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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
<b>Virginia Administrative Code (VAC) citation(s)</b>	18VAC160-20, 18 VAC160-30, 18VAC 160-40
<b>Regulation title(s)</b>	Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
<b>Action title</b>	General Review
<b>Date this document prepared</b>	June 29, 2015 (Amended July 22, 2015)

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The regulations have not undergone substantial revision since 2009, when amended to incorporate the licensure of onsite sewage system professionals. Following a thorough review of the regulations, the Board determined the best course of action to ensure clarity, proper definition and usage of terms, and adequate regulations to ensure minimum competency of those entering the regulated professions, is to repeal the existing regulations. The result is the creation of two new chapters: 18 VAC 160-30 for the licensing regulations for waterworks and wastewater works operators, and 18 VAC 160-40 for the licensing regulations for onsite sewage system professionals.

The proposed language was developed by the Board to ensure the regulations complement the need to ensure that individuals seeking licensure are minimally competent, regulate in a manner that is minimally

burdensome on the regulated population while still protecting the public, and also that the regulations reflect current procedures and policies of the Department of Professional and Occupational Regulation.

## Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.*

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No acronyms or technical terms were identified that were not defined in the “Definitions” section of the regulations.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.*

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§ 54.1-201.5 of the *Code of Virginia* (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-201>) states that the Board has the power and duty “To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.”

§ 54.1-2301 of the *Code of Virginia* (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-2301>) provides the authority for the Board to promulgate regulations for the licensure of onsite sewage system professionals, waterworks operators, and wastewater works operators. The content of the regulations is pursuant to the Board’s discretion, but shall not be in conflict with the purposes of the statutory authority.

§ 54.1-2301.D of the *Code of Virginia* (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-2301>) states that, “The Board, in consultation with the Board of Health, shall adopt regulations for the licensure of (i) onsite soil evaluators; (ii) installers of alternative onsite sewage systems, as defined in § 32.1-163; and (iii) operators of alternative onsite sewage systems, as defined in § 32.1-163. Such regulations shall include requirements for (a) minimum education and training, including approved training courses; (b) relevant work experience; (c) demonstrated knowledge and skill; (d) application fees to cover the costs of the program, renewal fees, and schedules; (e) the division of onsite soil evaluators into classes, one of which shall be restricted to the design of conventional onsite sewage systems; (f) the division of sewage system installers into classes, one of which shall be restricted to the installation of conventional onsite sewage systems; and (g) other criteria the Board deems necessary.”

## Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

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The regulations have not undergone a thorough and complete review since the inclusion of the onsite sewage system professional regulations in 2009. A thorough review was necessary to ensure that the regulation complements the current standards and practices of the profession and ancillary agencies involved in the regulation of waterworks, wastewater works, and onsite sewage systems, provides minimal burdens on regulants while still protecting the public, and reflect current procedures and policies of the Department. The regulations were developed to achieve their intended objective in the most efficient, cost-effective manner, and are clearly written and understandable.

## Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of changes" section below.*

- Repeal the Board's current regulations
- Add new regulations that govern the practice of waterworks and wastewater works operators to ensure minimally-qualified individuals meet requirements for licensure that are more aligned with current true-to-life education and experience of new and renewing applicants and updating certain standards of practice as they relate to the industry.
- Add new regulations that govern the practice of onsite sewage system operators, onsite sewage system installers, and onsite soil evaluators to ensure minimally-qualified individuals meet requirements for licensure that are more aligned with current true-to-life education and experience of new and renewing applicants and updating certain standards of practice as they relate to the industry.

## Issues

*Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

The primary advantage to the public is that the revisions will improve the clarity of the regulations, ensure consistency with current board practices and legal requirements, and standards of practice in the industry, all to better protect the health, safety, and welfare of citizens of the Commonwealth.

The primary advantage to the Commonwealth is that the revisions to the regulations reflect the importance that Virginia places on ensuring the regulations are the least burdensome but also provide protection to the citizens of the Commonwealth. No disadvantages to the Commonwealth could be identified.

## Requirements more restrictive than federal

*Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are*

*no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.*

There are no requirements that exceed applicable federal requirements.

