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**Chapter 20**

**BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS**

**PART I**

**GENERAL**

**18 VAC 155-20-10. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

*\*"Board"* means the Board for Waste Management Facility Operators.

~~*"Board approved CPE sponsor"* means a person approved by the board to offer continuing education in accordance with this chapter.~~

*"Board approved training course"* means a course which has been approved by the board to provide appropriate training to an applicant in accordance with this chapter.

~~*"Class I certification license"* means the authorization from the board to act as a waste management facility operator of a transfer station, a material recovery facility receiving mixed waste, an experimental facility, or a composting facility receiving yard waste.~~

~~*"Class II certification license"* means the authorization from the board to act as a waste management facility operator of a facility which composts municipal solid waste, a sanitary, industrial, construction or debris landfill.~~

~~*"Class III certification license"* means the authorization from the board to act as a waste management facility operator of an infectious waste incinerator or autoclave.~~

Board for Waste Management Facility Operators Regulations (Final)

1 ~~"Class IV certification license"~~ means the authorization from the board to act as a waste  
2 management facility operator of a municipal waste combustor.

3 ~~"Class V certification" means the authorization from the board to act as a waste management~~  
4 ~~facility operator for any of the facilities defined in Class I, II, III or IV certification.~~

5 "Closed facility" means a solid waste management facility which has been properly secured in  
6 accordance with an approved facility closure plan.

7 "Closure" means an act of securing a solid waste management facility pursuant to the  
8 requirements established by the Virginia Department of Environmental Quality or appropriate  
9 regulatory authority.

10 [*"Contact hour" means 50 minutes of participation in a group program or 60 minutes of*  
11 *completion time for a project.*]

12 ~~"Continuing Professional Education (CPE)" means an integral part of lifelong learning required~~  
13 ~~to provide competent service to the public; the formal set of activities that enables certified solid~~  
14 ~~waste management facility operators to maintain and increase their professional competence.~~

15 [*"Continuing professional education/training (CPE/T)" means an integral part of the lifelong*  
16 *learning process that enables a licensed solid waste management facility operator to maintain*  
17 *and increase the competence required to assure the public's protection, which shall be pursued*  
18 *through an organized program or project in compliance with this chapter.*]

19 ~~"CPE credit hour" means 50 minutes of participation as a student or as an instructor in a CPE~~  
20 ~~program.~~

21 "Department" means the Department of Professional and Occupational Regulation.

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1 ~~"Experience for Class I, II, III or IV certification" means, but shall not be limited to, the~~  
2 ~~following activities: supervision, research, construction, project development, site development,~~  
3 ~~compliance and enforcement of a permit or regulations, operation, or regulatory review of permit~~  
4 ~~applications.~~

5 ~~"Experience for interim certification" means skill or knowledge obtained by employment which~~  
6 ~~includes responsible, technical, or operational direction of a solid waste management facility or a~~  
7 ~~portion thereof.~~

8 ~~"Full certification" means an authorization issued by the board to a waste management facility~~  
9 ~~operator after the completion of training and examination, through reciprocity or experience.~~

10 *"Full-time employment" means 1,760 hours per year or 220 workdays per year.*

11 *"In charge" means the designation of any person by the owner to have duty and authority to*  
12 *operate or modify the operation of a waste management facility.*

13 ~~"Interim certification" means the method of regulation for a temporary time period whereby the~~  
14 ~~Commonwealth, through the issuance of interim certification, authorizes a person possessing the~~  
15 ~~minimum skills to engage in the practice of a profession or occupation which is unlawful to~~  
16 ~~practice without certification.~~

17 *"License" means an authorization issued by the board to [an individual to practice as] a waste*  
18 *management facility operator [who meets the provisions of this chapter after the completion of*  
19 *training and examination, through reciprocity or experience].*

20 *"Municipal waste combustor" means a mass burn or a refuse derived fuel incinerator or facility*  
21 *designed or modified for the purpose of noninfectious solid waste combustion.*

Board for Waste Management Facility Operators Regulations (Final)

1 *"Operation"* means any waste management facility which is under construction, treating,  
2 processing, storing or disposing of solid waste, or in the act of securing a facility for closure.

3 [*"Organized program"* means a formal learning process designed to permit a participant to  
4 learn a given subject or subjects through interaction with an instructor in a formal course,  
5 seminar or conference.]

6 *"Owner"* means the person who owns a solid waste management facility or part of a solid waste  
7 management facility.

8 *"Person"* means an individual, corporation, partnership, association, governmental body,  
9 municipal corporation or any other legal entity.

10 [*"Project"* means a learning process designed to permit a participant to perform work assigned  
11 by the owner, operator or manager of a waste management facility under the supervision of a  
12 knowledgeable person that results in a specific, predetermined end result and that increases the  
13 participant's competence to practice as a waste management facility operator.]

14 *"Site"* means within the vicinity of all land and structures, other appurtenances, and  
15 improvements thereon used for treating, storing, and disposing of solid waste. This term includes  
16 adjacent land within the property boundary used for the utility systems such as repair, storage,  
17 shipping or processing areas, or other areas incident to the management of solid waste.

18 *"Solid waste"* means any of those materials defined as nonhazardous solid waste in regulations  
19 promulgated by the Virginia Department of Environmental Quality.

20 *"Storage"* means housing a solid waste as consistent with the regulations of the Virginia Waste  
21 Management Board.

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1 *"Substantial change" means a deviation from a specific course that decreases the approved time*  
2 *of the course by more than 30 minutes or modifies the topics of the approved course, [~~where they~~*  
3 *~~are to~~] below the target levels of knowledge, as stated in the course application.*

4 *\*"Waste management facility" means a site used for planned treatment, storage, or disposal of*  
5 *nonhazardous solid waste.*

6 *\*"Waste management facility operator" means any person, including an owner, who is in charge*  
7 *of the actual, on-site operation of a waste management facility during any period of operation.*

8 *\* As defined by Chapter 22.1 (§ 54.1-2209 et seq.) of Title 54.1 of the Code of Virginia.*

9

10 **18 VAC 155-20-20. ~~Certification~~ License required.**

11 For the purposes of this chapter, the individual acting as a waste management facility operator is  
12 an individual employed or contracted by the facility owner whose responsibilities include  
13 supervision of on-site activities ~~that normally require an individual to be at the waste~~  
14 ~~management facility on each day of operation. This is not intended to include individuals whose~~  
15 ~~duties do not include the actual operation or direct supervision of a waste management facility~~  
16 *[and] who, on and after January 1, 1993, has been licensed by the Board for Waste Management*  
17 *Facility Operators or is under the direct supervision of a waste management facility operator*  
18 *licensed by the Board for Waste Management Facility Operators.*

19 **18 VAC 155-20-30. Disclosure.**

20 A. Any individual seeking ~~certification~~ licensure shall disclose *[on the application]* any other  
21 operator or related ~~certification~~ license issued by any other state(s) ~~[on the provided application]~~.

