

ALABAMA ONSITE WASTEWATER BOARD



ADMINISTRATIVE CODE

Code of Ala. 1975, §34-21A

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**ALABAMA ONSITE WASTEWATER BOARD
CHAPTER 628-X-1
DEFINITIONS**

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628-X-1-.01 Definitions.

- (1) **Act.** The term "Act" as used in these rules shall mean Title 34, Chapter 21A of the Code of Ala. 1975.
- (2) **ADPH.** The term "ADPH" as used in these rules shall mean The Alabama Department of Public Health.
- (3) **Advanced Level I.** "Advanced Level I" in these terms shall mean any individual licensed by the AOWB who are involved in the installation of all work under the basic installer and for the installation, servicing, repairing or maintenance of small flow systems as defined by the current State Board of Health Onsite Sewage and Disposal Rules 420-3-1 and/or mound systems, simplex pumps with time dosing requirements, on-demand duplex pumps including single family systems with secondary treatment.
- (4) **Advanced Level II.** The term "Advanced Level II" as used in these rules shall mean any individual who is licensed by the AOWB for the installation of all work under the Basic and Advanced Level I license and for the installation, servicing, replacing lids, repairing, or maintaining all systems including, large flow systems as defined by the current State Board of Health Onsite Sewage and Disposal Rules 420-3-1, multiple pump systems with timed dosing requirements, and other advanced technology systems, to include decentralized systems.
- (5) **Alabama Administrative Procedures Act.** The term "Alabama Administrative Procedures Act" refers to the act codified at Title 41, Chapter 22 of the Code of Ala. 1975.
- (6) **AOWB.** The term "AOWB" as used in these rules shall mean Alabama Onsite Wastewater Board.
- (7) **Basic Installer.** The term "Basic Installer" as used in these rules shall mean any individual who is licensed by the AOWB for the installation, servicing, replacing lids, repairing, or maintenance of small flow conventional onsite wastewater systems and shallow placement onsite wastewater systems. The definition of a small flow conventional OSS system is defined in the current State Board of Health Onsite Sewage and Disposal Rules 420-3-1.
- (8) **Board.** The term "Board" as used in these rules shall mean the Alabama Onsite Wastewater Board. The Board is a 9-member Board of which three members shall be appointed by the Governor, three members shall be appointed by the Lieutenant Governor, and three members shall be appointed by the Speaker of the House of Representatives of the Alabama Legislature. The referenced statute describes the organization, general course, method of operation and method of public information. The public may make submission and request to the Board in writing at the following mailing address:

State of Alabama
Alabama Onsite Wastewater Board
P.O. Box 303552
Montgomery, Alabama 36104

- (9) **Bond.** The term “Bond” as used in these rules shall mean that performance bond described in the Act.
- (10) **Building Sewer.** The term “Building Sewer as used in these rules shall mean the part of a structure’s drainage system which extends from the end of the building drain, and which receives the discharge of a building drain and conveys it to a public or private sewer system.
- (11) **Code of Ala. 1975, §§34-21A-1, et seq.,** provides for definitions of the following terms: Alternative Onsite Wastewater System, Board, Conventional Onsite Wastewater System, Good Standing with Local Health Authorities or Officials, Individual, Installation, License, Licensee, Licensing Procedure, Local Health Authority of Officials, Manufacturer, Onsite Wastewater System, Responsible Charge, Servicing.
- (12) **Continuing Education.** The term “Continuing Education” as used in these rules shall mean the required hours of continuing education required by the Act for licensed individuals.
- (13) **Electrical.** The term “electrical” as used in these rules shall mean any single-family residential dwelling connected to an onsite wastewater system. The electrical wires coming from the home, to power the onsite wastewater system, to the disconnect box on the outside of the home shall be classified as electrical and are governed by the rules of the Alabama Electrical Contractors Board.
- (14) **Inactive License.** The term “Inactive license” refers to any licensed individual who elects to obtain inactive status as a licensee. To obtain inactive status as an inactive licensee, the licensee shall obtain an inactive application from the office of the Executive Director and submit completed application to the Board. Inactive licensees shall be required to pay an annual licensing fee in an amount that does not exceed one-half of the annual licensing fee for licensees. Inactive licensees shall not be eligible to perform installation, service, pump, manufacture, or repair work, or to solicit or bid to perform installation, service, pump, manufacture, or repair work. An inactive licensee may be allowed by the Board to reactivate said license as a licensee at any time by contacting the office of the Executive Director and submitting that he or she has obtained the proper bond amount pursuant to Alabama law and the Rules and Regulations of the Board. The inactive licensee shall also submit payment to the Board of the difference in fees between his/her license and inactive license status.
- (15) **License.** The term “License” as used in these rules shall mean a license issued to or renewed by a licensed individual by the Board as pursuant to the Act.
- (16) **Manufacturer.** “Manufacturer” as used in these terms shall mean any individual licensed by the AOWB who are involved in the manufacture of onsite wastewater septic tanks, including tanks poured in place, lids and receptacles.
- (17) **Manufacturer Level II.** As used in these terms shall mean any individual or individual in responsible charge of a company licensed by the Alabama Onsite Wastewater Board who are involved in

