

CHAPTER 39 - ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD

SECTION .0100 - DUTIES AND DEFINITIONS

21 NCAC 39 .0101 DEFINITIONS

- (a) "Inspection" means an inspection as defined in G.S. 90A-71(5a).
- (b) "Repair" means repair construction activity or alteration to an existing onsite wastewater system that is necessary to comply with a Construction Authorization for a repair permit issued by the Local Health Department.
- (c) "Wastewater Treatment Facility" means a wastewater treatment facility as defined in G.S. 90A-71(8).
- (d) "College course" means a semester unit or quarter based unit of instruction given at a college or university, which is relevant to on-site wastewater contractor or inspector activities and pre-approved by the board.
- (e) "Course/activity" means any course of activity with a clear purpose and objective that will maintain, improve or expand skills and knowledge relevant to the practice of on-site wastewater contractor or inspector activities and pre-approved by the board.
- (f) "Personally supervise" means the direction and control of all on-site wastewater contractor or inspector activities during the time those activities are being conducted.
- (g) "Professional development hour" or "PDH" means a nominal contact hour of instruction or presentation that is the basic unit of credit for all courses or activities related to satisfying continuing education requirements.
- (h) "Employee" means a person who receives an Internal Revenue Service W2 form for record of compensation.

*History Note: Authority G.S. 90A-71; 90A-72; 90A-74;
Eff. February 1, 2011.*

21 NCAC 39 .0102 TYPES OF CERTIFICATION

- (a) The following levels of certification for certified on-site wastewater contractors are:

Level	Description of Activities
I	Single Septic Tank, Conventional (Gravel) Gravity System
II	Grade I, plus: Multiple tanks, Grease Traps, Single Pump or Single Siphon, Fill Systems, Sand Lined Trench, and any approved gravity or single pump dispersal system not specified in Grade Level III or Grade Level IV
III	Grade II, plus: Dual pumps or Dual Siphons, Systems of >1500 gpd to <3000 gpd, Low-Pressure Dispersal, Flow Equalization, and any system requiring ground water lowering with a pump
IV	Grade III, plus: Systems >3000 gpd, Multiple Off-Site Systems, Industrial Process Wastewater, Residential Wastewater Treatment Systems(RWTS), TS-I and TS-II System, Drip Dispersal Systems, and Wastewater Reuse Systems or any Pretreatment Component.

- (b) Inspectors shall be certified to inspect all grade levels of on-site wastewater systems referenced in Paragraph (a).

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77;
Eff. February 1, 2011.*

SECTION .0200 - CERTIFICATION OF ON-SITE WASTEWATER CONTRACTOR OR INSPECTORS

21 NCAC 39 .0201 APPLICATION REQUIREMENTS FOR CERTIFICATION

- (a) Applications for certification or renewal of certification shall be submitted annually on forms provided by the Board. Applications shall include:

- (1) Applicant's name;
- (2) Business address;
- (3) Phone number;
- (4) Date of birth;
- (5) Email address, if available;

- (6) Business or employer name and address;
 - (7) Business phone number;
 - (8) County where company is located;
 - (9) If the certification is for contractor or inspector;
 - (10) The contractor certification level requested;
 - (11) Certification number, if renewal;
 - (12) Required annual fee for level of certification;
 - (13) Dates, locations, hours, and providers of required education and training; and
 - (14) Applicant signature.
- (b) The Board shall determine whether an application is complete. Incomplete applications and applications not accompanied by an appropriate fee shall not be processed and shall be returned to the applicant.
- (c) The Board shall not schedule an applicant to take the required examination until their application has been reviewed and approved and the applicant has met all other conditions for certification, which, for new applicants includes an 18 hour new installer course.
- (d) The Board may request verification of education and training.
- (e) All certified contractors or inspectors shall submit a renewal application by November 15 of each year. If a renewal applicant's renewal application is not received by the Board until after December 31 of that calendar year, the renewal applicant shall pay a late fee of twenty-five dollars (\$25.00) in accordance with G.S. 90A-78(b). If a renewal application is received by the Board after December 31, it will not be processed until the late fee is received.
- (f) If the renewal application is postmarked more than 90 days after December 31, the person must meet the requirements for re-certification.
- (g) Applications for new certifications requiring testing must be received by the Board at least 15 days prior to the scheduled date of the examination.
- (h) Applications for certification level upgrades must be received at least 24 hours prior to the scheduled date of the examination.
- (i) In cases where the applicant is ineligible for examination, the applicant shall be notified by letter and advised of the reason for ineligibility.
- (j) Applicants who have supplied false information must wait 12 months before resubmitting an application for certification or renewal and must forfeit all fees paid.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78;
Eff. February 1, 2011.*