### Localities particularly affected

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

There are no particularly affected localities.

### Public participation

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.*

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Trisha Henshaw, Executive Director, Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals., Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond Virginia 23233; email:Waterwasteoper@dpor.virginia.gov; fax: 1-866-350-5354. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

### Economic impact

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.*

<p><b>Projected cost to the state to implement and enforce the proposed regulation, including:</b>  <b>a) fund source / fund detail; and</b>  <b>b) a delineation of one-time versus on-going</b></p>	<p>No additional costs are expected as a result of the proposed amended regulations. There is a potential for additional revenue however the amount is indeterminate. The clarified regulations</p>
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<p><b>expenditures</b></p>	<p>may result in additional license applicants however there is no satisfactory method to determine the number of additional applicants.</p>
<p><b>Projected cost of the new regulations or changes to existing regulations on localities.</b></p>	<p>Localities would only incur costs if they elect to pay the license application fee for any of their employees. The fee is \$100 per applicant.</p>
<p><b>Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.</b></p>	<p>Current licensees and potential applicants working as waterworks operators, wastewater works operators, or onsite sewage system professionals are likely to be affected by the amended regulations. Businesses that elect to pay license fees for their employees may be affected.</p>
<p><b>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected.</b> Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>As of June 1, there are 4,472 licensed Waterworks and Wastewater Works Operators and 1,182 licensed Onsite Sewage System Professionals. No estimate of the number of potential applicants is available. No estimate is available for the number of businesses (including small businesses) that elect to pay their employees’ license fees.</p>
<p><b>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including:</b> a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>Currently unlicensed professionals that are required to apply would incur a \$100 application fee. The applicants may be required to take an examination at a cost of \$85 as determined by the exam vendor. a) There are no costs required for small businesses since the licensure program is for individuals only. There is no affect and therefore no costs related to the development of real estate due to the amended regulations.</p>
<p><b>Beneficial impact the regulation is designed to produce.</b></p>	<p>The beneficial impact is the clarification of the regulations designed to protect the health, safety, and welfare of Virginia citizens.</p>

**Alternatives**

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.*

While the licensure of waterworks and wastewater works operators and onsite sewage system professionals is mandatory per §§ 54.1-2301.B and D, the contents of the regulation is determined by the board within the constraints provided by law. The board will consider reasonable alternatives to existing requirements which do not compromise the publics’ health, safety or welfare during the general review states in part, the Board shall examine waterworks and wastewater works operators and issue licenses in specific operator classifications which shall attest to the competency of an operator to supervise and operate waterworks and wastewater works while protecting the public health, welfare and property and conserving and protecting the water resources of the Commonwealth.

Section 54.1-2301.D states in part that the Board, in consultation with the Board for Health, shall adopt regulations which shall include but not be limited to requirements for education, experience, training and examination, provisions for operating procedures; the division of specific licensees in classes, and other rules as are necessary and proper to accomplish the purposes of Chapter 23 of Title 54.1 of the Code of Virginia.

In addition, this general review is necessary to comply with Executive Order 17 (2014). Alternatives may be considered after the review of any submissions during the public comment period.

**Regulatory flexibility analysis**

*Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

The Board considers that the regulatory methods implemented were promulgated to accomplish compliance with any applicable law while minimizing the adverse impact on individuals and businesses and ensuring that the health, safety and welfare of the public is protected.

**Periodic review and small business impact review report of findings**

*If you are using this form to report the result of a periodic review/small business impact review that was announced during the NOIRA stage, please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.*

The NOIRA was not the result of a periodic review/small business impact review.

