

# Georgia Rules and Regulations

## Administrative Bulletin for November 2022

### OFFICE OF SECRETARY OF STATE ADMINISTRATIVE PROCEDURE DIVISION

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Final rules filed with the Georgia Secretary of State during the month of *November 2022*:

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111. RULES OF DEPARTMENT OF COMMUNITY HEALTH	<a href="#">111-2-2-.07</a>	amended	Oct. 14, 2022	Nov. 3
	<a href="#">111-8-4-.24</a>	amended	Oct. 14, 2022	Nov. 3
	<a href="#">111-8-7-.22</a>	amended	Oct. 14, 2022	Nov. 3
135. RULES OF GEORGIA COMPOSITE BOARD OF PROFESSIONAL COUNSELORS, SOCIAL WORKERS AND MARRIAGE AND FAMILY THERAPISTS	<a href="#">135-6-.03</a> , <a href="#">135-6-.04</a>	amended	Nov. 4, 2022	Nov. 24
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# **Department 110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

## **Chapter 110-3. OFFICE OF COORDINATED PLANNING**

### **Subject 110-3-4. ANNUAL AUTHORITY REGISTRATION AND FINANCIAL REPORTING**

#### **110-3-4.01 Purpose and Overview**

(1) **Purpose.** These rules become effective January 1, 2023. The purpose of these rules is to provide the title and general format of the Annual Authority Registration and Financial Reporting report, to establish means for electronic submission of the report, and to establish due dates for submission of the reports to the Department of Community Affairs.

(2) **Overview.** O.C.G.A. § [36-81-8](#) and O.C.G.A. § [36-80-16](#) require:

(a) Local independent authorities must submit an annual report of bonded indebtedness to the Department of Community Affairs. This report shall include the revenues, expenditures, assets, and debts of all funds of the local independent authority and shall describe any actions taken by such local independent authority to incur indebtedness.

(b) All local government authorities authorized to operate in the State of Georgia must register annually with the Department of Community Affairs.

(c) These reports must be filed in such form and at such times as are specified by rule of the Department of Community Affairs. The Department requires the submission of these reports in accordance with this code section and these rules as a condition of independent authorities receiving state appropriated funds from the Department of Community Affairs.

(3) **Changes and Interpretation.** These rules and regulations may from time to time be revised by the Department. The Department is the final authority for interpretation of these rules.

**Cite as** Ga. Comp. R. & Regs. R. 110-3-4-.01

**AUTHORITY:** O.C.G.A. §§ [36-81-8](#); [36-80-16](#).

**HISTORY:** Original Rule entitled "Purpose" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.

**Amended:** F. June 3, 2003; eff. June 23, 2003.

**Repealed:** New Rule entitled "Purpose and Overview" adopted. F. Nov. 28, 2022; eff. Dec. 18, 2022.

#### **110-3-4.02 Definitions**

For the purpose of these rules, the following words will have the meaning as contained herein unless the context does not permit such meaning. Terms not defined in these rules but defined in O.C.G.A. § [36-81-8](#), et seq., will have the meanings contained therein. Terms not defined in these rules, or in O.C.G.A. § [36-81-8](#), et seq., will have ascribed to them the ordinary accepted meanings such as the context may imply.

- (1) "Assets" means all property of a local independent authority as defined by Governmental Accounting and Financial Reporting Standards.
- (2) "Bonded Indebtedness" means any long-term debt with an original term of more than one year. It includes revenue bonds and special assessment obligations issued in the name of companies, businesses, or particular agencies, etc.
- (3) "Expenditures" means all expenditures/expenses of a local independent authority as defined by Governmental Accounting and Financial Reporting Standards.
- (4) "Fiscal Year" means the 12-month accounting and reporting period established by a local independent authority, in accordance with Governmental Accounting and Financial Reporting Standards.
- (5) "Governmental Accounting and Financial Reporting Standards" means the standards promulgated by the Governmental Accounting Standards Board (GASB); for financial reporting matters not specifically addressed in the GASB standards, by the American Institute of Certified Public Accountants; and, when specifically applicable, by other regulatory agencies such as the Federal Energy Regulatory Commission, the National Association of Regulatory Utility Commissioners.
- (6) "Liabilities" means all financial obligations, including bonded indebtedness, of a local independent authority as defined by Governmental Accounting and Financial Reporting Standards.
- (7) "Local Independent Authority" means each local public body corporate and politic created in and for a county, municipality, consolidated government, or combination thereof, which is authorized to issue bonds under the Constitution and laws of this state (O.C.G.A. § [36-81-8](#)).
- (8) "Revenues" means all income of a local independent authority as defined by Governmental Accounting and Financial Reporting Standards.

**Cite as** Ga. Comp. R. & Regs. R. 110-3-4-.02

**AUTHORITY:** O.C.G.A. §§ [36-81-8](#); [36-80-16](#).

**HISTORY:** Original Rule entitled "Report Submittal Rules" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.

**Amended:** F. June 3, 2003; eff. June 23, 2003.

**Repealed:** New Rule entitled "Definitions" adopted. F. Nov. 28, 2022; eff. Dec. 18, 2022.

### **110-3-4-.03 Reporting Form**

- (1) **Previous Reports Combined.** Pursuant to statutory amendments, the Department has combined the Annual Authority Registration and the Report of Authority Finances reporting forms into the Annual Authority Registration and Financial Report reporting form. This reporting form shall be provided via the Department's website.
- (2) **Technological Considerations.** The reporting form, the electronic filing format, and the submittal method may vary as necessary to address software requirements and other electronic reporting considerations, as determined by the Department.
- (3) **Modifications.** The Department may amend the reporting form, the electronic filing format, and the submittal method as it deems necessary to better serve the needs of the users of the reports, and/or to update the report for changes in the informational requirements of Generally Accepted Accounting and Financial Reporting Standards or to accommodate the collection of information as may be required by the General Assembly or the Governor.

**Cite as** Ga. Comp. R. & Regs. R. 110-3-4-.03

**AUTHORITY:** O.C.G.A. §§ [36-81-8](#); [36-80-16](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.

**Amended:** F. June 3, 2003; eff. June 23, 2003.

**Repealed:** New Rule entitled "Reporting Form" adopted. F. Nov. 28, 2022; eff. Dec. 18, 2022.

### **110-3-4-.04 Report Submittal**

(1) **Required Format.** Beginning with fiscal year 2018, each authority shall use the Annual Authority Registration and Financial Report reporting form provided for this purpose by the Department via the Department's website.

(2) **Content.** Each authority's report must reflect the revenues, expenditures, assets, liabilities and any other such information as may be indicated on the reporting form. Additionally, to the extent required by applicable statute, the report shall provide the necessary information to document completion of any obligatory training requirements for authority board members.

(3) **Audited Data Preferred.** Audited financial data should be used by all authorities that have a financial audit of their accounting records for the fiscal year being reported. Authorities that have not had an audit of their accounting records for the fiscal period being reported can complete the report using data compiled in a manner that is consistent with generally accepted governmental accounting principles and reporting standards.

(4) **Submittal Method.** The reporting form shall be filed electronically via the mechanism provided for this purpose by the Department via the Department's website.

(5) **Deadline.** Each authority shall report based on their fiscal-year-end date. Each authority's report is due within 6 months from the end of each authority's fiscal year end date.

(6) **Process Extension.** The Department of Community Affairs is authorized to extend the due date for submission of this report if the Department determines that extenuating circumstances prevented the authority from submitting by the required date.

(7) **Noncompliance.** An authority's failure to submit the Annual Authority Registration and Financial Report to the Department of Community Affairs for any of the three most recently completed fiscal years will result in the withholding of Department funds from that authority until the Department receives the authority's delinquent reports. Authorities with delinquent status will be published on the Department's website.

**Cite as** Ga. Comp. R. & Regs. R. 110-3-4-.04

**AUTHORITY:** O.C.G.A. §§ [36-81-8](#); [36-80-16](#).

**HISTORY:** Original Rule entitled "Bonded Indebtedness Survey" adopted. F. Dec. 10, 1991; eff. Dec. 30, 1991.

**Amended:** Rule retitled "Report of Registered Authority Finances". F. June 3, 2003; eff. June 23, 2003.

**Repealed:** New Rule entitled "Report Submittal" adopted. F. Nov. 28, 2022; eff. Dec. 18, 2022.

### **110-3-4-.05 Minimum Educational Standards for Regional Industrial Development Authorities**

(1) **Applicability.** Basic economic development training courses for Regional Industrial Development Authority Board members requiring certification by the Department as meeting minimum educational standards shall be subject to this rule.

(2) **Standards.** Courses shall at a minimum have a component on each of the following topics:

(a) **Financing.** Economic development project financing mechanisms such as bond financing, incentives, tax allocation districts or grants.

(b) **Authority Structure.** Requirements for authority board membership, ethics and conflicts of interest, or legal structure of authorities.

(c) **Project Development.** Best practices for project development such as writing memorandum of understandings, strategic planning, or fiscal impact analysis.

(3) **Modifications.** The Department may amend the minimum educational standards as it deems necessary to accommodate changing needs or expectations or amendments to governing statutes.

(4) **Providers.** The Department will establish a process for interested parties to request certification of their course offerings pursuant to these minimum educational standards. Courses certified by the Department as meeting the minimum educational standards prescribed by this rule will be subject to periodic recertification and other conditions established by the Department.

**Cite as** Ga. Comp. R. & Regs. R. 110-3-4-.05

**AUTHORITY:** O.C.G.A. § [36-62-5.2](#).

**HISTORY:** Original Rule entitled "Minimum Educational Standards for Regional Industrial Development Authorities" adopted. F. Nov. 28, 2022; eff. Dec. 18, 2022.

# Department 110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS

## Chapter 110-9. JOB TAX CREDIT PROGRAM

### Subject 110-9-1. JOB TAX CREDIT PROGRAM REGULATIONS

#### 110-9-1-.01 Introduction and Definitions

(1) **Authority for Regulations.** O.C.G.A. § [48-7-40](#), § [48-7-40.1](#), § [48-7-40.23](#), and § [36-62-5.1](#).

(2) **Administrative Agencies.** The Georgia Department of Community Affairs (DCA) and the Georgia Department of Revenue have been designated as the responsible agencies within the State of Georgia to administer the Job Tax Credit Program for less developed areas.

(3) **Program Purpose.** The purpose of the Job Tax Credit Program is to encourage the further economic development of the state.

(4) **Program Objective.** The Job Tax Credit Program is designed to encourage businesses to locate and expand in the state.

(5) **Program Description.** The Job Tax Credit Program provides tax credits under O.C.G.A. § [48-7-2](#) for certain business enterprises that create and retain jobs in areas designated as less developed. A minimum number of new full-time employee jobs must be created before any credit may be received.

(6) **Definitions.**

(a) Less Developed Areas -- means certain counties and certain census tract areas that meet applicable requirements in law and regulation. Less developed census tract areas mean areas in this state which are composed of 10 or more contiguous census tracts, each of whom is equal to or worse than the benchmark county based on a calculation of the following economic indicators: highest unemployment rate; lowest per capita income; and highest percentage of residents whose income is below the poverty level. Comparisons between census tracts and the benchmark county will be based on data from the Department of Labor and the United States Department of Commerce.

(b) Business Enterprise -- means any corporation, partnership, limited liability company, or sole proprietorship, or the headquarters of any such corporation, partnership, limited liability company, or sole proprietorship, which is engaged in manufacturing, warehousing and distribution, processing, telecommunications, broadcasting, research and development, or tourism in a less developed area. Such term does not include retail businesses. The definition of Business Enterprise under the county tier program in O.C.G.A. § [48-7-40](#) shall also include any business which is engaged in services for the elderly and persons with disabilities. For the purpose of determining which businesses are engaged in the qualifying activities, classifications will be made for individual establishments defined pursuant to Department Rule 110-9-1-.01(6)(d) using the latest published North American Industry Classification System (NAICS Code), United States, with the business being eligible for the tax credit based on the individual establishment. If the NAICS Code cannot be clearly defined, the business may request a determination as outlined in Department Rule [110-9-1-.03\(11\)](#).

1) Manufacturing means those establishments classified by the NAICS Code that belong to Sectors 31-33.

2) Warehousing and distribution means a warehouse, facility, structure, or enclosed area which is used primarily for the storage, shipment, preparation for shipment, or any combination of such activities, of goods, wares, merchandise, raw materials, or other tangible personal property, and those establishments classified by the NAICS Codes that belong to Subsectors 423, 424 and 493. In addition, establishments primarily engaged in scheduled



freight air transportation, and included in NAICS Code 481112; establishments primarily engaged in nonscheduled chartered freight air transportation, and included in NAICS Code 481212; establishments primarily engaged in line-haul railroads; establishments primarily engaged in short line railroads, and included in NAICS Code 482112; establishments which are primarily engaged in deep sea freight transportation, and included in NAICS Code 483111; 483211, establishments primarily engaged in inland water freight transportation; establishments classified by the NAICS Codes that belong to Industry Group 4841; 484220, establishments engaged in specialized freight (except used goods) trucking, local; 484230, establishments in specialized freight (except used goods) trucking, long-distance; 485111, establishments engaged in mixed mode transit systems; 486110, establishments primarily engaged in pipeline transportation of crude oil; 486210, establishments primarily engaged in pipeline transportation of natural gas; 486910, establishments primarily engaged in pipeline transportation of refined petroleum products; 486990, establishments engaged in all other pipeline transportation; 488320, establishments which are primarily engaged in marine cargo and handling; 488510 establishments primarily engaged in freight transportation arrangement are included. In addition, NAICS Code 541611 is eligible, but only as it associates to establishments that provide consulting services to clients relating to the physical distribution of goods and services.

3) Processing includes, without limitation, (a) manufacturing establishments classified in NAICS Sectors 31-33 and processing establishments classified in NAICS Sector 21; and (b) those establishments primarily engaged in providing data processing services, and further means only the following establishments in addition to Sectors 31-33 of the NAICS Code: establishments that are both primarily engaged in pharmacy benefits management and other third-party administration of insurance and pension funds, and included in NAICS Code 524292; establishments that are both primarily engaged in providing automated clearinghouses, check clearinghouse associations, and included in NAICS Code 522320; establishments that are both primarily engaged in furnishing physical or electronic marketplaces for the purpose of facilitating the buying and selling of stocks, stock options, bonds or commodity contracts and included in NAICS Code 523210; establishments that are both primarily engaged in providing computer systems design and related services, and included in NAICS Industry Group 5415; establishments that are both primarily engaged in producing and distributing computer software, and included in NAICS Code or 513210; establishments that are both primarily engaged in providing data processing services, and included in NAICS Code 518210; establishments that are both primarily engaged in providing payroll services, and included in NAICS Code 541214; establishments that are both primarily engaged in providing financial transaction or credit card processing services, and included in NAICS Code 522320; establishments that are both primarily engaged in testing laboratories and services and included in NAICS Code 54138; establishments that are both primarily engaged in Medical and Diagnostic Laboratories, and included in NAICS Industry Group 6215.

4) Telecommunications means those establishments that are primarily engaged in operating, maintaining and/or providing access to facilities for the transmission of voice, data, text, sound and video and classified within NAICS Codes 514111, 517111, 517112, and 517810; and establishments that are both primarily engaged in providing telephone call center services comprising telephone answering services and telemarketing bureaus and other contact centers, and included in NAICS Industry Code 56142; with the exception of telecommunication resellers and agents.

5) Broadcasting means the transmission or licensing of audio, video, text, or other programming content to the general public, subscribers, or to third parties via radio, television, cable, satellite, or the Internet or Internet Protocol and includes motion picture and sound recording, editing, production, postproduction, and distribution, and is limited to those establishments that are primarily engaged in broadcasting and included in NAICS Subsector 516; establishments that are primarily engaged in Internet publishing and broadcasting and included in NAICS Subsector 519; establishments that are primarily engaged in telecommunications and included in NAICS Subsector 517 with the exception of telecommunication resellers and agents; and establishments that are primarily engaged in motion picture and sound recording industries and included in NAICS Subsector 512.

6) Research and development means only the following establishments: establishments primarily engaged in conducting research and experimental development in the physical, engineering and life sciences and classified in NAICS Industries 54171; establishments primarily engaged in conducting research and analyses in cognitive development, sociology, psychology, language, behavior, economic, and other social science and humanities research and classified in NAICS Code 541720; and establishments primarily engaged in space research and technology and included in NAICS Subsector 927.

7) Tourism means only the following establishments: establishments that are both primarily engaged in providing lodging for the public, and included in NAICS Industry Group 7211, provided that establishments offering lodging for more than 30 consecutive days to the same customer shall not qualify for a tax credit under this provision; establishments that are both primarily engaged in providing overnight or short term sites for recreational vehicles, trailers, campers or tents, and included in NAICS Code 721211, provided that establishments primarily engaged in the operation of residential trailer parks or primarily engaged in providing accommodations for more than 30 consecutive days to the same customer shall not qualify for a tax credit under this provision; establishments that are both primarily engaged in the operation of convention centers, and included in NAICS Code 711310; establishments that are both primarily engaged in the operation of sports stadiums or arenas, and included in NAICS Code 711310; establishments that are both primarily engaged in the operation of recreational camps, and included in NAICS Code 721214, provided that establishments primarily engaged in the operation of summer camps shall not qualify for a tax credit under this provision; establishments that are both primarily engaged in the operation of golf courses open to the general public on a contract or fee basis, which are associated with a resort development, and included in NAICS Code 713910, provided that establishments primarily engaged in the operation of golf courses associated with housing developments shall not qualify for a tax credit under this provision; establishments that are both primarily engaged in the operation of sports complexes open to the general public on a contract or fee basis, and included in NAICS Code 711310; establishments that are both primarily engaged in the operation of professional or semi-professional sport clubs, and included in NAICS Code 711211, provided that for the purposes of this provision professional and semi-professional sport clubs include only those clubs which compensate athletes for their services as players and such term does not include amateur sport clubs, amateur sport leagues, or amateur sport associations; establishments that are both primarily engaged in the operation of racing facilities, including drag-strips, motorcycle race tracks, auto or stock car race tracks or speedways, and included in NAICS Code 711212; establishments that are both primarily engaged in the operation of amusement centers, amusement parks, theme parks, or amusement piers, and included in NAICS Code 713110; establishments that are both primarily engaged in the operation of tours within the State of Georgia, and included in NAICS Code 561520; establishments that are both primarily engaged in the operation of airplanes, helicopters, buses, trolleys, vans, scenic railroads, aerial tramways, or boats for excursion or sightseeing purposes within the State of Georgia, and included in NAICS Subsector 487; establishments that are both primarily engaged in the operation of hunting preserves, trapping preserves, or fishing preserves or lakes which are open to the general public on a contract or fee basis for fin fish, shell fish, or other marine fishing, which are included in NAICS Codes 114111, 114112, 114119, and 114210; and establishments that are both primarily engaged in the operation of museums, planetariums, art galleries, botanical gardens, aquariums, or zoological gardens, and included in NAICS Subsector 712, provided that establishments which derive 50% or more of their gross revenue from the sale of goods or merchandise shall not qualify for a tax credit under this provision.