the distribution of onsite wastewater septic tanks, or any apparatus designed to hold commercial or residential wastewater as defined by the Alabama Department of Public Health.

(18) **Plumbing.** The term “plumbing” as used in these rules shall mean any single-family residential dwelling connected to an onsite wastewater system, the sewer lines coming out of the dwelling at 3-5 feet shall be classified as plumbing and are governed by the rules of the Alabama Plumbers and Gas Fitters Examining Board. Pumps that are associated with septic tanks, and sewage tanks traps shall not be installed, repaired or replaced by plumbers.

(19) **Portable Toilet.** “Portable Toilet” as used in these rules shall mean any individual licensed by the AOWB who are involved in the installation, transporting, pumping, servicing, repairing, maintaining, and cleaning portable toilets.

(20) **Pumper.** The term “Pumper” as used in these rules shall mean any individual who is licensed by the AOWB for pumping, servicing, replacing lids, replacing risers, tees or filters of a septic tank, sewage tanks, grease traps and portable toilets. Not to include pumps associated with septic tanks, sewage tanks and grease traps.

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.

History: Amended: Filed July 15, 2004; Filed: August 15, 2019; effective date: November 15, 2019

**ALABAMA ONSITE WASTEWATER BOARD
CHAPTER 628-X-2
ORGANIZATION, ADMINISTRATION AND PROCEDURES OF THE BOARD**

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628-X-2-.01 Purpose.

The Alabama Onsite Wastewater Board was created to examine, license and regulate persons engaged in manufacturing, installation or servicing of onsite wastewater systems, including portable toilets, in Alabama. This Board was also created to establish the qualification levels for those engaged in the manufacture, installation, servicing, cleaning or pumping of onsite wastewater systems and equipment in Alabama and promote the proper manufacture, installation and servicing of onsite wastewater systems.

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.

History: Amended: Filed July 15, 2004;

628-X-2-.02 Officers.

The Board annually shall elect from its members a Chairman, Vice-Chairman, and a Secretary/Treasurer. No Board member shall serve more than three consecutive one-year terms in any office. The Chairman shall preside over meetings of the Board when present and shall appoint all committees of the Board. The Vice-Chairman shall preside over meetings of the Board in the absence of the Chairman. The Chairman shall designate another member to preside at meetings from which both the Chairman and Vice-Chairman are absent.

Author: Melissa Hines

Statutory Authority: Code of Ala. 1975, §§34-21A-1, et seq.

History: New Rule: Filed: August 15, 2019; effective: November 15, 2019.

628-X-2-.03 Records of The Board.

All records maintained by the Board, unless protected by state statute or administrative regulation, are open for public inspection during regular business hours. Requests to review or obtain records should be submitted in writing to the Executive Director. All correspondence to the Board, including requests for information and all submissions of the requests should be made to the Executive Director at the Board's office in Montgomery, Alabama.

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: August 15, 2019; effective: November 15, 2019.

628-X-2-.04 Meetings.

The Board also shall meet quarterly in October, January, April, and July of each year and at such other times as the Chairman may designate. Meetings will be governed by the Roberts Informal Rules of Order until the Chairman feels because of meeting disorder the need to invoke the regular Roberts Rules of Order. A quorum of the board shall consist of not less than five of the duly appointed members present.

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: August 15, 2019; effective: November 15, 2019.

628-X-2-.05 Voting.

