

Certification

I. Certification Required

Chapter 290-5-26-.17 provides for certification and de-certification of septic tank contractors, inspection personnel, pumpers, soil scientists and maintenance personnel. This section establishes standards for these individuals.

Establishment of the Certification Review Committee

There shall be established a Certification Review Committee that assists the Department with certification, recertification and decertification of all individuals required to be certified under Chapter 290-5-26-.17 with the exception of Soil Classifiers. The Certification Review Committee shall be composed of two individuals from the state environmental health program, one district environmentalist, one county environmentalist, two individuals who are certified under the “Septic Tank Contractor, or Pumper” sections of this chapter and one individual licensed to practice law in the State of Georgia.

The Committee, will assist the Department with the following:

- Establishing written tests that will be administered for the various certifications and revising such tests from time to time;
- Reviewing and responding to complaints regarding poor quality of work and unethical practices;
- Reviewing the content of educational programs and events and assigning appropriate continuing education units;
- Reviewing the established criteria for certification in the assigned specialties and making such modifications as are appropriate for the on-going management of the process;
- **Recommending** decertification of those individuals who fail to adhere to the standards for certification established in this section; and doing such other activities as would be appropriate to manage the continued operation of the certification effort effectively.

Septic Tank Contractors

Installation and Repair Personnel

Persons engaged in the construction or repair of on-site sewage management systems shall be required to hold a current certificate indicating successful completion of the requirements of this section.

Requirements for Certification

Initial Certification

- Must be at least 18 years of age;
- Must pay an examination fee;
- Must successfully complete a written or oral examination concerning the Rules and Regulations for On-Site Sewage Management Systems, Chapter 290-5-26 and the installation of systems;
- Must submit a copy of business license or other verification of business or submit proof of employment with a certified on-site sewage contracting company;
- Individuals who wish to install an on-site sewage system at their primary residence may do so upon successful completion of the written examination portion of this process. In this circumstance no certification will be issued and the individual’s authorization to install a system will terminate upon completion of the installation of the system for his/her residence.

Recertification

- Must not have any outstanding unresolved disciplinary action(s);
- Must submit evidence of completion of eight hours of continuing education approved by the Certification Review Committee;

Certification will be granted to those individuals who successfully complete a written or oral examination and who comply with all requirements established by the Department. The examination(s) will be developed by the

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Department, with the assistance of the Committee, and will be structured as a series of modules. The basic residential module will be composed of questions about “conventional on-site sewage management systems” as defined in the current “Rules and Regulations” of the Department and the manual. Additional modules (commercial, drip irrigation and mound/fill) will address each of a variety of alternative sewage disposal methods that currently exist or will be developed in the future. It is recognized that such systems are typically complex in nature and vary significantly in installation from conventional system design. A commercial certification is required for contractors installing a system designed for a flow of 2,000 gallons per day or more. Certification will indicate all types of systems for which successful testing has been accomplished. A minimum of 70% correct responses will be required for certification.

Fees

"Certified Contractor" is defined as an individual or multiple individuals operating under a common business license.

A \$50 examination fee will be required of those individuals who wish to take the certification examination. Persons who successfully complete the examination will be issued a numbered certificate upon receipt of a \$300 certification fee paid by the certified contractor as defined above. Certification will be for a two-year period and will be continued upon receipt of a \$300 renewal fee and submission of evidence of compliance with all other provisions for re-certification established by the Department. Individuals employed by governmental units who are certified for the purpose of doing on-site sewage installation work only for the agency for whom they are employed, shall be exempt from fees.

Pumpers (Septage Removal and Disposal Personnel)

Certification Required: Individuals engaged in the cleaning and pumping of on-site sewage systems shall be certified by the Department. There shall be two levels of certification established that will be determined by the scope of waste disposal activity. Individuals employing waste disposal via waste treatment plants properly permitted by the Environmental Protection Division of the Georgia Department of Natural Resources will be required to hold Level I certification as hereby established. Individuals employing waste disposal via land application will be required to hold Level II certification as also established herein.

Requirements for Level I Certification

Candidates for Level I certification shall meet the following requirements:

- Must be at least 18 years of age;
- Must show proof of ownership or employment with a **certified** septage removal company currently operating in good standing following Chapter 290-5-26-.11;
- Must successfully complete a written or oral examination concerning proper access, cleaning and pumping of **septic** tanks and proper hauling and disposal of septage within the scope of Level I certification.

