaluator license if the site evaluator license was granted on the basis of holding one of the licenses listed in this section;

(5) conduct preconstruction site evaluations, including visiting the site and performing soil analysis, a site survey, or other activities necessary to determine if a site is suitable for an on-site sewage facility (OSSF); and

(6) maintain a current address and phone number with the executive director and submit any change in address or phone number in writing within 30 days after the date of the change.

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**§285.61. Duties and Responsibilities of Installers.**

An installer shall:

- (1) possess a current Installer I or Installer II license before beginning construction of an on-site sewage facility (OSSF);
- (2) record the installer's license number on all bids, proposals, contracts, invoices, proposed construction drawings, or other correspondence with owners, the executive director, or authorized agents;
- (3) provide true and accurate information on any application or any other documentation;
- (4) begin the construction of an OSSF only after obtaining documentation that the owner, or owner's agent, has the permitting authority's authorization to construct, unless a permit is not required;
- (5) notify the permitting authority of the date on which the installer plans to begin the construction of an OSSF, unless a permit is not required;
- (6) construct an OSSF to meet the minimum criteria required by this chapter or the more stringent requirements of the permitting authority;
- (7) construct the OSSF that has been authorized by the permitting authority for the specific location identified in the site evaluation;
- (8) stop construction and return to the permitting authority to change the planning materials for the permit if site or soil conditions, materials, or supplies make compliance with the planning materials impossible;
- (9) be present at the job site during the construction of the OSSF or be represented by an apprentice;
- (10) be present at the job site at least once each work day if the OSSF work is supervised by an apprentice and verify that the work performed by the apprentice is according to the requirements of this chapter;
- (11) request the initial, final, and any other required inspection or inspections from the permitting authority;
- (12) refrain from removing materials from, or altering components of, an OSSF after the final inspection;
- (13) submit to the permitting authority, within 72 hours of starting emergency repairs, a written statement describing the need for any emergency repair and the work performed;
- (14) maintain a current address and phone number with the executive director and submit any change in address or phone number in writing within 30 days after the date of the change; and

(15) make all OSSF repairs in accordance with the approved planning materials and this chapter.

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**§285.62. Duties and Responsibilities of Designated Representatives.**

A designated representative shall:

- (1) possess a current license from the executive director;
- (2) be employed, appointed, or contracted by an authorized agent;
- (3) enforce the rules and regulations of the Texas Health and Safety Code, Chapter 366, the Texas Water Code, this chapter, and the permitting authority;
- (4) assist the authorized agent in amending the authorized agent's order, ordinance, or resolution when necessary;
- (5) conduct subdivision reviews in conformance with this chapter;
- (6) review variance requests to ensure compliance with the requirements of the permitting authority;
- (7) approve only planning materials that conform with the requirements of this chapter and the requirements of the permitting authority;
- (8) issue the authorization to construct;
- (9) verify, before the initial inspection, that the installer possesses a current license and has the correct classification for constructing the permitted or planned on-site sewage facility (OSSF);
- (10) conduct construction inspections as required under §285.3(d) of this title (relating to General Requirements);
- (11) approve only construction that conforms with this chapter, the authorized agent's approved order, ordinance, or resolution, and the notice of approval;
- (12) issue the notice of approval;
- (13) ensure collection of all OSSF related fees;
- (14) ensure maintenance of accurate records of permitting, fees, inspections, maintenance reports, and complaints;
- (15) investigate complaints and take appropriate and timely action;

(16) record his license number on all plan reviews, complaint investigations, inspection reports, site evaluations, and any other correspondence prepared in performance of the duties of a Designated Representative under this chapter;

(17) record the installer license number in any inspection reports relating to that installer;

(18) receive compensation for OSSF related services within the authorized agent's area of jurisdiction, only from the authorized agent or according to a signed contract with the authorized agent;

(19) while employed by, appointed to, or contracted by the authorized agent, refrain from performing any of the following activities within the authorized agent's area of jurisdiction:

(A) working as an apprentice to an OSSF installer;

(B) working as an OSSF installer;

(C) working for an OSSF maintenance provider;

(D) working as a site evaluator; or

(E) performing any other OSSF-related activities which fall under the authorized agent's regulatory jurisdiction, except those activities directly related to the individual's duties as a designated representative for the authorized agent;

(20) verify the existence of a maintenance contract between an owner and the maintenance provider according to §285.7(d) of this title (relating to Maintenance Requirements);

(21) maintain a current address and phone number with the executive director and submit any change in address or phone number in writing within 30 days after the date of the change; and

(22) receive written permission from the designated representative's employer if the designated representative desires to perform any OSSF-related activities for compensation outside of the authorized agent's regulatory jurisdiction, to be kept on file in the designated representative's office.

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**§285.63. Duties and Responsibilities of Registered Apprentices.**

(a) An apprentice shall:

(1) possess a current registration from the executive director;

(2) represent his supervising installer during construction at the site;

(3) perform services associated with on-site sewage facility (OSSF) construction under the direct supervision and direction of the installer on-site or be in direct communication with the installer;

(4) refrain from receiving compensation for an OSSF installation from anyone except the supervising installer; and

(5) maintain a current address and phone number with the executive director and submit any change in address or phone number in writing within 30 days after the date of the change.