All Board members are entitled to make or second motions. A majority of those members of the Board present and voting on any matter shall decide the matter before the Board, except that the Chairman of the Board or other Board member presiding as Chairman shall rule upon all questions or procedure and, in the event, evidence is taken on the admissibility of that evidence, consistent with the requirements of Section 13 of the Alabama Administrative Procedures Act. The Chairman shall not regularly vote as a member of the Board, except that in the event of a tie vote, the Chairman shall vote to break the tie. All voting will be done at called meetings where Board members are present. A Board member who is present at any meeting of the board at which action is taken on any matter is presumed to have assented to the action taken unless his dissent is entered in the minutes of the meeting. Any motion passed by the board requires a majority of the members present.

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 February 20, 2009; effective: May 28, 2009.

Amended: Filed: August 15, 2019; effective: November 15, 2019.

628-X-2-.06 Declaratory Rulings.

The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of any rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such ruling shall be issued provided: (a) The petitioner shows that the petitioner is substantially affected by

the rule in question, and sufficient facts are supplied in the request to permit the Board to make a valid determination, and (b) the request arises from an actual question or controversy. The request for a declaratory ruling must be in writing. All properly submitted petitions shall be ruled upon by the Board within ninety calendar days of receipt beginning on the first State of Alabama business day that the petition is received in the office of the Executive Director. If the petition is determined to present an inappropriate request, the Executive Director shall promptly return the petition to the petitioner along with a brief explanation for return.

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 September 3, 2010; effective February 17, 2011.

Amended: Filed: August 15, 2019; effective: November 15, 2019.

628-X-2-.07 Advisory Opinions.

The Board may, in its discretion, issue an advisory opinion to any licensee, governmental official, or entity substantially affected by a rule or statute enforceable by the Board. Board advisory opinions may address but not necessarily be limited to the applicability of such rule or statute to the licensee, official, or entity or to a meaning and scope of any order of the Board. A request for any advisory opinion must be in writing and must specifically state it is a “request for an advisory opinion.”

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: August 15, 2019; effective: November 15, 2019.

628-X-2-.08 Petition for Adoption, Amendment or Repeal of Rules.

Any person who wishes to propose that the Board adopt, amend, or repeal any rule may do so on the form prescribed by the Board and available from the Executive Director. The Board shall meet and consider any petition of adoption, repeal, or amendment within ninety days of its submission.

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: August 1, 2012; effective: September 5, 2012.

Amended: Filed: August 15, 2019; effective: November 15, 2019.

**ALABAMA ONSITE WASTEWATER BOARD
CHAPTER 628-X-3
LICENSING**

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628-X-3-.01 Requirement for Licensing.

Any individual, business, partnership or corporation advertising, soliciting, bidding, obtaining permit, obtaining a business license, performing the function of manufacturing septic tanks, manufacturing of poured in place tanks, distributing septic tanks, installing, pumping, servicing, repairing, and cleaning portable toilets, installing, cleaning, pumping, servicing, repairing, or maintaining onsite wastewater equipment or systems in Alabama shall have and maintain a current license issued by the Board or have a licensed employee in responsible charge. The Board shall establish the following types of licenses: A Basic Level Installer's License for the installation, servicing, replacing lids, repairing or maintenance of a small flow conventional onsite wastewater systems and shallow placement onsite wastewater systems. The definition of a small flow conventional OSS system is defined in the current State Board of Health Onsite Sewage and Disposal Rules 420-3-1. These systems may include a pump that lifts the effluent to the disposal field. These pumps must be basic on-demand pumps. An Advanced Level I Installer's License to allow all work done under the Basic Level License and for the installation, servicing, repairing or maintenance of small flow systems as defined by the current State Board of Health Onsite Sewage and Disposal Rules 420-3-1, and/or mound systems, simplex pumps with time dosing requirements, on-demand duplex pumps including single family systems with secondary treatment. An Advanced Level II Installers License to allow for all work done under the Basic and Advanced Level I Installers License and for the installation, servicing, replacing lids, repairing, or maintaining all onsite and clustered wastewater systems, permitted by the Alabama Department of Public Health, including large flow systems as defined by the current State Board of Health Onsite Sewage and Disposal Rules 420-3-1, to include, multiple pump systems with timed dosing requirements and other advanced technology systems; This shall include

