

3745-6-07

Standards of conduct, suspension, revocation, recertification, withdrawal, and appeal.

(A) Standards of conduct.

(1) The following standards of conduct apply to those certified under this chapter:

- (a) A WQCP shall fully apply their knowledge and skill at the time professional services are performed, and shall use and ensure the correct use of the technical standards set forth in rule 3745-6-05 of the Administrative Code, or other method approved by the director.
- (b) A WQCP shall not knowingly or negligently submit misleading, inaccurate, or false data or documentation in support of a permit application.
- (c) A WQCP shall not fail to include information that would be relevant to Ohio EPA in determining the existing use of a water of the state.
- (d) A person with the purpose to deceive a WQCP or Ohio EPA, may not withhold, conceal, or destroy any data, information, records or documents relating to a permit application.
- (e) A WQCP shall not directly or indirectly provide professional services under a contingency arrangement whereby the amount of payment or any other consideration to the WQCP is dependent upon, or related to, the attainment or non-attainment of a specified finding or result, or whereby any consideration to the WQCP in whole or in part is otherwise dependent upon or related to a specified finding or result of such services.
- (f) The WQCP's certification for performing environmental work in this state, another state, or under federal programs shall not have been revoked or suspended.
- (g) A WQCP shall submit all data and documentation requested by Ohio EPA for audit proceedings within the thirty-day time period, as specified in rule 3745-6-08 of the Administrative Code.
- (h) A WQCP shall follow all other requirements listed in this chapter.

(2) A WQCP's certification shall be revoked if the director finds that the WQCP has falsified any information regarding the professional's credentials on the professional's application for certification.

(B) Suspension and revocation.

(1) The director may suspend or revoke an individual's certification under this

chapter upon finding that a WQCP knowingly or negligently violated the standards of conduct listed in this rule for any period of time, or audit results warrant suspension or revocation of a professional's certification.

(2) The director may suspend an individual's certification under this chapter if a WQCP has failed to pay required annual fees.

(3) The length of suspension of a certification shall be determined by the director.

(C) Recertification after suspension or withdrawal. A WQCP may seek recertification after a period of suspension by fulfilling the certification requirements in rule 3745-6-04 of the Administrative Code. Revocations of certification are permanent.

(D) Withdrawal. A person certified under this chapter may withdraw such certification by sending a written request to the director indicating the professional's intent to withdraw from the program. A person who has voluntarily withdrawn their certification from this program may be recertified by fulfilling the requirements in rule 3745-6-04 of the Administrative Code.

(E) Appeals. Issuance, denial, suspension, or revocation of certifications are final actions of the director.

(1) Upon making a finding under paragraph (B) of this rule, the director shall first issue a proposed action revoking or suspending a WQCP's certification in accordance with Chapter 3745-49 of the Administrative Code.

(2) The director shall notify the WQCP of a proposed action under paragraph (B) of this rule. The notice shall be by certified mail and shall set forth the period of suspension of certification or if certification is being revoked, the proposed effective date thereof, the reason therefor, and the procedure for appealing the action.

(3) Suspension of WQCP certification shall state a period during which the individual shall not apply for certification. After the period of ineligibility has expired, the former WQCP may apply for status as a WQCP under this chapter.