

CHAPTER 20.  
WASTE MANAGEMENT FACILITY OPERATORS REGULATIONS.

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.

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

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

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

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

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

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

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

1 ~~"Experience for Class I, II, III or IV certification license" 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  
6 ~~"Experience for interim certification" means skill or knowledge obtained by employment which~~  
7 ~~includes responsible, technical, or operational direction of a solid waste management facility or a portion~~  
8 ~~thereof.~~

9  
10 "Full-time employment" means 1,760 hours per year or 220 work days per year.

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

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

19  
20 ~~"Full certification"~~ "License" means an authorization issued by the board to a waste management  
21 facility operator after the completion of training and examination, through reciprocity or experience.

22  
23 "Municipal waste combustor" means a mass burn or a refuse derived fuel incinerator or facility  
24 designed or modified for the purpose of noninfectious solid waste combustion.

25  
26 "Operation" means any waste management facility which is under construction, treating,  
27 processing, storing or disposing of solid waste, or in the act of securing a facility for closure.

28  
29 "Owner" means the person who owns a solid waste management facility or part of a solid waste  
30 management facility.

31  
32 <\*> "Person" means an individual, corporation, partnership, association, governmental body,  
33 municipal corporation or any other legal entity.

34  
35 "Site" means within the vicinity of all land and structures, other appurtenances, and  
36 improvements thereon used for treating, storing, and disposing of solid waste. This term includes  
37 adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or  
38 processing areas, or other areas incident to the management of solid waste.

39  
40 "Solid waste" means any of those materials defined as nonhazardous solid waste in regulations  
41 promulgated by the Virginia Department of Environmental Quality.

42  
43 "Storage" means housing a solid waste as consistent with the regulations of the Virginia Waste  
44 Management Board.

45  
46 "Substantial change" means a deviation from a specific course that decreases the approved time  
47 of the course by more than thirty minutes or modifies the topics of the approved course, where they are  
48 below the target levels of knowledge, as stated in the course application.

49  
50 <\*> "Waste management facility" means a site used for planned treatment, storage, or disposal of  
51 nonhazardous solid waste.

52  
53 <\*> "Waste management facility operator" means any person, including an owner, who is in charge  
54 of the actual, on-site operation of a waste management facility during any period of operation.

1  
2  
3 FOOTNOTE \* As defined by Chapter 22.1 (§ 54.1-2209 et seq.) of Title 54.1 of the Code of Virginia.  
4  
5

6 18 VAC 155-20-20. ~~Certification License~~ License required.  
7

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

16 18 VAC 155-20-30. Disclosure.  
17

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

21 B. Any individual seeking ~~certification licensure~~ certification license shall disclose on the application any felony  
22 convictions or final order actions issued by an administrative body or court regarding environmental  
23 violations or crimes resulting in the significant harm or the imminent and substantial threat of significant  
24 harm to human health or the environment.  
25

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

31 18 VAC 155-20-40. Fees.  
32

33 A. All fees are nonrefundable and shall not be prorated.  
34

35 B. An application shall not be deemed complete and shall not be processed without the required  
36 fee.  
37

38 1. The application fee for ~~full certification licensure~~ full certification license shall be \$200.  
39

40 2. The fee for renewal of ~~full certification licensure~~ full certification license shall be \$150.  
41

42 3. The fee for late renewal of ~~full certification licensure~~ full certification license shall be \$175 ~~as stated in 18 VAC 155-~~  
43 ~~20-180.~~  
44

45 4. The fee for reinstatement of ~~full certification licensure~~ full certification license shall be \$250 ~~as stated in 18 VAC 155-~~  
46 ~~20-190.~~  
47

48 5. The fee for taking the examination or reexamination for ~~certification licensure~~ certification license shall be \$200.  
49 This examination fee is subject to fees charged to the department by an outside vendor competitively  
50 negotiated and contracted for in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of  
51 the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with this  
52 contract.  
53

54 6. The application fee for training course approval shall be \$150.

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~~7. The application fee for CPE sponsor approval shall be \$100.~~

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

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

~~7.40.~~ The fee for paying any of the above fees with a check or other instrument not honored by the bank or other financial institution upon which it is drawn shall be \$25.

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

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

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

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

B. ~~The certified individual~~ Each licensee shall provide written notification and proof of any change of name within 30 days.

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

~~PART II.  
INTERIM CERTIFICATION.~~

~~18 VAC 155-20-60. Entry.~~

~~\_\_\_\_\_ 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.~~

1 ~~18 VAC 155 20 70. Qualifications for interim certification.~~

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

5  
6 ~~———— 1. All individuals seeking interim certification shall be at least 18 years of age.~~

7  
8 ~~———— 2. All individuals seeking interim certification shall meet one of the following requirements:~~

9  
10 ~~———— a. Three years of full time employment which includes supervisory or operational~~  
11 ~~experience managing a waste management facility since January 1989.~~

12  
13 ~~———— b. Two years of full time employment which includes supervisory or operational~~  
14 ~~experience managing a waste management facility since January 1989 and a high school diploma or GED.~~