**Public comment**

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

Regulation *#	Summary of Comment(s)	Draft Board Response
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Commenter		
18 VAC 160-20	Supports the requirement of a contract, disclosure of ethical conflicts, copyright protection and responsibility for work under a certified professional.	The Board appreciates the comment and will take this comment into consideration when drafting proposed regulations.
Jeff T. Walker (Received on Town Hall)		
18 VAC 160-20	Believes the Standards of Practice section of the regulations are inadequate for Onsite Soil Evaluators and recommends developing new Standards of Practice that reflect the standards found in the Architect, Professional Engineer, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA) Board regulations.	The Board appreciates the comment and will take this comment into consideration when drafting proposed regulations.
Robert B Charnley, III (Received via email)		
18 VAC 160-20	Raised concerns over the number of various categories of onsite sewage system professionals and believes this mixture of operators, designers, and installers serves to undermine the Board’s authority. Believes the various licenses are confusing to homeowners who seek services of onsite professionals and suggests the Board consider <b>one</b> license type that would cover all onsite sewage system needs.	The Board appreciates the comment. Chapter 23 of Title 54.1 of the Code of Virginia establishes the areas of licensure (conventional and alternative) and the types of onsite sewage system licensure (installer, operator, and onsite soil evaluator) and does not provide for a “combined” license. The number of license types referenced in the comment is inflated as it includes the various interim licenses.
Bob Marshall Cloverleaf Env. Consultation, Inc. (Received on Town Hall)		

18 VAC 160-20	Request the Board review the following discussion points (Withdrawal[sic], Conflict of Interest, and Exception to Liability Limitation) and their excerpts from The Model Code Framework for the Decentralized Wastewater Infrastructure, Volume I-Workbook for Writing the Code (NOWRA)	The Board appreciates the comment and will take this comment into consideration when drafting proposed regulations.
Bob Marshall Cloverleaf Env. Consultation, Inc. (Received via Email)		

### Family impact

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

A family impact has not been identified.

### Detail of changes

*Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please list separately: (1) all differences between the **pre-emergency** regulation and this proposed regulation; and 2) only changes made since the publication of the emergency regulation.*

Current chapter-section number	Proposed new chapter-section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements



CH. 20	CH.30 and CH. 40	All of the provisions relating to licensure of waterworks and wastewater works operators, as well as onsite sewage system installers and operators, and onsite soil evaluators, are contained in a single chapter (20).	The provisions relating to licensure of waterworks and wastewater works operators have been separated from the license provisions relating to the licensure of onsite sewage system installers and operators, and onsite soil evaluators. The original regulation, Chapter 20, is being repealed and the resulting regulations are Chapter 30 for waterworks and wastewater works operators and Chapter 40 for onsite sewage system professionals. The outcome should be increased clarity and specificity to the applicable industry area (waterworks/wastewater works operators and onsite sewage system professionals), versus general provisions applicable to all licensees which can result in ambiguity and inconsistent application of requirements.
20-10	30-10	This section establishes definitions of terms used throughout the chapter.	This section was amended for clarity and proper context to the terms utilized specific to waterworks and wastewater works operators.
20-10	40-10	This section establishes definitions of terms used throughout the chapter.	This section was amended for clarity and proper context to the terms utilized specific to onsite sewage system professionals.
20-74	30-90	This section establishes the requirement to hold a license if you serve as an operator of a waterworks or wastewater works facility or serve as an onsite sewage system professional.	This section was reorganized and amended for clarity. The section now only provides the license requirements for operators of waterworks and wastewater works. The provisions in the current regulations related to onsite sewage system professionals have been moved to the new Chapter 40.
20-74	40-110 40-170	This section establishes the requirement to hold	The requirement to hold the appropriate onsite sewage system

	40-230	a license if you serve as an operator of a waterworks or wastewater works facility or serve as an onsite sewage system professional.	professional license has been inserted into the Part applicable to the specified license, instead of a single general area. In addition, each of the sections includes specific provisions for each category and class of license. These sections also introduce the master and journeyman licenses for each category and class of onsite sewage system professional license, and the supervisory responsibility of a master licensee over a journeyman licensee's work.
20-76	30-20 30-60 30-70 40-20 40-60 40-80	This section provides information regarding the application and examination process, general requirements for licensure, how fees are handled and applied, acceptance of certain experience, and provisions related to conduct at exam sites.	The broadness of the section was narrowed and divided into separate sections. 30-20/40-20 includes general application procedures and information regarding how fees are handled and applied. 30-60/40-60 provides the general requirements for licensure. 30-70/40-80 includes the procedures for the examination and expectations in regards to examination conduct. Further, the section provides the Board's authority for failure to engage in the proper conduct at the examination site.
20-76	30-60 40-60	This section provides information regarding the application and examination process, general requirements for licensure, how fees are handled and applied, acceptance of certain experience, and provisions related to conduct at exam sites.	This section outlines the general requirements for licensure such as age of applicant, disclosing mailing address, the disclosure of certain criminal convictions, disclosure of certain disciplinary action and the board's authority to deny licensure.
	30-70 40-80	This section provides information regarding the application and examination process,	This section describes the examination procedure and outlines the applicant's conduct during the examination process.