SECTION .0300 - ONSITE WASTEWATER CONTRACTOR OR INSPECTOR FEES

21 NCAC 39 .0301 SCHEDULE OF CERTIFICATION FEES

(a) Application fees are:

Grade Level	Initial Fee	Renewal Fee
I	\$150.00	\$75.00
II	\$200.00	\$75.00
III	\$250.00	\$75.00
IV	\$300.00	\$75.00
Inspector	\$200.00	\$75.00
Combination Level IV/Inspector	\$500.00	\$125.00

- (b) Application fees shall not be pro-rated.
- (c) The fee for a contractor grade level upgrade is fifty dollars (\$50.00) per level.
- (d) The fee for re-instatement of a revoked or suspended certification is five hundred dollars (\$500.00).
- (e) The fee for certificate replacement or duplication is twenty-five dollars (\$25.00).
- (f) The fee for late renewal is twenty-five dollars (\$25.00). This fee is charged if the renewal request is received after December 31.
- (g) The fee for each returned check is twenty-five dollars (\$25.00).
- (h) All fees are non-refundable.

History Note: Authority G.S. 90A-72; 90A-74; 90A-75;
Eff. February 1, 2011.

SECTION .0400 - CERTIFICATION BY EXAMINATION

21 NCAC 39 .0401 ON-SITE WASTEWATER CONTRACTOR OR INSPECTOR EXAMINATIONS

- (a) On-site wastewater contractor or inspector examinations shall be comprehensive examinations that are standardized statewide.
- (b) A grade on the examination of 70 percent or more shall be passing. Results of the examination shall be reported as either passing or failing.

History Note: Authority G.S. 90A-72; 90A-74; 90A-77;
Eff. February 1, 2011.

21 NCAC 39 .0402 TIME AND PLACE OF EXAMINATION

- (a) The Board may schedule on-site wastewater contractor or inspector examinations in addition to the statutorily required examinations given at least three times a year, at least once in the Eastern, Central, and Western regions of the state. Additional examinations may be scheduled by the Board if the Board determines that the three scheduled examinations are insufficient due to the number of applicants for examination or the time between examinations. Information regarding the date, time, and place shall be made available on the Board's web site or upon request.
- (b) The Board shall notify each applicant filing for examination in writing of the date, time and place of the examination.

History Note: Authority G.S. 90A-72; 90A-74; 90A-77;
Eff. February 1, 2011.

21 NCAC 39 .0403 CONDUCTING AND GRADING EXAMINATIONS

- (a) Examinations shall be conducted and graded under the supervision of a representative of the Board.
- (b) Applicants shall identify themselves by way of a driver's license or other form of photographic identification issued by a state or federal government agency and the identification number shall be recorded on the face of the examination paper.
- (c) Applicants shall not cheat or attempt to cheat on an examination by any means, including both giving and receiving assistance, and shall not communicate in any manner for any purpose other than with an examination supervisor during an examination. Applicants shall not deliberately disrupt the quiet and orderly administration of an examination in any manner. Violation of this Paragraph is cause for dismissal from the examination, invalidation of examinations scores, denial of certification and revocation of certification if the person is certified.