8) Services for the elderly and persons with disabilities means establishments primarily engaged in providing nonresidential social assistance services to improve the quality of life for the elderly, persons diagnosed with intellectual and developmental disabilities, or persons with disabilities and included in NAICS Code 624120. The inclusion of this industry under the Business Enterprise definition is only applicable to establishments which qualify for the job tax credit under the county tier provision under O.C.G.A. § [48-7-40](#) and is not applicable to establishments which qualify for the census tract provision under O.C.G.A. § [48-7-40.1](#).

(c) Retail Business -- means any establishment that is primarily engaged in retailing merchandise and rendering services incidental to the sale of merchandise and included in NAICS Sector 44-45; any establishment that is primarily engaged in providing professional services and included in NAICS Industry Groups 5411, 5412 and 5413; and establishments that are primarily engaged in banking, savings and lending functions and included in NAICS Industry Groups 5211, 5221, 5222, 5231, and 5239, and NAICS Industries 52231 and 52239.

(d) Establishment -- means an economic unit at a single physical location where business is conducted or where services or industrial operations are performed. This is specifically where an employee's job is performed. Note that if more than one business activity is conducted at the establishment then only those jobs engaged in a qualifying activity will be eligible. For example, a retail establishment which also has a distribution activity serving the southeast will only be eligible for the jobs engaged in the qualifying distribution activity and not for any retail jobs.

(e) Benchmark County -- means the county according to the most recent data from the Department of Labor and the United States Department of Commerce that ranks seventy-first from the bottom county on the following factors: highest unemployment rate; lowest per capita income; and highest percentage of residents whose income is below

the poverty level. This county's scores will be the benchmark for determining census tracts that are potentially eligible for inclusion in less developed census tract areas.

(f) Competitive project -- means the expansion or location of some or all of a business enterprise's operations in this state having significant regional impact where the commissioner of economic development certifies that but for some or all of the tax incentives provided under O.C.G.A. § [48-7-40](#), the business enterprise would have located or expanded outside this state. Businesses claiming the tax credit under this provision must provide certification from the commissioner of economic development when claiming such credit on the Georgia Corporation Income Tax return.

(g) New Full-Time Employee Job (also "New Job") -- means a newly created position of employment by a Georgia employer, requires a minimum of 35 hours worked each week, and pays at or above the average wage earned in the county with the lowest average wage in the most recently available annual issue of the Georgia Employment and Wages Averages Report of the Department of Labor, but does not mean a job classified for federal tax purposes as an independent contractor. This determination occurs when a new or expanded operation is first staffed and does not include staff replacement or transfer.

1) Part-time jobs that become full-time jobs shall be considered new full-time employee jobs for the purposes of the Job Tax Credit Program. Part-time jobs may not be aggregated to establish full-time equivalents for the purposes of the Job Tax Credit Program.

2) Leased employees will, for the purposes of the Job Tax Credit Program, be considered employees of the company using the services of the leased employees. Leased employees and other employees may be counted toward new job totals for purposes of determining a business enterprise's job tax credit when such employees otherwise meet the definition of full-time job contained herein. Leased employees and other employees that do not meet the definition of full-time job contained herein may not be counted toward job totals. (Note that only the business enterprise using the services of leased employees may claim credit for such employees so long as the business enterprise retains control of the business location and does not delegate such control to the leasing company.)

3) Special circumstances affecting the ability for employees to count new full-time employee jobs include the following:

(i) When a business purchases or leases existing assets and uses those assets for a substantially different process than their immediate prior use, the rule does not apply, and no approval is required from the commissioner of community affairs.

(ii) When a seasonal business purchases or leases existing assets, the assets must have been out of service for one year or longer unless otherwise approved by the commissioner of community affairs.

(iii) Any time a business is uncertain whether or not new jobs have been created based on this paragraph, the business shall seek a ruling from the commissioner of community affairs before claiming any credits.

(h) Headquarters -- means the global or national administrative offices of a business enterprise that is primarily engaged in performing management and general administrative functions for such business enterprise. If a business has headquarters that provides services to business enterprises, such business must derive at least 51 percent of its sales from the operations of its business enterprises in order for such business's headquarters to be potentially eligible for tax credits under these regulations.

(i) Maintained Job -- means any new full-time employee job continued for all or part of the consecutive four-year period after its creation.

(j) Military Zone -- means an area designated by the commissioner of community affairs under the provision of O.C.G.A. § [48-7-40.1\(c\)\(2\)](#) or (2.1).

1) For Military Zones designated under the provision of O.C.G.A. § [48-7-40.1\(c\)\(2\)](#), the designation shall include any "area composed of one or more census tracts adjacent to a federal military installation where pervasive poverty is evidenced by a fifteen (15) percent poverty rate or greater as reflected in the most recent decennial census."

2) For Military Zones designated under the provision of O.C.G.A. § [48-7-40.1\(c\)\(2.1\)](#), census tracts may be designated by the commissioner of community affairs to receive Military Zone designation if the census tract is in a county that contains a federal military installation with a garrison of at least 5,000 federal or military personnel combined, and contains an industrial park that is owned and operated by a governmental entity.

3) Any designation made by the commissioner of community affairs under O.C.G.A. § [48-7-40.1\(c\)\(2\)](#) or (2.1) shall be made by December 31 of each year.

4) Businesses locating within a designated Military Zone must meet all eligibility requirements for the Job Tax Credit prior to filing for the credit on the tax return.

(k) Government Owned Industrial Park -- means an Industrial Park, that at the time of formation or establishment, was wholly owned by one or more units of state, local municipal government, including any eligible authority, and which is intended to market, attract, and locate private industrial business operations.

(l) Industrial Park -- means an area comprised of 25 acres or more of developable land, which has been zoned industrial or its equivalent if industrial zoning does not exist within the applicable jurisdiction. The area shall also contain readily available water and sewer infrastructure on-site or at a minimum, adjacent to the site.

(m) Opportunity Zone -- means an area designated by the commissioner of community affairs, with the agreement of the commissioner of economic development, under the provision of O.C.G.A. [48-7-40.1\(c\)\(4\)](#) and Department Rule 110-24-1. Businesses locating within a designated Opportunity Zone must meet all eligibility requirements for the Job Tax Credit and have an Opportunity Zone Certification form certified by the local Opportunity Zone coordinator and acknowledged by DCA prior to filing the tax credit on the corporation income tax return. The completed Certification form must be filed with the tax return when claiming the credit.

(n) Prior Year/Base Year -- means the tax year immediately prior to Year One.

(o) Replacement Job -- means a job created by an employer in Georgia that takes the place of a job that was interrupted due to a manmade or natural disaster. Neither the length of the interruption nor the location of the replacement job will affect eligibility for the Job Tax Credit Program.

(p) To Generate/Trigger Credits -- means to meet all requirements in law and regulation for the tax credits allowed under O.C.G.A. § [48-7-2](#) except for maintenance of jobs in all or part of the subsequent four years after their creation. Credits are not affected by a county's or census tract area's status once credits have been generated.

(q) Transferred Job -- means a job that is relocated by a business or related businesses from one Georgia establishment to another, or a job that is created by a business or related business that is substantially the same as a previously existing job of such business or related business at a location in Georgia that has ceased operations for six months or less. Because the Job Tax Credit is calculated by taxpayer, by county or census tract area, jobs that are relocated from one establishment to another within the same county or census tract area by the same taxpayer are not considered transferred jobs. If the duties of a transferred job are substantially different from those at the former location, the business may request in writing that the commissioner of community affairs determine whether or not the job is a new job for the purposes of the Job Tax Credit Program. Only after the commissioner of community affairs has determined that the job is a new job may any credits be earned. Similarly, new jobs that are transferred during years one through five from their original location to another county or less developed census tract area may not earn credits after their transfer unless otherwise approved by the commissioner of community affairs.

(r) Telecommuter employee job - means a newly created position of employment by a Georgia employer *only* during tax years 2020, 2021 or 2022, requires a minimum of 35 hours worked each week at a location that may not necessarily be at the establishment location, and pays at or above the average wage earned in the county with the lowest average wage in the most recently available annual issue of the Georgia Employment and Wages Averages

Report of the Department of Labor. This does not mean a job classified for federal tax purposes as an independent contractor. This does not include staff replacement or transfer. This does not include telecommuting from out-of-state. The telecommuting employee must live and work in Georgia to qualify for the job tax credit program under this definition.

1) Current employees who are being counted for the job tax credit program and become telecommuters during the COVID-19 crisis during tax years 2020, 2021 or 2022 may continue to be counted as a qualified job for purposes of the job tax credit program, as long as all of the requirements including wages, hours, and health insurance are being met while being a telecommuter.

2) Part-time telecommuter jobs that become full-time jobs shall be considered a new full-time telecommuter employee jobs for the purposes of the Job Tax Credit Program under this special definition. Part-time jobs may not be aggregated to establish full-time equivalents for the purposes of the Job Tax Credit Program.

(s) Year One -- means the tax year in which sufficient new jobs are created that, meeting the requirements of these regulations, entitle a business enterprise to tax credits in years one through five after the creation of the new jobs.

(t) Years One Through Five -- means the consecutive five-year period in which job tax credits may be allowed for the new jobs created in year one as well the subsequent four years in which additional new jobs may be created that may also qualify for job tax credits.

(u) Auxiliary Establishment -- means an establishment primarily engaged in performing management or support services for other establishments of the same business. Auxiliary establishments will be included in the definition of business enterprise only when they are primarily engaged in providing the products or services provided by otherwise eligible business enterprises.

(v) Leased Employee -- means an employee of an employee leasing company, as defined by the O.C.G.A. § [34-8-32](#) paragraph (a). Leased employees will, for the purposes of the Job Tax Credit Program, be considered employees of the company using the services of the leased employees. Leased employees and other employees may be counted toward new job totals for purposes of determining a business enterprise's job tax credit when such employees otherwise meet the definition of full-time job contained herein. Leased employees and other employees that do not meet the definition of full-time job contained herein may not be counted toward job totals. Only the business enterprise using the services of leased employees may claim credit for such employees so long as the business enterprise retains control of the business location and does not delegate such control to the leasing company.

(w) Wage -- means the total dollars paid (including bonuses, incentive pay, etc.) to the employee (whether hourly or salaried) during the year (i.e., income as reported on Form W-2). Wage does not mean contributions made by employers on behalf of employees to health insurance, retirement, or other benefit programs. This definition is consistent with and patterned after the definition of average weekly wages contained in the most recent annual *Georgia Employment and Wages Averages Report*. The wage requirement must be met each and every year the employee/job is being used to calculate the credit in each of the Years 1-5.

**Cite as** Ga. Comp. R. & Regs. R. 110-9-1-.01

**AUTHORITY:** O.C.G.A. §§ [48-7-40](#); [48-7-40.1](#); [36-62-5.1](#).

**HISTORY:** Original Rule entitled "Introductions and Definitions" adopted as ER. 110-9-1-0.2-.01. F. June 16, 1995; eff. June 14, 1995, the date of adoption.

**Amended:** Permanent Rule of same title adopted. F. Aug. 17, 1995; eff. Sept. 6, 1995.

**Amended:** F. Feb. 27, 1998; eff. Mar. 19, 1998.

**Amended:** F. Dec. 11, 2000; eff. Dec. 31, 2000.

**Repealed:** New Rule of same title adopted. F. Apr. 23, 2002; eff. May 13, 2002.

**Amended:** F. Apr. 18, 2003; eff. May 8, 2003.

**Amended:** F. Jan. 14, 2008; eff. Feb. 3, 2008.

**Repealed:** New Rule of same title adopted. F. Oct. 30, 2009; eff. Nov. 19, 2009.

**Amended:** F. Oct. 22, 2013; eff. Nov. 11, 2013.

**Amended:** F. Dec. 2, 2016; eff. Jan. 1, 2017, as specified by the Agency.

**Amended:** F. Feb. 28, 2017; eff. Feb. 8, 2017, as specified by the Agency.

**Amended:** F. Aug. 22, 2018; eff. Sept. 11, 2018.

**Amended:** F. June 2, 2020; eff. June 22, 2020.

**Amended:** F. Sep. 9, 2022; eff. Sep. 29, 2022.

**Amended:** F. Nov. 21, 2022; eff. Dec. 11, 2022.

# **Department 110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

## **Chapter 110-11. GEORGIA STATE MINIMUM STANDARD CODES**

### **Subject 110-11-2. APPEALS SUBCOMMITTEE**

#### **110-11-2-.01 Definitions**

- (1) **"Commissioner"** means the Commissioner of the Georgia Department of Community Affairs.
- (2) **"Department"** means the Georgia Department of Community Affairs.
- (3) **"Private Professional provider"** means a professional engineer who holds a certificate of registration issued under Chapter 15 of Title 43 or a professional architect who holds a certificate of registration issued under Chapter 4 of Title 43, who is not an employee of or otherwise affiliated with or financially interested in the person, firm, or corporation engaged in the construction project to be reviewed or inspected.
- (4) **"Regulatory Requirements"** means the requirements determined by a county or municipality to be necessary for approval of plans, permits, or applications under this chapter; provided, however, that with respect to any application, such requirements shall include the Georgia State Minimum Standard Codes most recently adopted by the Department of Community Affairs and any locally adopted ordinances and amendments to such codes; applicable zoning ordinances and conditions; design standards; and other state and local laws, regulations and ordinances applicable to the application in question.
- (5) **"State Codes Advisory Committee" (SCAC)** means the advisory committee consisting of 21 members as defined in O.C.G.A. [8-2-24](#).

**Cite as** Ga. Comp. R. & Regs. R. 110-11-2-.01

**AUTHORITY:** O.C.G.A. § [8-2-26](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Nov. 21, 2022; eff. Dec. 11, 2022.

#### **110-11-2-.02 Scope of Rule**

- (1) When, as provided for in, and in accordance with Code Section [8-2-26\(g\)](#) of Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated (O.C.G.A.), a decision by a local building official is appealed to the Department of Community Affairs, an Appeals Subcommittee, as established herein, shall be convened to review and rule upon the appeal. Decisions by the local official can only be appealed to the Department of Community Affairs if there is no local Board of Appeals.

**Cite as** Ga. Comp. R. & Regs. R. 110-11-2-.02

**AUTHORITY:** O.C.G.A. § [8-2-26](#).

**HISTORY:** Original Rule entitled "Scope of Rule" adopted. F. Nov. 21, 2022; eff. Dec. 11, 2022.

#### **110-11-2-.03 Filing Information/ Fee Structure**



(1) In order for a Plan Review Appeals Subcommittee to be convened to review and rule upon an appeal, the appeal must be properly filed with the Department. "Proper filing" shall mean forwarding the following information via certified mail to the Department:

Office of Construction Codes and Industrialized Buildings

60 Executive Park South, NE

Atlanta, GA 30329

(a) A notarized affidavit filed by the appellant containing thorough descriptions of (a) the decision by the local building official and (b) the nature of the dispute; (c) specific code citations (e.g., code(s), edition(s), section(s), subsection(s), state/local amendment(s), etc.) applicable to the subject matter in dispute.

(b) Any and all documentation from the appealing party, which may assist the subcommittee in its review.

(c) A filing fee in the amount of \$250.00, in the form of a cashier's check, made payable to the "Georgia Department of Community Affairs," paid by the party appealing the decision by the local building official; and

(d) Any party that appeals a decision will also be charged for reasonable costs incurred by the department while conducting an investigation related to travel or when applicable, to pay an expert to provide consultation and specific knowledge related to the complaint.

(e) Reasonable costs should generally not exceed \$500.00.

(f) Reasonable costs will be determined by the State of Georgia State Accounting Office State Travel Policy. ([State Travel Policy](#) | [State Accounting Office of Georgia](#))

(g) Once an estimate of the reasonable costs is available, the appealing party will receive the information and will have a choice to withdraw if they do not agree to pay the additional costs. The filing fee will be non-refundable.

**Cite as** Ga. Comp. R. & Regs. R. 110-11-2-.03

**AUTHORITY:** O.C.G.A. § [8-2-26](#).

**HISTORY:** Original Rule entitled "Filing Information/ Fee Structure" adopted. F. Nov. 21, 2022; eff. Dec. 11, 2022.

### **110-11-2-.04 Meetings/ Process**

(1) Meetings relating to appeals may be held via conference call, in person immediately before or after a regularly scheduled SCAC meeting, or for a special called in person meeting.

(2) Investigatory findings may be discussed via email or conference call.

(3) After a properly filed appeal has been received, DCA shall have five (5) business days to accept an application as complete; reject the application for just cause and provide an explanation; or deem the application incomplete. If the application is incomplete, the appealing party shall have five (5) additional business days to supply any missing information.

(4) As soon as an application is deemed complete, the city and or county will be notified. They will have ten (10) business days to respond to the appeal and submit any pertinent documentation.

(5) The subcommittee shall have sixty (60) days from the time all documentation from both parties is received to conduct an onsite investigation, review the materials, and make a decision. The subcommittee will review and rule on the appeal based on only the information that has been received. Additional information may not be considered.



(6) Once the applicable subcommittee makes its finding, the Department shall forward copies of the subcommittee's ruling to each of the disputing parties. The ruling of the subcommittee shall be binding.