decentralized wastewater systems permitted by the State Board of Health Onsite Sewage and Disposal Rules 420-3-1 and decentralized wastewater systems with Underground Injection Control (UIC) permits issued by the Alabama Department of Environmental Management. A Manufacturer's License for those involved in the manufacture of onsite wastewater septic tanks, including tanks poured in place, lids and receptacles; A Manufacturer Level II License for those involved in the distribution of onsite wastewater septic tanks or any apparatus designed to hold commercial or residential wastewater. (1) Any individual or company selling or distributing tanks shall keep a complete record of all tanks sold for a period of 2 (two) years after being sold. Record keeping shall include: (a) name and address of buyer; (b) Date of sale of tank; (c) Number of tanks sold; (d) Written explanation of the intended tank use, and if it is to be used as a septic tank, a permit to install/repair number shall be provided or The AOWB Licensed Installer Number. (official log from AOWB). A Pumper's License for those pumping, servicing to include: replacing lids, repairing or replacing risers, replacing tees and filters or cleaning filters of a septic tank, sewage tanks, grease traps, and portable toilets. This shall not include pumps associated with septic tanks, sewage tanks and grease traps. Portable Toilet License for those involved in installing, transporting, pumping, servicing, repairing, maintaining, and cleaning portable toilets. This shall include all temporary onsite wastewater system facilities; included but not limited to: handwashing stations, holding tanks, shower trailers, restroom trailers, urinals, vault toilets and greywater. The Board may develop additional areas and/or levels of licensing at a later date as the industry changes require. Any unlicensed individual, business, partnership or corporation performing work for which a license is required must cease said work upon demand by the Board. A license is current only during the calendar year in which it is issued. A calendar year runs from January 1 thru December 31. Unless renewed, a license automatically shall expire at the end of the calendar year for which it was issued.

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: August 15, 2006; **Amended:** Filed: August 10, 2007.

Amended: Filed: February 20, 2009 effective: May 28, 2009.

Amended: Filed: August 15, 2019; effective date: November 15, 2019.

628-X-3-.02 Plumbing.

Onsite Wastewater Systems which are permitted by the Alabama Department of Public Health shall not be considered plumbing. For the purpose of this section, the "building sewer", as defined by 420-3-1-.01 (19) of the Alabama Department of Public Health administrative rules shall be considered part of the Onsite Wastewater System. Sewage grinder pumps or sewage lift stations or pumps of any type that are installed or maintained as a component of an onsite wastewater system shall not be considered plumbing and shall require a licensed installer from the Alabama Onsite Wastewater Board. Installation of the "building sewer" and all pumps within the scope of this section shall be in accordance with the International Plumbing Code.

Author: Melissa Hines

Statutory Authority: Code of Ala. 1975, §§34-21A-1, et seq.

History: New Rule: Filed: August 15, 2019; effective: November 15, 2019.

628-X-3-.03 Filing of License Applications.

License applications, annual license renewal applications, and all other applications or submissions required by these rules shall be mailed, faxed, or emailed to the Executive Director. All license applications, annual

license renewal applications and any other application or submission will be deemed filed when received by the Executive Director. The Executive Director may reject an application that is inaccurate, incomplete, or for which all fees due have not been paid at the time the application is filed.

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: August 15, 2019; effective date: November 15, 2019.

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 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. 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 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 evidence of bond, citizenship status and being of legal age. 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.

Amended: Filed: July 08, 2020; effective date: November 14, 2020

628-X-3-.05 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. 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. (manufacturer Level II license shall not be required to hold bond). 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. 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: 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 03, 2010; effective: February 17, 2011.

Amended: Filed: August 1, 2012; effective: September 5, 2012.

Amended: Filed: August 15, 2019; effective date: November 15, 2019.

628-X-3-.06 Continuing Education and Training Requirements.

The Board shall adopt programs for initial training to become licensed and continuing education for licensees as presented by the education coordinator or the Executive Director by January 1 of each year. The Education Coordinator or Executive Director may recommend to the Board the approval or disapproval of courses and classes that meet the requirements for initial training and continuing education credit hours for licensees. Courses, classes or shows desiring approval by the Board shall submit prior to advertising the availability of subject classes, a complete agenda of coursework to include date, time and location and hours to be obtained.

Author: Melissa Hines

Statutory Authority: Code of Ala. 1975, §§34-21A-1, et seq.

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

Amended: Filed: August 15, 2019; effective date: November 15, 2019.

628-X-3-.07 Requirements for Continuing Education.