History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-81;
Eff. February 1, 2011.

21 NCAC 39 .0404 ISSUANCE OF CERTIFICATES

- (a) After an examination grading, the applicant shall be informed in writing by the Board or its authorized representatives as to the results of their examination. The Board shall not respond to oral or other requests for exam results.
- (b) Upon successful completion of the examination and all requirements for certification the applicant shall be issued a certification card.
- (c) Questions by the applicant concerning the examination must be made in writing to the Board within six months of the notification date.
- (d) An applicant who fails to pass an examination shall be entitled to and notified of the privilege to review his examination in the presence of one or more Board members or its authorized representative at a location approved by the Board.
- (e) Each certified on-site wastewater contractor or inspector shall be assigned a unique certification number. Certification numbers are not transferable and shall not be used by another onsite wastewater contractor or inspector.

History Note: Authority G.S. 90A-72; 90A-74; 90A-77;
Eff. February 1, 2011.

SECTION .0500 - CERTIFICATION RENEWAL

21 NCAC 39 .0501 CONDITIONS AND LIMITATIONS FOR RENEWAL OF CERTIFICATIONS

- (a) Certifications shall expire on December 31 of each year.
- (b) A renewal shall not be granted if the applicant's certification is suspended or revoked until the period for such suspension or revocation has expired.
- (c) Certified individuals under this program shall notify the Board within 30 days in writing of any changes to their name, company name, company address, phone number, or email address.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77;
 Eff. February 1, 2011.*

SECTION .0600 - CONTINUING EDUCATION REQUIREMENTS

21 NCAC 39 .0601 REQUIREMENTS

- (a) Every certified on-site wastewater contractor or inspector is required to obtain Professional Development Hours (PDH) units during the renewal period as described in the following Table:

Level	Annual PDH Units Required
I	3
II	6
III	9
IV	12
Inspector	12
Inspector/Grade IV Combo	12

- (b) If a registrant exceeds the annual requirement in any renewal period, a maximum of six PDH units may be carried forward into the subsequent renewal period.
- (c) Selection of courses and activities which meet the requirements of 21 NCAC 39 .0602 is the responsibility of the certified on-site wastewater contractor or inspector. Evaluation of courses pursuant to 21 NCAC 39 .0603 could result in non-acceptance of courses for the purpose of meeting the continuing education requirements.
- (d) Professional Development Hours (PDH) shall be accepted for approved courses pursuant to 21 NCAC 39 .0603. Hours for all other courses must be submitted to the board for approval. If not approved, no PDH shall be granted for the course.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79;
 Eff. February 1, 2011.*

21 NCAC 39 .0602 APPROVAL OF CONTINUING EDUCATION COURSES

- (a) All continuing education courses must be approved by the Board before PDH can be granted.
- (b) All continuing education courses must be approved on an annual basis.
- (c) The Board shall approve courses that instruct on on-site wastewater contractor or inspector activities and the use of on-site wastewater contractor or inspector equipment, products, and materials. The Board must determine that courses and activities contain a clear purpose and objective and result in the maintenance, improvement, or expansion of skills and knowledge related to the practice of on-site wastewater contractor or inspector activities. Requests for approval of courses or activities shall include the following information:
 - (1) Course content;
 - (2) Course schedule;
 - (3) Level of instruction provided (Level 1, 2, 3, 4, Inspector, or level 4/Inspector);
 - (4) Qualifications of instructors (including both education and experience); and
 - (5) Materials provided, field experiences, and other activities available in connection with the course(s).

History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79;
Eff. February 1, 2011.