**Cite as** Ga. Comp. R. & Regs. R. 110-11-2-.04

**AUTHORITY:** O.C.G.A. § [8-2-26](#).

**HISTORY:** Original Rule entitled "Meetings/ Process" adopted. F. Nov. 21, 2022; eff. Dec. 11, 2022.

### **110-11-2-.05 Appeals**

(1) A subcommittee will be created and comprised of six members of the Department's State Codes Advisory Committee (SCAC): four county and municipal building official members of the SCAC, all of whom will serve on every such subcommittee, and two other SCAC members appointed by the chairman of the SCAC whose experience uniquely qualifies them in the subject area of, or whose individual fields of expertise are closely related to, the subject matter being appealed.

(2) At the first State Codes Advisory Committee Meeting of each calendar year, an agenda item will be added to appoint which four SCAC members will serve on all Appeals Subcommittees if any appeal is filed during that calendar year.

(3) If an appeal is filed, the Chairman of the SCAC shall have five (5) business days to appoint the additional two SCAC members to serve for that particular appeal based on their experience relating to the subject area.

**Cite as** Ga. Comp. R. & Regs. R. 110-11-2-.05

**AUTHORITY:** O.C.G.A. § [8-2-26](#).

**HISTORY:** Original Rule entitled "Appeals" adopted. F. Nov. 21, 2022; eff. Dec. 11, 2022.

# Department 110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS

## Chapter 110-12. MINIMUM STANDARDS AND PROCEDURES

### Subject 110-12-8. [Effective 1/1/2023] PROCEDURE AND OPERATIONS OF ANNEXATION ARBITRATION PANELS

#### 110-12-8-.01 [Effective 1/1/2023] Purpose & Overview

(1) **General.** O.C.G.A. § [36-36-114\(g\)](#) directs the Department of Community Affairs (the Department) to promulgate rules and regulations to provide for uniform procedures and operations of annexation arbitration panels established pursuant to statute. These specific rules and procedures are provided herein and are applicable to all local governments and school systems in the State. The intent of these rules is to: (1) provide an alternative to the courts for resolving conflicts related to annexation requests; (2) encourage internal discussion and negotiation between the parties involved with the aim of reaching a nonjudicial settlement of disagreements.

(2) **Overview.** These rules establish an alternative dispute resolution process for reconciling interjurisdictional conflicts between and among Georgia's local governments, school systems, and private interests as such conflicts arise from the process of territorial annexation. The dispute resolution involves the use of an impartial third party (or neutral) to guide the process. To provide as much certainty as possible, these rules call for the arbitration process to be concluded within eighty-five (85) days after it is initiated, although this timeframe can be extended by mutual agreement of the municipal and county governments.

(3) **Changes and Interpretation.** These rules and regulations may from time to time be revised by the Department. The Department is the final authority for interpretation of these rules.

**Cite as** Ga. Comp. R. & Regs. R. 110-12-8-.01

**AUTHORITY:** O.C.G.A. §§ [36-36-110](#), *et seq.*; 50-8-1, *et seq.*

**HISTORY:** Original Rule entitled "Purpose & Overview" adopted. F. Nov. 28, 2022; eff. Jan. 1, 2023, as specified by the Agency.

#### 110-12-8-.02 [Effective 1/1/2023] Definitions

For the purpose of these rules, the following words will have the meaning as contained herein unless the context does not permit such meaning. Terms not defined in these rules but defined in O.C.G.A. § [36-36-110](#), *et seq.*, will have the meanings contained therein. Terms not defined in these rules, or in O.C.G.A. § [36-36-110](#), *et seq.*, will have ascribed to them the ordinary accepted meanings such as the context may imply.

(1) 'Case Coordinator' is designated by each of the local governments as their official representatives to the annexation arbitration process. Once designated by a local government, the case coordinator will be understood to have authority to act as the primary point of contact in communicating with the Department, the panel, and other parties on behalf of the local government they represent. The case coordinator's responsibilities may include coordinating meeting logistics, relaying information and documents via email or other media, arranging for payment of fees/costs, etc. The case coordinator may be but is not necessarily legal counsel for a party and is not necessarily involved in the presentation of evidence and arguments to the panel on behalf of a local government.

(2) 'Days' means calendar days. The General Assembly has clearly chosen to reference "calendar days" in formulating the statute rather than simply "days" and, as such, it is not the practice of the Department to "read out" the word "calendar" as "mere surplusage."

(3) 'Good Faith' means participating in the annexation arbitration process in a sincere effort to resolve any conflict. This includes, but is not limited to:

- Full-time attendance by the local government's case coordinator and/or other official designee at all annexation arbitration sessions,
- Withholding final action on the annexation and any development permissions associated with the proposed annexation until the annexation arbitration process is concluded as described in these rules (Note: Only final actions are prohibited, preliminary actions including, but not limited to, staff analysis, meetings and coordination between an applicant or property owner and government staff, hearings before planning commissions, etc. may continue during pendency of the arbitration process.);
- Providing required materials and responses to the Department, local governments, applicants or owners, impacted school system, case coordinators, the panel, any appointed neutral; and,
- Coordinating in the management of logistics of scheduling; and,
- Paying costs associated with the annexation arbitration process as provided in these rules.

(4) 'Hearing Officer' is a neutral, as found on the Georgia Court Professional Directory hosted by the Judicial Council of Georgia, Administrative Office of the Courts. A hearing officer assists the panel in compiling the records of the proceedings. The hearing officer may also assist the panel in coordinating the presentation of evidence and argument during its hearings and facilitating the panel's compliance with applicable administrative law and other requirements, managing its meetings, and otherwise serving in a role similar to that of the case coordinator on the panel's behalf.

(5) 'Local Government' means any county, municipality, or consolidated government.

(6) 'Local Plan' means the comprehensive plan for a local government prepared in accordance with the requirements established by the Department.

(7) 'Process Manager' means a staff person at the Department who serves as its point of contact for the local governments (typically via their case coordinators) and administrator of the Department's role throughout the panel appointment process.

(8) 'Qualified Local Government' means a county or municipality that:

- Has a comprehensive plan in conformity with the minimum standards and procedures;
- has made its local plan implementation mechanisms consistent with those established in its comprehensive plan and with the minimum standards and procedures; and
- Has not failed to participate in the Department's mediation or other means of resolving conflicts in a manner which, in the judgment of the Department, reflects a good faith effort to resolve any conflict.

(9) 'Regional Commission' means any commission established under O.C.G.A. § [50-8-32](#) (effective July 1, 2009).

(10) 'Verification' when referenced under 'Verifiable delivery' in the statute means delivery that can be decisively confirmed to have occurred. All notices and communications required pursuant to the annexation arbitration process will be sent via verifiable delivery. The Department will verify delivery of all statutorily-required notices using the following mechanisms provided by the parties, as applicable based upon indications in the materials provided:

- Tracking number produced by a mail carrier service (e.g., USPS, FedEx, UPS);
- Email with associated read-receipt and/or delivery-receipt, or, if materials are being provided by their recipient, an email showing a delivery time/date in the message's header will be sufficient and/or,
- For hand-delivered materials, a scan or photo of the notice clearly showing a date-received stamp on the document accompanied by the signature of the person who accepted delivery of the notice on behalf of the receiving party.

Cite as Ga. Comp. R. & Regs. R. 110-12-8-.02

**AUTHORITY:** O.C.G.A. §§ [36-36-110](#), *et seq.*; **50-8-1**, *et seq.*

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Nov. 28, 2022; eff. Jan. 1, 2023, as specified by the Agency.

### **110-12-8-.03 [Effective 1/1/2023] Annexation Arbitration Process**

(1) **Petition for Annexation Arbitration.** A petition for annexation arbitration must be filed with the Department to begin the process.

(a) **HB2a.** The Department's *HB2a Notification of Objection to Annexation and Request for Panel* form must be used by the party petitioning for appointment of an arbitration panel. All fields on the form must be completed, including:

- The County name;
- The City name;
- A legal description of the subject property or properties; and
- Contact information for the local governments and property owners.

Form HB2A shall be accompanied by supporting materials, including a copy of the Notice of Annexation provided in O.C.G.A. § [36-36-111](#), a copy of the Notice of Objection provided in O.C.G.A. § [36-36-113](#), the owner's/developer's petition for annexation, documentation showing that a majority of the elected body of the objecting local government voted in favor of the objection, and any additional correspondence or materials exchanged between the parties relevant to the proposed annexation.

(b) **Verifiable Delivery.** The HB2a form and accompanying materials must be sent to the parties and the Department by Verifiable Delivery. In all circumstances, regardless of the method of delivery, the means of verifying delivery shall be clearly evident on the materials provided.

(2) **Review of the Petition.** Upon receipt of a petition for annexation arbitration, the Department will review the petition and determine whether the conflict is eligible for annexation arbitration. In making this determination, the Department must consider if the following conditions have been met:

(a) **Standing.** Whether the petitioner is or is an authorized representative of the affected county governing authority.

(b) **Completeness.** Whether the petition is complete and accompanied by the required supporting materials, as described above, including the provision of a mechanism to verify delivery for all statutorily-required notices as defined above.

(c) **Timeliness.** Whether all statutorily-required notices issued thus far into the process have included all materials and information required by statute and whether such notices have been timely delivered, in accordance with the timeline prescribed by statute, based upon the Department's verification.

1. **Notice of Annexation.** Within thirty (30) days of a municipal corporation's acceptance of a petition of annexation, the municipal corporation shall notify the governing authority of the county and any impacted school system in which the territory to be annexed is located by verifiable delivery. Statute provides that this Notice of Annexation includes the proposed zoning and land use for such area.

2. **Notice of Objection.** The county can then object by majority vote, as defined by applicable general or local law. The objection will be delivered to the municipal corporation and the Department by verifiable delivery, no later than the end of the forty-fifth (45<sup>th</sup>) day following the county's receipt of the Notice of Annexation from the city.

The Department shall request any additional information from the local governments necessary for it to make determinations related to this section. The local governments shall comply in the prompt delivery of the requested information within the timeframe provided by the Department when making its request.

(d) **Jurisdiction.** Whether the petition is based upon an objection that is subject to annexation arbitration as provided in section O.C.G.A. § [36-36-113](#) of statute. The Department shall make no determination as to the validity of the objection as such determination is reserved exclusively to the arbitration panel. Rather, the Department shall focus its determination on whether the objection:

1. Advances any arguments related to a potential material increase in burden upon the county resulting from change in proposed zoning or land use, proposed increase in density, and/or infrastructure demands related to the proposed change in zoning or land use. Objections failing to advance such arguments cannot be considered by an annexation arbitration panel.

2. Provides any information purporting to be evidence demonstrative of any potential financial impact that could result from the proposed annexation.

The Department will decline to advance petitions for annexation arbitration that fail to meet all of the conditions detailed above. Once such a determination has been reached, the Department will notify the municipal and county governments of this determination and explain its rationale for doing so. The objecting local government may revise, amend, and perfect its petition and resubmit it for the department's review if sufficient time remains to provide it via verifiable delivery to the municipal corporation and the Department prior to expiration of the forty-five (45) days allotted to the county for filing its Notice of Objection.

(3) **Advancement of the Petition.** If, after reviewing the petition, the Department determines that the annexation conflict is eligible for arbitration via this process, it shall notify the parties listed below.

- The petitioning local government;
- The local government whose proposed action is the subject of the arbitration;
- The impacted school system;
- Other members from the local governments possibly including but not limited to the planning directors, the county and city manager, and the chief elected officials;
- Members of the Georgia Municipal Association and the Association of County Commissioners of Georgia;
- The planning director of the regional commission in which the subject property is located;
- Appropriate additional staff at the Department;
- Qualified arbitration panelists from the municipal, county, and academic pools as provided by statute.

In providing this notice to the local governments, the Department shall request that each government designate a case coordinator and communicate that individual's identity to the department within a timeframe communicated by the Department when making such request.

(4) **Initiation of Annexation Arbitration Process.** The Department shall follow this process in appointing a panel.

(a) **Availability and Eligibility to Serve.** Once the Department has provided notice that the petition will advance, it shall attempt to appoint an arbitration panel. The Department will inform eligible individuals within the pools of panelists established for this purpose regarding the matter that their participation on a panel has been requested and ask them to confirm their availability and eligibility.

(b) **Selection of Potential Panelists.** Once the Department has received the necessary number of panelists: four (4) from the county pool, four (4) from the municipal pool, and three (3) from the academic pool, the Department will contact the city and county for strikes. If an excess of panelists from one or more pools is achieved, the Department shall randomly choose from the available panelists within each pool to reach the number of panelists required for that pool.

(c) **Striking Potential Panelists.** The Department shall provide the county government the name, title/position, term of office (if from a local government pool) or qualification (if an academic panelist, and the residency of the

potential panelists from the municipal and academic pools. The Department shall provide the municipal government the name, title/position, term of office (if from a local government pool) or qualification (if an academic panelist, and the residency of the potential panelists from the county and academic pools. The municipality shall strike two (2) potential panelists from the county pool and the county shall strike two (2) potential panelists from the municipal pool. The municipality and the county shall each strike one (1) panelist from the academic pool and one (1) alternate strike. In the event that both local governments opt to strike the same academic panelist, the alternate panelist selected by the local government whose strikes are received by the Department second (in order of their receipt) will be struck from the pool. Ultimately, the panel will be appointed consisting of the five (5) potential panelists remaining unstruck after all strikes have been received. The local governments shall use whatever criteria seems most appropriate to them to select their strikes, but under no circumstances shall potential panelists be contacted by any local government, applicant or property owners, or impacted school system, or on behalf of any the aforementioned parties prior to appointment of an arbitration panel.

The local governments shall expeditiously inform the Department of the potential panelists they choose to strike. This information shall be provided by the local government's representative to the Department's process manager via electronic mail. These strikes shall be provided to the Department within the timeframe it provides to the local governments when it requests strikes.

(d) **Appointment of the Panel.** The forgoing process having successfully completed, an impartial third-party panel will be appointed no later than the fifteenth (15<sup>th</sup>) day following the date when the Department first received a complete and timely petition to object from a county with standing to request arbitration. The panelists and the individuals and entities listed in section [110-12-8-.03\(3\)](#), above, will be notified via electronic mail of the panel's appointment.

If, despite its efforts, the Department is unable to fulfill the request for an arbitration panel within the fifteen (15) days provided by statute (e.g., an insufficient number of eligible panelists were available to serve, strikes were not provided to the Department within the requested timeframe, etc.), the Department will necessarily decline to appoint a panel. Statute offers no provision for extension of this timeline or waiver of this requirement. In such a case, the Department shall notify the individuals and entities listed in section [110-12-8-.03\(3\)](#), above, of the impasse, that the Department is unable to fulfill the request for a panel, and recommend that the objecting party consider seeking judicial resolution of the conflict.

Appointment of the panel concludes the Department's active role in the process. The Department shall not participate in the scheduling or conducting of meetings/hearings, management of the panel (except in the event of the withdrawal or subsequent ineligibility of a panelist), collecting owed costs, filing of deed restrictions, etc.

(e) **Replacement of Panelists.** In the event that a panelist becomes or is determined to be ineligible or otherwise unable to participate in the arbitration process subsequent to the panel's appointment, such a panelist may withdraw or be withdrawn from the panel.

The Department will first seek availability of the two potential panelists previously struck from the withdrawn panelist's pool. If either or both of the previously struck panelists is still available and eligible to participate, the Department shall inquire if the local government that struck the panelist(s) is willing to withdraw its strike and accept the appointment of the previously struck panelist as a replacement.

If the local government is unwilling to accept a previously-struck panelist, the Department will again seek available panelists from the entire pool of panelists. The first eligible panelist indicating to the Department that they are available to serve will be appointed as a replacement.

#### (5) **Panelists.**

(a) **Remuneration.** The members of the arbitration panel will receive the same per diem, expenses, and allowances for their service on the panel as authorized by law for members of the General Assembly.

(b) **Selection.** Panelists will be solicited from an existing pool of eligible participants, meaning they meet the below requirements:

1. A current elected official for a county or city or, someone who was an elected official for a county or city within the past six (6) years; or
2. A person with a master's degree or higher in planning or an MPA, who is currently employed by an institution of higher learning in Georgia, other than the Carl Vinson Institute of Government of the University of Georgia; and
3. They have attended the statutorily mandated training regarding annexation arbitration provided by the Carl Vinson Institute of Government. Such training shall include, among other things, content intended to facilitate panelist's compliance with applicable regulations and statute related to the conduct of meetings. All potential panel members must have attended this training.

(c) **Frequency of Participation.** As nearly as practicable, no one from the pool of potential panelists should serve on a panel more than four (4) times in one (1) calendar year.

(d) **Residency.** Panelists shall not participate in an arbitration panel if they currently live in the county which has interposed the objection, or any municipality located wholly or partially in such county. Pool members shall notify the Department of their updated address if they change residence into the territory of a different local government while in the pool of potential panelists.

(6) **Meetings.** The panel, once appointed, should meet as soon as practicable after the appointment and receive evidence and argument from the local governments and the applicant or property owner. These meetings can take place in person, virtually, or via teleconference. Any meeting should provide an opportunity for all affected parties to be present.

Any meeting within which evidence is to be presented or argument to be made shall be open to the public. Any opportunity for input or involvement by the general public in any meeting is at the discretion of the panel (or its elected chair, if such a position is created), however, under no circumstance shall public comment be permitted to impair, impede, interrupt, or otherwise frustrate the presentation of evidence and arguments by the local governments.

At least 14 days prior to the meeting of a panel, the hearing notice for the meeting shall be sent to the Department. The Department will put the notice on their website and share it with the county, municipality, and applicant/property owner. The county and city are encouraged to post public notice of the such meetings in accordance with their own standard practices.

The panel shall meet at times, dates, locations, and via media of its own choosing and the affected parties must comply with the scheduling set by the panel. In doing so, the panel shall make all reasonable effort when dictating its schedule to allow attendance by all affected parties. Ultimately, however, the panel shall dictate the schedule of meetings, not the affected parties.