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1 B. Any individual seeking ~~certification~~ licensure shall disclose on the application any felony  
2 convictions or [any] final order actions issued by an administrative body or court regarding  
3 environmental violations or crimes resulting in the significant harm or the imminent and  
4 substantial threat of significant harm to human health or the environment.

5 C. ~~Any certified operator~~ Each licensee shall notify the board in writing within 30 days of any  
6 felony convictions or final order actions issued by an administrative body or court regarding  
7 environmental violations or crimes resulting in the significant harm or the imminent and  
8 substantial threat of significant harm to human health or the environment.

9

10 **18 VAC 155-20-40. Fees.**

11 A. All fees are nonrefundable and shall not be prorated.

12 B. An application shall not be deemed complete and shall not be processed without the required  
13 fee.

14 1. The application fee for full licensure shall be \$75.

15 2. The fee for renewal of full licensure shall be \$50.

16 3. The fee for late renewal of full licensure shall be \$75 ~~as stated in 18 VAC 155-20-180.~~

17 4. The fee for reinstatement of full licensure shall be \$125 ~~as stated in 18 VAC 155-20-~~  
18 ~~190.~~

19 5. The fee for taking the examination or reexamination for licensure shall be \$150. This  
20 examination fee is subject to fees charged to the department by an outside vendor  
21 competitively negotiated and contracted for in compliance with the Virginia Public

Board for Waste Management Facility Operators Regulations (Final)

1 Procurement Act (§ 11-35 et seq. of the Code of Virginia). Fees may be adjusted and  
2 charged to the candidate in accordance with this contract.

3 6. The application fee for training course approval shall be \$125.

4 ~~7. There shall be no fee charged for an application for a CPE sponsor approval.~~

5 ~~8. The fee for interim licensure shall be \$85.~~

6 ~~9. The fee for renewal of interim licensure shall be \$85.~~

7 ~~10.~~ 7. The fee for paying any of the above fees with a check or other instrument not  
8 honored by the bank or other financial institution upon which it is drawn shall be \$25.

9 C. All checks shall be made payable to the Treasurer of Virginia.

10 D. Receipt and deposit of fees submitted with applications do not indicate licensure.

11

12 **18 VAC 155-20-50. Change of status.**

13 A. ~~The certified individual~~ *Each licensee* shall provide written notification of any change of  
14 address to the department within 30 days.

15 B. ~~The certified individual~~ *Each licensee* shall provide written notification and proof of any  
16 change of name [*to the department*] within 30 days.

17 C. ~~The certification~~ *license* issued by the board shall not be transferred or otherwise reassigned.

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Board for Waste Management Facility Operators Regulations (Final)

**PART II.**

**~~INTERIM CERTIFICATION.~~**

**18 VAC 155-20-60. ~~Entry. (Repealed.)~~**

~~A. All individuals acting as a waste management facility operator in the Commonwealth after January 1, 1993, shall hold a valid interim certification or full certification specific to the class of their facility.~~

~~B. Interim certificates issued under the emergency Waste Management Facility Operator Regulations will remain valid through December 31, 1993. Individuals holding interim certificates may renew the certificate until December 31, 1994, or apply for full certification, meeting the standards established by 18 VAC 155-20-100 of this chapter.~~

~~C. Operators securing a facility for closure may renew their interim certification until December 31, 1994. Operators securing a facility for closure after December 31, 1994, shall hold full certification in the appropriate classification.~~

~~D. Closed facilities are not required to have a certified waste management facility operator.~~

~~E. The holder of the certification is not automatically entitled to any subsequent certification upon the expiration of the certificate, but shall meet the standards established by the board to renew the certification.~~

~~F. The board may extend any or all interim certifications expiring on December 31, 1994, to expire on any date after December 31, 1994, and before July 1, 1995.~~

**18 VAC 155-20-70. ~~Qualifications for interim certification. (Repealed.)~~**



Board for Waste Management Facility Operators Regulations (Final)

1 ~~The board shall issue interim certification only after an individual has met, through a completed~~  
2 ~~application and addendum, all education and experience requirements set forth in this chapter.~~

3 ~~1. All individuals seeking interim certification shall be at least 18 years of age.~~

4 ~~2. All individuals seeking interim certification shall meet one of the following~~  
5 ~~requirements:~~

6 ~~a. Three years of full time employment which includes supervisory or operational~~  
7 ~~experience managing a waste management facility since January 1989.~~

8 ~~b. Two years of full time employment which includes supervisory or operational~~  
9 ~~experience managing a waste management facility since January 1989 and a high~~  
10 ~~school diploma or GED.~~

11 ~~c. One year of full time employment which includes supervisory or operational~~  
12 ~~experience managing a waste management facility since January 1989 and an~~  
13 ~~Associate's Degree or at least 60 completed semester hours or equivalent from an~~  
14 ~~accredited institution of higher learning.~~

15 ~~d. Six months of full time employment which includes supervisory or operational~~  
16 ~~experience managing a waste management facility since January 1989 and a~~  
17 ~~Bachelor's Degree.~~

18 ~~3. For the purposes of this chapter, a year of full time employment is defined as 1,760~~  
19 ~~hours per year or 220 work days per year.~~

Board for Waste Management Facility Operators Regulations (Final)

1 ~~4. For the purposes of this chapter, experience requirements claimed on the application~~  
2 ~~for interim certification shall be verified by the individual's supervisor(s) or personnel~~  
3 ~~officer on the form provided. Individuals who are under contract with a facility owner~~  
4 ~~may obtain a letter from the facility owner to verify experience.~~

5 ~~5. For the purposes of this chapter, education requirements claimed on the application for~~  
6 ~~interim certification shall be verified by the attendee's educational institution or~~  
7 ~~authorizing jurisdiction on the provided form or in the form of an official transcript.~~  
8 ~~Diplomas will not be accepted for verification of degree or graduation.~~

9  
10 **18 VAC 155-20-80. Application procedures for interim certification. (Repealed.)**

11 ~~A. Applicants for interim certification shall complete a general application form and all~~  
12 ~~applicable addendum forms. The applications for interim certification are available from the~~  
13 ~~department upon request. Addendum forms shall include but not be limited to:~~

14 ~~1. Verification of experience form; and~~

15 ~~2. Verification of degree or graduation form.~~

16 ~~B. Failure to provide a complete application and all applicable addenda may result in a denial of~~  
17 ~~approval. The failure to provide complete information may be interpreted as misrepresentation~~  
18 ~~and may result in disciplinary action as defined in Part VIII of this chapter.~~

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Board for Waste Management Facility Operators Regulations (Final)

**PART III.**

**RENEWAL OF INTERIM CERTIFICATION.**

**18 VAC 155-20-90. Procedures for renewal. (Repealed.)**

A. ~~Operators may renew their interim certification until December 31, 1994, or may apply for full certification if all requirements under 18 VAC 155-20-100 of this chapter can be met before the interim certificate's expiration.~~

B. ~~Interim certified operators shall be notified by the department by mail of the renewal fee and procedures for certificate renewal.~~

C. ~~Each operator desiring to renew his interim certification shall submit the renewal notice and the appropriate fee before the certification expires. A copy of the certificate may be submitted in lieu of the renewal notice.~~

D. ~~The renewed interim certificate shall expire on December 31, 1994, unless a later date is specifically established by the board under the provisions of 18 VAC 155-20-60 F of this chapter. Any individual granted an interim certification who desires to act as a waste management facility operator after December 31, 1994, or after any later date which may be specifically granted by the board under the provisions of 18 VAC 155-20-60 of this chapter, shall apply for full certification in the appropriate classification as defined in 18 VAC 155-20-100 of this chapter.~~

E. ~~Failure to receive written notice from the Department of Professional and Occupational Regulation does not relieve the regulant from the requirement to renew his certificate or apply for full certification.~~

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PART IV. II.

