

Notice Number 2025-41

Rule Number Sep 300 various

1. Agency Name & Address:

**Board of Septic System Evaluators
Office of Professional Licensure and
Certification
7 Eagle Square
Concord, NH 03301**

2. RSA Authority: RSA 310-A:207, I

3. Federal Authority: N/A

4. Type of Action:

Adoption _____

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: **Licensure and Application Requirements**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

Chapter Sep 300 describes initial licensure requirements for applicants seeking licensure as a septic system evaluator.

The Board of Septic System Evaluators (Board) proposes to readopt with amendment Part Sep 301 containing the Board's rules on licensure requirements and application process, to incorporate by reference Plc 304 rules on initial licensure, and Plc 1002.49 on fees.

The Executive Director of the Office of Professional Licensure and Certification (OPLC) was granted rulemaking authority in RSA 310:6, II to adopt rules for application procedures, pursuant to 2023, 235:8, effective July 15, 2023. OPLC was granted rulemaking authority in RSA 310:6, I to adopt rules relative to the establishment and collection of the fees set forth in RSA 310:5, I.

Part Sep 302 describes the qualifications and pre-licensing education requirements for licensure as a septic system evaluator.

The Board proposes to readopt with amendment Sep 302.01 to incorporate prohibited misconduct pursuant to RSA 310-A:216, II when evaluating applicants for licensure.

The Board proposes to readopt with amendment Sep 302.02 on denial of application and Sep 302.03 on approval of pre-licensing education courses to clarify that OPLC will receive and review applications, and to incorporate by reference Plc 1002.49 on fees. Further amendments to Sep 302.03 are proposed to remove on-site visits by the Board for the purposes of assessing pre-licensing education courses.

Sep 302.04 describes the approval process for pre-licensing fieldwork programs. The Board proposes to readopt with amendment Sep 302.04 to increase the number of evaluations that candidates are required to perform during their pre-licensing fieldwork.

The Board proposes to readopt without change Part Sep 303 on examinations.

Part Sep 304 describes licensure by reciprocity. The Board proposes to readopt with amendment Sep 304.01 to incorporate by reference Plc 313.55. The OPLC was granted authority to issue licenses to professionals who present evidence of an active license in good standing from another jurisdiction, pursuant to RSA 310:17, 2023, 111:1, effective August 27, 2023.

Part Sep 305 describes the credentials for licensed septic system evaluators. The Board proposes to readopt with amendment Sep 305.01 and Sep 305.03 to clarify that the OPLC will issue licenses to qualified applicants. The Board proposes to readopt without change Sep 305.02 on pocket cards.

6. (b) Brief description of the groups affected:

Applicants for licensure as a septic system evaluator are affected by these rules, as well as providers of pre-licensing education courses.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute the Rule Implements
Sep 301.01	RSA 310-A:207, I(a)
Sep 301.02	RSA 310-A:207, I(a); RSA 310-A:211
Sep 301.03	RSA 310:5, I; RSA 310-A:208
Sep 301.04	RSA 310:5, I; RSA 310-A:208
Sep 302.01	RSA 310-A:207, I(a); RSA 310-A:210
Sep 302.02	RSA 310-A:207, I(a); RSA 310:4, II(c)
Sep 302.03	RSA 310-A:207, I(f)
Sep 302.04	RSA 310-A:207, I(f)
Sep 303.01	RSA 310-A:207, I(g), II
Sep 304.01	RSA 310:17; RSA 310-A:214
Sep 305.01	RSA 310-A:213
Sep 305.02	RSA 310-A:213
Sep 305.03	RSA 310-A:207, I(h); RSA 310-A:213

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Chantell B. Wheeler** Title: **Rules Administrator**
Mailing Address: **OPLC, 7 Eagle Square, Concord, NH 03301** Phone #: **603-271-8311**
Fax#: **N/A**
E-mail: **Oplc-rules@oplc.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, May 5, 2025, at 4:00 p.m.**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, April 21, 2025, at 10:00 a.m.**

Physical Location: **OPLC, 7 Eagle Square, Concord, NH 03301**

Electronic Access (if applicable): **N/A**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 25:011 , dated 2-18-25

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in costs when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No Federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

Per OPLC, the fees that have been charged since fees were adopted in Plc 1000 are the fees in Plc 1000. Any increases/decreases from what was in a board's rules were accounted for when the Plc 1000 rules were originally adopted.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not apply to political subdivisions. These rules do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.