15  
16 ~~———— c. One year of full time employment which includes supervisory or operational~~  
17 ~~experience managing a waste management facility since January 1989 and an Associate's Degree or at~~  
18 ~~least 60 completed semester hours or equivalent from an accredited institution of higher learning.~~

19  
20 ~~———— d. Six months of full time employment which includes supervisory or operational~~  
21 ~~experience managing a waste management facility since January 1989 and a Bachelor's Degree.~~

22  
23 ~~———— 3. For the purposes of this chapter, a year of full time employment is defined as 1,760 hours per~~  
24 ~~year or 220 work days per year.~~

25  
26 ~~———— 4. For the purposes of this chapter, experience requirements claimed on the application for~~  
27 ~~interim certification shall be verified by the individual's supervisor(s) or personnel officer on the form~~  
28 ~~provided. Individuals who are under contract with a facility owner may obtain a letter from the facility~~  
29 ~~owner to verify experience.~~

30  
31 ~~———— 5. For the purposes of this chapter, education requirements claimed on the application for interim~~  
32 ~~certification shall be verified by the attendee's educational institution or authorizing jurisdiction on the~~  
33 ~~provided form or in the form of an official transcript. Diplomas will not be accepted for verification of~~  
34 ~~degree or graduation.~~

35  
36 ~~18 VAC 155 20 80. Application procedures for interim certification.~~

37  
38 ~~———— A. Applicants for interim certification shall complete a general application form and all~~  
39 ~~applicable addendum forms. The applications for interim certification are available from the department~~  
40 ~~upon request. Addendum forms shall include but not be limited to:~~

41  
42 ~~———— 1. Verification of experience form; and~~

43  
44 ~~———— 2. Verification of degree or graduation form.~~

45  
46 ~~———— B. Failure to provide a complete application and all applicable addenda may result in a denial of~~  
47 ~~approval. The failure to provide complete information may be interpreted as misrepresentation and may~~  
48 ~~result in disciplinary action as defined in Part VIII of this chapter.~~

49  
50  
51 **PART III.**  
52 **RENEWAL OF INTERIM CERTIFICATION.**  
53  
54

1 ~~18 VAC 155-20-90. Procedures for renewal.~~

2  
3 ~~———— A. Operators may renew their interim certification until December 31, 1994, or may apply for~~  
4 ~~full certification if all requirements under 18 VAC 155-20-100 of this chapter can be met before the~~  
5 ~~interim certificate's expiration.~~

6  
7 ~~———— B. Interim certified operators shall be notified by the department by mail of the renewal fee and~~  
8 ~~procedures for certificate renewal.~~

9  
10 ~~———— C. Each operator desiring to renew his interim certification shall submit the renewal notice and~~  
11 ~~the appropriate fee before the certification expires. A copy of the certificate may be submitted in lieu of~~  
12 ~~the renewal notice.~~

13  
14 ~~———— D. The renewed interim certificate shall expire on December 31, 1994, unless a later date is~~  
15 ~~specifically established by the board under the provisions of 18 VAC 155-20-60 F of this chapter. Any~~  
16 ~~individual granted an interim certification who desires to act as a waste management facility operator after~~  
17 ~~December 31, 1994, or after any later date which may be specifically granted by the board under the~~  
18 ~~provisions of 18 VAC 155-20-60 of this chapter, shall apply for full certification in the appropriate~~  
19 ~~classification as defined in 18 VAC 155-20-100 of this chapter.~~

20  
21 ~~———— E. Failure to receive written notice from the Department of Professional and Occupational~~  
22 ~~Regulation does not relieve the regulant from the requirement to renew his certificate or apply for full~~  
23 ~~certification.~~

24  
25  
26 PART IV-II.  
27 FULL CERTIFICATION LICENSURE.  
28

29  
30 18 VAC 155-20-100. Full certification Licensure required.

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

35  
36 18 VAC 155-20-110. License classification. ~~Classification for full certification.~~

37  
38 A. The applicant shall apply for at least one classification of certification license as outlined  
39 below:

40  
41 1. An individual operating a facility which is defined by the Department of Environmental  
42 Quality as a transfer station, a material recovery facility receiving mixed waste, an experimental facility,  
43 or a composting facility receiving yard waste shall hold a Class I certification license. An individual who  
44 has obtained Class II, III or IV certification licensure may also operate a facility listed under Class I, if the  
45 individual has completed the board approved basic training course.

46  
47 2. An individual operating a facility which composts municipal solid waste, or is defined by the  
48 Department of Environmental Quality as a sanitary, industrial, construction or debris landfill shall hold a  
49 Class II or Class V certification license.

50  
51 3. An individual operating a facility defined by the Department of Environmental Quality as an  
52 infectious waste incinerator or an autoclave shall hold a Class III or Class V certification license.

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

3  
4           ~~5. An individual operating any of the facilities outlined in this section may hold Class V~~  
5 ~~certification.~~

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

8  
9 18 VAC 155-20-120. Qualifications for ~~certification~~ licensure.