All licensees, being active or inactive, holding a Basic Level Installers License, Advanced Level I Installers License, Advanced Level II Installers License, Pumpers License, Manufacturers License shall be required to obtain continuing education each year. (in lieu of continuing education for the Manufacturer Level II License the licensee shall submit a signed and notarized affidavit written by the Alabama Onsite Wastewater Board stating that the person in responsible charge that is licensed for said company has read and understands the requirements set forth by 628-X-3-.01 of the Alabama Onsite Wastewater Board rules and that they agree to uphold their responsibilities and will maintain an official AOWB-log with the required information in said regulation to include: buyer, buyer address, number of tanks sold, installer license number or the ADPH permit number. They will agree to supply 2 (two) years of logs in the event of a formal, valid complaint). Alabama Onsite Wastewater Board licensees with a Basic Installer License, a Pumper License, a Manufacturer License, or any combination of the three (3), being Active or Inactive,

shall obtain six (6) credit hours of continuing education each calendar year. Licensees with an Advanced Level I License and additional Alabama Onsite Wastewater Board licenses, being Active, Inactive or a shall obtain eight (8) credit hours of continuing education for each calendar year. Licensees holding an Advanced Level II license and additional Alabama Onsite Wastewater Board licenses, being Active, Inactive, shall obtain ten (10) credit hours of continuing education for each calendar year. All licensees holding a Portable Restroom License being Active or Inactive shall be required to obtain four (4) credit hours of continuing education each year. 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 or the Executive Director, 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: Melissa Hines

Statutory Authority: Code of Ala. 1975, §§34-21A-1, et seq.

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

Amended: Filed: August 1, 2012; effective: September 5, 2012.

Amended: Filed: June 4, 2013; effective: July 9, 2013.

Amended: Filed: August 15, 2019; effective date: November 15, 2019.

628-X-3-.08 Replacement Licenses.

Applications for replacement licenses may be obtained from the Executive Director or the Alabama Onsite Wastewater Boards website. Applications and appropriate fees must be submitted and reviewed by the Executive Director and/or Board before replacement licenses are issued. Reasons for requesting replacement licenses will be reviewed and taken into consideration by the Board and/or Executive Director when determining whether to issue a replacement 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: February 20, 2009; effective May 28, 2009.

Amended: Filed: August 15, 2019; effective date: November 15, 2019.

628-X-3-.09 Inactive Licenses.

Applications to cause the status of a license to be inactive may be obtained from the Executive Director. Persons holding inactive licenses shall not perform any work under the auspices of being a licensed dealer, installer or pumper. Persons in possession of an inactive license shall maintain educational requirements as set by the Board or Executive Director on a case by case basis. Appropriate fees must be submitted as directed by the Board and/or Executive Director for issuance of an inactive license and annual renewal of the inactive license. Forms and instructions to reactivate the license may be obtained from the Executive Director.

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: February 20, 2009; effective May 28, 2009.

Amended: Filed: August 15, 2019; effective date: November 15, 2019.

628-X-3-.10 Roster of Licensees.

Copies of the roster shall be made available from the Executive Director or obtained from the website that shall be updated on a monthly or as needed basis.

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: February 20, 2009; effective May 28, 2009.

Amended: Filed: August 15, 2019; effective date: November 15, 2019.

628-X-3-.11 Military Family Jobs Opportunity Act Applicants.

(1) Pursuant to the statutory requirements found in Act 2018-540, as codified at Code of Ala. 1975, §31-1-6, any applicant for licensure as a basic installer, pumper, manufacture, portable restroom operator who is considered an “eligible individual” under Code of Ala. 1975, §31-1-6(c) shall be issued a license under the following conditions:

(a) he or she must possess a valid license or certificate issued by another state, district, or territory of the United States, or from any branch of the United States Armed Forces, including the National Guard; and

(b) the licensing or certification requirements of the issuing body must be greater than or substantially similar to the licensure requirements of this board, as determined by the executive director’s review; and

(c) the applicant must submit a completed application which documents compliance with the board’s licensure requirements.

Upon satisfaction of these conditions, the application will be submitted to the executive director for review. Approval will result in the issuance of the appropriate license to the eligible individual allowing him or her to continue working at the same licensure level for one (1) year. All approvals will be reported to the board at its next regularly scheduled meeting.

