



Title:	Monitoring & Maintenance Specialist & Pumper Certification Performance Review & Enforcement	Page 1 of 3
Number:	[Administrative] Policy OS-18	Effective Date: March 17, 2025
Applies To:	Certified Monitoring & Maintenance Service Specialists & Pumpers	Supersedes: N/A
Approved:	Eric Evans, Assistant Environmental Health Director	Next Review: As Needed

A. Purpose

The purpose of this policy is to establish defined criteria for the performance review of certified Monitoring & Maintenance (M&M) Specialist & Pumpers. The policy outlines the Health District’s graduated response to certified professional conduct that falls outside the standard expectation, including administering fees in accordance with the fee schedule. These fees are a result of additional time and effort required by Health District staff when certified contractors do not meet the standard requirements.

B. Policy Statement

The following policy & procedures shall be followed by all certified M&M Specialists & Pumpers & the Health District.

C. Implementing Procedures

1. Timeliness:

- a. A fee shall be assessed in accordance with the Health District fee schedule for the following:
 - i. Routine maintenance & pump reports submitted forty (40) days beyond the date of service;
 - ii. Non-contracted system inspections submitted forty (40) days beyond the date of service;
 - iii. Maintenance contracts submitted seven (7) days past the contract start date;
 - iv. Surfacing sewage found, which cannot be immediately corrected, reported¹ greater than three (3) days from the date of identified failure;
 - v. Any reportable repair work as described in the Minor Repair Policy submitted to the Health District, on approved forms or by approved methods, greater than fifteen (15) days from the start of work completion².

2. Report Completeness & Accuracy:

- a. A fee shall be assessed in accordance with the Health District fee schedule for the following:
 - i. M&M Specialists who submit inspection reports with missing, erroneous, or inaccurate information. This includes all previous reports found with missing, erroneous, or inaccurate information for the same property. Self-reporting of missing, erroneous, or inaccurate information may resolve fee assessment.
 - 1. A follow-up report shall be submitted indicating what was missed on the previous report(s) and details of the missing information shall be included in the report notes.

2. M&M Specialists found to have three (3) field-verified sites with missing, erroneous, or inaccurate information within any certification period shall be immediately summoned to an administrative conference per Section 6 of this policy.
- ii. M&M Specialists who do not enter an inspection report for a contract period (no work was performed):
 1. M&M Specialists found to have three (3) missed reports within any certification period shall be immediately summoned to an administrative conference per Section 6 of this policy.
- iii. Pumpers found to be delinquent on reporting three (3) times within any certification period shall be immediately summoned to an administrative conference per Section 6 of this policy.

3. M&M Specialist Performance Review

- a. Monthly, Health District staff will review the contract status of each M&M Specialist for timeliness of inspections & review reports for missing inspections. Contractors will be provided a monthly report identifying delinquent reports.
 - i. M&M Specialists shall ensure that their entire contract inventory is not behind on inspections by 5% or 150% of the contractor group average, whichever is lower.
 - ii. M&M Specialists who are found to be delinquent on inspections/reporting by greater than the allowance will be subject to the following graduated process:
 1. First time report card delinquencies will be identified as delinquent for the first time. Notice will be given that reports found to be delinquent on a second consecutive report card will result in the assessment of a late fee for each late report per the fee schedule.
 2. Second time report card delinquencies will be identified as delinquent for two (2) consecutive months in a row. Notice will be given that reports found to be delinquent on a third consecutive report card will result in being summoned to an administrative conference per Section 6 of this policy. A late fee per the fee schedule will be assessed for each report found to be delinquent on two (2) consecutive report cards in a row.
 3. Third (or more) time report card delinquencies will be identified as delinquent for three (3) or more months in a row. The M&M Specialist will be immediately summoned to an administrative conference which may result in suspension. The administrative conference shall be conducted per Section 6 of this policy. A late fee per the fee schedule will be assessed for each report found to be delinquent for three (3) or more consecutive report cards in a row.

4. Falsification of Inspection Dates:

- a. Certified contractors who submit reports with mis-represented inspection and/or reporting dates in order to avoid late fees shall be immediately summoned to an administrative conference, which may result in suspension. The administrative conference shall be conducted per Section 6 of this policy.

5. Falsification of Report Information:

- a. Certified contractors found falsifying a report to cover up a known deficiency, when it is found that the corrections have not actually been made, will immediately be summoned to an administrative conference per Section 6 of this policy. In addition to the required attendance of the administrative conference, a civil infraction may be issued.

6. Administrative Conference Suspension & Reinstatement Procedures:

- a. An administrative conference shall be held in accordance with Kitsap Public Health Board Ordinance 2025-01, Section Section 17.G.1.

- b. If violation of this policy or requirements of the contractor's certification are verified, a Voluntary Compliance Agreement will be established, outlining the terms of performance for the certified professional to maintain their certification.
- c. Prior to re-instatement, certified M&M Specialists or Pumpers, who are summoned to an administrative conference per Kitsap Public Health Board Ordinance 2025-01 shall:
 - i. Resolve all delinquencies identified during the administrative conference; and
 - ii. Pay the enforcement fee(s), per the Health District fee schedule.
- d. If the administrative conference results in suspension, postcard notification of suspension shall be sent to all of the certified contractor's customers. Postage costs in excess of \$50 shall be billed directly to the suspended contractor.
 - i. Suspended M&M Specialists shall not enter into contract with new customers until after the suspension has been lifted.
- e. Re-instatement of contractors shall occur in the month following the resolution of items 6.b. & 6.c.

7. Contractor Dispute Resolution:

- a. Certified contractors who find a site in a condition contrary to the previous report by another certified contractor may invoke the contractor dispute resolution process. The contractor dispute resolution process shall be administered as follows:
 - i. The contractor claiming the discrepancy must include the discrepancy information on the maintenance or pump report.
 - ii. The Health District will review the complaint, and, if warranted, will schedule a meeting at the site with the appropriate parties present.
 - iii. Once the findings of the site have been concluded, the certified contractor found to be reporting the erroneous information shall be assessed an erroneous report fee per the fee schedule and pay for the Health District time associated with the disputed event, per the Health District's hourly rate. The conditions of Section 2 or 6 of this policy may also be applied.

8. Civil Infractions:

- a. In accordance with Kitsap Public Health Board Ordinance 2025-01, Section 19.B.4.a., Civil Penalties, and Section 19.B.4.c., Noncompliance Fees, the Health Officer has the authority and discretion to:
 - i. Issue a notice of civil infraction (i.e. a ticket) to M&M Providers or Pumpers who violate the contracting, inspection, and reporting provisions of Section 13.G. The fine for a citation that has been committed in District Court is \$513 per violation per day.
 - ii. Track the time and expenses incurred to write the citation and to prepare and defend the citation in District Court. If the infraction is found committed by the court, the Health District shall bill the M&M Specialist or Pumper a non-compliance fee at the current Health District hourly rate.
 - iii. M&M Specialists or Pumpers who commit a civil infraction more than once, or who fail to pay civil infraction fines or outstanding fees during the certification period, will have their certification suspended immediately. Upon such suspension, a certification hearing shall be held to:
 1. Rescind his or her certification (Section 17.F. Enforcement Procedures for Certified Contractors); or
 2. Shall not have his or her certification renewed by the Health Officer at the conclusion of the annual certification period.

¹ A failure may be reported through the OnlineRME system has an inspection or pump report, a notes to regulator, or by calling the Health District to leave notification of the findings of failure.

² Any repair work or corrective work performed on an OSS, regarding if a contract is held with the client shall be reported through the OnlineRME system as either a maintenance report or pump report.