10  
11           A. The board shall issue ~~certification~~ a license only after an individual has met, through a  
12 completed application and addendum, all training, testing, and experience requirements for ~~a~~ at least one  
13 specific class as set forth in this chapter.

14  
15           B. The ~~operator applicant~~ shall meet the following requirements for ~~certification~~ licensure for all  
16 classes of ~~certifications~~ licenses:

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

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

22  
23           3. ~~If the An~~ applicant ~~who~~ cannot fulfill the requirement outlined in subdivision B 2 of this  
24 section, ~~the applicant~~ shall document at least five years of verified experience with a waste management  
25 facility, with at least three years of experience ~~since January 1, 1988~~, which includes at least one of the  
26 following activities:

27           a. Supervision;

28           b. Research;

29           c. Construction;

30           d. Project development;

31           e. Site development;

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

33           g. Operation; or

34           h. Review of materials for permitting purposes.

35  
36           4. All applicants shall successfully complete the basic training course as defined in 18 VAC 155-  
37 20-220B of this chapter.

38  
39           5. An applicant may use employment responsibilities in lieu of facility specific training as  
40 defined in subsections D through ~~G~~ F of this section, provided that:

41           a. ~~The applicant has been a full-time employee for seven years, with at least three years~~  
42 ~~class specific employment since January 1, 1998. The applicant has been a full-time employee at a waste~~  
43 facility specific to the desired classification for at least three of the past seven years.

1                   b. The employment responsibilities include those activities enumerated in subdivision 3  
2 of this subsection.

3  
4                   ~~e. The three years employment responsibilities are specific to the desired classification.~~

5  
6                   ~~For the purposes of this subsection, full time employment is defined as 1,760 hours per year or~~  
7 ~~220 work days per year.~~

8  
9                   6. The board will accept facility specific training provided that: (i) the training has been  
10 approved by the board pursuant to 18 VAC 155-20-230; and (ii) the training was successfully completed  
11 after January 1, 1989.

12  
13                   7. Experience requirements claimed on the application for ~~certification~~ licensure shall be verified  
14 by the individual's supervisor(s) or personnel officer. Individuals who are under contract with a facility  
15 owner may obtain a letter from the facility owner to verify experience.

16  
17                   8. Education requirements claimed on the application for ~~certification~~ licensure shall be verified  
18 by the attendee's educational institution or authorizing jurisdiction on the provided form or in the form of  
19 an official transcript or letter. Diplomas will not be accepted for verification of degree or graduation.

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

23  
24                   C. The specific requirements for Class I ~~certification~~ licensure follows:

- 25  
26                   1. Complete a board approved basic training course, and  
27  
28                   2. Pass the board approved examination for Class I.

29  
30                   D. The specific requirements for Class II ~~certification~~ licensure follows:

- 31  
32                   1. Complete a board approved basic training course and an approved training course specific to  
33 Class II facilities, and  
34  
35                   2. Pass the board approved examination for Class II.

36  
37                   E. The specific requirements for Class III ~~certification~~ licensure follows:

- 38  
39                   1. Complete a board approved basic training course and an approved training course specific to  
40 Class III facilities, and  
41  
42                   2. Pass the board approved examination for Class III, or  
43  
44                   3. Complete the training and examination requirement of a federal or state agency under the  
45 federal Clean Air Act, as amended, as of the date applicable to an interpretation of a regulation or  
46 adjudication of a case decision and complete the board approved basic training course within one year  
47 after ~~certification~~ licensure .

48  
49                   F. The specific requirements for Class IV ~~certification~~ licensure follows:

- 50  
51                   1. Complete a board approved basic training course and an approved training course specific to  
52 Class IV facilities, and  
53  
54                   2. Pass the board approved examination for Class IV, or



3. Complete the training and examination requirement of a federal or state agency under the federal Clean Air Act, ~~as amended, as of the date applicable to an interpretation of a regulation or adjudication of a case decision~~ and complete the board approved basic training course within one year after ~~certification licensure~~.

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

~~1. Complete a board approved basic training course and approved training courses specific to all designated classifications of facilities, and~~

~~2. Pass the board approved examinations for Classes II, III and IV.~~

18 VAC 155-20-130. Application procedures.

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

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

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

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

B. Those already licensed who desire to add another classification(s) to their license shall apply under the provisions of 18 VAC 155-20-110 of this chapter.

18 VAC 155-20-140. Examinations.

A. Initial examination.

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

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

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

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

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

B. Reexamination.

1  
2 1. An individual may retake the board-approved examination as many times as necessary to pass  
3 except those who have been waived from training requirements.  
4

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

9 3. Reexamination shall require the submission of the reexamination fee as defined in 18 VAC  
10 155-20-40 B 5 of this chapter.  
11

12 18 VAC 155-20-150. Reciprocity.  
13

14 A. Any individual holding a valid certification license under another state may apply for  
15 certification licensure based on reciprocity.  
16

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

20 C. All applicants certified licensed through reciprocity shall complete the basic training course  
21 within one year of certification after licensure.  
22

23 D. If the certified operator licensee fails to complete the basic course and properly notify the  
24 board within one year of certification after licensure, the board may begin disciplinary action to suspend  
25 or revoke the certification license.  
26