Requirements for Level II Certification

Candidates for Level II certification shall meet the following requirements:

- Must be at least 18 years of age;
- Must show proof of ownership or employment with a certified septage removal and disposal company currently operating in good standing with Chapter 290-5-26-.11;
- Must hold a current Level I certification.
- Must successfully complete a written or oral examination concerning proper access, cleaning and pumping of septic tanks and proper hauling and disposal of septage within the standards established by the Department of Human Resources Rules and Regulations for the Land Disposal of Domestic Septage, Chapter 290-5-25 governing the land application of septage;

Recertification

Individuals holding Level I or Level II certification must be recertified every two years. Recertification will be based on the following criteria:

- Must have no unresolved disciplinary action outstanding;

- Must show proof of ownership or employment with a certified septage removal and disposal company operating in good standing with Chapter 290-5-26-.11.
- Must submit evidence of completion of six hours of continuing education approved by the Certification Review Committee.

Fees

"Certified Contractor" is defined as an individual or multiple individuals operating under a common business license.

A \$50 examination fee will be required of those individuals who wish to take the certification examination. Persons who successfully complete the examination will be issued a numbered certificate upon receipt of a \$300 certification fee paid by the certified contractor as defined above. Certification will be for a two-year period and will be continued upon receipt of a \$300 renewal fee and submission of evidence of compliance with all other provisions for re-certification established by the Department.

Inspection Personnel

Individuals employed by County Boards of Health who are involved in on-site sewage disposal system regulatory programs shall be required to hold current certification indicating successful completion of the requirements of this section. Two levels of certification are hereby established. Level I shall be known as the "system inspector" certification level and Level II shall be known as the "site evaluator" level. Criteria for the attainment of each level shall be as follows:

Level I Certification

Individuals eligible for Level I certification shall be employed in good standing in an environmental health program of the Department of Human Resources or County Board of Health in an "Environmental Health Specialist I" position or higher. Candidates must successfully complete a written examination consisting of questions about the installation of "conventional" and "alternative" on-site sewage disposal systems, basic soil hydrology and other physical soil characteristics. The use of basic equipment used in the evaluation of system installations shall also be covered. Field proficiency will be evaluated by a certified individual employed by the Department. Additional testing modules will be developed to certify technical knowledge of special alternative and experimental system designs. A minimum of 70% correct answers will be required for successful completion of the examination.

Individuals actively employed in an on-site sewage disposal regulatory program at the time of the enactment of this rule, who have a minimum of six months of on-site sewage field experience and demonstrate proficiency in the field activities related to the systems covered in the written testing phase of this program but who are not Environmental Health Specialists I or higher, may be considered for Level I certification.

After enactment of this rule, persons employed to work in the on-site sewage management system regulatory program shall work under the supervision of a certified Level I Inspector until demonstrating proficiency in field inspection activities and passing a Level I certification test. Proficiency in field activities shall be determined by the satisfactory inspection of 50 on-site management systems, or three months of work experience in the on-site sewage program. With approval of the Environmental Health District Director, the individual is eligible for certification Level I testing after demonstrating field proficiency.

Upon completion of the testing and practical segments of this rule, the successful candidate will be issued a numbered certificate indicating basic skills and additional modules tested.

Level II Certification

Individuals eligible for Level II certification shall be employed in good standing in an environmental health program of the Department of Human Resources or County Board of Health in an Environmental Health Specialist I or higher position and be currently certified as a Level I inspector. They must have completed training approved by the Department in the interpretation of soils and soil evaluation data including mapping and topographic interpretation.

Upon completion of the required prerequisite training, candidates for certification will take a written examination consisting of questions from the required training and additional questions concerning the application of various on-site sewage management methods to specified site and soil conditions. A minimum of 70% correct responses will be required for successful completion of this requirement.

***Environmental Health Technician Provision:**

Individuals employed on or before October 19, 1999, in an on-site sewage disposal regulatory program, who have a minimum of six months of on-site sewage field experience, and who demonstrate proficiency in field activities and by written examination related to the systems covered by this program, but are not Environmental Health Specialist I or higher, may be considered for Level II certification.

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Recertification

Environmentalists certified under this section shall be required to recertify every two years. Recertification will be based on performance and continuing education as specified by this Chapter.

In accordance with State Law (i.e. SB 30), "each employee of a county board of health whose duties include enforcing those environmental health regulations of that board of health relating to septic tanks or individual sewage management systems shall be subject to the direction and supervision of the district director of environmental health, although the hiring and termination from employment of such employee shall be subject to the director of that county board of health. The employment activities of such employee with regard to environmental health shall be reported to the director of environmental health through the district director of environmental health at least quarterly. The director of environmental health may recommend to that director of that county board of health personnel actions, including but not limited to termination, which the director of environmental health deems appropriate for such employee's failure or refusal to comply with the direction of the director of environmental health in the carrying out of the environmental health employment duties of such employee".

Recertification of Level I and Level II inspectors will be contingent upon evidence of four hours of approved continuing education per year and satisfactory performance of certified activities.

