



## Final Regulation Agency Background Document

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| <b>Agency name</b>                                 | Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals |
| <b>Virginia Administrative Code (VAC) citation</b> | 18 VAC160-20   |
| <b>Regulation title</b>                            | Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals |
| <b>Action title</b>                                | Regulatory Review  |
| <b>Date this document prepared</b>                 | June 1, 2014   |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

The current regulations require an applicant for a conventional onsite sewage system installer license who is applying for waiver of the examination to provide documentation of experience from a list of specific professionals. The proposed amendment will eliminate the need to provide documentation by specific professionals as currently required by 18VAC160-20-97.C.2.a, thereby allowing more latitude to consider applicants that have the required experience but have not worked with one of the specified professionals.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency or board taking the action, and (3) the title of the regulation.*

On April 10, 2014, the Board for Wastewater Works and Waterworks and Onsite Sewage System Professionals (Board) voted to adopt these amendments to 18 VAC 160-20 as final.

### 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.

### Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it 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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In response to Governor McDonnell's Regulatory Reform initiative, the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals reviewed its current regulations to identify, amend or repeal any regulations that are unnecessary or no longer in use and reduce unnecessary regulatory burdens on regulated groups.

### Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

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As an entry requirement for licensure as a conventional onsite sewage system installer, applicants who qualify for the conventional onsite sewage system installer exam waiver must demonstrate active engagement in performing the duties of a conventional onsite sewage system installer. The proposed amendment will eliminate the need to provide documentation by specific professionals as currently required at 18VAC160-20-97.C.2.a, thereby allowing more latitude to consider applicants that have the required experience but have not worked with one of the specified professionals.

**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.*

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- 1.) The primary advantage of the proposal is that it allows more individuals who have the required experience to perform the services of a conventional onsite sewage system installer. This provides a larger pool of qualified individuals from which a consumer can select when hiring a conventional onsite sewage system installer.
- 2.) The primary advantage to the agency, which ultimately is an advantage to the Board's regulants, is that individuals who apply for a conventional onsite sewage system installer with exam waiver currently would have to go through the administrative process to have their applications considered if one of the specified professionals could not verify their experience. This change will eliminate the need for, and costs associated with, a hearing to consider otherwise compliant applications.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.*

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**No changes were made to the text since the publication of the proposed stage.**

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

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No public comments received.

**All changes made in this regulatory action**

*Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.*

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| Current section number | Proposed new section number, if applicable | Current requirement   | Proposed change and rationale  |
|------------------------|--|---|--|
| 18VAC160-20-97.C.2.a   | N/A  | Qualifications for licensure - onsite sewage system installers. | Eliminates the need to provide documentation by specific professionals as currently required by 18VAC160-20-97.C.2.a, thereby allowing more latitude to consider applicants that have the required experience but have not worked with one of the specified professionals. The purpose of this action is to reduce unnecessary and overly burdensome requirements pursuant to the Governor’s Regulatory Reform Initiative. |