

### **252:641-10-3. Responsibility for maintenance**

- (a) **Mandatory two year maintenance period.** The installer of any aerobic treatment system including those providing nitrogen reduction shall maintain the aerobic treatment system for a period of two years following the date the system was installed at no additional cost to the owner. During the two-year mandatory maintenance period, the installer shall be responsible for the following.
- (1) Repairing, adjusting or replacing any broken or malfunctioning parts.
  - (2) When spray dispersal is used, testing and recording the free chlorine residual of the effluent in the pump tank at least once every six (6) months.
  - (3) Measuring and recording the depth of the sludge in the trash tank at least once every six (6) months;
  - (4) Measuring and recording the volume of the sludge in forced-air aerobic treatment units at least once every six (6) months.
  - (5) When pump tanks are used, conducting a clarity test and recording the results as passing or failing once every six (6) months. A passing clarity test is one where an eight-inch disk with alternating black and white quadrants is visible when placed on the bottom of the pump tank when the tank is at least one-third (1/3) full;
  - (6) Notifying the owner of the system in writing of:
    - (A) The type and date of any repairs, adjustments, or replacements performed on the system;
    - (B) The results of the free chlorine residual test if required and, when applicable, the need to add chlorine and how to do it;
    - (C) The depth of the accumulation of sludge in the trash tank and the need to have it pumped so that the depth of the sludge is never more than forty percent (40%) of the overall depth;
    - (D) The volume of the sludge in the aerobic treatment unit and the need to have it pumped so that the volume of the sludge in the aerobic treatment unit is never more than forty percent (40%); and
    - (E) The results of the clarity test and, if it fails the test, what the installer did or the homeowner has to do to correct it; and
  - (7) Documenting all maintenance and testing performed on the system and maintaining those records at his/her business for a period of three (3) years following the date of service.
- (b) **Exclusions from maintenance.** The installer shall not be responsible for repairing aerobic treatment systems when the owner/operator is the sole cause of the damage to the system or the system's malfunction (e.g., sprinkler heads that properly retract into the ground but are nevertheless damaged by careless actions of the homeowner, excessive water usage, introduction of harmful items into septic system etc.).
- (c) **Owner responsible after two year period ends.** After the expiration of the two-year mandatory maintenance period, the owner of the aerobic treatment system shall be solely responsible for maintaining or hiring someone to maintain the system so that it operates as designed.