~~FULL CERTIFICATION LICENSURE.~~

**18 VAC 155-20-100. ~~Full certification~~ *Licensure* required.**

~~Full certification~~ *Licensure* is required for all individuals acting as waste management facility operators after ~~December 31, 1994, unless an extension of the interim certification expiration date is granted by the board~~ *June 30, 1995.*

**18 VAC 155-20-110. ~~Classification for full certification~~ *License classification.***

A. The applicant shall apply for *at least* one classification of ~~certification~~ *license* as outlined below:

1. An individual operating a facility which is defined by the Department of Environmental Quality as a transfer station, a material recovery facility receiving mixed waste, an experimental facility, or a composting facility receiving yard waste shall hold a Class I ~~certification~~ *license*. An individual who has obtained [a] Class II, III or IV ~~certification~~ [~~licensure~~ *license*] may also operate a facility listed under Class I, if the individual has completed the board approved basic training course.

2. An individual operating a facility which composts municipal solid waste, or is defined by the Department of Environmental Quality as a sanitary, industrial, construction or debris landfill shall hold a Class II ~~or Class V certification~~ *license*.

Board for Waste Management Facility Operators Regulations (Final)

1 3. An individual operating a facility defined by the Department of Environmental Quality  
2 as an infectious waste incinerator or an autoclave shall hold *a Class III ~~or Class V~~*  
3 ~~certification~~ *license*.

4 4. An individual operating a facility defined by the Department of Environmental Quality  
5 as a municipal waste combustor shall hold *a Class IV ~~or Class V~~ certification* *license*.

6 ~~5. An individual operating any of the facilities outlined in this section may hold Class V~~  
7 ~~certification.~~

8 B. ~~No certified operator~~ *A licensee may not operate a facility outside of his classification other*  
9 *than that defined by subdivision A 1 of this section* ~~outside of his classification.~~

10

11 **18 VAC 155-20-120. Qualifications for ~~certification~~ licensure.**

12 A. The board shall issue ~~certification~~ *a license* only after an individual has met, through a  
13 completed application and addendum, all training, testing, and experience requirements for ~~a~~ *at*  
14 *least one* specific class as set forth in this chapter.

15 B. The ~~operator~~ *applicant* shall meet the following requirements for ~~certification~~ *licensure* for all  
16 classes of ~~certification~~ *licenses*:

17 1. The applicant shall be at least 18 years of age.

18 2. The applicant shall provide proof of ~~graduation from~~ high school, *or* college  
19 *graduation*, or ~~have successfully completed and received of~~ having a ~~GED~~ *General*  
20 *Equivalency Diploma (GED)*.

Board for Waste Management Facility Operators Regulations (Final)

1        3. ~~If the~~ *An applicant who* cannot fulfill the requirement outlined in subdivision B 2 of  
2        this section, ~~the applicant~~ shall document at least five years of verified experience with a  
3        waste management facility, with at least three years of experience ~~since January 1, 1988,~~  
4        [~~which includes in~~] *at least one of* the following activities:

5            a. Supervision;

6            b. Research;

7            c. Construction;

8            d. Project development;

9            e. Site development;

10           f. Compliance and enforcement of a permit or regulations;

11           g. Operation; or

12           h. Review of materials for permitting purposes.

13        4. All applicants shall successfully complete the basic training course as defined in 18  
14        VAC 155-20-220 B ~~of this chapter.~~

15        5. An applicant may use employment responsibilities in lieu of facility specific training as  
16        defined in subsections D through ~~G~~ *F* of this section, provided that:

Board for Waste Management Facility Operators Regulations (Final)

1 a. The applicant ~~has been a full-time employee for seven years, with at least three~~  
2 ~~years of employment since January 1, 1988.~~ *at a waste facility specific to the*  
3 *desired [license] classification for at least three of the past seven years.*

4 b. The employment responsibilities include *[at least one of]* those activities  
5 enumerated in subdivision 3 of this subsection; ~~and.~~

6 ~~c. The three years employment responsibilities are specific to the desired~~  
7 ~~classification.~~

8 ~~For the purposes of this subsection, full time employment is defined as 1,760 hours per~~  
9 ~~year or 220 work days per year.~~

10 6. The board will accept facility specific training provided that: (i) the training has been  
11 approved by the board pursuant to 18 VAC 155-20-230; and (ii) the training was  
12 successfully completed after January 1, 1989.

13 7. Experience requirements claimed on the application for ~~certification~~ *licensure* shall be  
14 verified by the individual's supervisor(s) or personnel officer. Individuals who are under  
15 contract with a facility owner may obtain a letter from the facility owner to verify  
16 experience.

17 8. Education requirements claimed on the application for ~~certification~~ *licensure* shall be  
18 verified by the attendee's educational institution or authorizing jurisdiction on the  
19 provided form or in the form of an official transcript or letter. Diplomas will not be  
20 accepted for verification of degree or graduation.

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1 9. The applicant holding a valid ~~certification~~ *license* from another state or jurisdiction  
2 may qualify by reciprocity under the provisions of 18 VAC 155-20-150 ~~of this chapter~~.

3 C. The specific requirements for Class I ~~certification~~ *licensure* follow:

4 1. Complete a board approved basic training course, and

5 2. Pass the board approved examination for Class I.

6 D. The specific requirements for Class II ~~certification~~ *licensure* follow:

7 1. Complete a board approved basic training course and an approved training course  
8 specific to Class II facilities, and

9 2. Pass the board approved examination for Class II.

10 E. The specific requirements for Class III ~~certification~~ *licensure* follow:

11 1. Complete a board approved basic training course and an approved training course  
12 specific to Class III facilities, and [*pass the board-approved examination for Class III;*  
13 *or]*

14 2. ~~[Pass the board approved examination for Class III, or]~~ 3. ~~[complete~~ *Complete*] the  
15 training and examination requirement of a federal or state agency under the *federal* Clean  
16 Air Act ~~Amendments of 1990~~, *as amended, as of the date applicable to an interpretation*  
17 *of a regulation or adjudication of a case decision* and complete the board approved basic  
18 training course within one year after ~~certification~~ *licensure*.