		general requirements for licensure, how fees are handled and applied, acceptance of certain experience, and provisions related to conduct at exam sites.	This section was amended to coincide with the Board's current practice.
20-80	30-80 40-90	This section outlines entry standards for those holding a license in another jurisdiction.	No change.
20-82		This section established the entry requirements for individuals employed by the Virginia Department of Health to obtain interim onsite soil evaluator licenses. (Mandated by the provisions of HB 3134 and SB 1270, 2007 General Assembly Session)	This section has been repealed as the deadline for the Board to receive the application was December 1, 2009; therefore, this regulatory provision has expired and is no longer needed.
20-84		This section established the entry requirements for individuals seeking licensure as interim onsite sewage system installers and operators. (Mandated by the provisions of HB 3134 and SB 1270, 2007 General Assembly Session)	This section has been repealed as the deadline for the Board to receive the interim application was June 30, 2010; therefore, this regulatory provision has expired and is no longer needed.
20-90	30-110 30-140	Section 20-90 C provides the qualifications for licensure as a waterworks or wastewater works operator.	This section was amended to provide clarity and additional avenues to obtain licensure. Applicants for a Class 3, 2 or 1 license may now utilize associate's and master's degrees, in addition to bachelor's degrees, to qualify for licensure.
20-90	30-100	Section 20-90 B quantifies experience into calendar terms.	No change.
	40-100	New section.	Previous regulation did not include

			provisions to quantify experience into terms of calendar periods for onsite sewage system professionals. Those applying for licensure as an onsite sewage system professional will have the ability to clearly calculate their experience.
20-90	30-110	This section provides the qualifications for licensure as a waterworks or wastewater works operator and outlines training and education substitution.	This section was amended to provide clarity and additional avenues to obtain licensure. Applicants for a Class 3, 2 or 1 license may now utilize associate degrees to qualify for licensure. Experience was reviewed and, in some cases, reduced to ensure the regulatory requirements were not overly burdensome while still ensuring minimal competency to protect the health, safety, and welfare of the public. In addition, training and education substitution were moved to 30-130 and 30-150 to provide clarity.
20-90	30-130	Section 20-90 D outlines training, experience, and education substitution.	This section was amended to provide clarity and additional avenues to substitute experience for waterworks and wastewater works operators. Amending this section will reduce the burden on applicants to find courses that may be used to substitute experience.
	30-140 40-280	New section.	This section specifies the various degree types and degree programs that are acceptable towards obtaining licensure.
20-94		This section establishes the qualifications for licensure for individuals holding authorized onsite soil evaluator certifications.	This section has been repealed as the deadline for the Board to receive the application was December 31, 2009, therefore this regulatory provision has expired and is no longer needed.
20-95	30-120	This section outlines the qualifications for licensure for individuals seeking a provisional	This section has been amended for clarity.

		water works or wastewater works operator license.	
20-96	40-240	This section establishes the entry standards for conventional and alternative onsite soil evaluators.	This section provides the requirements for licensure as a journeyman conventional onsite soil evaluator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide options for initial entry into the profession under the direct supervision of a master licensee, without having to take the exam until the individual has adequate experience and training to be responsible for the provision of onsite soil evaluation. In addition, this section also establishes the roles and responsibilities for the new proposed regulations that govern journeyman conventional onsite soil evaluators.
20-96	40-250	This section establishes the entry standards for conventional and alternative onsite soil evaluators.	This section provides the requirements for licensure as a master conventional onsite soil evaluator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of

