

**§4175-A. Compliance and enforcement**

Notwithstanding Title 5, section 10051, after written notice and opportunity for a hearing pursuant to Title 5, chapter 375, subchapter 4, the department may revoke or suspend the certificate of an operator or operator in responsible charge when it finds that the person has: [PL 2021, c. 173, §11 (NEW).]

**1. Practiced fraud or deception.** Practiced fraud or deception; [PL 2021, c. 173, §11 (NEW).]

**2. Failed to use reasonable care or judgment or properly apply knowledge.** Failed to use reasonable care or judgment or to apply the requisite knowledge, ability or ethical standards in the performance of the person's required duties; [PL 2021, c. 173, §11 (NEW).]

**3. Failed to operate in compliance.** Failed to manage or supervise a wastewater treatment plant in a manner that ensures that the wastewater treatment plant is operated in compliance with state law, rules and licenses; [PL 2021, c. 173, §11 (NEW).]

**4. Violated law, rules, licenses or standards.** Violated state law, rules or licenses or ethical standards as set forth in department rules; [PL 2021, c. 173, §11 (NEW).]

**5. Lost or did not possess competency.** Lost the competency required for certification or did not possess the competency required at the time of certification; or [PL 2021, c. 173, §11 (NEW).]

**6. Unable to properly perform.** Demonstrated that the person is unable to properly perform the person's required duties. [PL 2021, c. 173, §11 (NEW).]

An operator or operator in responsible charge whose certificate is revoked under this section may apply for reinstatement of a certification of a like classification if appropriate proof of competency is presented to the department. The department may establish a more stringent proof of competency and procedures for the reinstatement of certification for an operator or operator in responsible charge whose certificate has been revoked. [PL 2021, c. 173, §11 (NEW).]

**SECTION HISTORY**

PL 2021, c. 173, §11 (NEW).

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