19 F. The specific requirements for Class IV ~~certification~~ *licensure* follow:



Board for Waste Management Facility Operators Regulations (Final)

- 1 1. Complete a board approved basic training course and an approved training course  
2 specific to Class IV facilities, and [*pass the board-approved examination for Class IV;*  
3 *or*]
- 4 2. ~~Pass the board approved examination for Class IV, or~~ 3. [~~complete~~ *Complete*] the  
5 training and examination requirement of a federal or state agency under the *federal* Clean  
6 Air Act ~~Amendments of 1990, as amended, as of the date applicable to an interpretation~~  
7 *of a regulation or adjudication of a case decision* and complete the board approved basic  
8 training course within one year after ~~certification~~ *licensure*.

9 ~~G. The specific requirements for Class V certification follow:~~

- 10 1. ~~Complete a board approved basic training course and approved training courses~~  
11 ~~specific to all designated classifications of facilities, and~~
- 12 2. ~~Pass the board approved examinations for Classes II, III and IV.~~

13

14 **18 VAC 155-20-130. Application procedures.**

15 ~~A. Applicants for certification shall complete a general application form and all applicable~~  
16 ~~addendum forms. The applications are provided by the department upon request. Addendum~~  
17 ~~forms shall include, but not be limited to:~~

- 18 1. ~~Verification of experience form; and~~
- 19 2. ~~Verification of degree or graduation form.~~

Board for Waste Management Facility Operators Regulations (Final)

1 ~~B.~~ A. *Application shall be made on forms supplied by the department and application forms shall*  
2 *be completed in accordance with the instructions on the forms.* Failure to provide a complete  
3 application and all applicable addenda may result in a denial of approval. The failure to provide  
4 complete information may be interpreted as misrepresentation and may result in disciplinary  
5 action as defined in ~~Part VIII of this chapter~~ by 18 VAC 155-20-280.

6 B. *Those already licensed who desire to add another classification or classifications to their*  
7 *license shall apply under the provisions of 18 VAC 155-20-110.*

8

9 **18 VAC 155-20-140. Examinations.**

10 A. Initial examination.

11 1. An individual may not take the board approved examination until all training  
12 requirements have been completed and *[are]* verified to the board unless exempt under  
13 18 VAC 155-20-120 B 5 ~~of this chapter~~.

14 2. All applicants approved for the examination by the board will be notified in writing  
15 with a request for the examination fee defined in 18 VAC 155-20-40 B 5 ~~of this chapter~~.  
16 The applicant will be scheduled for the next available examination upon receipt of the  
17 examination fee.

18 3. The examination fee will be required at least 30 days before the scheduled date of the  
19 examination.

20 4. All applicants shall achieve a passing score on the examination as determined by the  
21 board.

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1       5. An individual unable to take an examination at the time scheduled shall notify the  
2       board prior to the date of the examination; such an individual shall be rescheduled for the  
3       next examination. Failure to notify the board may require the submittal of a new  
4       examination fee.

5    B. Reexamination.

6       1. An individual may retake the board-approved examination as many times as necessary  
7       to pass except those who have been waived from training requirements.

8       2. If the applicant has been waived from training under 18 VAC 155-20-120 B 5 ~~of this~~  
9       ~~chapter~~ and fails, the applicant may retake the examination once. After failing twice, the  
10      applicant shall complete the required training before retaking the examination.

11      3. Reexamination shall require the submission of the reexamination fee as defined in 18  
12      VAC 155-20-40 B 5 ~~of this chapter~~.

13

14    **18 VAC 155-20-150. Reciprocity.**

15    A. Any individual holding *[a]* valid ~~certification~~ *license* ~~[under in]~~ another state may apply for  
16    ~~certification~~ *licensure* based on reciprocity.

17    B. The board will certify an individual who submits a completed application and the initial  
18    application fee and is in compliance with 18 VAC 155-20-280 ~~of this chapter~~.

19    C. All applicants ~~certified~~ *licensed* through reciprocity shall complete the basic training course  
20    within one year ~~of certification~~ *after [licensure being licensed in Virginia]*.

Board for Waste Management Facility Operators Regulations (Final)

1 D. If the ~~certified operator~~ licensee fails to complete the basic course and *[fails to]* properly  
2 notify the board *[of such failure]* within one year ~~of certification~~ *after licensure*, the board may  
3 begin disciplinary action to suspend or revoke the ~~certification~~ license.

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PART ~~V~~. III.

7

RENEWAL OF FULL CERTIFICATION LICENSE.

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9 **18 VAC 155-20-160. Procedures for renewal.**

10 A. ~~Certificates Licenses~~ issued under this chapter shall expire biennially ~~on the last calendar day~~  
11 ~~of the month. Certificate holders Licensees~~ shall be notified by mail of the fee and the procedures  
12 for ~~certificate license~~ renewal. Each ~~certificate holder licensee~~ desiring to renew ~~the certificate~~  
13 ~~his license~~ shall ~~submit~~ ensure that the department receives the renewal notice, ~~verification of~~  
14 ~~continuing education on the form provided by the department,~~ *[evidence of completion of*  
15 *continuing professional education/training,]* and the appropriate fee before the ~~certificate license~~  
16 expires.

17 B. ~~There shall be a penalty for late renewal assessed in addition to the renewal fee for any~~  
18 ~~certificate holder failing to renew the certificate within 30 days following the date of expiration.~~

19 B. *For the purposes of the first renewal after [May 1, 2000], the expiration date of all licenses*  
20 *issued to a single individual shall be the expiration date on the license most recently issued to or*  
21 *renewed for that individual. Each license issued after [May 1, 2000] shall indicate the class or*  
22 *classes of licensure held by the licensee.*

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1 *C. Licenses shall be renewed for a period of 24 months from the date of the expiring license.*

2 ~~C. D. Failure to receive written notice from the department of Professional and Occupational~~  
3 ~~Regulation does not relieve the regulant from the requirement to renew his certificate license. If~~  
4 ~~the certificate license holder fails to receive the renewal notice, a copy of the certificate license~~  
5 ~~may be submitted with verification of continuing education requirements and [evidence of~~  
6 ~~completion of the continuing education/training, and] the appropriate fee.~~

7 ~~D. E. The date the required fee is received by the department of Professional and Occupational~~  
8 ~~Regulation, or its agent, will be used to determine whether a penalty fee or the requirement for~~  
9 ~~reinstatement of a certificate license is applicable.~~

10 ~~E. F. Revoked or suspended certificates licenses are not renewable until reinstated by the board.~~

11

12 **18 VAC 155-20-170. Continuing education. (Repealed.)**

13 ~~All applicants for certification renewal shall complete at least 10 hours of continuing education~~  
14 ~~in accordance with 18 VAC 155 20 240 during the term of their expiring certification, except~~  
15 ~~that no continuing education shall be required for the first renewal after the issuance of the initial~~  
16 ~~certification.~~