27  
28 PART ~~V~~.III.  
29 RENEWAL OF FULL CERTIFICATION LICENSE.  
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32 18 VAC 155-20-160. Procedures for renewal.  
33

34 ~~A. Certificates Licenses~~ issued under this chapter shall expire biennially ~~on the last calendar day~~  
35 ~~of the month. Certificate holders Licensees~~ shall be notified by mail of the fee and the procedures for  
36 ~~certificate license~~ renewal. Each ~~certificate holder licensee~~ desiring to renew ~~the certificate his license~~  
37 shall ~~submit~~ ensure that the department receives the renewal notice, ~~verification of continuing education~~  
38 ~~on the form provided by the department~~, and the appropriate fee before the certificate license expires.  
39

40 ~~\_\_\_\_\_ B. There shall be a penalty for late renewal assessed in addition to the renewal fee for any~~  
41 ~~certificate holder failing to renew the certificate within 30 days following the date of expiration.~~  
42

43 B. For the purposes of the first renewal after [insert the effective date of this regulation], the  
44 expiration date of all licenses issued to a single individual shall be the expiration date on the license most  
45 recently issued to or renewed for that individual. Each license issued after [insert the effective date of this  
46 regulation] shall indicate the class or classes of licensure held by the licensee.  
47

48 C. Licenses shall be renewed for a period of 24 months from the date of the expiring license.  
49

50 ~~ED. Failure to receive written notice from the Department of Professional and Occupational~~  
51 ~~Regulation department~~ does not relieve the regulant from the requirement to renew his certificate license.  
52 If the certificate license holder fails to receive the renewal notice, a copy of the certificate license may be  
53 submitted with ~~verification of continuing education requirements~~ and the appropriate fee.  
54

1 DE. The date the required fee is received by the ~~Department of Professional and Occupational~~  
2 ~~Regulation department~~, or its agent, will be used to determine whether a penalty fee or the requirement for  
3 reinstatement of a ~~certificate~~ license is applicable.

4  
5 EF. Revoked or suspended ~~certificates~~ licenses are not renewable until reinstated by the board.

6  
7 ~~18 VAC 155-20-170. Continuing education.~~

8  
9 ~~———— All applicants for certification renewal shall complete at least 10 hours of continuing education~~  
10 ~~in accordance with 18 VAC 155-20-240 during the term of their expiring certification, except that no~~  
11 ~~continuing education shall be required for the first renewal after the issuance of the initial certification.~~

12  
13 18 VAC 155-20-180. Late renewal.

14  
15 If the renewal fee as provided for in 18 VAC 155-20-40 B 2 of this chapter is not received by the  
16 ~~Department of Professional and Occupational Regulation department~~ within 30 days after the expiration  
17 date noted on the ~~certification~~ license, the late renewal fee provided for in 18 VAC 155-20-40 B 3 shall be  
18 required.

19  
20 18 VAC 155-20-190. Reinstatements.

21  
22 If the ~~certificate holder~~ licensee fails to renew ~~the certificate~~ his license within six months  
23 following the expiration date, the ~~certificate holder~~ licensee ~~will~~ shall be required to apply for  
24 reinstatement of the ~~certificate~~ license. The applicant will be required to present reasons that the  
25 ~~certificate~~ license was allowed to expire, and the board may grant reinstatement of the ~~certificate~~ license  
26 or require requalification or reexamination or both. The application fee for reinstatement of a ~~certificate~~  
27 license shall be the amount provided for in 18 VAC 155-20-40 B 4 of this chapter. An individual who has  
28 not reinstated within two years ~~of~~ after expiration of the ~~certification~~ license must reapply as a new  
29 applicant. The new applicant shall ~~be exempted from the required training but~~ provide evidence of  
30 satisfactory completion of the training course(s) required by these regulations and shall pass the  
31 examination as determined by the board.

32  
33 18 VAC 155-20-200. Board discretion to deny renewal or reinstatement.

34  
35 The board may deny renewal or reinstatement of a ~~certificate~~ license for the same reasons as it  
36 may refuse an initial ~~certification~~ license or discipline a ~~certificate holder~~ licensee.

37  
38 18 VAC 155-20-210. Status of ~~certification~~ licensure during the period prior to reinstatement.

39  
40 A. Reinstated ~~certification~~ licenses shall continue to have the same ~~certification~~ license number  
41 and shall be assigned an expiration date two years from the previous expiration date of the ~~certification~~  
42 license.

43  
44 B. Reinstated ~~certifications~~ licenses shall be regarded as having been continuously licensed  
45 without interruption. Therefore, the holder of the reinstated ~~certification~~ license shall remain under the  
46 disciplinary authority of the board during this entire period and may be held accountable for his activities  
47 during this period.

48  
49 C. ~~Certifications~~ Licenses which are not renewed or reinstated shall be regarded as expired from  
50 the date of the expiration forward.

51  
52 D. Nothing in this chapter shall divest the board of its authority to take disciplinary action for a  
53 violation of the law or regulations during the period of time for which an individual was ~~certified~~ licensed.

