Agency Name: Environmental Certification Board

Statutory Authority: 40-1-70, 40-23-70, and 40-23-305

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Subject: Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses

History: 4162

By Date Action Description Jt. Res. No. Expiration Date

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- 01/21/2011 Received by Lt. Gov & Speaker 05/21/2011

H 01/25/2011 Referred to Committee

S 01/25/2011 Referred to Committee

H 02/08/2011 Committee Requested Withdrawal

 120 Day Period Tolled

- 03/09/2011 Withdrawn and Resubmitted 01/26/2012

S 05/24/2011 Resolution Introduced to Approve 914

- 01/26/2012 Approved by: Expiration Date

- 02/24/2012 Effective Date unless otherwise

 provided for in the Regulation

Resubmitted: March 9, 2011

Document No. 4162

**ENVIRONMENTAL CERTIFICATION BOARD**

CHAPTER 51

Statutory Authority: 1976 Code Sections 40-1-70, 40-23-70, and 40-23-305

51-1. Applications for Certification

51-4. Renewal of License and Permit, Continuing Education

51-5. Operator-in-Training Licenses

**Synopsis:**

The Environmental Certification Board is promulgating regulations to implement 2008 Act 223 and to reflect other developments in environmental regulation since 2005.

The Notice of Drafting was published in the *State Register* on August 27, 2010.

**Instructions:**

51‑1. Applications for Certification.

 Replace text as printed below

51‑4. Renewal of License and Permit, Continuing Education.

 Replace text as printed below

51‑5. Operator‑in‑Training Licenses.

 Replace text as printed below

**Text:**

51‑1. Applications for Certification.

 Any person who desires to become certified by the Board must make application on the proper form. The Board on request will furnish this form. The application for initial certification must be accompanied by a nonrefundable fee as specified in 51‑6. An application for Well Driller that is not acted upon by the applicant within twelve (12) months of receipt by the Board shall become inactive.

51‑4. Renewal of License and Permit, Continuing Education.

 A. Each license issued by the Board shall be renewed annually or biennially on or before June 30. Any license not renewed within three hundred sixty-five (365) days of the date on which the license expired shall be considered lapsed and declared nonrenewable.

 B. The Board shall charge a renewal fee, the amount of such fee to be fixed by the Board, in accordance with 51‑6, at a meeting prior to July of each year. Renewal applications received between July 1 and June 30 of the following year shall be subject to a reinstatement fee of two hundred dollars ($200.00).

 C. A person who practices while a license is lapsed may be fined up to five hundred dollars ($500.00).

 D. [Reserved]

 E. A certificate revoked for cause by the Board may be reinstated only by action of the Board.

 F. Each applicant applying for renewal of any license must provide evidence of having completed twelve (12) hours of relevant continuing education every two (2) years. Alternatively, in accordance with 40-23-230(C)(3), a licensee may demonstrate he complies with the current continuing education requirements after the department renews the license, provided he does not engage in licensed activity until he has completed the continuing education requirement. Continuing education credit shall be in accordance with Continuing Education Guidelines as approved by the Board. In lieu of continuing education, the applicant may take and pass the appropriate examination for his/her license grade.

51‑5. Operator‑in‑Training Licenses.

 Biological Wastewater Operators, Physical/Chemical Wastewater Operators, Water Treatment Operators, and Water Distribution Operators.

 A. For biological wastewater treatment operators, physical/chemical wastewater treatment operators, water treatment operators, and water distribution operators the Board shall issue “trainee” licenses that are valid for two (2) years for new personnel with qualifications as stated in 51‑3. Operation under this license shall always be under the direct supervision of a legally licensed operator of the proper grade. All applications must be endorsed by the applicant’s chief operator, or operator‑in‑charge.

 Application for Trainee Licenses.

 A. Trainee licenses will be valid only for the two (2) year period and will not be renewed except when an examination for a graded certificate has been passed or there are extenuating circumstances acceptable to the Board.

**Fiscal Impact Statement:**

There will be no additional cost incurred by the State or any political subdivision.

**Statement of Rationale:**

The regulations are amended to conform to 2008 Act 223.