17

18 **[18 VAC 155-20-175. Continuing professional education/training.**

19 *A. Each applicant for license renewal shall provide evidence of the completion of at least eight*  
20 *contact hours of continuing professional education/training, as defined in 18 VAC 155-20-10 of*  
21 *this chapter, in accordance with 18 VAC 155-20-245 of this chapter, except that no continuing*

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1 *professional education/training shall be required for the first renewal after the issuance of the*  
2 *initial license to an individual.*

3 *B. All CPE/T contact hours must be specific to the operation of a waste management facility.*

4 *C. Renewal applicants shall submit one or both of the following to document completion of the*  
5 *hours of CPE/T required by subsection A of this section:*

6 *1. For an organized program, a document with:*

7 *a. The name address and telephone number of the sponsor;*

8 *b. The date(s) the applicant participated in the organized program;*

9 *c. A copy of the syllabus or other descriptive material of the information presented*  
10 *during the organized program; and*

11 *d. Verification of the number of contact hours completed that were specific to the*  
12 *operation of a waste management facility.*

13 *2. For a project, a document with:*

14 *a. The name and address of the waste management facility where the project was*  
15 *conducted;*

16 *b. The name of the owner, operator or manager of the facility who assigned the*  
17 *project;*

18 *c. The name, address and telephone number of the knowledgeable person assigned*  
19 *to supervise the license renewal applicant during the project;*

20 *d. A brief description of how the project's specific predetermined end result*  
21 *increased the license renewal applicant's competence; and*

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1           e. *A statement of the number of contact hours required for the licensed renewal*  
2                     *applicant to satisfactorily complete the project, which is signed by the owner,*  
3                     *operator or manager of the facility where the project was conducted or by the*  
4                     *knowledgeable person supervising the project.*

5 *D. The board shall advise the license renewal applicant of the approval of his CPE/T by issuing*  
6 *the renewed license, provided all of the other renewal requirements of this chapter have been*  
7 *met. The board shall advise the license renewal applicant in writing of the deficiencies it finds in*  
8 *the CPE/T submitted and shall allow a reasonable amount of time for the renewal applicant to*  
9 *correct the deficiencies and respond.*

10 *E. Each licensee shall maintain evidence of the satisfactory completion of CPE/T for a period of*  
11 *three years. Such documentation shall be in the form required by subsection C of this section*  
12 *and shall be provided to the board or its duly authorized agents upon request.*

13 *F. CPE/T contact hours taken after the expiration of the individual's license to meet the CPE/T*  
14 *requirement of the prior license term shall not be reported for any future renewal.]*

15

16 **18 VAC 155-20-180. Late renewal.**

17 If the renewal fee[, ] as provided for in 18 VAC 155-20-40 B 2[, ] ~~of this chapter~~ is not received  
18 by the department of ~~Professional and Occupational Regulation~~ within 30 days after the  
19 expiration date noted on the ~~certification~~ license, the late renewal fee provided for in 18 VAC  
20 155-20-40 B 3 shall be required.

21

22 **18 VAC 155-20-190. Reinstatements.**

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1 If the ~~certificate holder licensee~~ fails to renew ~~the certificate~~ *his license* within six months  
2 following the expiration date, the ~~certificate holder will licensee~~ shall be required to apply for  
3 reinstatement of the ~~certificate~~ *license*. The applicant will be required to present reasons that the  
4 ~~certificate~~ *license* was allowed to expire, and the board may grant reinstatement of the ~~certificate~~  
5 *license* or require requalification or reexamination or both. The application fee for reinstatement  
6 of a ~~certificate~~ *license* shall be the amount provided for in 18 VAC 155-20-40 B 4 of ~~this~~  
7 ~~chapter~~. An individual who has not [*been*] reinstated within two years ~~of~~ *after* expiration of the  
8 ~~certification~~ *license* must reapply as a new applicant. The new applicant shall ~~be exempted from~~  
9 ~~the required training but~~ *provide evidence of satisfactory completion of the training course(s)*  
10 *required by this chapter* and shall pass the examination as determined by the board.

11

12 **18 VAC 155-20-200. Board discretion to deny renewal or reinstatement.**

13 The board may deny renewal or reinstatement of a ~~certificate~~ *license* for the same reasons as it  
14 may refuse *an initial certification license* or discipline a ~~certificate holder licensee~~.

15

16 **18 VAC 155-20-210. Status of ~~certification~~ *licensure* during the period prior to**  
17 **reinstatement.**

18 A. Reinstated ~~certifications~~ *licenses* shall continue to have the same ~~certification~~ *license* number  
19 and shall be assigned an expiration date two years from the previous expiration date of the  
20 ~~certification~~ *license*.

21 B. Reinstated ~~certifications~~ *licenses* shall be regarded as having been continuously licensed  
22 without interruption. Therefore, the holder of the reinstated ~~certification~~ *license* shall remain



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1 under the disciplinary authority of the board during this entire period and may be held  
2 accountable for his activities during this period.

3 C. ~~Certifications~~ *Licenses* which are not renewed or reinstated shall be regarded as expired from  
4 the date of the expiration forward.

5 D. Nothing in this chapter shall divest the board of its authority to take disciplinary action for a  
6 violation of the law or regulations during the period of time for which an individual was ~~certified~~  
7 *licensed*.

8

9

10

#### PART ~~VI~~ IV.

11

#### TRAINING REQUIREMENTS FOR ~~FULL~~ CERTIFICATION.

12

#### 13 **18 VAC 155-20-220. Training ~~requirements~~ course curriculum.**

14 A. All individuals seeking to become a certified solid waste management facility operator shall  
15 complete a Virginia Board for Waste Management Facility Operators approved training  
16 course(s). This section may be waived if the individual is applying for certification through  
17 reciprocity or under 18 VAC 155-20-120 B-5. *The board shall approve only training courses*  
18 *which document that their instruction meets the minimum curriculum standards contained in this*  
19 *section.*

20 B. A board approved basic training course shall at a minimum include the following topics as  
21 they relate to nonhazardous solid waste management facilities:

22

1. Definitions

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- 1        2. Authority for regulations
- 2        3. Purpose of regulations
- 3        4. Administration of regulations
- 4        5. Applicability of regulations
- 5        6. Prohibitions
- 6        7. Open dumps
- 7        8. Unpermitted facilities
- 8        9. Enforcement and appeal
- 9        10. Penalties and enforcement
- 10       11. Public participation
- 11       12. Relationship with other regulations promulgated by the Virginia Waste Management  
12       Board
- 13       13. Identification of solid waste
- 14            a. Purpose and scope
- 15            b. Definitions of solid waste
- 16            c. Special wastes
- 17            d. Exclusions

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- 1 e. Conditional exemptions
  
