

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control **628** Department or Agency **Alabama Onsite Wastewater Board**
Rule No. 628-X-3-.06
Rule Title: 628-X-3-.06– Requirements for Continuing Education

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: 5/4/12

ALABAMA ONSITE WASTEWATER BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Onsite Wastewater Board

RULE NO. & TITLE:

628-X-3-.06-- Requirements for Continuing Education

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, "revising this rule will allow the Alabama Onsite Wastewater Board to waive late fees pertaining to continuing education on submitted deficiency plan

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
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Mike Talley
Executive Director

628-X-3-.06 Requirements for Continuing Education

All licensees holding a basic level installers license, advanced level I installers license, advanced level II installers license, pumpers license and manufacturers license shall be required to obtain six (6) credit hours of continuing education each year. Any licensee holding more than one (1) license in any category shall obtain an additional four (4) credit hours of continuing education. All licensees holding a portable restroom license shall be required to obtain four (4) credit hours of continuing education each year. No more than three (3) hours may be rolled over to the following year for any licensee. The Board may require licensees to submit to the Board proof of compliance with the continuing education requirement on an annual basis to allow the Board to maintain its records regarding continuing education attendance of each licensee by submitting as proof a certificate of attendance from the approved training program. All licensees licensed with the Board shall complete the required continuing education hours prior to receiving a renewal of their license. The failure to complete the minimum continuing education requirements during the year shall prevent the renewal of a license until proof of compliance is submitted in writing to the Board. All restoration fees are applicable. In the event of military service, medical hardship or emergency prevents a licensee from timely complying with the Board's continuing education requirements, the Board may allow licensee to submit a deficiency plan on a form prescribed by the Board, for approval by the Board, which shall describe the licensees plan for compliance with the continuing education requirements. The proposed deficiency plan shall be specific in describing the plan for full compliance with the continuing education requirement and shall be accompanied by the deficiency plan fee established by the Board. The Board may waive late fees, and penalty fees for said deficiency plan.

Author: Mike Talley

Statutory Authority: Code of Alabama 1975, Section 34-21A-18

History: New Rule: Filed: February 20, 2009; effective: May 28, 2009