			<p>experience depending upon education, as well as to provide for an examination for those who will have responsibility over the provision of onsite soil evaluation as well as journeymen licensees working under their direct supervision.</p>
20-96	40-260	<p>This section establishes the entry standards for conventional and alternative onsite soil evaluators.</p>	<p>This section provides the requirements for licensure as a journeyman alternative onsite soil evaluator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide options for initial entry into the profession under the direct supervision of a master licensee, without having to take the exam until the individual has adequate experience and training to be responsible for the provision of onsite soil evaluation. In addition, this section also establishes the roles and responsibilities for the new proposed regulations that govern journeyman alternative onsite soil evaluators.</p>
20-96	40-270	<p>This section establishes the entry standards for conventional and alternative onsite soil evaluators.</p>	<p>This section provides the requirements for licensure as a master alternative onsite soil evaluator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the</p>

			minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide for an examination for those who will have responsibility over the provision of onsite soil evaluation as well as journeymen licensees working under their direct supervision.
20-97	40-120	This section establishes the entry requirements for conventional and alternative onsite sewage system installers.	This section provides the requirements for licensure as a journeyman conventional onsite sewage system installer. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide options for initial entry into the profession under the direct supervision of a master licensee, without having to take the exam until the individual has adequate experience and training to be responsible for the provision of onsite sewage system installations. In addition, this section also establishes the roles and responsibilities for the new proposed regulations that govern journeyman conventional onsite sewage system installers.
20-97	40-130	This section establishes the entry requirements for conventional and	This section provides the requirements for licensure as a master conventional onsite



		alternative onsite sewage system installers.	sewage system installer. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide for an examination for those who will have responsibility over the provision of conventional onsite sewage system installations as well as journeymen licensees working under their direct supervision.
20-97	40-140	18 VAC 20-97.C 2 outlined the exemption from examination for certain individuals seeking licensure as a conventional onsite sewage system installers. Such exemption is pursuant to §54.1-2301 E of the Code of Virginia.	This section was amended to include regulatory language that will be effective August 1, 2015. See RIS project 3570.
20-97	40-150	This section establishes the entry requirements for conventional and alternative onsite sewage system installers.	This section provides the requirements for licensure as a journeyman alternative onsite sewage system installer. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience

			depending upon education, as well as to provide options for initial entry into the profession under the direct supervision of a master licensee, without having to take the exam until the individual has adequate experience and training to be responsible for the provision of onsite sewage system installations. In addition, this section also establishes the roles and responsibilities for the new proposed regulations that govern journeyman alternative onsite sewage system installers.
20-97	40-160	This section establishes the entry requirements for conventional and alternative onsite sewage system installers.	This section provides the requirements for licensure as a master alternative onsite sewage system installer. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide for an examination for those who will have responsibility over the provision of alternative onsite sewage system installations as well as journeymen licensees working under their direct supervision.
20-97	40-70	18 VAC 20-97.D describes education and training substitution options for those applying for licensure as an onsite sewage system installer.	This section was amended for clarity.
20-98	40-180	This section establishes	This section provides the

		<p>the entry requirements for conventional and alternative onsite sewage system operators.</p>	<p>requirements for licensure as a journeyman conventional onsite sewage system operator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide options for initial entry into the profession under the direct supervision of a master licensee, without having to take the exam until the individual has adequate experience and training to be responsible for the provision of onsite sewage system operations. In addition, this section also establishes the roles and responsibilities for the new proposed regulations that govern journeyman conventional onsite sewage system operators.</p>
<p>20-98</p>	<p>40-190</p>	<p>This section establishes the entry requirements for conventional and alternative onsite sewage system operators.</p>	<p>This section provides the requirements for licensure as a master conventional onsite sewage system operator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide for an examination</p>

			for those who will have responsibility over the provision of conventional onsite sewage system operations as well as journeymen licensees working under their direct supervision.
	40-200	New section.	This section outlines an exemption from examination for certain individuals seeking licensure as a conventional onsite sewage system operator. This exemption is currently contained in a Board-approved guidance document and is being formalized through inclusion in the regulations.
20-98	40-210	This section establishes the entry requirements for conventional and alternative onsite sewage system operators.	This section provides the requirements for licensure as a journeyman alternative onsite sewage system operator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide options for initial entry into the profession under the direct supervision of a master licensee, without having to take the exam until the individual has adequate experience and training to be responsible for the provision of onsite sewage system operations. In addition, this section also establishes the roles and responsibilities for the new proposed regulations that govern journeyman alternative onsite sewage system operators.
20-98	40-220	This section establishes	This section provides the