- 2 14. Overview of open dumps and unpermitted facilities
  
- 3 15. Permitting of solid waste management facilities
  
- 4 16. Review of Department of Environmental Quality Inspection Form
  
- 5 17. Overview of permitted solid waste management facilities
  - 6 a. Transfer stations
  - 7 b. Material recovery facilities
  - 8 c. Experimental facilities
  - 9 d. Sanitary landfills
  - 10 e. Infectious waste incinerators
  - 11 f. Mass burn facilities
  - 12 g. Refuse derived fuel facilities
  - 13 h. Autoclaves
  
- 14 18. Overview of general OSHA requirements
  
- 15 19. Neighbor relations
  
- 16 20. Recordkeeping and financial assurance

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1 C. A board approved training course specific to Class II facilities shall include at a minimum the

2 following topics:

3 1. Definitions

4 2. Special wastes

5 a. General

6 b. Asbestos wastes

7 c. Wastes containing polychlorinated biphenyls

8 d. Liquids

9 e. Tires

10 f. Drums

11 g. White goods

12 h. Soil contaminated with petroleum products

13 i. Lead acid batteries

14 j. Other prohibited wastes

15 k. Hazardous wastes

16 l. Screening for prohibited wastes

17 m. Handling procedures for special or hazardous wastes

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- 1 n. Recordkeeping and notification requirements
  
- 2 3. Solid waste disposal standards
  
- 3 a. General standards for sanitary landfills
  
- 4 b. Design/construction
  
- 5 c. Operation
  
- 6 d. Groundwater monitoring
  
- 7 e. Closure
  
- 8 f. Post-closure care requirements
  
- 9 g. Control of decomposition gases
  
- 10 h. Leachate control system and monitoring
  
- 11 i. Leachate control system appurtenances
  
- 12 j. Corrective action program
  
- 13 4. Construction/demolition debris standards
  
- 14 5. Industrial waste disposal standards
  
- 15 6. Other solid waste management facility standards
  
- 16 a. Compost facilities

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- 1           b. Surface impoundments and lagoons
- 2           c. Waste piles
- 3           d. Miscellaneous units
- 4       7. Permitting of solid waste management facilities
- 5       8. Financial assurance documentation
- 6       9. Rulemaking petitions and procedures
- 7   D. A board approved training course [~~for specific to~~] Class III [~~specific management facility~~
- 8   *facilities*] shall include at a minimum the following topics:
- 9       1. Identification and listing of infectious waste
- 10           a. General
- 11           b. Exemption to regulations
- 12           c. Exclusions
- 13           d. Characteristics of infectious waste
- 14           e. Controlled infectious waste
- 15       2. General requirements
- 16           a. Permits and permits by rule
- 17           b. Financial assurance requirements

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- 1 c. Packaging and labeling requirements
- 2 d. Management of spills
- 3 e. Closure requirements
- 4 f. Methods of treatment and disposal
- 5 g. Approved test method
- 6 h. Recordkeeping requirements
- 7 3. Requirements for storage facilities
  - 8 a. Sanitation
  - 9 b. Access
  - 10 c. Temperature control and storage period
  - 11 d. Drainage and ventilation
- 12 4. Requirements for transportation
  - 13 a. Sanitation
  - 14 b. Access
  - 15 c. Temperature and storage period
  - 16 d. Drainage

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- 1 e. Packaging, labeling and placards
- 2 f. Management of spills
- 3 g. Loading and unloading
- 4 h. Registration of transportation
- 5 5. Requirements for incineration
  - 6 a. Performance standards
  - 7 b. Analysis and management of ash residue
  - 8 c. Unloading operation
  - 9 d. Compliance with other regulatory requirements
- 10 6. Requirements for steam sterilization
  - 11 a. Performance standards
  - 12 b. Compliance with other regulatory requirements
- 13 E. A board approved training course [~~for specific to~~] Class IV [~~specific management facility~~  
14 *facilities*] shall include at a minimum the following topics:
  - 15 1. Solid Waste Management Regulations
    - 16 a. Siting
    - 17 b. Design and construction



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- 1           c. Operation
- 2           d. Waste characteristics
- 3       2. Emissions formation and control
- 4           a. Type of emissions
- 5           b. Environmental effect
- 6           c. Control techniques
- 7       3. Emissions monitoring
- 8           a. Parameters monitored
- 9           b. Types of monitors
- 10          c. Data acquisition
- 11          d. Monitor calibration, certification and testing
- 12       4. Combustion and gas reactions
- 13           a. Combustion components
- 14           b. Optimizing solid waste combustion
- 15           c. Gas reactions related to combustor construction materials
- 16       5. Solid waste materials handling

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1 a. Front end processing equipment

2 b. Combustion enhancement

3 c. Back end processing

4 d. Recycling benefits

5 6. Waste combustion residue handling and disposal

6 a. Types of residue

7 b. Characteristics

8 c. Regulations

9 d. Monitoring

10 e. Handling and transportation

11 f. Disposal

12 g. Alternative uses

13 7. Safety

14 a. Employer/employee obligations

15 b. OSHA

16 c. Hazard communication

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1 d. Equipment tagout

2 e. Respiratory protection

3 8. Recordkeeping

4 a. Engineering log keeping

5 b. Maintenance

6 c. Solid waste

7

8 **18 VAC 155-20-230. Approval of training course.**

9 ~~A. Persons seeking to have a training course approved by the board shall complete a form~~  
10 ~~provided by the board and submit the appropriate fee as defined in~~ *Each applicant for training*  
11 *course approval shall meet the requirements established by this chapter before being granted*  
12 *approval [by the board]. Those desiring approval of a training course shall apply on a form*  
13 *provided by the department. The form shall be completed in accordance with the instructions*  
14 *supplied, and shall be accompanied by three copies of the materials which document that the*  
15 *training course meets the requirements of this chapter and by the fee required by 18 VAC 155-*  
16 *20-40 B 6 of this chapter. Receipt and deposit of the required fee [do does] not indicate board*  
17 *approval.*

18 B. Training courses shall be approved by the board prior to the training activity in accordance  
19 with the following:

20 1. Training providers.

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- 1 a. Organizations. The board may approve training courses offered by a sponsor  
2 who is an identifiable organization which can demonstrate the capability to teach  
3 environmental or engineering material. The organization shall have a mission  
4 statement outlining its functions, structure, process and philosophy, and ~~that~~ a  
5 staff of one or more persons *[that]* has the authority to administer and coordinate  
6 the training program.
- 7 b. Schools. The board may approve training courses offered by an accredited  
8 academic institution which can demonstrate the capability to teach environmental  
9 or engineering material.
- 10 c. Businesses. The board may approve training courses offered by a business  
11 entity which can demonstrate the capability to teach environmental or engineering  
12 material.
- 13 2. Instructors. The training course provider shall ensure training is only conducted by  
14 personnel who have demonstrated competence in the subject being taught, an  
15 understanding of the learning objective, a knowledge of the teaching process to be used,  
16 and a proven ability to communicate.
- 17 3. Objectives. The training course provider shall ensure that the course has a series of  
18 stated objectives that are consistent with the type of facility, operator job requirements,  
19 and state and federal regulation. The training course shall be consistent with training  
20 criteria outlined in 18 VAC 155-20-220 of this chapter.