54

PART VI.  
TRAINING REQUIREMENTS FOR FULL CERTIFICATION.

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

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

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

1. Definitions
2. Authority for Regulations
3. Purpose of Regulations
4. Administration of Regulations
5. Applicability of Regulations
6. Prohibitions
7. Open Dumps
8. Unpermitted Facilities
9. Enforcement and Appeal
10. Penalties and Enforcement
11. Public Participation
12. Relationship with other regulations promulgated by the Virginia Waste Management Board
13. Identification of Solid Waste
  - a. Purpose and Scope
  - b. Definitions of Solid Waste
  - c. Special Wastes
  - d. Exclusions
  - e. Conditional Exemptions
14. Overview of Open Dumps and Unpermitted Facilities

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15. Permitting of Solid Waste Management Facilities

16. Review of Department of Environmental Quality Inspection Form

17. Overview of Permitted Solid Waste Management Facilities

- a. Transfer Stations
- b. Material Recovery Facilities
- c. Experimental Facilities
- d. Sanitary Landfills
- e. Infectious Waste Incinerators
- f. Mass Burn Facilities
- g. Refuse Derived Fuel Facilities
- h. Autoclaves

18. Overview of General OSHA Requirements

19. Neighbor Relations

20. Recordkeeping and Financial Assurance

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

- 1. Definitions
- 2. Special Wastes
  - a. General
  - b. Asbestos Wastes
  - c. Wastes Containing Polychlorinated Biphenyls
  - d. Liquids
  - e. Tires
  - f. Drums
  - g. White Goods
  - h. Soil Contaminated with Petroleum Products
  - i. Lead Acid Batteries
  - j. Other Prohibited Wastes

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- k. Hazardous Wastes
- l. Screening for Prohibited Wastes
- m. Handling Procedures for Special or Hazardous Wastes
- n. Recordkeeping and Notification Requirements
- 3. Solid Waste Disposal Standards
  - a. General Standards for Sanitary Landfills
  - b. Design/Construction
  - c. Operation
  - d. Groundwater Monitoring
  - e. Closure
  - f. Post-Closure Care Requirements
  - g. Control of Decomposition Gases
  - h. Leachate Control System and Monitoring
  - i. Leachate Control System Appurtenances
  - j. Corrective Action Program
- 4. Construction/Demolition Debris Standards
- 5. Industrial Waste Disposal Standards
- 6. Other Solid Waste Management Facility Standards
  - a. Compost Facilities
  - b. Surface Impoundments and Lagoons
  - c. Waste Piles
  - d. Miscellaneous Units
- 7. Permitting of Solid Waste Management Facilities
- 8. Financial Assurance Documentation
- 9. Rulemaking Petitions and Procedures

D. A board approved training course for Class III specific management facility shall include at a minimum the following topics:

- 1 1. Identification and Listing of Infectious Waste
- 2
- 3 a. General
- 4
- 5 b. Exemption to Regulations
- 6
- 7 c. Exclusions
- 8
- 9 d. Characteristics of Infectious Waste
- 10
- 11 e. Controlled Infectious Waste
- 12
- 13 2. General Requirements
- 14
- 15 a. Permits and Permits by Rule
- 16
- 17 b. Financial Assurance Requirements
- 18
- 19 c. Packaging and Labeling Requirements
- 20
- 21 d. Management of Spills
- 22
- 23 e. Closure Requirements
- 24
- 25 f. Methods of Treatment and Disposal
- 26
- 27 g. Approved Test Method
- 28
- 29 h. Recordkeeping Requirements
- 30
- 31 3. Requirements for Storage Facilities
- 32
- 33 a. Sanitation
- 34
- 35 b. Access
- 36
- 37 c. Temperature Control and Storage Period
- 38
- 39 d. Drainage and Ventilation
- 40
- 41 4. Requirements for Transportation
- 42
- 43 a. Sanitation
- 44
- 45 b. Access
- 46
- 47 c. Temperature and Storage Period
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- 49 d. Drainage
- 50
- 51 e. Packaging, Labeling and Placards
- 52
- 53 f. Management of Spills
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- g. Loading and Unloading
- h. Registration of Transportation

5. Requirements for Incineration

- a. Performance Standards
- b. Analysis and Management of Ash Residue
- c. Unloading Operation
- d. Compliance with Other Regulatory Requirements

6. Requirements for Steam Sterilization

- a. Performance Standards
- b. Compliance with Other Regulatory Requirements

E. A board approved training course for Class IV specific management facility shall include at a minimum the following topics:

1. Solid Waste Management Regulations

- a. Siting
- b. Design and Construction
- c. Operation
- d. Waste Characteristics

2. Emissions Formation and Control

- a. Type of Emissions
- b. Environmental Effect
- c. Control Techniques

3. Emissions Monitoring

- a. Parameters Monitored
- b. Types of Monitors
- c. Data Acquisition
- d. Monitor Calibration, Certification and Testing

4. Combustion and Gas Reactions

- a. Combustion Components



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- b. Optimizing Solid Waste Combustion
- c. Gas Reactions Related to Combustor Construction Materials