21 NCAC 39 .0603 DETERMINATION OF CREDIT

The Board has final authority with respect to approval of courses credit, PDH values for courses, and other methods of earning credit. Courses or activities must maintain, improve or expand the skills and knowledge related to the practice of on-site wastewater contractor or inspector activities in order for an on-site wastewater contractor or inspector to receive credit. The Board shall award the stated hours of credit (PDH) for any acceptable and successfully completed activity in each of the following categories:

- (1) Credit for college or community college courses shall be a maximum of 12 PDH for receipt of a passing grade in the course;
- (2) Credit for continuing education correspondence courses provided through television, videotapes, audiotapes, or other short courses/tutorial materials that provide a completion certificate shall be one PDH unit for each hour of attendance or contact time, up to a maximum of 12 PDH; and
- (3) Credit for teaching or presenting in Item (2) of this Rule are double the stated credits. Credit for teaching or presenting is available only for the first time that an on-site wastewater contractor or inspector teaches such a course or makes such a presentation.

History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79;
Eff. February 1, 2011.

21 NCAC 39 .0604 RECORDKEEPING

The responsibility of maintaining records to be used to support credits claimed is the responsibility of the contractor. Records required include;

- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructors or speakers name and PDH credits earned; or
- (2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79;
Eff. February 1, 2011.

21 NCAC 39 .0605 SPECIAL PROVISIONS FOR CONTINUING EDUCATION

(a) An on-site wastewater contractor or inspector serving on active duty in the uniformed services of the United States for a period of time exceeding 180 consecutive days in a year shall be granted an extension of time in which to obtain the professional development hours required during that renewal period. The extension shall allow the requesting on-site wastewater contractor or inspector 12 months from the date the extension is granted to correct the deficiency in professional development hours (PDH) for the renewal period in issue.

(b) If an on-site wastewater contractor or inspector experiences a long term disability or illness he may petition the board for an extension of time to obtain professional development hours required during that renewal period. The petition shall provide documentation including verification from a medical doctor of illness, with proof of disability. The extension of time shall not exceed 90 days into the following renewal year.

History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79; 93B-15;
Eff. February 1, 2011.

SECTION .0700 - PROCEDURES FOR DISCIPLINARY ACTIONS

21 NCAC 39 .0701 REVOCATION, OR SUSPENSION OF CERTIFICATION

(a) The Board may revoke or suspend the certification of an on-site wastewater contractor or inspector in accordance with the provisions of G.S. 90A-80, 90A-81 and Chapter 150B of the NC General Statutes.

(b) Certification may be relinquished by submission to the Board of the original certificate and a notarized statement of relinquishment.

(c) The Board may issue a written reprimand to an on-site wastewater contractor or inspector. The reprimand shall be delivered in accordance with the provisions of service in G.S. 150B-42. A copy of the letter shall be kept in the on-site

wastewater contractor or inspector's file. The on-site wastewater contractor or inspector shall be given the opportunity to put a letter of rebuttal into the file. The letter must be received by the Board within 30 days of receipt of reprimand.

History Note: Authority G.S. 90A-72; 90A-74; 90A-80; 90A-81;
Eff. February 1, 2011.

21 NCAC 39 .0702 CERTIFICATION FOLLOWING REVOCATION OR VOLUNTARY SURRENDER OF CERTIFICATION

- (a) If a certification is revoked or voluntarily surrendered the person may not apply for a new certification for a period of at least 12 months.
- (b) An individual whose certification was revoked or voluntarily surrendered may apply to the Board for reinstatement after the 12 month period has ended.
- (c) An individual approved by the Board to apply for reinstatement, must then meet all the requirements for a new applicant as specified in Article 5 of G.S. 90A and the rules adopted by the Board.
- (d) Applicants denied reinstatement by the Board may appeal the decision pursuant to the procedures contained in G.S. 150B, Article 3A.

History Note: Authority G.S. 90A-72; 90A-74; 90A-80; 90A-81;
Eff. February 1, 2011.

21 NCAC 39 .0703 PENALTIES

A person who violates any rule of this Section is subject to the penalties of G.S. 90A-81.

History Note: Authority G.S. 90A-72; 90A-74; 90A-80; 90A-81;
Eff. February 1, 2011.