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1 4. The board shall only approve courses which provide the participants a complete tour of  
2 a facility appropriate to the course emphasizing operator responsibilities. The basic  
3 training course is exempt from this requirement.

4 5. Course completion requirements. For successful completion of a training program,  
5 participants must attend 90% or more of the class contact time and the tour of the facility.

6 6. The training provider shall provide an effective means for evaluation of the quality of  
7 the course and the instructor(s).

8 7. The training provider shall ensure the number of participants and physical facilities are  
9 appropriate for the course content and teaching method specified by the developer [*of the*  
10 *course*].

11 8. The training provider shall ensure all course materials are technically accurate, current  
12 and sufficient to meet the program's learning objectives.

13 C. Training records.

14 1. An approved training provider shall retain records for all participants for a period of 10  
15 years and shall maintain a written policy on the retention and release of records.

16 2. All records pertaining to the approved training and participants shall be made available  
17 to the board immediately upon request.

18 D. The board shall consider the following information, ~~to be submitted to the board at least 45~~  
19 ~~days prior to the scheduled training activity~~ *before deciding to approve or disapprove an*  
20 *application for training provider approval:*

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- 1       1. Course information.
- 2           a. Course title
- 3           b. Planned audience
- 4           c. Name of sponsor
- 5           d. Name, address and telephone number of contact person
- 6           e. Scheduled presentation dates
- 7           f. Detailed course schedule on an hour-by-hour basis
- 8           g. List of planned breaks
- 9           h. Scheduled presentation locations
- 10          i. Scheduled tour locations
- 11          j. Instructor(s) resume
- 12       2. Training materials.
- 13           a. Course objectives. A listing of the course objectives stated in ~~the~~ terms of the
- 14           skills and knowledge the participant will be able to demonstrate as a result of the
- 15           training.
- 16           b. Course outline. A detailed outline showing the planned activities that will occur
- 17           during the training program, including major topics, planned presentation
- 18           sequence, tour activities, audio-visual presentations and other major activities.

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1 c. Course reference materials. A list of name, publisher, and publication of  
2 commercially available publications; for material developed specifically for the  
3 course, a copy of the reference material.

4 d. Audio-visual support materials. A list of any commercially available audio-  
5 visual support material that will be used in the course; a brief description of any  
6 audio-visual material generated by the sponsor or instructor.

7 e. Handouts. Identification of all commercially available handout material  
8 including regulations; copies of other handouts generated by the sponsor or  
9 instructor.

10 E. The board shall approve all substantial changes to the course ~~and all additional course dates~~  
11 ~~and locations prior to the training activity~~ *before the changes may be implemented.*

12 F. The board reserves the right to withdraw approval if the board determines the course is not  
13 adequately teaching participants, or the sponsor or an instructor violates this chapter.

14  
15 **18 VAC 155-20-240. Continuing education requirement. (Repealed.)**

16 ~~A. All applicants for certification renewal shall complete at least 10 hours of continuing~~  
17 ~~education during the term of the expiring certification. No continuing education shall be required~~  
18 ~~for the first renewal after the issuance of the initial certification.~~

19 ~~B. In order for the certified operator to receive continuing education credit, all credit hours shall~~  
20 ~~be specific to the management of a solid waste management facility.~~

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1 ~~C. Certified individuals may seek board approval of a specific course on a case by case basis~~  
2 ~~either before or after completing the course.~~

3 ~~1. Certified individuals requesting an individual course be approved shall submit the~~  
4 ~~name, address and telephone number of the sponsor, a copy of the syllabus and other~~  
5 ~~available descriptive material to the board for review.~~

6 ~~2. If the board approves the course, the applicant will receive a letter from the board~~  
7 ~~stating the approval and the number of credit hours which will be awarded for completing~~  
8 ~~the course.~~

9 ~~D. The certified operator shall retain evidence of satisfactory completion of CPE credit hours for~~  
10 ~~a period of three years. Such documentation shall be in a form of the certificate of completion~~  
11 ~~from an approved sponsor or verification from the accredited institution offering the course. If,~~  
12 ~~upon request, the certified operator cannot produce such documentation, the certified operator~~  
13 ~~may be subject to disciplinary proceedings.~~

14 ~~E. All CPE credit hours shall be reported to the board on a form provided by the board and~~  
15 ~~subject to possible audit.~~

16 ~~F. CPE credit hours, taken after the expiration of the individual's certificate to meet the CPE~~  
17 ~~requirement of the prior certification cycle, shall not be reported for any future renewal.~~

18 ~~G. Failing to meet the CPE requirement may result in reapplication for certification including~~  
19 ~~possible training and examination requirements.~~

20

21



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~~PART VII.~~

~~APPROVAL OF CPE SPONSORS.~~

~~18 VAC 155-20-250. General. (Repealed.)~~

~~A. For the purposes of this section all courses, seminars and conference presentations related to the management of a solid waste management facility sponsored by state and federal government bodies are approved by the board.~~

~~B. Persons seeking registration as a board approved sponsor shall apply on an application form provided by the board and submit the application fee defined in 18 VAC 155 20 40 B 7 of this chapter. The receipt and deposit of fees do not indicate board approval.~~

~~C. Each applicant shall agree as a condition of registration to abide by the following provisions:~~

~~1. Each applicant shall possess the financial resources, sound administration, competent supervision and an effective and supportive organizational structure.~~

~~2. Programs shall contribute to the professional competence of participants in managing and operating a solid waste management facility.~~

~~3. CPE credit hours are allowed only for formal programs of learning that maintain or increase the professional competence of the participant.~~

~~4. Program sponsor shall select instructors qualified with respect to both program content and required teaching methods.~~

~~5. Program sponsors shall ensure the number of participants and the physical facilities are appropriate for the program content and teaching methods used by the instructors.~~

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1 ~~6. Sponsors shall provide an effective means for evaluating the quality of the program~~  
2 ~~and instructors.~~

3 ~~D. Failure of the sponsor to comply with the requirements relating to the responsibilities of~~  
4 ~~program sponsors may result in the termination by the board of approved sponsor designation.~~

5 ~~E. The board reserves the right to initiate an investigation of an approved sponsor.~~

6 ~~F. Upon finding of any violation of the board's rules and regulations, the board may deny initial~~  
7 ~~registration, deny renewal, suspend or revoke approval.~~

8

9 **18 VAC 155-20-260. Standards for CPE program development and presentation.**

10 ***(Repealed.)***

11 Each sponsor that submits an application to the board shall accept and abide by these provisions:

12 ~~1. Program developers shall state learning objectives and specify the level of knowledge~~  
13 ~~of the program. Each objective shall be written to be consistent with the program's~~  
14 ~~specified level of knowledge. Levels of knowledge shall be described as basic,~~  
15 ~~intermediate, advanced or updated.~~

