

COMAR 26.04.12.01

.01 Definitions.

A. In this chapter the following terms have the meanings indicated.

B. Terms Defined.

(1) "Certificate of completion" means documentation of successful completion of a Department-approved on-site wastewater sewage disposal property transfer inspection course.

(2) "Department standard inspection form" means Maryland Department of the Environment's standardized inspection form including instructional guidelines for evaluating an existing on-site sewage disposal system and reporting the findings.

(3) "License holder" means an individual who holds a valid on-site sewage disposal system property transfer inspection license issued by the Department.

(4) "On-site sewage disposal inspection" or "OSDS inspection" means any evaluation of an on-site sewage disposal system.

(5) "On-site wastewater property transfer inspection license" means an individual license to engage in the business of inspecting an on-site sewage disposal system for property transfer purposes issued by the Department.

26.04.12.02

.02 Applicability.

A. This chapter applies to individuals engaged in the business of inspecting any on-site wastewater sewage disposal system for a property transfer inspection.

B. This chapter does not apply to an individual who inspects an on-site sewage disposal system as a part of the individual's duties as an employee of the federal government, the State, or any local government of the State.

26.04.12.03

.03 Licensure.

A. An individual may not engage in the inspection of an on-site sewage disposal system for property transfer inspections after June 30, 2022, without obtaining an on-site wastewater property transfer inspection license issued by the Department.

B. The Department may issue an on-site wastewater property transfer inspection license to an individual that:

(1) Submits a complete application provided by the Department for licensure to the Department;

(2) Submits the \$150 application fee; and

(3) Either:

(a) Provides a certificate of completion for a Department-approved training course meeting the requirements detailed in Regulation .04 of this chapter; or

(b) As of July 1, 2022, is identified on MDE's list of individuals who have completed a Department-approved on-site inspection course for property transfer inspections.

C. The on-site wastewater property transfer inspection license will be valid for a 2-year period.

D. Sixty days prior to expiration of an on-site wastewater property transfer inspection license, an individual shall apply for licensure renewal according to the conditions described in §B of this regulation.

E. The licensee shall retain all records of property transfer inspections for a period of 5 years and provide copies of these records to the Department upon request.

F. The Department reserves the right to suspend or revoke a license in accordance with Regulation .06 of this chapter.

26.04.12.04

.04 Training Course Requirements.

A. A training course for an on-site wastewater property transfer inspection license shall include:

(1) A minimum 14 total hours of instruction to include lectures, demonstrations, and course review;

(2) A minimum of 3 hours of the 14 hours shall include hands-on training which allows applicants the experience of performing tasks associated with on-site wastewater sewage system inspections;

(3) Topics covering Maryland statutory and regulatory requirements related to on-site sewage disposal systems in COMAR 26.04.02;

(4) Distribution of written materials, including the Department standard inspection form and instruction guideline document; and

(5) A closed book examination with a minimum of 100 multiple choice questions with:

(a) 25 questions specific to COMAR 26.04.02;

(b) 15 questions specific to the Department standard inspection form; and

(c) 10 questions specific to final inspection determinations regarding replacement or repair to an on-site wastewater system.

B. Applicants may receive a certificate of completion when passing an examination with a 70 percent or greater score.

C. Any training course for the purpose of obtaining a certificate of completion under this regulation shall be provided by the Department or a Department-approved training course provider.

26.04.12.05

.05 Training Course Provider Requirements.

A. The training course provider must satisfy all requirements of Regulation .04 of this chapter.

B. The Department may approve a training course if the training provider demonstrates to the satisfaction of the Department the ability to teach the requirements in this regulation and Regulations .02—.04 of this chapter by:

(1) Submitting complete course materials to the Department for approval; and

(2) Employing instructors having academic credentials or a minimum of 3 years field experience in the topics they instruct.

C. The training provider shall administer a proctored closed-book examination approved by the Department which:

(1) Contains a minimum of 100 multiple-choice questions, of which:

(a) At least 25 questions shall be specific to COMAR 26.04.02;

(b) At least 15 questions shall adequately cover the Department standard inspection format; and

(c) At least 10 questions shall adequately cover final determinations regarding replacement or repair of an on-site wastewater system inspection; and

(2) Requires a passing score of at least 70 percent for certificate of completion.