5. Solid Waste Materials Handling

- a. Front End Processing Equipment
- b. Combustion Enhancement
- c. Back End Processing
- d. Recycling Benefits

6. Waste Combustion Residue Handling and Disposal

- a. Types of Residue
- b. Characteristics
- c. Regulations
- d. Monitoring
- e. Handling and Transportation
- f. Disposal
- g. Alternative Uses

7. Safety

- a. Employer/Employee Obligations
- b. OSHA
- c. Hazard Communication
- d. Equipment Tagout
- e. Respiratory Protection

8. Recordkeeping

- a. Engineering Log Keeping
- b. Maintenance
- c. Solid Waste

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

1           A. ~~Persons seeking to have a training course approved by the board shall complete a form~~  
2 ~~provided by the board and submit the appropriate fee as defined in 18 VAC 155-20-40 B 6~~Each applicant  
3 for training course approval shall meet the requirements established by these regulations before being  
4 granted approval. Those desiring approval of a training course shall apply on a form provided by the  
5 department. The form shall be completed in accordance with the instructions supplied, and shall be  
6 accompanied by three copies of the materials which document that the training course meets the  
7 requirements of these regulations and by the fee required by 18 VAC155-20-40 B6 of this chapter.  
8 Receipt and deposit of the required fee do not indicate board approval.  
9

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

12           1. Training providers.

13           a. Organizations. The board may approve training courses offered by a sponsor who is  
14 an identifiable organization which can demonstrate the capability to teach environmental or engineering  
15 material. The organization shall have a mission statement outlining its functions, structure, process and  
16 philosophy, and that a staff of one or more persons has the authority to administer and coordinate the  
17 training program.  
18

19           b. Schools. The board may approve training courses offered by an accredited academic  
20 institution which can demonstrate the capability to teach environmental or engineering material.  
21

22           c. Businesses. The board may approve training courses offered by a business entity  
23 which can demonstrate the capability to teach environmental or engineering material.  
24

25           2. Instructors. The training course provider shall ensure training is only conducted by personnel  
26 who have demonstrated competence in the subject being taught, an understanding of the learning  
27 objective, a knowledge of the teaching process to be used, and a proven ability to communicate.  
28

29           3. Objectives. The training course provider shall ensure that the course has a series of stated  
30 objectives that are consistent with the type of facility, operator job requirements, and state and federal  
31 regulations. The training course shall be consistent with training criteria outlined in 18 VAC 155-20-220  
32 of this chapter.  
33

34           4. The board shall only approve courses which provide the participants a complete tour of a  
35 facility appropriate to the course emphasizing operator responsibilities. The basic training course is  
36 exempt from this requirement.  
37

38           5. Course completion requirements. For successful completion of a training program,  
39 participants must attend 90% or more of the class contact time and the tour of the facility.  
40

41           6. The training provider shall provide an effective means for evaluation of the quality of the  
42 course and the instructor(s).  
43

44           7. The training provider shall ensure the number of participants and physical facilities are  
45 appropriate for the course content and teaching method specified by the developer.  
46

47           8. The training provider shall ensure all course materials are technically accurate, current and  
48 sufficient to meet the program's learning objectives.  
49

50           C. Training records.  
51  
52  
53

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

3  
4           2. All records pertaining to the approved training and participants shall be made available to the  
5 board immediately upon request.

6  
7           D. The board shall consider the following information, ~~to be submitted to the board at least 45~~  
8 ~~days prior to the scheduled training activity~~ before deciding to approve or disapprove an application for  
9 training provider approval:

10  
11           1. Course information.

12                   a. Course title

13                   b. Planned audience

14                   c. Name of sponsor

15                   d. Name, address and telephone number of contact person

16                   e. Scheduled presentation dates

17                   f. Detailed course schedule on an hour by hour basis

18                   g. List of planned breaks

19                   h. Scheduled presentation locations

20                   i. Scheduled tour locations

21                   j. Instructor(s) resume

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32           2. Training materials.

33                   a. Course objectives. A listing of the course objectives stated in the terms of the skills  
34 and knowledge the participant will be able to demonstrate as a result of the training.

35                   b. Course outline. A detailed outline showing the planned activities that will occur  
36 during the training program, including major topics, planned presentation sequence, tour activities, audio-  
37 visual presentations and other major activities.

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

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

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

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50           E. The board shall approve all substantial changes to the course ~~and all additional course dates~~  
51 ~~and locations prior to the training activity~~ before the changes may be implemented.  
52  
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54

1  
2 F. The board reserves the right to withdraw approval if the board determines the course is not  
3 adequately teaching participants, or the sponsor or an instructor violates this chapter.