16 ~~2. Program developers shall state the prerequisites for education, experience, or both for~~  
17 ~~all programs.~~

18 ~~3. Program developers shall be qualified in the subject matter and be knowledgeable in~~  
19 ~~instruction design through practical experience, education or both.~~

20 ~~4. Program materials shall be technically accurate, current, and sufficient to meet the~~  
21 ~~program's learning objectives.~~

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1 ~~5. Program sponsors shall inform all participants in advance of learning objectives,~~  
2 ~~prerequisites, level of knowledge of the program, program content, need for any~~  
3 ~~advanced preparation, teaching methods to be used, recommended CPE credit, and~~  
4 ~~relevant administrative policies.~~

5 ~~6. Brochures and other announcements shall disclose all policies and procedures~~  
6 ~~concerning registration, payment of fees, refunds, attendance, and certificates of~~  
7 ~~completion.~~

8 ~~7. All programs shall be measured in 50 minute contact hours. The shortest program for~~  
9 ~~CPE credit purposes shall consist of one contact hour.~~

10 ~~8. Instructors shall be given CPE credit for their preparation and presentation time. Credit~~  
11 ~~for instructors shall be measured in 50 minute contact hours. Preparation credit received~~  
12 ~~shall be no greater than two times the number of presentation hours. An instructor may~~  
13 ~~not receive credit for preparation time for a repeated presentation unless he can~~  
14 ~~demonstrate that the program content involved was substantially changed.~~

15

16 **18 VAC 155-20-270. Certificates of completion and recordkeeping. (Repealed.)**

17 ~~A. The sponsor shall provide participants, upon successful completion of each course, a~~  
18 ~~certificate of completion indicating location, date(s), CPE credit hours, sponsor identification,~~  
19 ~~address of sponsor, and title of course.~~

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1 ~~B. The sponsor shall maintain for a period of five years records of participation, copy of program~~  
2 ~~materials, dates, location, instructor(s), number of CPE contact hours, and evaluations of the~~  
3 ~~course and instructor.~~

4 ~~C. All records shall be made available to the board immediately upon request.~~

7 PART VIII. V.

8 ~~STANDARDS OF CONDUCT AND DISCIPLINARY ACTION.~~

9  
10 **18 VAC 155-20-280. ~~Prohibited acts.~~ *Grounds for denial of application, denial of renewal, or***  
11 ***discipline.***

12 ~~A. Part VIII is intended to apply to both interim and full certification.~~

13 ~~B. The following are grounds for disciplinary action by the board.~~ *A. The board shall have the*  
14 *authority to deny an application for and to deny renewal of a license or training course*  
15 *approval, and to revoke or suspend the license or training course approval as well as to*  
16 *discipline a licensee or an approved training provider for the following reasons:*

17 1. ~~The certificate holder violates or induces~~ *Violating or inducing* another person to  
18 violate any provisions of Chapters 1, 2, 3 or 22.1 of Title 54.1 of the Code of Virginia, or  
19 any provisions of this chapter.

20 2. ~~The certificate issued to a solid waste management facility operator was obtained~~  
21 *Obtaining a license or training course approval* through fraudulent means or  
22 misrepresentation.

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1       3. Having been found guilty by the board, an administrative body or by a court of any  
2       material misrepresentation in the course of performing his operating duties.

3       4. Having been convicted or found guilty, regardless of jurisdiction, of any felony, or  
4       violation which resulted in the significant harm [*or the imminent and substantial threat of*  
5       *significant harm*] to human health or the environment, there being no appeal pending  
6       therefrom or the time of appeal having elapsed. Any plea of nolo contendere shall be  
7       considered a conviction for the purposes of this chapter. ~~The record of a conviction~~  
8       ~~authenticated in such form as to be admissible in evidence under the laws of the~~  
9       ~~jurisdiction where convicted~~ *A certified copy of the final order, decree or case decision*  
10      *by a court or regulatory agency with lawful authority to issue such order, decree or case*  
11      *decision shall be admissible as prima facie evidence of such conviction.*

12      5. Failing to inform the board in writing within 30 days of pleading guilty or nolo  
13      contendere or being convicted or found guilty of any felony which resulted in the  
14      significant harm or the imminent and substantial threat of significant harm to human  
15      health or the environment.

16      6. Gross negligence, or a continued pattern of incompetence, in the practice as a waste  
17      management facility operator.

18      7. Violating the permit conditions for the facility, or violating any federal, state or local  
19      laws or regulations which results in the significant harm or an imminent and substantial  
20      threat of significant harm to human health or the environment.

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1 ~~C.~~ B. Any individual whose ~~certification~~ license is revoked under this section shall not be  
2 eligible to apply for ~~certification~~ licensure for a period of one year from the effective date of the  
3 final order of revocation. [*After the one-year period, The the*] individual shall meet all  
4 education, examination, experience and training requirements, complete the application and  
5 submit the required fee for consideration as a new applicant.

6 C. The board shall conduct disciplinary procedures in accordance with the Administrative  
7 Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

8

9 **18 VAC 155-20-290. Denial, suspension or revocation of certification or approval.**  
10 ***(Repealed.)***

11 ~~A. Denial of certification or approval.~~

12 ~~1. The board, at its discretion, may deny approval of a training course, CPE sponsor or~~  
13 ~~individual certification for any reason specified in this chapter.~~

14 ~~2. The applicant may request the board to reconsider its initial decision in writing within~~  
15 ~~30 days of the applicant's notification of the denial.~~

16 ~~3. If the board's initial decision of denial is reconfirmed, the board will notify the~~  
17 ~~applicant in writing outlining the reasons for denial. The response may also include any~~  
18 ~~necessary steps that can be taken by the applicant to ensure compliance with this chapter.~~

19 ~~4. All appeals for denied applicants for certification or approval shall be in accordance~~  
20 ~~with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of~~  
21 ~~Virginia).~~

Board for Waste Management Facility Operators Regulations (Final)

1 ~~B. Suspension and revocation of certification.~~

2 ~~1. The board, in its discretion, may suspend or revoke the certification of an individual,~~  
3 ~~an approved course or CPE sponsor for any reason specified in this chapter.~~

4 ~~2. The board shall conduct disciplinary proceedings in accordance with the~~  
5 ~~Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).~~

6 ~~3. Any individual certified or training provider approved by the board who violates any~~  
7 ~~statute or provision of this chapter and is not criminally prosecuted, shall be subject to a~~  
8 ~~monetary penalty. The board shall determine the monetary penalty which shall not~~  
9 ~~exceed \$1,000 for each violation.~~



11

I certify that this regulation is full, true and correctly dated.

13 \_\_\_\_\_

14 David E. Dick

15 Assistant Director

16 Department of Professional and Occupational Regulation

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18 Date: \_\_\_\_\_

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