Fees

Since inspection personnel are employed by agencies that receive funding from the Department as part of the Master Agreement, certification and recertification fees are to be waived.

Soil Classifier/Soil Scientist

When establishing credentials for individuals engaged in evaluating the soils on sites proposed for on-site sewage management systems, the terms "soil classifier" and "soil scientist" shall have the same meaning. A Soil Classifier is defined as a person who holds at least a Bachelor of Science degree from an accredited college or university with a major in Agronomy, Soil Science, or a related field, as approved by Soil Classifiers Certification Advisory Committee. Must complete a minimum of 30 semester credit hours or equivalent quarter hours in the biological, physical, chemical and earth sciences with a minimum of 15 semester hours or equivalent quarter hours in approved soil science courses and have four years of full time or equivalent part time experience as a Soil Classifier/Soil Scientist actively mapping, identifying and classifying soil features, and interpreting the influence of soil features on soil uses. Such individuals meeting the aforementioned definition, shall be certified in accordance with the following provisions:

Establishment of the Soil Classifiers' Certification Advisory Committee

The Department shall appoint nine individuals from the following professional disciplines who will oversee the certification of "Soil Classifiers". This body shall be known as the "Soil Classifiers' Certification Advisory Committee". It shall be comprised of three environmentalists employed in the environmental health program of County Boards of Health or the Department of Human Resources (county, district and state), one currently certified soil classifier, two soil scientists from academia, a registered engineer, a registered geologist and a lawyer currently licensed to practice in the State of Georgia.

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The Advisory Committee shall be responsible for: reviewing applications for certification; administering certification examinations; reviewing and responding to complaints concerning poor quality work and unethical practices; recommending disciplinary action; recommending initial certification and recertification of individuals; reviewing the content of educational programs and events and making recommendations regarding continuing education credits, and doing such other activities as would be appropriate to the operation and maintenance of the soil classifiers certification program.

Initial Certification

- Must be at least 21 years of age;
- Must submit, *as a minimum*, evidence of training, education and experience to the Soil Classifiers Certification Advisory Committee with an application for certification. The Advisory Committee may request additional information as it deems appropriate;
- Must successfully complete a written examination which will include questions on basic concepts of soil science, soil morphology, soil classification, soil interpretation, general geology, the use and application of the Department's soil tables, basic principles of soil water flow and basic septic system absorption design;
- Must submit evidence of current "errors and omissions" insurance or other comparable indemnification in the amount of \$1,000,000.

Recertification

Must establish, to the satisfaction of the Soil Classifiers Certification Advisory Committee, a history of satisfactory performance within the scope of the on-site sewage program of the Department.

- Must submit evidence of 10 Continuing Education Units approved by the Advisory Committee;
- Must submit annually, evidence of current "errors and omissions" insurance or other comparable indemnification in the amount of \$1,000,000;

Fees

A \$100 application processing/examination fee will be required of those persons who wish to be considered for certification in the on-site sewage management program. Persons who successfully pass the examination will be issued a numbered certificate upon receipt of a \$400 certification fee. Certification will be for a two year period and will continue upon receipt of a \$400 recertification fee and submission of evidence with all other provisions for certification established by the Department.

II. Decertification

Persons certified under the provisions of this chapter shall be subject to decertification as provided for in this section.

Decertification of Individuals Certified Under This Chapter

Certification may be revoked for the following reasons:

- Substantiated evidence of repeated violations of the provisions of Chapter 290-5-26 or other related regulations or statutes governing the function for which the individual is certified under this Chapter;
- Substantiated evidence of repeated instances of poor quality of work or unethical practices;
- Failure to maintain required bonds or insurance;
- Failure to pay required fees;
- Failure to maintain required continuing education credits; or
- Such other conduct as, in the opinion of the Committee, would render continued certification of the individual in question a threat to the health, safety or well being of the individuals or community served.

**DECERTIFICATION PROTOCOL PURSUANT TO THE RULES AND REGULATIONS FOR ON-SITE
SEWAGE MANAGEMENT SYSTEMS CHAPTER 290-5-26-.17**

Grounds for Decertification of Septic Tank Contractors/Companies, Inspection Personnel, Pumpers, Soil Classifiers and Maintenance Personnel

- (1) The Department may take disciplinary action including suspension and revocation of an individual or company's certification after a notice and opportunity for hearing pursuant to the Georgia Administrative Procedure Act O.C.G.A. Chapter 50-13, as amended, if the Department finds such individual has failed to comply or maintain compliance with O.C.G.A. 31-2, the DHR Rules and Regulations Chapter 290-5-26, this protocol, or has committed any of the following acts:
 - (a) Deliberate misrepresentation and/ or falsification of information on the application for certification;
 - (b) Pending judicial disciplinary action(s) relevant to the on-site sewage industry;
 - (c) Judicial judgments against the individual or company holding certification;
 - (d) Any act or omission that is indicative of unethical behavior or practices;
 - (e) Conviction of company's principal in any court of any felony or other criminal offense;
or
 - (f) Evidence of questionable business practices.

