

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control **628** Department or Agency **Alabama Onsite Wastewater Board**

Rule No. 628-X-3-.03

Rule Title: Obtaining a New License

New ___ Amend XXX ___ 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 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 Reference Service.

Signature of certifying officer  Date: 5/4/12

ALABAMA ONSITE WASTEWATER BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Onsite Wastewater Board

RULE NO. & TITLE:

628-X-3-.03– Obtaining a New License

INTENDED ACTION:

The Alabama Onsite Wastewater Board proposes to amend the above listed rule.

SUBSTANCE OF PROPOSED ACTION:

Amendment of rules in accordance with Code of Alabama, 1975, 34-21A-1, et seq., which establishes the Alabama Onsite Wastewater Board, will allow municipal utility contractors a way to obtain a license from the Alabama Onsite Wastewater Board

TIME, PLACE, MANNER OF PRESENTING VIEWS:

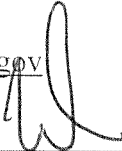
Written or oral requests should be submitted to the agency contact persons listed below.

FINAL DATE FOR COMMENT

July 5, 2012

CONTACT PERSON AT AGENCY:

Mike Talley, Executive Director
Melissa A. Hines, Executive Secretary
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Mike Talley
Executive Director

628-X-3-.03 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. 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 conclusion of any initial Board approved training. 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 fourteen (14) 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 three times with a minimum of fourteen days lapsing between each test. If a passing score is not achieved with the third 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; applications that are incomplete shall be approved or denied by the Board at quarterly board meetings. The minimum application requirements shall include, but are not limited to, the applicant's business experience, work experience (no work experience is required for the basic installer license or the pumper license or the portable restroom license) in the requested area of licensure, evidence of bond, and being of legal age. Applicants must have obtained Board prescribed initial training within one year preceding application for testing or have on file with the Board a current Certificate of Education for training exceeding that one year time frame. If exceeding that one year time frame. To keep a Certificate of Education current, the holder must maintain annual CEU's as prescribed for licensees. An application for testing must be completed and returned with appropriate testing fees to the office of the Executive Director. Persons must first obtain a ~~basic level license~~ an Alabama Onsite Wastewater Board (AOWB) Basic Level Installer License before qualifying for an ~~advanced level license~~ AOWB Advanced Level I Installer License. To qualify for an AOWB Advanced Level I Installers License, (A): an AOWB a Basic Level License holder 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. shall complete a minimum of eighteen (18) basic level systems, 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. (B): An AOWB Basic Level Installer License holder or an Alabama Municipal and Utility License holder with more than ten (10) years (of continuous active license service), shall complete a minimum of three (3) conventional onsite sewage systems as defined by the Alabama Department of Public Health. The two year time requirement shall be waived. 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 Advanced Level II Installer License (A): 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, an Advanced Level I Installer License holder shall complete a minimum of eighteen (18) advanced level I systems, 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 or (B): An AOWB Advanced Level I License holder or an Alabama Municipal and Utility License holder with more than 10 (ten) years (of continuous active license service), shall complete a minimum of three (3) engineered onsite sewage systems as defined by the Alabama Department of Public Health. The two year time requirement shall be waived. Documentation verifying these qualifications have been met must be submitted for an Advanced Level II Installer License. Applicants for a license to manufacture shall pass an inspection of the manufacturing plant by a member of the Board or some other person designated by the Board to perform manufacturing plant inspections. Any plant holding a current manufacturing certification issued by the National Precast Concrete Association shall be considered to have sufficiently met the plant inspection requirement.~~

Authors: Mitchelene Shaddix, Angie Burkhalter

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.