Written record of all meetings shall be kept by the panel (its elected secretary, its appointed hearing officer, and/or court reporter). Such records shall include, but not be limited to:

- Identities of panelists and representatives of affected parties in attendance (and any absences of required attendees);
- Copies of documents provided to the panel and/or produced by the panel (e.g.: agenda, if created; schedule of meetings; documentary evidence presented;
- Motions made by panelists and the local governments; and,
- Outcome of votes taken by the panel including the number of those in favor and opposed, the identity of those in favor and opposed.

All determinations and decisions of the panel whether pertaining to its own organization (e.g., electing a chair), the merits of the case (e.g., determining whether to impose zoning restrictions), or any other substantial matter shall be made on the basis of a majority vote of the five panelists. All votes shall be "Yay" or "Nay" with no abstentions permitted.



(7) **Evidence and Argument.** The panel shall conduct a meeting at which the local governments as well as the applicant or property owner shall present evidence and arguments related to the following topics:

- The existing local comprehensive plans of both the County and City;
- The existing land use patterns in the area of the subject property;
- The existing zoning patterns in the area of the subject property;
- Each jurisdiction's provision of infrastructure to the area of the subject property and to the areas in the vicinity of the subject property;
- Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the County;
- Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the County in its objection; and
- Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.

The county shall provide supporting evidence that its objection is consistent with its local comprehensive plan and the pattern of existing land uses and zonings in the area of the property, which may include, but not be limited to, adopted planning documents and capital or infrastructure plans. Likewise, the municipal corporation and/or the applicant or property owner shall provide supporting evidence that the proposed annexation is consistent with the municipality's local comprehensive plan and the pattern of existing land uses and zonings in the area of the property, which may include, but not be limited to, adopted planning documents and capital or infrastructure plans. Each of these parties may provide evidence and argument undermining the evidence and argument presented by its opposition.

A municipality may opt maintain neutrality on a proposed annexation action and defer all advocacy in support of such an action to the applicant or property owner who has made such a proposal. Such a position shall not be viewed as unreflective of good faith participation in the process. Such a position shall have no bearing on the panel's consideration of the merits of the proposed annexation.

Failure of an applicant or property owner to provide evidence and argument advocating for the proposed annexation shall have no bearing on the panel's consideration of the merits of the proposed annexation.

Evidence and argument not relevant to the grounds for objection provided at O.C.G.A. § [36-36-113](#) or related to the items listed and discussed above (e.g., arguments related to contiguity of borders or the creation of "unincorporated islands") are beyond the panel's purview and, as such, shall not be presented to or entertained by the panel. In complying with this rule avoiding raising arguments to the panel that are beyond the panel's purview, a local government and/or applicant or property owner reserves and does not waive any such arguments.

(8) **Deliberation and Decision.** The panel shall meet to deliberate and make decisions on the outcome of the arbitration. This may occur in one or more meetings, as determined by the panel. This may occur during the same meeting as the meeting(s) within which evidence and argument are presented, but it is not necessarily so.

The panel shall first determine whether or not the grounds for objection as specified in the objection are valid pursuant to O.C.G.A. § [36-36-113](#). In reaching its determination, the panel shall consider the local governments' arguments and evidence as it relates to the grounds provided by statute and the directions provided above. After deliberation, the determination of the panel shall be established by majority vote of the five panelists.

If the panel determines that an objection is valid, they shall, by majority vote of the five (5) panelists, determine whether or not it necessary to establish development limitations including reasonable zoning, land use, or density conditions that are applicable, to the annexation and propose reasonable mitigating measures as to an objection pertaining to infrastructure demands.

The panel may determine by majority vote of the five panelists that either of the local governments has advanced a position that is not valid on its face. If the position advanced by a local government determined by the panel to have so wholly invalid, the costs associated with the annexation arbitration process which would have generally been



divided equally between the local governments will be borne in their entirety by the party deemed to have advanced such a position. The rationale for this method of apportioning costs shall be clearly communicated in the panel's findings. The panel's determination(s) and any necessary development limitations and/or other mitigation measures shall be detailed in writing.

All determinations and decisions of the panel shall be made on the basis of a majority vote of the five panelists. All votes shall be "Yay" or "Nay" with no abstentions permitted.

**(9) Process Options.**

(a) **Court Reporter & Hearing Officer.** The panel may elect to employ a court reporter and/or hearing officer to assist the panel in creating procedural records and/or managing the hearing process. All costs and charges related to the employment of a court reporter and/or hearing officer shall be evenly divided between the local governments except as otherwise provided. The court reporters and hearing officers available to the panel shall be the Georgia Court Professional Directory hosted by the Judicial Council of Georgia, Administrative Office of the Courts. Hearing Officers shall be selected from the court professionals labeled "neutrals" in the directory while court reporters shall be selected from among those labeled as such in the directory.

(b) **Decision Extension.** While generally, the panel is to render a decision regarding the annexation arbitration dispute no later than sixty (60) days following its appointment, the chair of the panel is authorized to extend this deadline once, for a period of up to ten (10) business days. The need for such an extension shall be based upon such criteria as the chair deems appropriate and necessary to conform with the purpose of the process. Such an extension shall be immediately provided in writing to the local governments, the applicant or property owner, and the Department via verifiable delivery.

(c) **Postponement.** The City and County may, by mutual agreement, postpone the arbitration process for a period of up to one hundred eighty (180) days to negotiate a potential settlement. This postponement will pause the sixty (60)-day deadline. Any such agreement shall be immediately provided in writing to the applicant or property owner, the panel, and the Department via verifiable delivery.

(d) **Costs.** The arbitration costs will generally be split evenly between the county and the municipal corporation. However, as provided above, in some circumstances, the panel may elect to apportion the entirety of the costs associated with the arbitration process to one party. Regardless of the manner of apportioning costs (i.e., evenly split or wholly apportioned to one party), all associated process costs, including any reasonable costs of the property owner or owners participating in the process, will be apportioned in the same manner. Fees shall be payable to, as apportioned, within 45 days of the conclusion of the arbitration process as provided in these rules.

(e) **Withdrawal.** The objecting local government may, by majority vote of its elected body, as defined by applicable general or local law, withdraw its objection at any point of the process for any reason. Likewise, the applicant or property owner may withdraw the annexation petition at any time for any reason, thus rendering the arbitration moot. Notice of a withdrawal shall be provided to the Department, the municipality, the applicant or property owner, and, if it has already been empaneled, the panel within seven (7) days of the body's vote. Upon receipt of this notice, the Department shall acknowledge its receipt and immediately dissolve the panel. If withdrawal occurs after costs have been incurred, all parties shall be responsible for their own costs, and any costs that may have already been incurred by the panel shall be split evenly between the county and the municipal corporation.

(f) **Appeal.** The municipal or county governing authority or an applicant for annexation may appeal the decision of the panel by filing an action in the superior court of the county within 10 days from the verified receipt date of the panel's findings. The sole grounds for appeal shall be to correct errors of fact or of law, the bias or misconduct of an arbitrator, or the panel's abuse of discretion. Any party filing such an appeal shall provide a notice to all the affected parties, the Department, and the panel that has filed such an action. Copies of all filings including any order(s) issued as a result of the appeal shall be provided to the Department via verifiable delivery. Any unappealed order shall be binding upon the parties.

(g) **Interparty Negotiations.** Ongoing communication, discussion, and negotiation between the local governments and/or the applicant or property owner outside of arguments before the panel are critical to a mutually-agreeable

outcome for a disputed annexation. The local governments and the applicant or property owner are urged to take every opportunity to resolve their conflict outside of hearings in front of the arbitration panel.

The county, the municipal governing authority, and the property owner or applicant shall negotiate in good faith throughout the annexation proceedings provided by this article and may at any time enter into a written agreement governing the annexation. Such agreement may provide for changing the zoning, land use, or density of the annexed property during a period of less than two (2) years. All costs that may have been incurred by the parties and/or the panel shall be apportioned as provided in the agreement. Any such agreement shall be immediately provided in writing to the local governments, the applicant or property owner, the panel, and the Department via verifiable delivery. If such an agreement is reached after the arbitration panel is appointed and before its dissolution, the panel shall hold a meeting at which the agreement shall be adopted by the panel as its findings. If such an agreement results in a withdrawal of the objection or a withdrawal of the annexation petition, the section of these rules regarding withdrawals, above, shall apply.

**(10) Conclusion of Annexation Arbitration Process.** The panel's findings shall be detailed in writing and provided to the affected parties and the Department by verifiable delivery within 60 days of its appointment.

(a) If the findings contain zoning, land use, or density conditions, or other mitigating measures, the county shall ensure that the findings are recorded in the deed of records of the County with the following caption description:

1. The name of the current property owner
2. Recording reference of the current owner's acquisition deed and a general description of the property
3. Clearly stating any expiration date of any restrictions or conditions

Documentation clearly demonstrating that this recordation has occurred shall be provided to the affected parties municipality, the applicant or property owner, and the Department once it has been completed.

(b) By operation of law, requiring no further action of the local governments, the applicant or property owner, the Department, or the panel, itself, the panel shall be dissolved on the ten (10<sup>th</sup>) day after it renders its findings. However, the panel may be reconvened if, upon appeal, the court remands the matter to the panel for further consideration. If so reconvened, the panel shall, again, be dissolved on the ten (10<sup>th</sup>) day after it renders its further findings.

(c) The annexation arbitration process will be understood to have concluded after: the Department has received the panel's findings; remuneration for costs has been provided; either the opportunity to appeal the panel's decision has expired or the appellate process has concluded; and, if the court has remanded the matter to the panel, the panel has completed that process and provided its subsequent findings to the local governments, the applicant or property owner, the Department, and, as appropriate, the court.

(d) Following the conclusion of this process, the city and an applicant for annexation may either accept the findings of the panel and proceed with the remaining annexation process or abandon the annexation proceeding, altogether.

(e) If at any time during the proceedings the municipal corporation or applicant abandons the proposed annexation, the county shall not change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties.

(f) If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the annexing local government shall not change the zoning, land use, or density of the annexed property for a period of two (2) years unless such change is made in the Service Delivery Strategy or Comprehensive Plan and adopted by the affected city and county and all required parties.

**Cite as** Ga. Comp. R. & Regs. R. 110-12-8-.03

**AUTHORITY:** O.C.G.A. §§ [36-36-110](#), *et seq.*; **50-8-1**, *et seq.*

**HISTORY:** Original Rule entitled "Annexation Arbitration Process" adopted. F. Nov. 28, 2022; eff. Jan. 1, 2023, as specified by the Agency.

#### **110-12-8-.04 [Effective 1/1/2023] Compliance**

(1) **Participation.** O.C.G.A. § [50-8-2\(a\)\(18\)\(C\)](#) defines a "Qualified Local Government" as a county or municipality which has not failed to participate in the Department's mediation or other means of resolving conflicts in a manner which, in the judgement of the Department, reflects a good faith effort to resolve any conflict. If, prior to the process's conclusion as described above, the Department determines that either or both local governments are not participating in the annexation arbitration process in good faith, the Department shall decertify the local government's(s') qualified local government status ("QLG status") for a period the Department deems necessary to promote a return to good faith participation and discourage any future disruption to the instant annexation arbitration and future annexation arbitration processes.

The Department shall issue a Notice of Intent to Decertify to the local governments by verifiable delivery seven days prior to decertifying the local government's(s') QLG status. This notice shall detail the actions determined by the Department to be unreflective of good faith participation and provide recommendations to assist in correction by the local government(s). If, during those seven days, the local government(s) have successfully addressed the Department's concerns, QLG status shall not be interrupted. If, upon passage of the seventh (7<sup>th</sup>) day, the Department determines that its concerns have not been satisfactorily addressed, it shall issue a Notice of Decertification via verifiable delivery to the local governments and shall follow the Department's standard practice of notifying the public and other governmental entities of the decertification.

(2) **Violation of Conditions.** No local government may change the zoning, land-use, or density of the annexed property prior to the expiration of the timeframes provided by O.C.G.A. § [36-36-112](#), § [36-36-117](#), or § [36-36-118](#). A party aggrieved by such a violation may seek relief from a court of competent jurisdiction, however, any such violations, outside of the annexation arbitration process or subsequent to its conclusion, are not within the purview of the Department.

**Cite as** Ga. Comp. R. & Regs. R. 110-12-8-.04

**AUTHORITY:** O.C.G.A. §§ [36-36-110](#), *et seq.*; **50-8-1**, *et seq.*

**HISTORY:** Original Rule entitled "Compliance" adopted. F. Nov. 28, 2022; eff. Jan. 1, 2023, as specified by the Agency.

# **Department 135. RULES OF GEORGIA COMPOSITE BOARD OF PROFESSIONAL COUNSELORS, SOCIAL WORKERS AND MARRIAGE AND FAMILY THERAPISTS**

## **Chapter 135-6. REGULATION OF LICENSES**

### **135-6-.03 Biennial Renewal Cycle**

- (1) All licenses shall expire on September 30<sup>th</sup> of even numbered years.
- (2) Renewal notices, mailed or e-mailed, are only sent as an accommodation. The responsibility of license renewal remains with the license holder.
- (3) The applicant for renewal shall submit to the Board, on or before September 30<sup>th</sup> of even numbered years:
  - (a) A completed application for renewal; and
  - (b) The biennial renewal fee (See Fee Schedule); and
  - (c) Proof of having satisfied the continuing education requirement, as set forth in Rule [135-9-.01](#).
- (4) Renewal applications submitted during the late renewal period shall be required to pay a late renewal penalty fee in addition to the renewal fee (See Fee Schedule). Failure to renew a license by the end of the established late renewal penalty period, which is October 31<sup>st</sup> of the renewal year, shall have the same effect as a revocation subject to reinstatement in the discretion of the Board.
- (5) Unless the license is renewed on or before October 31<sup>st</sup> of even numbered years, continued practice after such date shall constitute unlawful practice and is grounds for discipline.

**Cite as** Ga. Comp. R. & Regs. R. 135-6-.03

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-19](#), [43-1-25](#), [43-10A-5\(c\)](#), [43-10A-14](#), [43-10A-15](#), [43-10A-16](#), [43-10A-17](#).

**HISTORY:** Original Rule entitled "Biennial Renewal Cycle" adopted. F. Jan. 20, 1988; eff. Feb. 9, 1988.

**Amended:** F. June 27, 1995; eff. July 17, 1995.

**Amended:** F. June 28, 2001; eff. July 18, 2001.

**Amended:** F. Oct. 22, 2002; eff. Nov. 11, 2002.

**Repealed:** New Rule of same title adopted. F. May 19, 2010; eff. June 8, 2010.

**Amended:** F. Nov. 4, 2022; eff. Nov. 24, 2022.

### **135-6-.04 Revocation of Expired Licenses and Reinstatement of Expired Licenses**

- (1) Failure to renew a license by the end of the established late renewal penalty period, October 31<sup>st</sup> of even numbered years, shall have the same effect as a revocation of said license and reinstatement of the license shall be in the discretion of the Board. If an application for reinstatement is submitted to the Board within five (5) years of the expiration date of the license, the Board shall require documentation of thirty-five (35) hours of continuing

education activities for EACH renewal cycle missed, a minimum of thirty-five (35) of which must have been completed within two years of the date the reinstatement application is received by the Board, and payment of a late renewal penalty fee as set by the Board (See Fee Schedule). At its discretion, the Board may require additional information.

(2) If an application for reinstatement is submitted to the Board more than five (5) years after the expiration of a license, an applicant must provide the following with their application:

(a) A completed application for reinstatement, the required fee and documentation of thirty-five (35) hours of continuing education activities that were completed within two years of the date the reinstatement application is received. In addition, the applicant must (re)take and pass the required licensing examination. However, the (re)taking of the exam is not required if an applicant for reinstatement is currently, and has continuously been, licensed and practicing in another state/jurisdiction whose licensure requirements meet or exceed the current Georgia licensure requirements. All other provisions apply.

(b) In order to meet the requirements listed above (2), the applicant may use any qualifying education, experience, and supervision, including any which were applied toward his/her previous application for licensure.

(3) Associate level licenses (Associate Professional Counselor and Associate Marriage and Family Therapist) that lapse for failure to renew by the end of the established late renewal penalty period may be reinstated only once, and reinstatement is at the discretion of the Board. All other provisions apply.

**Cite as** Ga. Comp. R. & Regs. R. 135-6-.04

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-19](#), [43-1-25](#), [43-10A-5](#), [43-10A-15](#), [43-10A-17](#)

**HISTORY:** Original Rule entitled "Reinstatement of Expired Licenses" adopted. F. Jan. 20, 1988; eff. Feb. 9, 1988.

**Repealed:** New Rule of same title adopted. F. June 22, 2000; eff. July 12, 2000.

**Amended:** Rule retitled "Revocation of Expired Licenses and Reinstatement of Revoked Licenses". F. Oct. 22, 2002; eff. Nov. 11, 2002.

**Repealed:** New Rule entitled "Revocation of Expired Licenses and Reinstatement of Expired Licenses" adopted. F. May 19, 2010; eff. June 8, 2010.

**Repealed:** Rule of same title adopted. F. Jun. 18, 2012; eff. July 8, 2012.

**Amended:** F. Nov. 5, 2014; eff. Nov. 25, 2014.

**Amended:** F. Nov. 4, 2022; eff. Nov. 24, 2022.

# **Department 250. RULES OF GEORGIA STATE BOARD OF FUNERAL SERVICE**

## **Chapter 250-6. ESTABLISHMENT/CREMATORY LICENSURE AND REGULATIONS**

### **250-6-.07 Crematory Inspections. Amended**

(1) A representative of the Board shall regularly inspect crematories no less frequently than annually between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday. The funeral director in full and continuous charge need not be present for the inspection, but the crematory must be open during these hours for inspection. Requirements of inspections are as follows:

(a) A room with seating for a minimum of thirty (30) people in which funeral services may be conducted; the fine for a violation under this subsection shall be \$100.00;

(b) A display room containing an adequate supply of urns; the fine for a violation under this subsection shall be \$50.00;

(c) One (1) operable motor hearse with current Georgia registration for the transportation of human remains which must be either owned or leased by said firm; the fine for a violation under this subsection shall be \$100.00;

(d) At least one (1) operable retort for cremation; the fine for a violation of this subsection shall be \$200.00;

(e) At least one (1) operable processing station for grinding of cremated remains; the fine for a violation of this subsection shall be \$200.00;

(f) At least one (1) church truck; the fine for a violation of this subsection shall be \$50.00;

(g) A current license for the crematory and funeral director, which must be conspicuously displayed; the fine for a violation of this subsection shall be \$100.00;

(h) The provisions of paragraphs (a), (b), and (f) of this Rule shall not apply to crematories which provide cremation services only to other funeral establishments; and

(i) The Funeral Director in Full and Continuous Charge for each crematory shall conspicuously display their name and valid license in all designated arrangement rooms; the fine for a violation of this subsection shall be \$100.00.