(2) In the event the applicant’s certifying jurisdiction did not promulgate licensure requirements greater than or substantially similar to the certification requirements of this board, as determined by the executive director’s review, the applicant will be notified of the specific requirements which must be met prior to receiving licensure from the State of Alabama. In accordance with Code of Ala. 1975, §31-1-6-(b)(2), the eligible individual concurrently will be granted a temporary license to continue working in the same field and

at the same licensure level for one hundred eighty days (180) days while he or she completes the specific requirements the Alabama Onsite Wastewater Board Chapter 628-X-3 necessary to obtain a license from this board. Subject to the approval of the executive director, such temporary certification period may be extended as necessary to promote the intent of the Military Family Jobs Opportunity Act. All temporary licensing will be reported to the board at its next regularly scheduled meeting.

- (3) Any applicant for licensure as a basic installer, pumper, manufacturer or portable restroom operator who is considered an “eligible individual” under Code of Ala. 1975, §31-1-6(c) and who properly submits a request for waiver of the initial license fee shall receive the same within thirty (30) days of the board’s receipt of the required documentation for waiver.
- (4) A completed application submitted pursuant to this section will be administratively expedited.

Authors: Melissa Hines

Statutory Authority: Code of Ala. 1975, §34-21A-1, et seq.

History: New Rule: Filed: March 2, 2020; effective: May 15, 2020

**ALABAMA ONSITE WASTEWATER BOARD
CHAPTER 628-X-4
FEES**

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628-X-4.02 Amount of Fees

628-X-4.01 When Required; Failure for Timely Payment; Method of Payment; Time of Payment; Fees Not Refundable.

An application for a license or a request for which a fee is required, must be accompanied by payment of the requisite in full, or else the application or request shall be denied. Fees may be paid by a personal check, certified check, cashier's check, money order or online via the Boards website. Fees are deemed paid when the funds represented by the check, money order or payment made via internet (online) are received or made available to the Board's Executive Director. (At the present time, only annual renewal of license and testing fees can be paid online. If obtaining a new license, payment must be made by personal check, certified check, cashier's check or money order.)

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: September 03, 2010; effective: February 17, 2011.

Amended: Filed: August 1, 2012; effective: September 5, 2012

628-X-4.02 Amount of Fees

(1)	Application fee for any license -	\$50.00
(2)	Exam fee for Advanced Level I Installer -	\$200.00
	Exam fee for Advanced Level II Installer -	\$200.00
	Exam fee for Basic Installer, Pumper, Manufacturer, Portable Restroom -	\$150.00
	Exam fee for Manufacturer Level II -	\$50.00
(3)	Annual license fee for:	
	(a): Basic Level License	\$300.00
	Pumper License	\$300.00
	Portable Toilet License	\$300.00

	Manufacturer License	\$300.00
(b):	Manufacturer Level II License	\$300.00
(c):	Advanced Level I Installer License	\$400.00
(d):	Advanced Level II Installer License	\$600.00

- (4) A person licensed in more than one category must purchase first the most advanced license for which they have qualified. Additional license fee for other categories shall be \$100.00.
- (5) Failure to renew license from January 1 thru February 15 of each calendar year — \$100.00 for each license you hold and shall include the inactive license.
- (6) Replacement Licenses - \$100.00
- (7) Obtaining Inactive Licenses - \$100.00 each license
- (8) Reinstatement of Inactive License - regular license fee
- (9) Annual Renewal of Inactive License \$100.00 each license
- (10) Reinstatement of revoked License up to \$1,000.00 in addition to all Board requirements.
- (11) Reinstatement of Suspended License up to \$1,000.00 in addition to all Board requirements.
- (12) Non-Sufficient Fund Fee up to the maximum allowed by law.
- (13) Deficiency Plan Fee \$25.00 in addition to the Deficiency Plan.
- (14) Reinstatement of License for Bond Suspension Fee (when there is a lapse in coverage) - \$125.00

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: February 1, 2002; effective: March 8, 2002.

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: June 20, 2011; effective: November 29, 2011.

Amended: Filed: August 1, 2012; effective: September 5, 2012.

Amended: Filed: August 15, 2019; effective date: November 15, 2019.

Amended: Filed: September 17, 2020; effective date: February 14, 2021

**ALABAMA ONSITE WASTEWATER BOARD
CHAPTER 628-X-5
ENFORCEMENT AND DISCIPLINARY ACTIONS**

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628-X-5-.01 Initiation of Proceedings and Procedure for Investigation.