D. The training provider shall issue to each individual who successfully completes the training course a certificate of completion with the following information:

(1) Name of training course;

(2) Individual's name;

(3) Individual's mailing address, electronic address, and phone number;

(4) Identification number unique to that individual;

(5) Name, address, and phone number of training provider;

(6) Instructor's name and signature; and

(7) Date of training and examination.

E. In order to audit any training provider, Department representatives may attend, evaluate, and monitor any training course and may or may not provide notice of attendance.

F. Prior to changing any portion of an approved course the training provider shall obtain approval from the Department for the proposed changes.

G. A training provider shall provide to the Department a written schedule of dates and locations at which training will be conducted and:

(1) Ensure that the Department receives this schedule at least 10 days before the course is offered; and

(2) Provide as promptly as possible to the Department any changes to the schedule.

H. The training provider shall:

(1) Maintain lists of individuals trained, the dates on which training occurred, instructor names, proctor names, training locations, individual test scores, and copies of certificates of completion;

(2) Maintain testing materials in a secure and confidential manner and, if any breach occurs with testing materials, notify the Department within 48 hours;

(3) Retain records for 3 years and provide copies of these records to the Department upon request; and

(4) Send the information in §H(1) of this regulation on a form provided by the Department to the Department within 10 working days of completion of the approved course.

I. Training courses shall be approved annually by the Department.

J. Training providers shall provide reasonable testing accommodations upon request from an individual.

K. Unless the Department withdraws the approval of the training provider or a training course such approval shall remain valid for 1 year.

L. Training courses approvals are not transferable.

M. The Department may withdrawal the approval of any approved training course or training provider if the Department determines that the training provider, instructors, or course has demonstrated any of the following:

(1) Failure to meet the standards of this regulation;

(2) Misrepresentation of a training course's approval;

(3) Failure of instructors to present the course as approved;

(4) Failure to submit any notifications required by this chapter in a timely manner;

(5) Failure to maintain records as required by this chapter;

(6) Falsification of records, instructor qualifications or other information;

(7) Incompetence or negligent in the performance of administering the training or the exam; or

(8) Other good cause.

N. The Department shall serve notice of withdrawal of an approved training provider or an approved training course. The training provider may request a hearing within 10 days after service of the notice. If the Department receives a timely request, the Department shall hold a hearing in accordance with State Government Article, §10-201 et seq., Annotated Code of Maryland.

26.04.12.06

.06 Suspension or Revocation of an On-Site Wastewater Property Transfer Inspection License.

A. The Department may revoke or suspend the on-site wastewater property transfer inspection license of an individual if the individual:

- (1) Fraudulently or deceptively obtains, uses, or attempts to obtain an on-site wastewater property transfer inspection license for another individual;
- (2) Fails at any time to meet the requirements of licensure in this chapter;
- (3) Falsified information regarding the inspection;
- (4) Violates any rule, regulatory order, or permit issued by the Department or the Approving Authority related to the on-site sewage disposal system;
- (5) Negligently or incompetently performs on-site sewage disposal inspections;
- (6) Performs an inspection without being in physical possession of a valid on-site wastewater property transfer inspection license; or
- (7) Other good cause.

B. The Department shall serve notice of the revocation or suspension of an individual's license to the individual. The individual may request a hearing within 10 days after service of the notice. If the Department receives a timely request, the Department shall hold a hearing in accordance with Environment Article, §10-201 et seq., Annotated Code of Maryland.

26.04.12.07

.07 Penalties.

A. An individual who violates Environment Article, §9-217.2, Annotated Code of Maryland, or any provision of these regulations shall be subject to an administrative penalty not exceeding \$10,000 for each violation.

B. Each on-site sewage disposal system that an individual knowingly inspects without a valid on-site wastewater property transfer inspection license constitutes a separate violation.

C. Any administrative penalty collected by the Department under this chapter shall be paid into the Bay Restoration Fund.