		the entry requirements for conventional and alternative onsite sewage system operators.	requirements for licensure as a master alternative onsite sewage system operator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide for an examination for those who will have responsibility over the provision of alternative onsite sewage system operations as well as journeymen licensees working under their direct supervision.
20-102	30-30 40-30	This section provides the fee requirements for application and renewal. In addition, it provides the process for payment of examination fees to the Board's vendor.	Amended to be consistent with other regulations in the Department applicable to fees. Includes to whom checks should be made payable. Provisions related to payment of exam fees were moved to a new section.
20-102	30-50 40-50	Subdivision C.4. provided general information regarding examination fees and departmental processes regarding procurement of examination vendors.	This section provides general information regarding examination fees and departmental processes regarding procurement of examination vendors.
20-102	30-40 40-40	This section establishes the fee structure for license application, license renewal, and examination.	Provides a table with the fee schedule and establishes a reinstatement fee, consistent with other fee schedules in the Department.
20-104	40-450 30-230	This section requires licensees to notify the board in writing of changes in name or address. The section	This section was amended to prohibit transfer of licensure and includes the licensee's responsibility for reporting changes to the board.

		also requires licensees to operate under the names in which their licenses were issued.	
20-106	30-150	Current language sets forth the standards for the renewal of a license.	This section was amended and reorganized for clarity.
20-106	40-290	Current language sets forth the standards for the renewal of a license.	This section was amended and reorganized for clarity.
	30-160 40-300	New section	This section reclassifies the term “late renewal” to “reinstatement”, which is consistent with other licensure programs in the Department.
	30-170 40-310	New section	This section adds language regarding the status of a license during the reinstatement period.
	30-180 40-320	New section	This section adds language regarding the board’s authority to deny a renewal or reinstatement.
20-109	30-190	This section establishes continuing education requirements	This section clarifies language specific to the continuing education requirements for waterworks and wastewater works operators.
20-109	40-330	This section establishes continuing education requirements	This section amends and adds language specific to the continued education of onsite sewage system professionals. Specifically, language was added regarding the continuing education hours needed for journeyman and master level licensees.
	30-200	New section	This section outlines the subject matter content of continuing education for waterworks operators. Outlining course topics will provide more alternatives for those seeking courses as previous regulation limited course options. In addition, by incorporating the content area into the regulations, there is greater continuity in acceptable content areas and the acceptable content areas are more

			readily and easily available to licensees.
	30-210	New section	This section outlines the subject matter content of continuing education for wastewater works operators. Outlining course topics will provide more alternatives for those seeking courses as previous regulation limited course options. In addition, by incorporating the content area into the regulations, there is greater continuity in acceptable content areas and the acceptable content areas are more readily and easily available to licensees.
	40-340	New section	This section outlines the subject matter content of continuing education for onsite sewage system installers. Outlining course topics will provide more alternatives for those seeking courses as previous regulation limited course options. In addition, by incorporating the content area into the regulations, there is greater continuity in acceptable content areas and the acceptable content areas are more readily and easily available to licensees.
	40-350	New section	This section outlines the subject matter content of continuing education for onsite sewage system operators. Outlining course topics will provide more alternatives for those seeking courses as previous regulation limited course options. In addition, by incorporating the content area into the regulations, there is greater continuity in acceptable content areas and the acceptable content areas are more readily and easily available to licensees.
	40-360	New section	This section outlines the subject matter content of continuing