The Board may initiate proceedings as it deems appropriate to investigate and determine violations of the provisions of this Act. Persons reporting alleged violations shall do so in writing or by phone to the Executive Director or any Board member. Persons alleging violations of this Act by any other person may request the Board to hold identifying information in a confidential manner. The Board shall adopt by resolution the procedures for investigations of complaints against licensees or the Board may enter into informal settlements with the licensee it is investigating, provided each such settlement is ratified by the Board. Said resolution shall be available at the office of the Executive Director.

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: February 20, 2009; effective May 28, 2009

628-X-5-.02 Hearings.

All disciplinary hearings and/or contested case hearings shall be conducted in accordance with the Alabama Administrative Procedures Act, specifically but not limited to Sections 12, 13, 14, 15, 16, 17, 18, and 19, as if set out full herein.

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.

628-X-5-.03 Discipline.

The Board shall take appropriate action to enforce these rules with regard to license suspension and revocation. The Board may revoke or suspend licenses of parties found to be guilty of any violation of the Act or these rules, and also these circumstances shall include, but not be limited to, the following:

- (1) Obtaining a license under false pretense.
- (2) Obtaining a license by having another person take the examination.
- (3) Allowing another person to use the license in violation of the regulations of this board.
- (4) Selling or conveying the license to another person.
- (5) Failure to timely renew a license.
- (6) Failure to follow the rules and regulations of the State of Alabama Department of Public Health or the appropriate local health department or authorities.
- (7) Committing a dishonest or illegal act in the performance of work covered under the 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: September 03, 2010; effective: February 17, 2011.

628-X-5-.04 Informal Settlement.

- (1) No action shall be taken to affect an informal settlement of a controversy, either prior to or during a contested case proceeding, without formal approval by the Board of such action.
- (2) Informal settlement negotiations may be initiated by either party to the controversy, provided that neither party is obligated to use informal procedures.
- (3) If the Board approves participation in an informal settlement procedure, it shall negotiate its settlement upon the terms it believes to be in the best interest of the Board and the public, and if the settlement is effectuated the terms of the settlement shall be incorporated, by reference, in the official minutes of the Board.

Authors: Mike Talley

Statutory Authority: Code of Ala. 1975, §§34-21A-1, et seq.

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

628-X-5-.05 Appeals.

Final actions of the Board may be appealed in accordance with Alabama Administrative Procedures Act, specifically but not limited to Sections 20 and 21, as if set out in full herein.

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: February 20, 2009; effective: May 28, 2009

628-X-5-.06 Reinstatement of Licenses After Revocation or Suspension.

Applications for reinstatement of licenses may be submitted to the Board. The applicant shall include in the application for reinstatement the reasons why the license should be reinstated and shall specifically set forth any change in circumstances that would justify reinstatement. The application for reinstatement must include evidence that the applicant meets the current licensure requirements for and, unless excused by the Board, the applicant must qualify for a licensure through all the procedures, including testing, experience, proof of required bonding and ability that is required for initial testing. Upon receipt of such application, the board may grant the applicant a hearing on reinstatement, at which time the applicant may appeal to the Board to reinstate the applicant's license. All fees for testing, issuance of license and a reinstatement fee must be paid before re-issuance of license. Procedures for reinstatement of suspended licenses shall be set by the Board at the time of suspension.

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 February 20, 2009; effective: May 28, 2009

628-X-5-.07 Conflict or Bias.

No board member shall be entitled to vote or to otherwise participate in any hearing or disciplinary matter if the Board member is personally biased for or against the respondent or when such voting or participation would violate the provisions of the Alabama Administrative Procedures Act, Section 18(a). Any party in a hearing or respondent in a disciplinary action who wishes to assert bias or conflict may do so by filing with the Executive Director at least three days prior to the scheduled hearing a suggestion of disqualification and a supporting affidavit setting forth the factual basis for the suggestion. The Board shall consider the suggestion of disqualification on the record as a preliminary matter at the hearing before any other question is decided.

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: February 20, 2009; effective May 28, 2009

628-X-5-.08 Institution of Criminal Proceedings.

Upon receipt of evidence that any person has: undertaken or attempted to undertake the business of manufacturing, installing or maintaining an onsite wastewater system or any component thereof, without first having procured a valid license as required by the Act, knowingly presented to or filed false information with the Board for the purpose of obtaining a license, or any other violation of law which the Board deems worthy of reporting to appropriate government agencies, the Executive Director or designee, acting on the instructions of the Board, shall present such evidence to the appropriate governmental authority within the county of which the violator resides and may file a complaint regarding the violations.

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: February 20, 2009; effective: May 28, 2009