(2) A representative of the Board shall be authorized to obtain information on all cremation devices used for the cremation of dead human bodies used by the establishment for cremations. The information shall include, but not be limited to:

(a) Make and model of the cremation device;

(b) Manufacturer's name;

(c) Year installed;

(d) Date of most recent manufacturer's inspection;

(e) Copy of most recent inspection report from manufacturer; and

(f) Documentation regarding necessary repairs to the cremation device.

(3) The Board shall require crematories to have inspections of the retort by the manufacturer or other authorized crematory repair company once every five years to ensure proper operations. The Funeral Director in Full and Continuous Charge shall notify the Board within 5 (five) days of the inspection of a less than satisfactory report by presenting the Board with a copy of the inspection report. The Board shall require crematories to make necessary repairs to the retort immediately, not to exceed thirty (30) days without approval by the Board. Any crematory that does not make the necessary repairs noted on the manufacturer's inspection within the time allowed by the Board shall be subject to immediate suspension of licensure until the Board is satisfied that proper repairs have been made.

(4) The Board shall require the Funeral Director in Full and Continuous Charge, and any employee who may operate a cremation device, to be certified as a crematory operator from a course approved by the Board for any cremation device used in the funeral home/crematory prior to operating such cremation device.

**Cite as** Ga. Comp. R. & Regs. R. 250-6-.07

**AUTHORITY:** O.C.G.A. §§ [43-18-23\(1\), \(3\), \(5\)](#), [43-18-71\(a\)\(1\)](#), [43-18-72\(a\)\(1\)\(D\), \(b\), \(d\)](#).

**HISTORY:** Original Rule entitled "Crematory Inspections" adopted. F. Jan. 30, 1996; eff. Feb. 19, 1996.

**Amended:** F. Aug. 16, 2002; eff. Sept. 5, 2002.

**Repealed:** New Rule with same title adopted. F. Dec. 13, 2012; eff. Jan. 2, 2013.

**Amended:** F. Dec. 4, 2015; eff. Dec. 24, 2015.

**Amended:** F. July 19, 2017; eff. August 8, 2017.

**Amended:** F. Oct. 16, 2018; eff. Nov. 5, 2018.

**Amended:** F. Nov. 22, 2022; eff. Dec. 12, 2022.

# **Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES**

## **Chapter 391-3. ENVIRONMENTAL PROTECTION**

### **Subject 391-3-21. GRANT PROGRAMS**

#### **391-3-21-.15 Georgia Diesel Emissions Reduction Program**

(1) Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for retrofitting diesel vehicles that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the vehicles for retrofit and the type of emission control equipment to be used.

2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation, coordination with EPD personnel; use of retrofit technologies that have been or will be verified or certified under the U.S. Environmental Protection Agency's (EPA's) Retrofit Program or by the California Air Resources Board (CARB); submission of quarterly reports when applicable; submission of a final report when applicable; compliance with applicable Federal procurement and subgrant procedures; certification that the emission control equipment was properly installed and is in working condition; use of data-logging in accordance with manufacturer specifications of diesel vehicles that will be equipped with emission control equipment on existing routes to ensure proper exhaust temperature profiles; proper maintenance of vehicles and retrofit equipment and enforcement of warranty claims against vendors if a maintenance problem arises; and use of the emission control equipment on the vehicles for a minimum of four years unless the equipment is damaged beyond repair or the vehicle becomes inoperable and is unable to be repaired.

(b) Eligible Recipients of the Grant. An eligible applicant is any Georgia public school system that proposes to install emission control devices on school buses the system owns and operates.

(c) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that are adjacent to designated PM2.5 nonattainment or maintenance counties.

2. Second priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment for PM2.5 and are not adjacent to designated PM2.5 nonattainment or maintenance counties.

3. Third priority will be given for public school systems whose fleets are based in counties that have been officially designated as nonattainment or maintenance for the PM2.5 standard.

Within each priority, applications will be ranked according to the following criteria:

1. Retrofit of school buses with devices that reduce PM2.5 by a minimum of 50% on school bus engines with model years ranging from 2001 through 2006; and

2. Cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).



(d) **Deadline For Submittal.** EPD will issue the first solicitation for applications on or before April 18, 2011. Applications will be due within six weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria stated in Subsection (c).

(e) **Directions For Submitting Applications for the Georgia Diesel Emission Reduction Program.** Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division  
Mobile and Area Sources Program  
Attn: Stacy Allman  
4244 International Parkway, Suite 134  
Atlanta, Georgia 30354  
e-mail: stacy.allman@dnr.state.ga.us

(f) **Award of the Georgia Diesel Emission Reduction Program grants** is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(2) **Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose.** Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for retrofitting, replacing, repowering, and/or rebuilding diesel vehicles/engines that are located or operated in the State of Georgia.

(a) **General Terms and Conditions of the Grant.**

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for:

- (i) Early replacement and the model year of the new replacement bus(es);
- (ii) Repowering and the replacement engine manufacturer, model, model year, and fuel type for each proposed repowered bus;
- (iii) Existing engine(s) to be rebuilt and the standard the rebuilt engine is expected to meet; and/or
- (iv) Identify the school buses for installing emission control devices and type of emission control equipment to be used.

2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation.

- (i) Coordination with EPD personnel.
- (ii) Use of verified emission control technologies under the U.S. Environmental Protection Agency's (EPA's) Retrofit Program or the California Air Resources Board (CARB) for projects including emission control equipment.
- (iii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.

- (iv) Use of replacement engines certified by EPA or CARB to a cleaner emission standard than the original engine for projects including the repowering of school bus engines.
- (v) Use of rebuilt engines certified to a cleaner EPA or CARB emission standard than the original engines for projects including the rebuilding of existing school bus engines.
- (vi) Funds under this award cannot be used for emission reductions that result from school bus replacements or repowers that would have occurred through normal attrition/fleet turnover within three years of October 1, 2012.
- (vii) Funds under this award cannot be used for the purchase of school buses or engines to expand a fleet.
- (viii) Any proposed replacement bus or engine must perform the same function and operation as the bus or engine that is being replaced.
- (ix) Any proposed replacement bus or engine must be of the same type and similar gross vehicle weight rating or horsepower as the bus or engine being replaced.
- (x) Any proposed engine to be replaced must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the engine while retaining possession of the engine is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders). Alternatively, disabling the engine may be completed by removing the engine oil from the crankcase, replacing it with a 40 percent solution of sodium silicate and running the engine for a short period of time at low speeds, thus rendering the engine inoperable. Remanufacturing of school bus engines requires that the engine be returned to the original engine manufacturer for remanufacturing to MY 2007 or newer certified emission standards. Other acceptable scrappage methods may be considered and will require prior Division approval. If scrapped or remanufactured engines are to be sold, program income requirements apply.
- (xi) Any school bus to be replaced must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (x) above) while retaining possession of the bus is an acceptable scrapping method. Disabling the chassis may be completed by cutting the chassis in half. Remanufacturing of a highway school bus requires that it be returned to the original engine manufacturer for remanufacturing to MY 2007 or newer certified emission standards. Other acceptable scrappage methods may be considered and will require prior Division approval. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.
- (xii) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above sections (x) and (xi)) in projects that include early bus replacement or bus repowering.
- (xiii) Submission of quarterly and final reports when requested.
- (xiv) Compliance with applicable Federal procurement and subgrant procedures.
- (xv) Certification that the emission control equipment was properly installed and is in working condition when applicable.
- (xvi) Use of data-logging in accordance with manufacturer specifications of diesel school buses that will be equipped with emission control equipment on existing routes to ensure proper exhaust temperature profiles.
- (xvii) Proper maintenance of school buses and retrofit equipment and enforcement of warranty claims against vendors if a maintenance problem arises, as applicable.

(xviii) Use of the emission control equipment and/or rebuilt engine on the school buses and/or use of repowered and replacement school buses for a minimum of four years unless the equipment is damaged beyond repair and/or the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients of the Grant. An eligible applicant is any Georgia public school system that owns and operates school buses. Eligible applicants can only receive funding for projects proposing to:

1. Retrofit school buses with pre-2007 model year engines with emission control devices;
2. Rebuild school bus pre-2007 engines to a cleaner engine standard;
3. Replace school buses with pre-2007 model year engines with school buses equipped with 2010 or newer model year engines; and/or
4. Repower school buses with pre-2007 model year engines with engines certified by EPA or CARB to a cleaner emission standard.

(c) Match Requirements. Project applicants shall be required to match a minimum of 50% of the project cost for purchasing and installing emissions control devices on diesel school buses and/or to rebuild school bus engines, to match a minimum of 65% of the project cost to purchase early replacement school buses, and/or match a minimum of 65% of the project cost to repower school bus engines.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that are not designated as nonattainment or maintenance for PM<sub>2.5</sub> and who submit projects to retrofit school buses with emission control devices.
2. Second priority will be given for public school systems whose fleets are based in counties that are not designated as nonattainment or maintenance for PM<sub>2.5</sub> and who submit projects to replace school buses early, repower school buses, and/or rebuild school bus engines.
3. Third priority will be given for public school systems whose fleets are based in counties that are officially designated as nonattainment or maintenance for the PM<sub>2.5</sub> standard and who submit projects to retrofit school buses with emission control devices.
4. Fourth priority will be given for public school systems whose fleets are based in counties that are officially designated as nonattainment or maintenance for the PM<sub>2.5</sub> standard and who submit projects to replace school buses early, repower school buses, and/or rebuild school bus engines.
5. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline For Submittal. EPD will issue the first solicitation for applications on or before June 1, 2013. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria stated in Subsection (c).

(f) Directions For Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division  
Mobile and Area Sources Program  
Attn: Stacy Allman  
4244 International Parkway, Suite 134  
Atlanta, Georgia 30354  
e-mail: stacy.allman@dnr.state.ga.us

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(3) Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel vehicles that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this subsection.

(i) Coordination with EPD personnel.

(ii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.

(iii) Any proposed school bus(es) to be replaced must be between model year 1991-2003.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of October 1, 2014.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Alternatively, disabling the engine may be completed by removing the engine oil from the crankcase, replacing it with a 40 percent solution of sodium silicate and running the engine for a short period of time at low speeds, thus rendering the engine inoperable. Remanufacturing shall be performed by the original engine manufacturer, or by a dealership/distributor that has a service program that is sponsored/backed by original engine manufacturer warranties (i.e. the new, remanufactured and upgraded engine is warranted by the OEM). Bus engines shall be remanufactured to Model Year (MY) 2007 or newer certified emission standards. Remanufacturing must be completed during the project period. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.

(ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.

(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above sections (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.

(xii) Compliance with applicable Federal procurement and subgrant procedures.

(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.

2. Eligible applicants can only receive funding for projects proposing to replace model year 1991-2003 school buses equipped with pre-2007 model year engines with school buses equipped with 2013 or newer model year engines.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment or maintenance for PM2.5.

2. Second priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for PM2.5.

3. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline for Submittal. EPD will issue the first solicitation for applications on or before December 31, 2014. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this Subsection 391-3-21-.15(3).

(f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division  
Mobile and Area Sources Program  
Attn: Stacy Allman  
4244 International Parkway, Suite 134  
Atlanta, Georgia 30354  
e-mail: stacy.allman@dnr.state.ga.us

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(4) Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel vehicles that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.

(i) Coordination with EPD personnel.

(ii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.

(iii) Any proposed school bus(es) to be replaced must be between model year 1996-2006.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.

(ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will

require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.

(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.

(xii) Compliance with applicable Federal procurement and subgrant procedures.

(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.

2. Eligible applicants can only receive funding for projects proposing to replace model year 1996-2006 school buses equipped with pre-2007 model year engines with school buses equipped with 2017 or newer model year engines.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment or maintenance for the 2008 or 2015 Ozone National Ambient Air Quality Standards (NAAQS).

2. Second priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.

3. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(4).

(f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division  
Planning and Support Program  
4244 International Parkway, Suite 134  
Atlanta, Georgia 30354

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(5) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.

(i) Coordination with EPD personnel.

(ii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.

(iii) Any proposed school bus(es) to be replaced must be between model year 1995-2006.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.

(ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.

(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.



(xii) Compliance with applicable Federal procurement and subgrant procedures.

(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.

2. Eligible applicants can only receive funding for projects proposing to replace model year 1995-2006 school buses equipped with pre-2007 model year engines with school buses equipped with 2017 or newer model year engines.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.

2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.

3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.

4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(5).

(f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division  
Planning and Support Program  
4244 International Parkway, Suite 120  
Atlanta, Georgia 30354

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(6) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.

(i) Coordination with EPD personnel.

(ii) Use of engines certified by EPA or CARB to 2010 or newer heavy-duty engine standards for projects including the early replacement of school buses.

(iii) Any proposed school bus(es) to be replaced must be between model year 1996-2018.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.

(ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.

(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.

(xii) Compliance with applicable Federal procurement and subgrant procedures.

(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.
2. Eligible applicants can only receive funding for projects proposing to replace model year 1996-2009 school buses with school buses equipped with 2016 or newer model year engines; or replace 1996-2018 diesel school buses with 2016 or newer near zero NOx or zero emissions school buses.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.
2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.
3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.
4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(6).

(f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division  
Planning and Support Program  
4244 International Parkway, Suite 120  
Atlanta, Georgia 30354

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts, if necessary, to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(7) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.

(i) Coordination with EPD personnel.

(ii) Any proposed school bus(es) must be certified by EPA or CARB to meet the eligibility requirements in (b)2.

(iii) Any proposed school bus(es) to be replaced must be diesel-powered and the model year must be between 1996-2020.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by cutting a three-inch hole in the engine block (the part of the engine containing the cylinders). Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapping is to be sold, program income requirements apply.

(ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapping is to be sold, program income requirements apply.

(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.

(xii) Compliance with applicable Federal procurement and subgrant procedures.

(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(xiv) If a 2010 engine model year (EMY) or newer bus is replaced, the 2010 EMY or newer bus may be retained by selling the bus within Georgia provided the 2010 EMY or newer bus replaces a 1996-2009 EMY bus, and the 1996-2009 EMY bus is scrapped. The retained bus must be sold, and the 1996-2006 replacement bus must be located within Georgia. It is preferred that the scrapped unit currently operates within the same project location(s) as the 2010 EMY or newer vehicle currently operates, however alternative scenarios will be considered. The option to sell

a bus is only allowed if the NOx emission reduction benefits are retained or improved compared to the original application. A detailed scrappage plan must be submitted and approved by the Division prior to the sale. If the bus is sold, program income requirements apply.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.

2. Eligible applicants can only receive funding for projects proposing to replace model year 1996-2009 diesel school buses with school buses equipped with 2016 or newer model year engines; or replace 1996-2020 diesel school buses with 2016 or newer low-NOx or zero emissions school buses.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.

2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.

3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.

4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(7).

(f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division  
Planning and Support Program  
4244 International Parkway, Suite 120  
Atlanta, Georgia 30354

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts, if necessary, to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(8) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.

(i) Coordination with EPD personnel.

(ii) Any proposed school bus(es) must be certified by EPA or CARB to meet the eligibility requirements in (b)2.

(iii) Any proposed school bus(es) to be replaced must be diesel-powered and the model year must be 2021 or older.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced (e.g., replace Type D bus with another Type D bus). Alternately, the proposed replacement bus may be one type smaller and of less gross vehicle weight rating or horsepower as the bus being replaced (e.g., replace Type D bus with a Type C bus).

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by cutting a three-inch hole in the engine block (the part of the engine containing the cylinders). Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapping is to be sold, program income requirements apply.

(ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapping is to be sold, program income requirements apply.

(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.

(xii) Compliance with applicable Federal procurement and subgrant procedures.

(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(xiv) If a 2010 engine model year (EMY) or newer bus is replaced, the 2010 EMY or newer bus may be retained by selling the bus within Georgia provided the 2010 EMY or newer bus replaces a pre-2009 EMY bus, and the pre-2009 EMY bus is scrapped. The retained bus must be sold, and the pre-2009 replacement bus must be located within Georgia. It is preferred that the scrapped unit currently operates within the same project location(s) as the 2010 EMY or newer vehicle currently operates, however alternative scenarios will be considered. The option to sell a bus is only allowed if the NOx emission reduction benefits are retained or improved compared to the original application. A detailed scrappage plan must be submitted and approved by the Division prior to the sale. If the bus is sold, program income requirements apply.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.
2. Eligible applicants can only receive funding for projects proposing to replace model year 2009 or older diesel school buses with school buses equipped with 2019 or newer model year engines; or replace 2021 or older diesel school buses with 2019 or newer low-NOx or zero emissions school buses.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.
2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.
3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.
4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(8).

(f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

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Planning and Support Program  
4244 International Parkway, Suite 120  
Atlanta, Georgia 30354

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts, if necessary, to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

(9) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).

2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.

(i) Coordination with EPD personnel.

(ii) Any proposed school bus(es) must be certified by EPA or CARB to meet the eligibility requirements in (b)2.

(iii) Any proposed school bus(es) to be replaced must be diesel-powered and the model year must be 2022 or older.

(iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.

(v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

(vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.

(vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced (e.g., replace Type D bus with another Type D bus). Alternately, the proposed replacement bus may be one type smaller and of less gross vehicle weight rating or horsepower as the bus being replaced (e.g., replace Type D bus with a Type C bus).

(viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by cutting a three-inch hole in the engine block (the part of the engine containing the cylinders). Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapping is to be sold, program income requirements apply.

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(x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.

(xi) Submission of quarterly and final reports when requested.