- (2) The holder of any certification that is revoked for failure to comply or maintain compliance with O.C.G.A. 31-2, the DHR Rules and Regulations Chapter 290-5-26, or this Protocol, shall not be entitled to be recertified or be a party to a like industry under any other certification for a period of at least twenty-four (24) months. This provision shall also be applicable to officers, directors, and stockholders of corporate providers involved in any aspect of the on-site sewage industry.

Decertification Process for Septic Tank Contractors/Companies, Inspection Personnel, Pumpers, Soil Classifiers and Maintenance Personnel

- (1) After review of the evidence, the Certification Review Committee will make a recommendation to the Department as to whether an individual or company should be decertified.

- (2) After receiving the committee's recommendation, the Department will notify the individual or company in writing via certified mail of its intent to decertify, and the basis for such action. The certified intent letter will be sent to the last known address of the company or individual that is the subject of the decertification.

- (3) The affected individual or company has ten (10) days from the receipt of the intent letter to request a hearing on the matter. If no reply is received by the deadline, decertification is effective immediately. In the event a reply is received by the specified deadline, then a hearing will be scheduled with the hearing officer.

- (4) The Department may take disciplinary action including suspension and revocation of an individual or company's certification after a notice and opportunity for hearing pursuant to the Georgia Administrative Procedure Act O.C.G.A. Chapter 50-13, as amended, if the Department finds such individual has failed to comply or maintain compliance with O.C.G.A. 31-2, the DHR Rules and Regulations Chapter 290-5-26, or this Protocol.

- (5) Any person or company who has exhausted all administrative remedies available within the department, and who is substantially aggrieved by a final order or final action of the department, is entitled to judicial review and an appeal to superior court pursuant to O.C.G.A. Section 31-5-3.

- (6) Pursuant to O.C.G.A. Section 31-5-3, appeal to the superior court shall be by petition which shall be filed with the clerk's office of such court within thirty (30) days after the final order or action of the department; the petition shall set forth the names of the parties requesting the appeal, the order, rule, regulation, or decision appealed, and the reason it is claimed to be erroneous. The enforcement of the order or action appealed shall be automatically stayed upon the filing of such petition unless the Commissioner of Human Resources in his/her final order certifies that the decision if stayed will harm the public health and safety, in which case a reviewing court may order a stay only if the court makes a finding that the public health and safety will not be harmed by the issuance of the stay. Upon the filing of such petition, the petitioner shall serve on the Commissioner a copy thereof in the manner prescribed by law for the service of process, unless such service of process is waived. The appeal shall be an appeal de novo to the superior court and the appealing party shall have a right to a jury trial and all rights provided under Chapter 11 of Title 9, the "Georgia Civil Practice Act." The superior court shall render a decision approving, setting aside, or modifying the order or action appealed from.
- (7) The holder of any certification that is revoked for failure to comply or maintain compliance with O.C.G.A. 31-2, the DHR Rules and Regulations Chapter 290-5-26, or this Protocol, shall not be entitled to be recertified or be a party to a like industry under any other certification for a period of at least twenty-four (24) months. This provision shall also be applicable to officers, directors, and stockholders of corporate providers involved in any aspect of the on-site sewage industry.

Appeals

Individuals aggrieved or adversely affected by an action of the Department shall have the right to appeal as provided in O.C.G.A. Title 31-5-3.

III. Registered Engineer/Geologist

Any person, who holds a valid certificate of registration as a registered geologist issued pursuant to Chapter 19 of Title 43, or who holds a valid certificate of registration as a professional engineer issued pursuant to Chapter 15 of Title 43 and is practicing within his or her area of engineering competency may register with the Department of Human Resources to conduct investigations of the suitability of a site within the state for an on-site sewage management system.

Initial Registration

A professional engineer/geologist may perform investigations and evaluations of the suitability of a site for an on-site sewage management system, provided that:

- The professional engineer demonstrates competency by the successful completion of at least six quarter hours, or the semester equivalent, or college level courses or eight hours of continuing education related specifically to soils classification and suitability of sites for on-site sewage management systems.
- Submit evidence of current "error and omissions" insurance or other comparable indemnification in the amount of \$1,000,000.

Fee

No registration fee required.

Continued Registration Requirements

- Continued registration as a registered engineer or geologist in the state of Georgia.
- Must submit annually, evidence of current "error and omissions" insurance or other comparable indemnification in the amount of \$1,000,000.