4  
5 ~~18 VAC 155-20-240. Continuing education requirement.~~

6  
7 ~~———— A. All applicants for certification renewal shall complete at least 10 hours of continuing  
8 education during the term of the expiring certification. No continuing education shall be required for the  
9 first renewal after the issuance of the initial certification.~~

10  
11 ~~———— B. In order for the certified operator to receive continuing education credit, all credit hours shall  
12 be specific to the management of a solid waste management facility.~~

13  
14 ~~———— C. Certified individuals may seek board approval of a specific course on a case-by-case basis  
15 either before or after completing the course.~~

16  
17 ~~———— 1. Certified individuals requesting an individual course be approved shall submit the name,  
18 address and telephone number of the sponsor, a copy of the syllabus and other available descriptive  
19 material to the board for review.~~

20  
21 ~~———— 2. If the board approves the course, the applicant will receive a letter from the board stating the  
22 approval and the number of credit hours which will be awarded for completing the course.~~

23  
24 ~~———— D. The certified operator shall retain evidence of satisfactory completion of CPE credit hours for  
25 a period of three years. Such documentation shall be in a form of the certificate of completion from an  
26 approved sponsor or verification from the accredited institution offering the course. If, upon request, the  
27 certified operator cannot produce such documentation, the certified operator may be subject to disciplinary  
28 proceedings.~~

29  
30 ~~———— E. All CPE credit hours shall be reported to the board on a form provided by the board and  
31 subject to possible audit.~~

32  
33 ~~———— F. CPE credit hours, taken after the expiration of the individual's certificate to meet the CPE  
34 requirement of the prior certification cycle, shall not be reported for any future renewal.~~

35  
36 ~~———— G. Failing to meet the CPE requirement may result in reapplication for certification including  
37 possible training and examination requirements.~~

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40 **PART VII.**  
41 **APPROVAL OF CPE SPONSORS.**

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43  
44 ~~18 VAC 155-20-250. General.~~

45  
46 ~~———— A. For the purposes of this section all courses, seminars and conference presentations related to  
47 the management of a solid waste management facility sponsored by state and federal government bodies  
48 are approved by the board.~~

49  
50 ~~———— B. Persons seeking registration as a board approved sponsor shall apply on an application form  
51 provided by the board and submit the application fee defined in 18 VAC 155-20-40 B 7 of this chapter.  
52 The receipt and deposit of fees do not indicate board approval.~~

53  
54 ~~———— C. Each applicant shall agree as a condition of registration to abide by the following provisions:~~

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

4  
5 ~~———— 2. Programs shall contribute to the professional competence of participants in managing and~~  
6 ~~operating a solid waste management facility.~~

7  
8 ~~———— 3. CPE credit hours are allowed only for formal programs of learning that maintain or increase~~  
9 ~~the professional competence of the participant.~~

10  
11 ~~———— 4. Program sponsor shall select instructors qualified with respect to both program content and~~  
12 ~~required teaching methods.~~

13  
14 ~~———— 5. Program sponsors shall ensure the number of participants and the physical facilities are~~  
15 ~~appropriate for the program content and teaching methods used by the instructors.~~

16  
17 ~~———— 6. Sponsors shall provide an effective means for evaluating the quality of the program and~~  
18 ~~instructors.~~

19  
20 ~~———— D. Failure of the sponsor to comply with the requirements relating to the responsibilities of~~  
21 ~~program sponsors may result in the termination by the board of approved sponsor designation.~~

22  
23 ~~———— E. The board reserves the right to initiate an investigation of an approved sponsor.~~

24  
25 ~~———— F. Upon finding of any violation of the board's rules and regulations, the board may deny initial~~  
26 ~~registration, deny renewal, suspend or revoke approval.~~

27  
28 ~~18 VAC 155-20-260. Standards for CPE program development and presentation.~~

29  
30 ~~———— Each sponsor that submits an application to the board shall accept and abide by these provisions:~~

31  
32 ~~———— 1. Program developers shall state learning objectives and specify the level of knowledge of the~~  
33 ~~program. Each objective shall be written to be consistent with the program's specified level of knowledge.~~  
34 ~~Levels of knowledge shall be described as basic, intermediate, advanced or updated.~~

35  
36 ~~———— 2. Program developers shall state the prerequisites for education, experience, or both for all~~  
37 ~~programs.~~

38  
39 ~~———— 3. Program developers shall be qualified in the subject matter and be knowledgeable in~~  
40 ~~instruction design through practical experience, education or both.~~

41  
42 ~~———— 4. Program materials shall be technically accurate, current, and sufficient to meet the program's~~  
43 ~~learning objectives.~~

44  
45 ~~———— 5. Program sponsors shall inform all participants in advance of learning objectives, prerequisites,~~  
46 ~~level of knowledge of the program, program content, need for any advanced preparation, teaching~~  
47 ~~methods to be used, recommended CPE credit, and relevant administrative policies.~~

48  
49 ~~———— 6. Brochures and other announcements shall disclose all policies and procedures concerning~~  
50 ~~registration, payment of fees, refunds, attendance, and certificates of completion.~~

51  
52 ~~———— 7. All programs shall be measured in 50 minute contact hours. The shortest program for CPE~~  
53 ~~credit purposes shall consist of one contact hour.~~

54

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

6  
7 ~~18 VAC 155-20-270. Certificates of completion and recordkeeping.~~

8  
9 ~~\_\_\_\_\_ A. The sponsor shall provide participants, upon successful completion of each course, a~~  
10 ~~certificate of completion indicating location, date(s), CPE credit hours, sponsor identification, address of~~  
11 ~~sponsor, and title of course.~~

12  
13 ~~\_\_\_\_\_ B. The sponsor shall maintain for a period of five years records of participation, copy of program~~  
14 ~~materials, dates, location, instructor(s), number of CPE contact hours, and evaluations of the course and~~  
15 ~~instructor.~~

16  
17 ~~\_\_\_\_\_ C. All records shall be made available to the board immediately upon request.~~

18  
19  
20 PART VIII.V.  
21 STANDARDS OF CONDUCT AND DISCIPLINARY ACTION.