(xii) Compliance with applicable Federal procurement and subgrant procedures.



(xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(xiv) If a 2010 engine model year (EMY) or newer bus is replaced, the 2010 EMY or newer bus may be retained by selling the bus within Georgia provided the 2010 EMY or newer bus replaces a pre-2009 EMY bus, and the pre-2009 EMY bus is scrapped. The retained bus must be sold, and the pre-2009 replacement bus must be located within Georgia. It is preferred that the scrapped unit currently operates within the same project location(s) as the 2010 EMY or newer vehicle currently operates, however alternative scenarios will be considered. The option to sell a bus is only allowed if the NOx emission reduction benefits are retained or improved compared to the original application. A detailed scrappage plan must be submitted and approved by the Division prior to the sale. If the bus is sold, program income requirements apply.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.

2. Eligible applicants can only receive funding for projects proposing to replace engine model year 2009 or older diesel school buses with school buses equipped with 2019 or newer model year engines; or replace 2022 or older diesel school buses with 2019 or newer low-NOx or zero emissions school buses.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.

2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.

3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.

4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(9).

(f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Planning and Support Program  
4244 International Parkway, Suite 120  
Atlanta, Georgia 30354

(g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts, if necessary, to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

**Cite as** Ga. Comp. R. & Regs. R. 391-3-21-.15

**AUTHORITY:** O.C.G.A. § [12-9-1](#) et seq., as amended.

**HISTORY:** Original grant description entitled "Georgia Diesel Emissions Reduction Program" submitted May 16, 2011.

**Submitted:** May 2, 2013.

**Submitted:** Nov. 10, 2017.

**Submitted:** Oct. 29, 2018.

**Submitted:** Sep. 6, 2019.

**Submitted:** Sep. 15, 2020.

**Submitted:** Oct. 13, 2021.

**Submitted:** Nov. 10, 2022.

# **Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES**

## **Chapter 391-4. WILDLIFE RESOURCES DIVISION**

### **Subject 391-4-8. WILD ANIMALS**

#### **391-4-8-.01 Purpose and Scope**

The purpose of these rules is to update the list of wild animals provided in O.C.G.A. Sec. [27-5-5](#). Pursuant to O.C.G.A. Sec. [27-5-2](#), these rules maintain and supplement the list of wild animals requiring a license, insurance, or both and prohibit certain species. These rules include all species originally listed in O.C.G.A. Sec. [27-5-5](#) and species appended by the Board of Natural Resources.

**Cite as** Ga. Comp. R. & Regs. R. 391-4-8-.01

**AUTHORITY:** O.C.G.A. § [27-5-2](#).

**HISTORY:** Original Rule entitled "Closing and Reopening of Certain Salt Waters to Fishing with Power-Drawn Nets" adopted. F. Aug. 26, 1977; eff. Sep. 15, 1977.

**Note:** By Certification of the Department of Natural Resources filed on December 28, 1979, Chapter 391-4-8, entitled "Saltwater Fishing Regulations," containing Rules 391-4-8-.01 and 391-4-8-.99, was renumbered as Chapter 391-2-4 and the Rules therein renumbered as 391-2-4-.01, and 391-2-4-.99; effective January 17, 1980.

**Adopted:** New Rule entitled "Purpose and Scope." F. Nov. 14, 2022; eff. Dec. 4, 2022.

#### **391-4-8-.02 Definitions**

Unless the context clearly requires otherwise, the following terms as used in this Subject have the following meanings:

- (a) "Aquaria or tanks" means containers for holding freshwater or marine fishes or freshwater or marine invertebrates from which no water is discharged, except during periodic cleaning, and such discharged water is passed through a filtering system capable of removing all animals and eggs and is disposed of only in a septic tank permitted by the county or in a waste-water treatment system permitted by the Environmental Protection Division of the department. Further, aquaria, tanks, and related components shall be constructed, maintained, and located to contain such species under normal and adverse operating and environmental conditions.
- (b) "Tag" means uniquely marked as determined by the department.
- (c) "Wild animal" is as defined in O.C.G.A. Sec. [27-1-2\(75\)](#).

**Cite as** Ga. Comp. R. & Regs. R. 391-4-8-.02

**AUTHORITY:** O.C.G.A. § [27-5-2](#).

**HISTORY:** Original Rule entitled "Definition of Commercial Saltwater Fishing Gear" adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

**Repealed:** F. Aug. 26, 1977; eff. Sep. 15, 1977.

**Adopted:** New Rule entitled "Definitions." F. Nov. 14, 2022; eff. Dec. 4, 2022.

### **391-4-8-.03 Prohibited Wild Animals**

(1) The following wild animals are considered a significant threat to wildlife or other natural resources and live individuals are prohibited.

**(a) Mammals:**

1. Order Carnivora: Family Herpestidae (mongooses) - All species;

**(b) Birds:**

1. Order Gruiformes: Family Rallidae (rails) - *Porphyrio porphyrio* (Purple Swamphen);

2. Order Psittaciformes: Family Psittacidae - *Myiopsitta monachus* (monk parakeet or Quaker parrot) except those individuals possessing monk parakeets or Quaker parrots under a wild animal license that is current on the effective date of this rule may continue to possess these animals according to their license conditions;

**(c) Fishes:**

1. Order Anabantiformes: Family Channidae (snakeheads) - All species;

2. Order Characiformes: Family Alestidae-*Hydrocynus goliath* (African tigerfish);

3. Order Cypriniformes: Family Xenocypridae:

(i) Genus *Hypophthalmichthys* (bighead and silver carps);

(ii) *Mylopharyngodon piceus* (black carp);

4. Order Perciformes: Family Latidae (lates perches): Genus *Lates* - All species;

5. Order Siluriformes: Family Siluridae (sheatfishes) - *Siluris glanis* (wels catfish);

**(d) Invertebrates:**

1. Order Myida: Family Dreissenidae (dreissenid mussels) - All species;

2. Order Stylommatophora: Family Achatinidae: Subfamily Achatininae (giant African land snails) - All species; and

3. Order Decapoda: Family Cambaridae (crayfishes) - *Procambarus virginalis* (marbled crayfish or "marmokrebs").

**Cite as** Ga. Comp. R. & Regs. R. 391-4-8-.03

**AUTHORITY:** O.C.G.A. § [27-5-2](#).

**HISTORY:** Original Rule entitled "Prohibited Wild Animals" adopted. F. Nov. 14, 2022; eff. Dec. 4, 2022.

### **391-4-8-.04 Inherently Dangerous Wild Animals, License and Insurance Required**

(1) The following wild animals are considered inherently dangerous to human beings and pursuant to O.C.G.A. Sec. [27-5-4](#) are subject to licensing and liability insurance requirements.

(a) **Mammals:**

1. Order Artiodactyla (even-toed ungulates):

(i) Family Bovidae (ruminant mammals):

(I) Genera Addax, Alcelaphus, Boselaphus, Connochaetes, Syncerus, and Taurotragus (addax, hartebeests, nilgai, gnu, wildebeests, African buffalo, elands, etc) - All species;

(II) Bos sauveli (kouprey);

(III) Hippotragus niger (sable);

(IV) Oryx gazella (gemsbok);

(ii) Family Hippopotamidae - Hippopotamus amphibius (hippopotamus);

(iii) Family Suidae: Genus Phacochoerus (warthogs) - All species;

2. Order Carnivora:

(i) Family Canidae: Genera Canis, Chrysocyon, Cuon, and Lycaon (wolves, jackals, dingos, etc.) - All species, except as provided in Rule [391-4-2-.16](#) for coyotes;

(ii) Family Felidae (cats) - All species;

(iii) Family Hyaenidae (hyenas) - All species;

(iv) Family Mustelidae - Gulo gulo (wolverine);

(v) Family Ursidae (bears) - All species;

3. Order Diprotodontia: Family Macropodidae (Kangaroos, wallabies, wallaroos, etc.) - All species;

4. Order Perissodactyla: Family Rhinocerotidae (rhinoceroses) - All species;

5. Order Proboscidea (elephants) - All species;

6. Order Primates:

(i) Family Hominidae: Genera Gorilla, Pan, and Pongo (Gorillas, Chimpanzees, Orangutan, etc.) - All species;

(ii) Family Hylobatidae (gibbons, siamangs, etc.) - All species;

(iii) Family Cercopithecidae: Genera Macaca, Mandrillus, Theropithecus, and Papio (macaques, mandrills, drills, and baboons) - All species;

(b) **Reptiles:**

1. Order Crocodilia (alligators and caimans, crocodiles, gharials) - All species;

2. Order Squamata:

(i) Family Atractaspididae (mole-vipers or stiletto snakes) - All species;

(ii) Family Colubridae:

(I) Genera *Balanophis*, *Macropisthodon*, and *Rhabdophis* (keelbacks) - All species;

(II) Genus *Dispholidus* (boomslangs) - All species;

(III) Genus *Thelotornis* (twig snakes) - All species;

(IV) Genus *Thrasops* (bold-eyed tree snakes) - All species;

(iii) Family Elapidae - All species;

(iv) Family Helodermatidae (Gila monster and beaded lizards) - All species;

(v) Family Viperidae (vipers and pit vipers) - All species;

**(c) Fishes:**

1. Order Characiformes: Family Serrasalminidae: Subfamily Serrasalminae (pirhanas) - All species;

2. Order Gymnotiformes: Family Gymnotidae (gymnotid eels): Genus *Electrophorus* - All species;

3. Order Myliobatiformes: Family Potamotrygonidae (American stingrays) - All species;

4. Order Perciformes:

i. Family Synanceiidae (stonefishes): Genus *Synanceia* - All species;

ii. Family Trachinidae (weeverfishes) - All species;

5. Order Siluriformes: Family Trichomycteridae (candirus, etc.): Genus *Vandellia* - All species;

6. Species listed in subparagraphs (c)2 and (c)4 and held in aquaria or tanks in Georgia before the effective date of this rule may be possessed, sold, transported or transferred for a 12-month period following the effective date of this rule;

**(d) Invertebrates:**

1. Order Scorpiones:

(i) Family Buthidae:

(I) Genus *Androctonus* (fattail scorpions) - All species;

(II) Genus *Centruroides* (bark scorpions) - All species;

(III) Genus *Parabuthus* (burrowing thicktailed scorpions - All species;

(IV) *Leiurus quinquestriatus* (deathstalker); and

(ii) Family Scorpionidae - *Opisthophthalmus glabrifrons* (yellow-legged creeping scorpion).

**Cite as** Ga. Comp. R. & Regs. R. 391-4-8-.04

**AUTHORITY:** O.C.G.A. §§ [27-5-2](#), [27-5-4](#).

**HISTORY:** Original Rule entitled "Inherently Dangerous Wild Animals, License and Insurance Required" adopted. F. Nov. 14, 2022; eff. Dec. 4, 2022.

### **391-4-8-.05 Wild Animals, License Required**

(1) The following wild animals are subject to licensing requirements pursuant to O.C.G.A. Sec. [27-5-4](#).

#### **(a) Mammals**

1. Order Afrosoricida (golden moles, tenrecs) - All species;
2. Order Artiodactyla (even-toed ungulates) - All species except Bison bison (buffalo), Bubalus bubalus (water buffalo), Genus Lama (llamas), and Genus Vicugna (alpaca);
3. Order Carnivora (weasels, ferrets, cats, bears, wolves, etc.) - All species, except that European ferret (*Mustela putorius furo*) may be sold, purchased, exhibited, or held as a pet without a license or permit; provided, however, that the ferret owner has in possession valid documentation that each ferret was sexually neutered prior to seven months of age and is vaccinated against rabies with a properly administered vaccine approved for use on ferrets by the United States Department of Agriculture;
4. Order Chiroptera (bats) - All species;
5. Order Cingulata (armadillos, etc.) - All species;
6. Order Dermoptera (flying lemurs) - All species;
7. Orders Diprotodontia and Peramelemorphia (Marsupials) - All species except that *Petaurus breviceps* (sugar glider) may be sold, purchased, exhibited, or held as a pet without a license or permit if the owner thereof possesses valid documentation that the animal originated from a source inspected and regulated by the United States Department of Agriculture;
8. Order Erinaceomorpha (hedgehogs) - All species;
9. Order Hyracoidea (conies) - All species;
10. Order Lagomorpha (Rabbits, hares, etc) - All species;
11. Order Macroscelida (elephant shrews) - All species;
12. Order Perissodactyla (odd-toed ungulates) - All species;
13. Order Pholidota (pangolins, scaly anteaters, etc.) - All species;
14. Order Pilosa (sloths, etc.) - All species;
15. Order Primates (monkeys, apes, etc) - All species;
16. Order Rodentia (rats, mice, etc.) - All species except Genera *Cavia*, *Chinchilla*, *Gerbillus*, *Meriones*, *Mesocricetus*, and species *Mus musculus*, *Rattus rattus*, and *Rattus norvegicus*;
17. Order Sirenia (manatees, dugongs) - All species;
18. Order Scandentia (tree shrews) - All species;
19. Order Soricomorpha (shrews, moles, etc) - All species;

20. Order Tubulidentata (aardvark) - All species;

**(b) Birds:**

1. Order Accipitriformes (Hawks, eagles, hawk-eagles, sea-eagles, harriers, osprey, Old World vultures, and kites) - All species;

2. Order Cathartiformes (New World vultures and condors) - All species;

3. Order Cuculiformes: Family Cuculidae (cuckoos) - All species;

4. Order Falconiformes (Forest-falcons, falcons, and caracaras) - All species;

5. Order Galliformes: Family Phasianidae (turkeys) - Genus *Meleagris*;

6. Order Passeriformes:

(i) Family Alaudidae (larks) - *Alauda arvensis* (Eurasian sky lark);

(ii) Family Corvidae (crows, ravens, etc.) - All species;

(iii) Family Emberizidae (Old World buntings, etc.) - *Emberiza citrinella* (yellow hammer);

(iv) Family Icteridae (New World blackbirds, grackles, orioles, etc.): Genera *Molothrus*, *Quiscalus*, and *Agelaius* - All species;

(v) Family Ploceidae (sparrows, weavers, queleas, weaver finches, etc.):

(I) Genus *Passer* - All species except *Passer domesticus* (English house sparrow);

(II) *Ploceus capensis* (cape weaver);

(III) *Ploceus philippinus* (Baya weaver);

(IV) Genus *Quelea* - All species;

(vi) Family Pycnonotidae (bulbuls) - All species;

(vii) Family Turdidae (thrushes, Old World blackbirds, fieldfare, etc.): Genus *Turdus* - All species;

(viii) Family Zosteropidae (white eyes): Genus *Zosterops* - All species;

(ix) Family Estrildidae (waxbills, ricebirds, munias, etc.) - *Padda oryzivora* (Java sparrow);

(x) Family Sturnidae (starlings, mynas, etc.) - All species, except *Sturnus vulgaris* (starling) and *Gracula religiosa* (Hill mynas);

7. Order Strigiformes (owls) - All species;

8. The species listed in subparagraphs (b)1, (b)4, and (b)7 may be possessed by individuals having a valid Georgia falconry license or permit without obtaining a wild animal license;

**(c) Reptiles:**

1. Order Squamata:



- (i) Family Pythonidae - Python molurus (Indian rock python);
- (ii) Family Pythonidae - Python bivittatus (Burmese python);
- (iii) Family Teiidae - Salvator merianae (Argentine black-and-white tegu);
- (iv) Family Varanidae - Varanus niloticus (Nile monitor);

2. Order Testudines:

- (i) Family Pelomedusidae - Pelomedusa subrufa (African helmeted turtle);
- (ii) Family Trionychidae (softshell turtles) - Pelodiscus sinensis (Chinese softshell turtle);

3. The species listed in subparagraph (c) shall only be licensed for scientific, educational, or public exhibition purposes consistent with O.C.G.A. Sec. [27-5-4](#); provided, however, that such species possessed on or before the effective date of this rule may be held as a pet without a license or permit provided that the owner tags and registers all individuals with the Georgia DNR Law Enforcement Division within 12 months following the effective date of this rule;

(d) **Amphibians:**

- 1. Order Anura: Family Bufonidae (true toads): Genus Rhinella (cane toads) - All species;

(e) **Fishes:**

- 1. Order Osteoglossiformes: Family Arapaimidae (Arapaimas) - All species;

2. Order Characiformes:

- (i) Family Characidae (characins) - Psalidodon fasciatus (banded Astyanax);
- (ii) Family Erythrinidae (trahiras) - All species;

3. Order Cypriniformes:

- (i) Family Xenocypridae (east Asian minnows) - Ctenopharyngodon idella (grass carp);

4. Order Siluriformes:

- (i) Family Clariidae (airbreathing catfishes) - All species;
- (ii) Family Heteropneustidae (airsac catfishes, giant walking catfishes) - All species;
- (iii) Family Sisoridae (sisorid catfishes): Genus Bagarius (goonch catfishes) - All species;

5. Order Synbranchiformes: Family Synbranchidae (swamp eels) - All species;

6. All exotic fishes which are not held in aquaria or tanks. This includes any fish species meeting the definition of wild animals. This subparagraph shall not apply to any species of fish regulated by any rule in this Subject, to domestic fish as defined in 27-1-2(23), or by any other Georgia law;

7. Species listed in subparagraphs (e)1, (e)2(ii), (e)4(iii), and (e)5 and held in aquaria or tanks in Georgia before the effective date of this rule may be possessed, sold, transported, or transferred for a 12-month period following the effective date of this rule;

**(f) Invertebrates:**

1. Order Architaenioglossa:

(i) Family Ampulariidae: Genus Pomacea (apple snails) - All species;

(ii) Family Viviparidae: Genus Cipangopaludina (asian mystery snails) - All species;

2. Order Decapoda:

(i) Family Astacidae (crayfishes) - All species;

(ii) Family Cambaridae (crayfishes) - All species, except that *Cambarellus* spp., *Procambarus clarkii* (red swamp crayfish), and *Procambarus zonangulus* (White River crayfish) may be sold, purchased or possessed without a license or permit;

(iii) Family Cambaroididae (crayfishes) - All species;

(iv) Family Parastacidae (crayfishes) - All species;

(v) Family Penaeidae (penaeid shrimps) - All species, except that dead penaeid shrimps may be possessed without a license when purchased for human consumption;

3. Order Littorinimorpha; Family Tateidae: - *Potamopyrgus antipodarum* (New Zealand Mud Snail);

4. Order Neogastropoda: Family Nasseridae - *Anentome helena* (assassin/bumblebee snail);

5. Order Unionida:

(i) Family Etheriidae (etheriid mussels) - All species;

(ii) Family Hyriidae (hyriid mussels) -All species;

(iii) Family Iridinidae (iridinid mussels) - All species;

(iv) Family Mycetopodidae (Mycetopodid mussels) - All species;

(v) Family Unionidae: Genera *Anodonta* and *Sinanodonta* (pond mussels) - All species;

6. All freshwater and marine invertebrate wild animals which are not held in aquaria or tanks. This subparagraph shall not apply to any species of invertebrate regulated by any other rule in this Subject;

7. Species listed in subparagraphs (f)1, (f)2, (f)3, (f)4, or (f)5 and held in aquaria or tanks in Georgia before the effective date of this rule may be possessed, sold, transported or transferred for a 12- month period following the effective date of this rule; and

8. The species listed in subparagraph (f)1 shall only be licensed for scientific purposes consistent with O.C.G.A. Sec. [27-5-4](#).