(b) An apprentice shall not act as, advertise, or offer to perform services of an installer. An apprentice may not perform any services associated with OSSF construction except under the direct supervision of an installer holding a current license or according to the supervising installer's express directions.

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**§285.64. Duties and Responsibilities of Maintenance Providers and Maintenance Technicians.**

(a) A maintenance provider shall:

(1) possess a current license from the executive director;

(2) ensure maintenance of accurate records of fees, inspections, and reports;

(3) satisfy the requirements of the maintenance contract between the homeowner of the OSSF system and the maintenance provider according to §285.7 of this title (relating to Maintenance Requirements);

(4) maintain a current address and phone number with the executive director and submit any change in address or phone number to the executive director in writing within 30 days after the date of the change; and

(5) perform maintenance on each OSSF system under executed contract, keep a maintenance record, and submit maintenance reports to the permitting authority and the owner of the OSSF for whom the installer has contracted to provide maintenance, according to §285.7 of this title.

(b) A maintenance technician shall:

(1) possess a current registration from the executive director;

(2) represent his supervising maintenance provider while performing maintenance on an OSSF;

(3) perform services associated with OSSF maintenance under the direct supervision and direction of the maintenance provider on-site or be in direct communication with the maintenance provider;

(4) not receive compensation for OSSF maintenance from anyone except the supervising maintenance provider;

(5) maintain a current address and phone number with the executive director and submit any change in address or phone number to the executive director in writing within 30 days after the date of the change; and

(6) not advertise or otherwise portray themselves as a maintenance provider.

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**§285.65. Suspension or Revocation of License or Registration.**

(a) Suspension. In addition to the grounds listed in Texas Water Code, §7.303, the commission may suspend an OSSF installer's license, a designated representative's license, a site evaluator's license, an apprentice's registration, a maintenance provider's license, or a maintenance technician's registration for violation of duties and responsibilities listed in this subchapter, as recommended by the executive director. Additional grounds for suspension of these licenses and registrations include (and are not limited to) the following reasons.

(1) A maintenance provider's license can be suspended for:

(A) failing to perform required maintenance on an OSSF for at least eight consecutive months (the failure to maintain records is evidence of failure to perform maintenance on the OSSF);

(B) failing to properly submit maintenance reports required by §285.7(d) of this title (relating to Maintenance Requirements) for an individual OSSF in a 12-month period; or

(C) failing to properly submit four or more required OSSF maintenance reports over any two-year period.

(2) A designated representative's license can be suspended for:

(A) failing to verify, before the initial inspection for a particular OSSF, that the individual installing the OSSF is a properly licensed installer;

(B) failing to investigate nuisance complaints or complaints against installers, within 30 days of receipt of the complaint, according to §285.71 of this title (relating to Authorized Agent Enforcement of OSSFs); or

(C) failing to enforce the requirements of an order, ordinance, or resolution of an authorized agent.

(b) Revocation. In addition to the grounds listed in Texas Water Code, §7.303 the commission may revoke an OSSF installer's license, a designated representative's license, a site evaluator's license, an apprentice's registration, a maintenance provider's license, or a maintenance technician's registration for violation of duties and responsibilities listed in this subchapter, as recommended by the executive director. Additional grounds for revocation of these licenses and registrations include (and are not limited to) the following reasons.

(1) An OSSF installer's license can be revoked for:

(A) constructing, or otherwise facilitating the construction of, an OSSF that is not in compliance with this chapter; or

(B) allowing, or beginning, the construction of an OSSF without a permit when a permit is required.

(2) A designated representative's license can be revoked for:

(A) approving construction of an OSSF that is not in conformance with this chapter, the authorized agent's approved order, ordinance, or resolution or the notice of approval;

(B) practicing as an apprentice, maintenance provider, maintenance technician, site evaluator or an installer in the authorized agent's area of jurisdiction while employed, appointed, or contracted by that authorized agent; or

(C) working for a maintenance provider or maintenance company in the authorized agent's area of jurisdiction while employed, appointed, or contracted by that authorized agent.

(3) A site evaluator's license can be revoked for failing to maintain a current professional engineer license, professional sanitarian license, professional geoscientist license, or a certified professional soil scientist certificate.

(4) An apprentice's registration can be revoked for:

(A) acting as, advertising, or performing duties and responsibilities of an installer without the direct supervision of, or direct communication with, the supervising installer; or

(B) receiving compensation for an OSSF installation from someone other than the supervising installer.

(5) A maintenance provider's license or maintenance company's registration can be revoked for:

(A) failing to perform required maintenance on an aerobic OSSF in a 12-month period; or

(B) failing to properly submit maintenance reports required by §285.7(d) of this title for an individual homeowner in any consecutive 12-month period.

(6) A maintenance technician's registration can be revoked for:

(A) acting as, advertising, or otherwise portraying themselves as a maintenance provider, or performing duties and responsibilities of a maintenance provider without the direct supervision of, or direct communication with, the supervising maintenance provider; or

(B) receiving compensation for OSSF maintenance from someone other than the supervising maintenance provider.

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