			education for onsite soil evaluators. Outlining course topics will provide more alternatives for those seeking courses as previous regulation limited course options. In addition, by incorporating the content area into the regulations, there is greater continuity in acceptable content areas and the acceptable content areas are more readily and easily available to licensees.
20-109	30-220 40-370	Subsection C allows licensees to utilize coursework completed as training credits or formal education to apply towards the continuing education requirement.	The provision to allow for use of training credits and formal education for CPE was reorganized into its own section for clarity.
20-120	30-370	This section describes the classification of waterworks facilities in which specific classes of waterworks operators may operate.	This section was amended to align with regulations under the Virginia Department of Health and the Department of Environmental Quality.
20-130	30-360	This section describes the classification of wastewater works facilities in which specific classes of wastewater works operators may operate	This section was amended to align with regulations under the Department of Environmental Quality.
20-140	30-290 40-440	This section establishes standards of practice and grounds for disciplinary action.	This section was reorganized to provide the Board's disciplinary authority in a single section and the list of acts that may result in disciplinary action were moved to a separate section.
	30-310 40-460	New sections	This section states that licensees shall report to the board certain disciplinary actions and convictions and outlines the timeframe for such reporting.
20-140	30-320	18 VAC 20-140 (1-8) outlined the prohibited	This section was amended to include additional prohibited acts

		acts for which the board may suspend, revoke, refuse to renew, reinstate, or deny any application for license.	that may result in disciplinary action. The additional items were determined by the Board to be necessary to protect the safety, health, and welfare of the public. In addition, the amended provisions reduce ambiguity to licensees in understanding specific acts that may result in disciplinary action. As a result of separating the industry areas, the prohibited acts provided are specific to waterworks and wastewater works operators, thus making them more relevant and clear to licensees.
20-140	40-470	18 VAC 20-140 (1-8) outlined the prohibited acts for which the board may suspend, revoke, refuse to renew, reinstate, or deny any application for license.	This section was amended to include additional prohibited acts that may result in disciplinary action. The additional items were determined by the Board to be necessary to protect the safety, health, and welfare of the public. In addition, the amended provisions reduce ambiguity to licensees in understanding specific acts that may result in disciplinary action. As a result of separating the industry areas, the prohibited acts provided are specific to onsite sewage system professionals, thus making them more relevant and clear to licensees.
20-145	30-330 40-480	This section provides the standards to apply when a licensee must determine whether a conflict of interest exists.	No change.
20-150	30-240 40-390	This section outlines the criteria for approval of training courses including the information needed for the board to grant such approval.	This section has been reorganized to clarify and proper context. The general requirements for approval of training courses is contained in this section, while the specific requirements pertinent to an application for training course approval have been moved to new sections.

20-150	30-250 40-400	This section outlines the criteria for approval of training courses including the information needed for the board to review to grant such approval.	The section specifically outlines the items that must be provided with an application for training course approval.
20-150	30-280 40-430	Subsection A provides that certain courses do not require approval by the Board.	The section maintains that certain courses offered by specific entities do not require board approval; however, the parameters of course content and how to allocate continuing education credits have been provided for clarity and consistency in the application of this provision.
	30-260 40-410	New section	This section outlines the maintenance of training course approval. This section will require training courses to report change of address, report to the board any substantial modifications of training and allow the board to audit courses.
	30-270 40-420	New section	This section outlines the board's authority to withdraw approval of any training course who fails to meet the certain regulatory requirements.
	40-290	New section	This section outlines the licensee's responsibility to adhere to various regulatory provisions. Such provisions include informing responsible parties of the overruling of their judgment in cases where there is substantial threat to the health, safety and welfare of the public, and to inform the board when they are aware of other's violating the board's regulations. Specific provisions were added as they relate to onsite sewage professionals and utilization of Virginia Department of Health files.
	30-340	New section	This section outlines the licensee's

			responsibility to adhere to various regulatory provisions. Such provisions include informing responsible parties of the overruling of their judgment in cases where there is substantial threat to the health, safety and welfare of the public, and to inform the board when they are aware of other's violating the board's regulations
	30-350 40-500	New section	Section describes the licensee's responsibility to respond to board inquiries and each licensee's obligation to supply records to the board or any of its agents within certain timelines.
	40-510	New section	Section describes the master licensee's professional responsibility in reference to supervision of work performed by journeyman onsite sewage system professionals for which an employment or written relationship exists. In addition, this section requires certain record retention requirements of master licensees.