**Cite as** Ga. Comp. R. & Regs. R. 391-4-8-.05

**AUTHORITY:** O.C.G.A. §§ [27-5-2](#), [27-5-4](#).

**HISTORY:** Original Rule entitled "Wild Animals, License Required" adopted. F. Nov. 14, 2022; eff. Dec. 4, 2022.

# **Department 500. STATE BOARD OF PODIATRY EXAMINERS**

## **Chapter 500-2. EXAMINATION AND LICENSURE REQUIREMENTS**

### **500-2-.01 Requirements for Examination and Licensure**

Any person desiring to take the examination and be licensed to practice podiatry in this State shall meet the following qualifications and requirements.

(a) Qualifications for Examination.

1. Has attained the age of 21 years;
2. Be a graduate of an accredited college of podiatric medicine approved by the Board;
3. Holds a doctoral degree or its equivalent;
4. File a completed application for examination with required attachments with the Board 45 days prior to the examination date. The following items shall be submitted with the application:

(i) Certificate of Podiatric education;

(ii) Photo;

(iii) Proof of completion of a minimum one year's residency in podiatric medicine and surgery in a program based at a hospital approved by the Council of Podiatric Medical Education (CPME) and the Board or a letter dated within 90 days of the expected date of completion of residency from the Director of Training, Registrar; or Head of the Department on official letterhead documenting the date on which the applicant is expected to complete the one year's residency. License will not be issued until Certificate of Residency is received and exams passed.

(iv) All applicants for licensure, after January 1, 1999, shall submit proof of having successfully passed the American Podiatric Medical Licensing Examinations (APMLE) administered by the National Board of Podiatric Medical Examiners with a passing score determined by the Board;

(v) Proof of having passed the APMLE shall be a certified copy of the applicant's transcript of scores from the National Board of Podiatric Medical Examiners; and

(vi) Required Fees.

(b) Licensure Requirements. Any Person desiring to be licensed to practice podiatry in this State must have satisfactorily passed an examination approved by the Board.

(c) The Americans with Disabilities Act. The Board will provide reasonable accommodation to a qualified applicant with a disability in accordance with the Americans With Disabilities Act. The request for an accommodation by an individual with a disability must be made in writing and received in the Board office by the application deadline along with the appropriate documentation, as indicated in the Request for Disability Accommodation Guidelines.

**Cite as** Ga. Comp. R. & Regs. R. 500-2-.01

**AUTHORITY:** O.C.G.A. §§ [43-35-9](#), [43-35-11](#), [43-35-12](#), [43-35-14](#).

**HISTORY:** Original Rule entitled "Application for Examination; Fee" adopted. F. and eff. June 30, 1965.

**Amended:** F. June 19, 1979; eff. July 9, 1979.

**Repealed:** New Rule of same title adopted. F. June 24, 1991; eff. July 14, 1991.

**Repealed:** New Rule entitled "Requirements for Examination and Licensure" adopted. F. May 15, 1995; eff. June 4, 1995.

**Amended:** F. Feb. 17, 1998; eff. Mar. 19, 1998.

**Amended:** F. Apr. 26, 2005; eff. May 16, 2005.

**Amended:** F. Nov. 22, 2022; eff. Dec. 12, 2022.

## **Department 500. STATE BOARD OF PODIATRY EXAMINERS**

### **Chapter 500-5. CONTINUING PODIATRIC MEDICAL EDUCATION**

#### **500-5-.01 Continuing Education Hours. Amended**

(1) The purpose of continuing education hours for podiatrists is to maintain and enhance the professional competence of podiatrists licensed to practice in Georgia for the protection of the health and welfare of the people of the State of Georgia.

(2) As a requirement for the biennial renewal of his/her license, a podiatrist must certify to the Georgia State Board of Podiatry Examiners the completion of not less than fifty (50) hours of approved continuing education in the preceding two (2) years prior to the license expiration date.

(a) No more than twenty-five (25) hours shall be obtained from online courses/correspondence courses/webinar, and such courses must be approved by the Council of Podiatric Medical Education (CPME).

(b) Up to ten (10) hours may be obtained live (in person) from any healthcare related source.

(c) At least thirty (30) continuing medical education hours must be approved by the Council of Podiatric Medical Education (CPME) and/or the Georgia Podiatric Medical Association (GPMA) and must be obtained live (in person).

(d) Every Podiatrist who maintains an active DEA certificate and prescribes controlled substances, except those holding a residency training permit, shall complete, at least one time, three (3) hours of CME that is specifically designed to address controlled substance prescribing practices. The controlled substance prescribing CME shall include instruction on controlled substance prescribing guidelines, recognizing signs of the abuse or misuse of controlled substances, and controlled substance prescribing for acute pain management.

(i) Beginning the biennium ending August 31, 2023, Podiatrists must certify on their renewal application that the controlled substance prescribing CME requirement has been met. Once completed, this specific CME requirement shall not be required for subsequent renewals.

(ii) Any controlled substance prescribing guidelines coursework that meets the requirements of this rule will count toward completion of this requirement provided that the podiatrist can submit documentation of such to the satisfaction of the Board.

(iii) Completion of this requirement may count toward the CME requirement for license renewal if submitted during the biennium in which the coursework was taken.

(3) A podiatrist who has obtained a Georgia license by reciprocity, reinstatement or by examination, and who must renew his or her Georgia license for the first time, shall obtain the following number of continuing education hours prior to renewal of the license:

(a) If the license was issued or reinstated during the first six (6) months of the biennial renewal period, from September of the odd numbered year to the end of the following February, the full fifty (50) hours of continuing education shall be required for renewal in accordance with (2)(a-d) of this rule;

(b) If the license was issued or reinstated during the following twelve (12) months of the biennial renewal period, from March of the even numbered year to February of the odd numbered year of the licensure period, thirty (30) hours of continuing education shall be required for the license renewal;

(i) No more than five (5) hours shall be obtained from online courses/correspondence courses/webinar, and such courses must be approved by the Council of Podiatric Medical Education (CPME).

(ii) Up to five (5) hours may be obtained live (in person) from any healthcare related source.

(iii) At least twenty (20) continuing medical education hours must be approved by the Council of Podiatric Medical Education (CPME) and/or the Georgia Podiatric Medical Association (GPMA) and must be obtained live (in person).

(iv) Podiatrist who maintain an active DEA certificate and prescribes controlled substances, except those holding a residency training permit, shall complete, at least one time, three (3) hours of CME that is specifically designed to address controlled substance prescribing practices. The controlled substance prescribing CME shall include instruction on controlled substance prescribing guidelines, recognizing signs of the abuse or misuse of controlled substances, and controlled substance prescribing for pain management. Completion of this requirement may count toward the CME requirement for license renewal if submitted during the biennium in which the coursework was taken.

(c) If the license was issued or reinstated during the last six (6) months of the biennial renewal period, from March of the odd numbered year to August of the odd numbered year, the licensee shall be exempt from the continuing education requirements for that biennial licensing cycle and no continuing education hours shall be required to renew the license.

**Cite as** Ga. Comp. R. & Regs. R. 500-5-.01

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-25](#), [43-35-9](#), [43-35-15](#).

**HISTORY:** Original Rule entitled "General Requirements" adopted. F. Sept. 7, 1989; eff. Sept. 27, 1989.

**Repealed:** New Rule of same title adopted. F. May 15, 1995; eff. June 4, 1995.

**Repealed:** New Rule entitled "Continuing Education Hours" adopted. F. May 7, 2012; eff. May 27, 2012.

**Amended:** F. Sep. 4, 2015; eff. Sept. 24, 2015.

**Amended:** F. Mar. 1, 2017; eff. Mar. 21, 2017.

**Amended:** F. Nov. 22, 2022; eff. Dec. 12, 2022.

# **Department 509. GEORGIA BOARD OF PRIVATE DETECTIVE AND SECURITY AGENCIES**

## **Chapter 509-4. SAFETY AND CONDUCT OF LICENSEES AND REGISTRANTS**

### **509-4-.01 Weapons**

(1) No person licensed by the Board to carry a firearm shall carry any firearm which is not in operable condition and capable of firing live ammunition, and when carrying such a weapon, the licensee shall have on his person live ammunition capable of being fired in the weapon which he carries.

(2) No person licensed or registered by the Board to provide security services shall carry a firearm except while providing actual security services on behalf of their employer or while going directly to and from work. Under no condition shall a licensee, registrant or employee or agent of a licensee carry any sort of firearm or have anyone accompanying them who is carrying a firearm while soliciting new or prospective clients.

(3) The issuance of an exposed weapons permit shall authorize the holder of such permit to carry a revolver of no greater caliber than a .357, or to carry a semi-automatic handgun of no greater caliber than .45. The applicant for a weapon permit must submit proof of range and classroom training for the caliber weapon carried. Classroom training must be conducted using a Board-approved curriculum, except for any person with a valid peace officer certification issued pursuant to Chapter 8 of Title 35, the "Georgia Peace Officer Standards and Training Act," who is employed by or works as an independent contractor for a Private Security company, pursuant to O.C.G.A. § [43-38-14](#).

(a) The holder of a weapon permit may be authorized to carry a shotgun upon request in writing to the Board. Such request shall include supporting justification and reasons for the need to carry such weapon;

(b) The holder of a weapons permit who has been authorized to carry a shotgun must submit proof of two (2) hours of classroom instruction within the past two (2) years to include mechanics of the shotgun, components of the shot-shell, penetration power of the shotgun and safe handling of the shotgun.

(4) The issuance of a concealed weapons permit shall authorize the holder of such permit to carry a revolver of no greater caliber than a .357, or to carry a semi-automatic handgun of no greater caliber than a .45. The holder of a concealed weapon permit must submit proof of firing range score for the caliber weapon carried.

(5) The holder of any weapon permit issued by the Board must qualify annually with the weapon carried or assigned. Proof of range scores must be retained by the license holder or agency.

**Cite as** Ga. Comp. R. & Regs. R. 509-4-.01

**AUTHORITY:** O.C.G.A. §§ [43-38-4\(d\)\(3\)](#), [\(4\)](#), [\(10\)](#), [43-38-10\(c\)](#), [\(d\)](#), [43-38-14\(b\)](#).

**HISTORY:** Original Rule entitled "Weapons" adopted as ER. 509-4-0.4-.01. F. July 24, 1981; eff. July 20, 1981, the date of adoption.

**Amended:** ER. 509-4-0.9-.01 of same title adopted. F. Oct. 13, 1981; eff. Oct. 7, 1981, the date of adoption.

**Amended:** Permanent Rule of same title adopted. F. Dec. 15, 1981; eff. Jan. 4, 1982.

**Amended:** F. Jan. 23, 1985; eff. Feb. 12, 1985.

**Amended:** F. Dec. 27, 1989; eff. Jan. 16, 1990.

**Amended:** F. Aug. 17, 1998; eff. Sept. 6, 1998.

**Repealed:** New Rule of same title adopted. F. May 17, 2005; eff. June 6, 2005.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2006; eff. Jan. 1, 2007.

**Amended:** F. Nov. 4, 2022; eff. Nov. 24, 2022.



# **Department 511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH**

## **Chapter 511-5. HEALTH PROMOTION**

### **Subject 511-5-8. SCREENING OF PUBLIC SCHOOL CHILDREN FOR SCOLIOSIS**

#### **511-5-8-.02 Provision for Screening**

(1) The health authority in cooperation with the school authority shall provide screening of all public school children in the at risk population, except in cases where the child has been screened during the at risk time by a physician with an active Georgia license, or a person working under the supervision of a physician with an active Georgia license, the local health department, or a licensed school nurse, or in such cases where the parent or guardian of the child has objected in writing to the screening.

(2) The annual screening process will target a minimum of two grades occupied by the at risk population, recognizing that with their earlier maturation females should be screened in early adolescence.

**Cite as** Ga. Comp. R. & Regs. R. 511-5-8-.02

**AUTHORITY:** O.C.G.A. §§ [31-2A-6](#), [20-2-772](#).

**HISTORY:** Original Rule entitled "Provision for Screening" adopted. F. Oct. 15, 2013; eff. Nov. 4, 2013.

**Amended:** F. July 19, 2022; eff. Aug. 18, 2022, as specified by the Agency.

**Amended:** F. Nov. 2, 2022; eff. Dec. 2, 2022, as specified by the Agency.

# **Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS**

## **Chapter 750-3. CLASSIFICATIONS AND REQUIREMENTS**

### **750-3-.03 Classifications**

Operator and Laboratory Analysts shall be certified as follows:

- (a) Public Water Supply System Operator: Class I, II, III, IIIG, or IV;
- (b) Water Distribution System Operator;
- (c) Biological Wastewater Treatment System Operator. Class I, II, III or IV;
- (d) Industrial Wastewater Treatment System Operator;
- (e) Wastewater Collection System Operator;
- (f) Water Laboratory Analyst;
- (g) Wastewater Laboratory Analyst.

**Cite as** Ga. Comp. R. & Regs. R. 750-3-.03

**AUTHORITY:** O.C.G.A. §§ [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#), [43-51-10](#).

**HISTORY:** Original Rule entitled "Certificates" was filed on November 19, 1980; effective December 9, 1980.

**Amended:** Filed May 5, 1981; effective May 25, 1981.

**Amended:** Filed May 28, 1982; effective June 17, 1982.

**Amended:** Filed December 10, 1982; effective December 30, 1982.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed September 19, 1983; effective October 9, 1983.

**Amended:** Filed October 24, 1983; effective November 13, 1983.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed May 1, 1985; effective May 21, 1985.

**Amended:** Filed April 3, 1986, effective April 23, 1986.

**Amended:** Filed May 1, 1987; effective May 21, 1987.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed July 8, 1988; effective July 28, 1988.

**Repealed:** New Rule entitled "Certification" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Repealed:** New Rule of same title adopted. F. Feb. 5, 1993; eff. Feb. 25, 1993.

**Amended:** ER [750-3-0.2-.03](#) was f. Jun. 7, 1994; eff. July 1, 1994, as specified by the Agency, to remain in effect for 120 days or until the effective date of a Permanent Rule covering the same subject matter superseding said ER, as specified by the Agency.

**Amended:** Permanent Rule adopted. F. Jul. 27, 1994; eff. Aug. 16, 1994.

**Amended:** Sept. 11, 1995; eff. Oct. 1, 1995.

**Amended:** F. Nov. 4, 2022; eff. Nov. 24, 2022.

## **750-3-.04 Requirements**

For certification in a particular class or category, an applicant must meet the following:

(a) Education. Applicants must have earned a minimum of a high school diploma or GED certificate and must provide proof of education when submitting the application for certification to the Board.

(b) Course(s). Applicants must have completed Board-approved course(s) prior to taking the examination and must provide proof of such when submitting their application for certification to the Board, unless otherwise noted in this rule. The Board may evaluate, on a case-by-case basis, post-secondary education to determine satisfaction of the course requirements. The course requirements are as follows:

### **1. Public Water Supply System Operator**

Class IV - 6-hour basic water operator course

Class III - 40-hour basic water operator course

Class IIIG - 40-hour basic groundwater operator course

Class II - 48 hours of advanced water operator courses

Class I - No additional courses

### **2. Biological Wastewater Treatment System Operator**

Class IV - 6-hour basic waste stabilization pond operator course

Class III - 40-hour basic wastewater operator course

Class II - 48 hours of advanced wastewater operator courses

Class I - No additional courses

### **3. Industrial Wastewater Treatment System Operator - 27-hour industrial wastewater operator course**

4. Water Laboratory Analyst - 27-hour basic water laboratory course or, a minimum of an Associate Degree in Biology or Chemistry, or, at the Board's discretion, other degrees containing sufficient courses in biology or chemistry

5. Wastewater Laboratory Analyst - 27-hour basic wastewater laboratory course or, a minimum of an Associate Degree in Biology or Chemistry, or, at the Board's discretion, other degrees containing sufficient courses in biology or chemistry.

### **6. Water Distribution System Operator - 27-hour water distribution course**

7. Wastewater Collection System Operator - 27-hour wastewater collection course

(c) Experience. Required experience for certification is dependent upon the applicant's education, as follows:

1. Public Water Supply System Operator or Biological Wastewater Treatment System Operator

(i) High School Diploma, GED

Class IV - 1 month of experience; Class III - 3 months of experience;

Class IIIG - 3 months of experience; Class II - 24 months of experience;

Class I - 36 months of experience

(ii) Accredited Associate Degree in Biology, Chemistry, or, at the Board's discretion, other degrees containing sufficient courses in biology or chemistry

Class IV - 1 month of experience; Class III - 3 months of experience;

Class IIIG - 3 months of experience; Class II - 18 months of experience;

Class I - 30 months of experience

(iii) Accredited Bachelor of Science Degree in Biology, Chemistry, or, at the Board's discretion, other degrees containing sufficient courses in biology or chemistry

Class IV - 1 month of experience; Class III - 3 months of experience;

Class IIIG - 3 months of experience; Class II - 12 months of experience;

Class I - 24 months of experience

2. Industrial Wastewater Treatment System Operator or Water or Wastewater Laboratory Analyst or Wastewater Collection System Operator or Water Distribution System Operator

(i) High School Diploma, GED, Accredited Associate Degree in Biology, Chemistry, or, at the Board's discretion, Accredited Bachelor of Science Degree in Biology, Chemistry, or other degrees containing sufficient courses in biology or chemistry - 3 months experience required

(d) Examination.