22  
23  
24 ~~18 VAC 155-20-280. Prohibited acts.~~ Grounds for denial of application, denial of renewal, or discipline.

25  
26 ~~A. Part VIII is intended to apply to both interim and full certification.~~

27  
28 ~~A B. The following are grounds for disciplinary action by the board. The board shall have the~~  
29 ~~authority to deny an application for and to deny renewal of a license or training course approval, and to~~  
30 ~~revoke or suspend the license or training course approval as well as to discipline a licensee or an approved~~  
31 ~~training provider for the following reasons:~~

32  
33 ~~1. The certificate holder violates or induces~~ Violating or inducing another person to violate any  
34 provisions of Chapters 1, 2, 3 or 22.1 of Title 54.1 of the Code of Virginia, or any provisions of this  
35 chapter.

36  
37 ~~2. The certificate issued to a solid waste management facility operator~~ Obtaining a license or  
38 training course approval was obtained through fraudulent means or misrepresentation.

39  
40 ~~3. Having been found guilty by the board, an administrative body or by a court of any material~~  
41 ~~misrepresentation in the course of performing his operating duties.~~

42  
43 ~~4. Having been convicted or found guilty, regardless of jurisdiction, of any felony; or violation~~  
44 ~~which resulted in the significant harm to human health or the environment, there being no appeal pending~~  
45 ~~therefrom or the time of appeal having elapsed. Any plea of nolo contendere shall be considered a~~  
46 ~~conviction for the purposes of this chapter. The record of a conviction authenticated in such form as to be~~  
47 ~~admissible in evidence under the laws of the jurisdiction where convicted—A certified copy of the final~~  
48 ~~order, decree or case decision by a court or regulatory agency with lawful authority to issue such order,~~  
49 ~~decree or case decision shall be admissible as prima facie evidence of such conviction.~~

50  
51 ~~5. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or~~  
52 ~~being convicted or found guilty of any felony which resulted in the significant harm or the imminent and~~  
53 ~~substantial threat of significant harm to human health or the environment.~~

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

3  
4           7. Violating the permit conditions for the facility, or violating any federal, state or local laws or  
5 regulations which results in the significant harm or an imminent and substantial threat of significant  
6 harm to human health or the environment.

7  
8           B. Any individual whose ~~certification~~ license is revoked under this section shall not be eligible  
9 to apply for ~~certification~~ licensure for a period of one year from the effective date of the final order of  
10 revocation. The individual shall meet all education, examination, experience and training requirements,  
11 complete the application and submit the required fee for consideration as a new applicant.

12  
13           C. The board shall conduct disciplinary procedures in accordance with the Administrative  
14 Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

15  
16 ~~18 VAC 155-20-290. Denial, suspension or revocation of licensure certification or approval.~~

17  
18           ~~\_\_\_\_\_ A. Denial of licensure certification or approval.~~

19  
20           ~~\_\_\_\_\_ 1. The board, at its discretion, may deny approval of a training course, CPE sponsor or individual~~  
21 ~~license certification for any reason specified in this chapter.~~

22  
23           ~~\_\_\_\_\_ 2. The applicant may request the board to reconsider its initial decision in writing within 30 days~~  
24 ~~of the applicant's notification of the denial.~~

25  
26           ~~\_\_\_\_\_ 3. If the board's initial decision of denial is reconfirmed, the board will notify the applicant in~~  
27 ~~writing outlining the reasons for denial. The response may also include any necessary steps that can be~~  
28 ~~taken by the applicant to ensure compliance with this chapter.~~

29  
30           ~~\_\_\_\_\_ 4. All appeals for denied applicants for licensure certification or approval shall be in accordance~~  
31 ~~with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).~~

32  
33           ~~\_\_\_\_\_ B. Suspension and revocation of licensure certification.~~

34  
35           ~~\_\_\_\_\_ 1. The board, in its discretion, may suspend or revoke the license certification of an individual,~~  
36 ~~an approved course or CPE sponsor for any reason specified in this chapter.~~

37  
38           ~~\_\_\_\_\_ 2. The board shall conduct disciplinary proceedings in accordance with the Administrative~~  
39 ~~Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).~~

40  
41           ~~\_\_\_\_\_ 3. Any individual certified or training provider approved by the board who violates any statute or~~  
42 ~~provision of this chapter and is not criminally prosecuted, shall be subject to a monetary penalty. The~~  
43 ~~board shall determine the monetary penalty which shall not exceed \$1,000 for each violation.~~