

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

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

Rule No. 628-X-3-.04

Rule Title: Annual Renewal of Licenses, Consequences of Failure to Renew, Annual
Renewal of Licenses, Consequences of Failure to Renew

New ___ Amend XXX ___ Repeal ___ Adopt by Reference ___

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

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: 

ALABAMA ONSITE WASTEWATER BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Onsite Wastewater Board

RULE NO. & TITLE:

628-X-3-.04- Annual Renewal of Licenses, Consequences of Failure to Renew, Annual Renewal of Licenses, Consequences of Failure to Renew

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, "to delete the grandfathering provision that has expired, as well as deleting the annual inspection of a renewing manufacturer"

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
P.O. Box 303552
Montgomery, Alabama 36130
Telephone: 1-334-269-6800
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Email: Melissa.hines@aowb.alabama.gov



Mike Talley
Executive Director

628-X-3-.04 Annual Renewal Of Licenses, Consequences Of Failure To Renew

Annual Renewal Of Licenses, Consequences Of Failure To Renew License is valid only during the calendar year indicated on the license. At the end of the calendar year, all licenses expire unless it is renewed by the licensee.

~~(1) An Advanced Installer License holder without the experience of having installed Advanced Level II Systems by the time of license renewal following adoption of these rules can transition their license to Advanced Level II Installer license anytime during the ensuing three (3) years by installing five (5) Advanced Level II License systems. This exception for applicants will expire August 10, 2010.~~

A person holding an Advanced Installer License at the time these rules are adopted not making a license transition during the three years following adoption of these rules will become an Advanced Level I license Installer. To become an Advanced Level II license Installer after three years the Advanced Installer must fulfill the Advanced Level II Installer License requirements. All licensees shall make application for license renewal at least 30 days prior to the expiration of current license. Those not renewing by the last day of the calendar year shall do no work for which a license is required until a renewal license has been issued. The licensee's name will be removed from the Board's official list and the Alabama Department of Public Health and the appropriate local health authorities will be notified of the license expiration. To renew a license, licensees must submit appropriate fees with the applicable application, proof of continuing education and training requirements for each level and type of license, evidence of required bond, \$15,000 bond for a basic installer's license, a pumpers' license, a portable restroom license and manufacturers' license. Evidence of a required bond of \$30,000 for an Advanced Level I Installers License and the Advanced Level II Installers license and any other documents requested by the board or the Executive Director. ~~All licensees renewing a license to manufacture shall pass an annual 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.~~ Renewal applications and forms should be requested from the Executive Director. Continuing education units required for renewing a license shall be set by

resolution of the Board. Failure to meet renewal requirements shall result in the expiration and possible revocation of the license.

- (a) Failure to renew a license before the close of business on December 31 will result in restoration fees being assessed by the Board.
- (b) A license which has expired for failure to renew may only be restored within one year from the date of expiration after application and payment of the license restoration fee established by the Board.
- (c) Any license which has not been restored within one year following its expiration may not be renewed, restored, or reissued, and the holder may apply for and obtain a previously held license only upon compliance with all qualifications and requirements for the issuance of a new license.
- (d) Any Advanced Level I license or Advance Level II license which has not been restored within one year following its expiration shall not be renewed, restored, or reissued, and the holder shall apply for and obtain a Basic Level Installer License; upon compliance with all qualifications and requirements for a Basic Level Installer License the holder can then apply for an Advance Level I License. The holder must complete all the time requirements, systems and educational requirements for an Advance Level I License before applying for an Advance Level II License.

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 03, 2010; effective: February 17, 2011