1. An applicant must pass a written examination in order to receive a certification.

2. Applicants must apply for a certification within twelve (12) months of passing an examination.

3. A designated agent of the Board may administer the examinations. Examination shall be offered at least six (6) times annually.

4. The Board, through its designated agent, will provide reasonable accommodations to a qualified applicant with a disability in accordance with the Americans with Disabilities Act. The request for an accommodation by an individual with a disability must be in writing to the designated agent of the Board prior to the application deadline, along with appropriate documents, as indicated in the Request for Disability Accommodation Guidelines.

(e) Current Certification. Applicants must hold the following certificates before taking an examination for the next level of certification:

1. Public Water Supply System Operator

- (i) No previous certification needed to take examination for Class IV
- (ii) No previous certification needed to take examination for Class III or IIIG
- (iii) Must hold Class III or Class IIIG prior to taking examination for Class II
- (iv) Must hold Class II prior to taking examination for Class I

2. Biological Wastewater Treatment System Operator

- (i) No previous certification needed to take examination for Class IV
- (ii) No previous certification needed to take examination for Class III
- (iii) Must hold Class III prior to taking examination for Class II
- (iv) Must hold Class II prior to taking examination for Class I

3. Industrial Wastewater Treatment System Operator or Water or Wastewater Laboratory Analyst or Wastewater Collection System Operator or Water Distribution System Operator

- (i) No previous certification needed to take examination
- (f) Applicants for the following certifications may take the examination before the experience requirement is met, but shall not apply for the certifications until completing the requisite experience in the actual system operation:

- 1. Public Water Supply System Operator Class IV;
- 2. Public Water Supply System Operator Class III or IIIG;
- 3. Biological Wastewater Treatment System Operator Class IV;
- 4. Biological Wastewater Treatment System Operator Class III;
- 5. Industrial Wastewater Treatment System Operator;
- 6. Water Laboratory Analyst;
- 7. Wastewater Laboratory Analyst;
- 8. Water Distribution System Operator;
- 9. Wastewater Collection System Operator.

- (g) Applicants for the following certifications must have completed experience in the actual system operation prior to taking an examination:

- 1. Public Water Supply System Operator Class II;
- 2. Public Water Supply System Operator Class I;
- 3. Biological Wastewater Treatment System Operator Class II;

#### 4. Biological Wastewater Treatment System Operator Class I.

(h) For those applicants who have a high school diploma or GED certificate, the Board may consider other factors, including post-secondary education and other training and experience, to determine satisfaction of the experience requirements.

**Cite as** Ga. Comp. R. & Regs. R. 750-3-.04

**AUTHORITY:** O.C.G.A. §§ [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#), [43-51-7](#).

**HISTORY:** Original Rule entitled "Revocation and Suspension of Certificates" adopted. F. Nov. 19, 1980; eff. Dec. 9, 1980.

**Repealed:** New Rule entitled "Renewal" adopted. F. July 8, 1988; eff. July 28, 1988.

**Amended:** Rule retitled "Renewal of a Class I Certificate." F. Sept. 14, 1989; eff. Oct. 4, 1989.

**Repealed:** New Rule entitled "Requirements" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Repealed:** New Rule of same title adopted. F. Feb. 5, 1993; eff. Feb. 25, 1993.

**Amended:** F. Sept. 20, 1993; eff. Oct. 10, 1993.

**Amended:** F. Dec. 28, 1993; eff. Jan. 17, 1994.

**Amended:** ER [750-3-0.2-.04](#) adopted. F. June 7, 1994; eff. July 1, 1994, as specified by the Agency, to remain in effect for 120 days or until the effective date of a Permanent Rule covering the same subject matter is adopted, as specified by the Agency.

**Amended:** Permanent Rule adopted. F. July 27, 1994; eff. August 16, 1994.

**Amended:** F. Sept. 11, 1995; eff. Oct. 1, 1995.

**Amended:** F. Dec. 2, 1997; eff. Dec. 22, 1997.

**Amended:** F. Feb. 9, 2000; eff. Feb. 29, 2000.

**Amended:** F. Jan. 11, 2001; eff. Jan. 31, 2001.

**Amended:** F. January 25, 2012; eff. February 14, 2012.

**Amended:** F. Mar. 19, 2015; eff. Apr. 8, 2015.

**Amended:** F. Jan. 14, 2021; eff. Feb. 3, 2021.

**Amended:** F. Nov. 4, 2022; eff. Nov. 24, 2022.

# **Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS**

## **Chapter 750-5. OPERATIONAL ACTIVITIES WITHOUT FURTHER CERTIFICATION**

### **750-5-.01 Operational Activities Without Further Certification**

(1) Certified Class I, II, or III Public Water Supply System Operators may operate water distribution systems without further certification.

(2) Certified Class IIIG Public Water Supply System Operators may operate water distribution systems that are exclusively supplied by groundwater without further certification.

(3) Certified Class I, II or III Biological Wastewater Treatment System Operators may operate wastewater collection systems without further certification.

(4) Certified Class I, II or III Biological Wastewater Treatment System Operators may operate industrial wastewater treatment plants without further certification.

(5) Certified Industrial Wastewater Treatment System Operators may operate industrial wastewater treatment plants and/or collection systems tributary to their plant.

(6) Certified Class I or II Public Water Supply System Operators may perform the duties of a water laboratory analyst. Certified Class I or II Biological Wastewater Treatment System Operators may perform the duties of a wastewater laboratory analyst in conducting certain tests for reporting purposes as defined by the Board without further certification.

(7) Certified Class IV Very Small Water System Operators may operate only very small public water supply systems and their distribution systems.

(8) Certified Class IV Wastewater Treatment System Operators may operate only Class IV Wastewater Treatment Systems and their collection systems, as defined by the Division.

**Cite as** Ga. Comp. R. & Regs. R. 750-5-.01

**AUTHORITY:** O.C.G.A. §§ [43-51-5](#), [43-51-6](#), [43-51-6.1](#).

**HISTORY:** Original Rule entitled "Examinations" was filed on October 8, 1971; effective October 28, 1971.

**Amended:** Filed November 22, 1972; effective December 12, 1972.

**Amended:** Filed August 12, 1974; effective September 1, 1974.

**Amended:** Rule repealed and a new Rule entitled "Application" adopted. Filed November 19, 1980; effective December 9, 1980.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed July 5, 1983; effective July 25, 1983.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed June 10, 1985; effective June 30, 1985.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed April 3, 1986; effective April 23, 1986.

**Repealed:** New Rule entitled "Operational Activities without Further Certification" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Repealed:** New Rule of same title adopted. F. Feb. 5, 1993; eff. Feb. 25, 1993.

**Amended:** F. Sept. 20, 1993; eff. Oct. 10, 1993.

**Amended:** ER [750-5-0.4-.01](#) was f. Jun. 7, 1994, eff. July 1, 1994 as specified by the Agency, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER.

**Amended:** Permanent Rule adopted. F. Jul. 27, 1994; eff. Aug. 16, 1994.

**Amended:** F. Sept. 11, 1995; eff. Oct. 1, 1995.

**Amended:** F. Dec. 2, 1997; eff. Dec. 22, 1997.

**Amended:** F. Feb. 9, 2000; eff. Feb. 29, 2000.

**Amended:** F. Jan. 14, 2021; eff. Feb. 3, 2021.

**Amended:** F. Nov. 4, 2022; eff. Nov. 24, 2022.



# **Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS**

## **Chapter 750-6. EXPIRATION, RENEWAL, AND CONTINUING EDUCATION**

### **750-6-.02 Expiration and Renewal of a Certificate**

- (1) Certificates expire on June 30 of odd-numbered years and must be renewed every two (2) years.
- (2) Applicants approved for initial certification are exempt from continuing education requirements for their first renewal period.
- (3) Renewal of a certificate must be accompanied by a renewal application, fee (see Fee Schedule), and attestation of Board-approved continuing education ("CE") points completed since the last renewal period. The required number of points for each renewal certification is as follows:

#### **CURRENT CERTIFICATION / REQUIRED CE POINTS / SPECIFICATIONS**

Class I Operator Water & Wastewater / 24 CE Points / At least 50% of the points must be in course(s) approved for Water, Wastewater, or both.

Class II Operator Water & Wastewater / 18 CE Points / At least 50% of the points must be in course(s) approved for Water, Wastewater, or both.

Industrial Wastewater Operator / 18 CE Points / At least 50% of the points must be in course(s) approved for Water, Wastewater, or both.

Laboratory Analyst Water & Wastewater / 18 CE Points / At least 50% of the points must be in course(s) approved for Water, Wastewater, or both.

Class III Operator Water & Wastewater / 12 CE Points / At least 50% of the points must be in course(s) approved for Water, Wastewater, or for both.

Class IIIG Water Operator / 12 CE Points / At least 50% of the points must be in course(s) approved for Water.

Water Distribution System Operator / 12 CE Points / At least 50% of the points must be in course(s) approved for Water, Wastewater, or both.

Wastewater Collection System Operator / 12 CE Points / At least 50% of the points must be in course(s) approved for Water, Wastewater, or both.

Class IV Operator Water & Wastewater / 6 CE Points / All of the points must be in course(s) approved for Water, Wastewater, or both.

- (4) Points must be earned from a Board-approved continuing education course. The same course shall not count more than once during a renewal period in meeting the total points required for certificate renewal.

- (5) Certificates may be renewed during the late renewal period between July 1 and July 31 of odd-numbered years with submission of a renewal application, renewal fee, and penalty fee as noted on the Fee Schedule. Continuing

education points acquired to renew that certificate during the penalty period may not be used again during the next renewal cycle.

(6) Proof of continuing education as required by Rule [750-6-.05\(1\)](#) must be retained by the certificate holder for three (3) years and shall be submitted to the Board upon request.

**Cite as** Ga. Comp. R. & Regs. R. 750-6-.02

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-19](#), [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#).

**HISTORY:** Original Rule entitled "Examination" adopted. F. Oct. 8, 1971; eff. Oct. 28, 1971.

**Repealed:** New Rule entitled "Investigation" adopted. F. Nov. 19, 1980; eff. Dec. 9, 1980.

**Repealed:** F. July 8, 1988; eff. July 28, 1988.

**Amended:** New Rule entitled "Renewal of a Certificate" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Amended:** F. Feb. 5, 1993; eff. Feb. 25, 1993.

**Amended:** F. Sept. 20, 1993; eff. Oct. 10, 1993.

**Amended:** ER. [750-6-0.5-.02](#) adopted. F. June 7, 1994; eff. July 1, 1994, as specified by the Agency.

**Amended:** Permanent Rule adopted. F. July 27, 1994; eff. August 16, 1994.

**Amended:** F. Sept. 11, 1995; eff. Oct. 1, 1995.

**Amended:** Feb. 9, 2000; eff. Feb. 29, 2000.

**Amended:** F. June 16, 2005; eff. July 6, 2005.

**Amended:** F. Feb. 22, 2012; eff. Mar. 13, 2012.

**Amended:** F. Mar. 19, 2015; eff. Apr. 8, 2015.

**Amended:** New title "Expiration and Renewal of a Certificate." F. Jan. 14, 2021; eff. Feb. 3, 2021.

**Amended:** F. Nov. 4, 2022; eff. Nov. 24, 2022.

## **750-6-.04 Education Providers, Courses, and Points**

(1) The Board shall maintain a list of currently approved course providers in accordance with eligibility criteria published by the Board. Course providers must be approved by the Board or its designee in order for applicants to receive credit. The Board may also elect to approve individual courses. A request by a course provider for approval must be submitted on a form that may be obtained from the Board and must be accompanied by the appropriate fee and supporting documents as required by the Board (See Fee Schedule). Effective July 1, 2013, course providers shall agree to provide rosters in electronic format of all attendees for all courses approved by the Board. The Professional Licensing Boards Division shall provide the electronic format for use in submitting rosters. All course approvals shall expire on or before January 31 of even-numbered years.

(2) Providers of Basic and Advanced courses must teach such courses in a traditional classroom setting or by Webinar, as defined in Rule [750-2-.01](#). These courses are required for applicants to be eligible to sit for a certification examination.

(3) Education Providers desiring Board consideration for approval must submit to the Board a completed Registration Form and required information to the Board; and

(4) The Board may conduct an audit of Education Providers and education courses to ensure compliance.

(5) The Board may require Education Providers to submit an electronic roster of attendees for all courses approved by the Board.

(6) Continuing Education Courses.

Approved education courses expire January 31 of even numbered years. The Board may approve continuing education courses for Management Safety, Water, Wastewater, or both Water and Wastewater, which are offered in person, online, through correspondence courses, and Webinars and webcasts subject to the following:

(a) Submission of completed application and appropriate fee; and

(b) documentation of topic(s) to be taught, indicating hours of instruction for each topic; and

(c) credentials of the educators/presenters involved; and

(d) name of the moderator documenting on-site attendance/registration.

(e) Only operational or regulatory topics will be approved for Webinars or webcasts.

(f) Certificates of completion must be presented to attendees who complete the Webinars or webcast.

(7) Determination of Continuing Education Points.

(a) Points shall be awarded in whole numbers. No partial points shall be awarded for courses that total less than whole hours.

(b) Traditional classroom courses and Webinars on operational, analytical, safety and management topics shall be granted one point per contact hour up to a maximum of 6 points per day and 12 points per event.

(c) Online courses on operational, analytical, safety, and management topics shall be granted one-half point per contact hour up to a maximum of 6 points, unless the course is a Webinar, or unless the course provider demonstrates greater credit is justified through beta testing results, or unless the course provider is IACET (International Association for Continuing Education and Training) approved.

**Cite as** Ga. Comp. R. & Regs. R. 750-6-.04

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#).

**HISTORY:** Original Rule entitled "Operator Certification" was filed on October 8, 1971; effective October 28, 1971.

**Amended:** Rule repealed. F. November 19, 1980; eff. December 9, 1980.

**Repealed:** New Rule entitled "Basic, Advanced and Continuing Education Courses" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Repealed:** New Rule, same title adopted. F. Jan. 11, 2001; eff. Jan. 31, 2001.

**Repealed:** New Rule of same title adopted. F. June 16, 2005; eff. July 6, 2005.

**Repealed:** New Rule of same title adopted. F. Feb. 22, 2012; eff. Mar. 13, 2012.

**Amended:** New title "Education Providers, Courses, and Points." F. Jan. 14, 2021; eff. Feb. 3, 2021.

**Amended:** F. Mar. 10, 2021; eff. Mar. 30, 2021.

**Amended:** F. Nov. 4, 2022; eff. Nov. 24, 2022.

# **Department 750. RULES OF STATE BOARD OF EXAMINERS FOR CERTIFICATION OF WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS**

## **Chapter 750-7. REVOCATION AND REINSTATEMENT FOR FAILURE TO RENEW**

### **750-7-.01 Revocation for Failure to Renew**

Failure to renew a certificate by August 1 of renewal year shall have the same effect as revocation of the certificate and reinstatement is required.

**Cite as** Ga. Comp. R. & Regs. R. 750-7-.01

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-19](#), [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#).

**HISTORY:** Original Rule entitled "Applications" was filed on October 8, 1971; effective October 28, 1971.

**Amended:** Rule repealed and Rule [750-10-.01](#) entitled "Procedural Rules" renumbered as [750-7-.01](#). Filed November 19, 1980; effective December 9, 1980.

**Repealed:** New Rule entitled "Revocation for Failure to Renew" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Amended:** F. Dec. 8, 2020; eff. Dec. 28, 2020.

**Amended:** F. Nov. 4, 2022; eff. Nov. 24, 2022.

### **750-7-.02 Reinstatement**

(1) Certificates that have been lapsed for less than 2 years may be reinstated at the discretion of the Board as follows:

- (a) Submission of a reinstatement application and reinstatement fee (see Fee Schedule); and
- (b) evidence of the completion, since the last renewal, of the total number of continuing education points which would have been required if the certificate had been maintained in a current status.

(2) Certificates that have been lapsed for over 2 years may be reinstated at the discretion of the Board when the applicant has submitted a reinstatement application and reinstatement fee and met the following criteria:

- (a) Retaken and passed the examination for the certificate requesting to be reinstated; or
- (b) submitted a verified certificate in good standing issued by another country, or by any state, territory, or possession of the United States which has requirements for certification substantially similar to the Board.

**Cite as** Ga. Comp. R. & Regs. R. 750-7-.02

**AUTHORITY:** O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-19](#), [43-1-25](#), [43-51-5](#), [43-51-6](#), [43-51-6.1](#), [43-51-7](#), [43-51-8](#).

**HISTORY:** Original Rule entitled "Examination" adopted. F. Oct. 8, 1971; eff. Oct. 28, 1971.

**Repealed:** F. Nov. 19, 1980; eff. Dec. 9, 1980.

**Amended:** New Rule entitled "Reinstatement Within Two Years of Revocation for Failure to Renew" adopted. F. Dec. 17, 1991; eff. Jan. 6, 1992.

**Repealed:** New Rule of same title adopted. F. Feb. 5, 1993; eff. Feb. 25, 1993.

**Amended:** ER. [750-7-0.6-.02](#) adopted. F. June 7, 1994; eff. July 1, 1994.

**Amended:** Permanent Rule adopted. F. July 27, 1994; eff. August 16, 1994.

**Repealed:** New Rule entitled "Reinstatement" adopted. F. Jan. 11, 2001; eff. Jan. 31, 2001.

**Amended:** F. Apr. 1, 2002; eff. Apr. 21, 2002.

**Amended:** F. Dec. 8, 2020; eff. Dec. 28, 2020.

**Amended:** F. Nov. 4, 2022; eff. Nov. 24, 2022.