

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control: Alabama Onsite Wastewater Board

Rule No. 628-X-3-.04

Rule Title: Obtaining a New License

_____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? _____ Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?..... _____ Yes

Is there another, less restrictive method of regulation available that could adequately protect the public..... _____ No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? _____ No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?..... _____ No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?..... _____ Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? _____ No

Does the proposed rule have an economic impact?..... _____ No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Melissa Hines

Date July 8, 2020

REC'D & FILED

JUL 8 2020

(DATE FILED)
(STAMP)

LEGISLATIVE SVC AGENCY

APA-2

Alabama Onsite Wastewater Board

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Onsite Wastewater Board

RULE NO. & TITLE:

628-X-3-.04

INTENDED ACTION:

The Alabama Onsite Wastewater Board proposes to amend to the following: Rule Number 628-X-3-.04 Obtaining a New License

SUBSTANCE OF PROPOSED ACTION:

To establish procedures for obtaining a new license.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

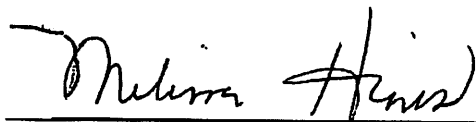
Public comments will be accepted in writing to the:
Alabama Onsite Wastewater Board
P.O. Box 303552
Montgomery, AL 36130
Or via email: aowb@aowb.alabama.gov

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

September 4, 2020

CONTACT PERSON AT AGENCY:

Melissa Hines
Executive Director



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

628-X-3-.04 Obtaining A New License.

All persons desiring to obtain a license should request from the Executive Director instructions for obtaining any license issued by the Board. Persons desiring to be licensed must satisfy all the eligibility requirements for licensure. The Executive Director has the authority to investigate backgrounds of prospective licensees and forward any questionable applications to the Board; Eligibility requirements to obtain a license for basic installer, pumper, portable restroom, manufacture and manufacture level II are as follows: Contact the Executive Director or designee and request eligibility license application. Qualifications shall include: (1) Business Experience. (2) 12 months of work experience in the area of onsite sewage in the requested area of licensure to include company name and address, telephone number, position held, supervisor for the basic installer applicant. (3) 6 months of work experience in the area of onsite sewage in the requested area of licensure to include company name and address, telephone number, position held, supervisor for the pumper, portable restroom and manufacturer applicants. (4) other areas of eligibility may be required. Approved applicants will be notified via first class mail as well as a list of exam procedures to Persons should contact a sponsor of Board approved training to register for the initial training. Board approved sponsors shall be posted on the Boards web site in January of each year. The exam will be given at the administrative office of the Alabama Onsite Wastewater Board located in Montgomery, Alabama. Testing dates will be posted on the boards website. ~~end of any initial Board approved training.~~ An application for testing must be completed and returned with the appropriate testing fees to the office of the Executive Director. Testing fees may also be paid online via the Boards website. Testing fees shall be accepted for exam that has been registered for. Failure to attend exam shall result in testing fee being extended for no longer than 6 (six) months. Exams not taken within 6 (six) months of being registered for shall pay said exam fee again. ~~The Executive Director or his designee shall administer the Exam on the last day of the initial training.~~ The minimum passing grade of all licensing examinations is 80 percent. 2 (two) hours shall be given to take any licensing exam. Written examination results shall be provided to individuals within ten (10) days in writing after the exam is taken. Successful candidates will receive information on completion of the licensure process along with their test results. Any person who fails an examination will be provided with information on reapplying. Those testing unsuccessfully can re-test two times with a minimum of fourteen days lapsing between each test. If a passing score is not achieved with the second re-test, the applicant must begin the licensing anew. Application packets containing licensing application for current year, and the bond along with all applicable fees shall be received and reviewed for accuracy by the Executive Director or designee of the Board. The Board's Executive Director or designee shall approve all complete applications for licensing; The minimum application requirements shall include, but are not limited to, the applicant's business experience, work experience, company name and address, business license number, business phone, email address ~~(no work experience is required for the basic installer license or the pumper license, manufacturer license, manufacturer level II license or the portable restroom license)~~ in the requested area of licensure, evidence of bond, citizenship status and being of legal age. ~~Applicants must have obtained Board prescribed initial training within six months preceding application for testing.~~ Persons must first obtain an Alabama Onsite Wastewater Board (AOWB) Basic Level Installer License before qualifying for an AOWB Advanced Level I Installer License. To qualify for an AOWB Advanced Level I Installers License, an AOWB Basic Level Installer licensee, who has held the AOWB Basic Level Installer License for less than 10 years (of continuous active license service) shall complete a minimum of five (5) conventional onsite sewage systems as defined by the Alabama Department of Public Health and have held the AOWB Basic Level Installer License for not less than twenty-four (24) months and have obtained the Board required education. Documentation verifying these qualifications have been met must be submitted for an Advanced Level I Installers License.

Persons must first obtain an AOWB Advanced Level I Installer License before qualifying for an AOWB Advanced Level II Installer License. To qualify for an AOWB II Advanced Level II Installer License an AOWB Advanced Level I Installer License holder, (with less than 10 (ten) years of continuous active license service service) as an AOWB Advanced Level I Installer License, shall complete a minimum of 5 (five) engineered systems as defined by the Alabama Department of Public Health, have held the Advanced Level I Installer License for no less than twenty-four (24) months, and have obtained the Board required education. Documentation verifying these qualifications have been met must be submitted for an Advanced Level II Installer License.

Authors: Melissa Hines Statutory Authority: Code of Ala. 1975, §§34-21A-1, et seq. History: New Rule: Filed May 19, 2000; effective June 23, 2000. Amended: Filed: July 15, 2004; Amended: Filed: January 24, 2006. Amended: Filed: February 20, 2009; effective: May 28, 2009. Amended: Filed: September 14, 2009; effective: December 23, 2009. Amended: Filed: May 27, 2010; effective: July 19, 2010. Amended: Filed: September 03, 2010; effective: February 17, 2011. Amended: Filed: August 01, 2012; effective: September 5, 2012. Amended: Filed: August 15, 2019; effective date: November 15, 2019. 628-X-3-.05 Annual Renewal of Licenses, Consequences of Failure to Renew Annual Renewal; Amended: Filed July 8, 2020; effective date: