

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER
9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233

OSSP LICENSING REGULATORY REVIEW COMMITTEE
OF THE
BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE
SEWAGE SYSTEM PROFESSIONALS

Tentative AGENDA

FRIDAY, FEBRUARY 10, 2023 AT 10:00 AM
2nd FLOOR, BOARD ROOM 2

I. CALL TO ORDER

II. EMERGENCY EVACUATION PROCEDURES

III. APPROVAL OF AGENDA

1. Committee Agenda, February 10, 2023

IV. PUBLIC COMMENT PERIOD*

V. RESOURCES AND INFORMATION

1. Chapter 23 of Title 54.1 of the Code of Virginia
2. Onsite Sewage System Professionals Licensing Regulations
3. Regulatory Review Topics
4. Summary of OSSP Entry Requirements
5. OSSP Licensing Requirements from Neighboring States
6. SDS Specialties for Contractor Licenses
7. Regulant Population as of June 1, 2022
8. OSSP Guidance Documents
9. OSSP Entry Qualifications Tables (Comparison)
10. OSSP Disciplinary Case Information

VI. NEW BUSINESS

1. Discussion and Review of Regulatory Review Topics
 - a. Standards of Conduct and Practice
2. Review Draft Amendments
 - a. Definitions
 - b. General Entry Requirements
 - c. Entry Requirements for Installers
 - d. Entry Requirements for Operators
 - e. Entry Requirements for Soil Evaluators
 - f. Renewal and Reinstatement
 - g. Continuing Professional Education
 - h. Training Course Approval
 - i. Standards of Conduct and Practice

VII. OTHER BUSINESS

VIII. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

IX. ADJOURN

* Five minute public comment, per person.

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

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Training Room 2

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Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as a question or official Board decision.
DRAFT AGENDA

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle II. Professions and Occupations Regulated by the Department of Professional and Occupational Regulation and Boards within the Department

Chapter 23. Waterworks and Wastewater Works Operators

§ 54.1-2300. Definitions

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.

"Onsite sewage system" means a conventional onsite sewage system or alternative onsite sewage system as defined in § 32.1-163.

"Operator" means any individual employed or appointed by any owner, and who is designated by such owner to be the person in responsible charge, such as a supervisor, a shift operator, or a substitute in charge, and whose duties include testing or evaluation to control waterworks or wastewater works operations or to operate and maintain onsite sewage systems. Not included in this definition are superintendents or directors of public works, city engineers, or other municipal or industrial officials whose duties do not include the actual operation or direct supervision of waterworks or wastewater works.

"Owner" means the Commonwealth of Virginia, or any political subdivision thereof, any public or private institution, corporation, association, firm or company organized or existing under the laws of this Commonwealth or of any other state or nation, or any person or group of persons acting individually or as a group, who own, manage, or maintain waterworks or wastewater works.

"Person" means any individual, group of individuals, a corporation, a partnership, a business trust, an association or other similar legal entity engaged in operating waterworks or wastewater works.

"Wastewater works" means each system of (i) sewerage systems or sewage treatment works, serving more than 400 persons, as set forth in § 62.1-44.18;(ii) sewerage systems or sewage treatment works serving fewer than 400 persons, as set forth in § 62.1-44.18, if so certified by the State Water Control Board; and (iii) facilities for discharge to state waters of industrial wastes or other wastes, if certified by the State Water Control Board.

"Waterworks" means each system of structures and appliances used in connection with the collection, storage, purification, and treatment of water for drinking or domestic use and the distribution thereof to the public, except distribution piping. Systems serving fewer than 400 persons shall not be considered to be a waterworks unless certified by the Board to be such.

1970, c. 768, § 54-573.2; 1972, c. 682; 1988, c. 765; 2007, cc. 892, 924.

§ 54.1-2301. Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; membership; terms; duties

A. The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall consist of 11 members as follows: the Director of the Office of Water

Programs of the State Department of Health, or his designee, the Executive Director of the State Water Control Board, or his designee, a currently employed waterworks operator having a valid license of the highest classification issued by the Board, a currently employed wastewater works operator having a valid license of the highest classification issued by the Board, a faculty member of a public institution of higher education in the Commonwealth whose principal field of teaching is management or operation of waterworks or wastewater works, a representative of an owner of a waterworks, a representative of an owner of a wastewater works, a licensed alternative onsite sewage system operator, a licensed alternative onsite sewage system installer, a licensed onsite soil evaluator, and one citizen member. The alternative onsite sewage system operator, alternative onsite sewage system installer, and onsite soil evaluator shall have practiced for at least five consecutive years immediately prior to appointment. No owner shall be represented on the Board by more than one representative or employee operator. The term of Board members shall be four years.

B. The Board shall examine waterworks and wastewater works operators and issue licenses. The licenses may be issued in specific operator classifications to 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.

C. The Board shall establish a program for licensing individuals as onsite soil evaluators, onsite sewage system installers, and onsite sewage system operators.

D. 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; and (f) other criteria the Board deems necessary.

E. The Board shall permit any wastewater works operator to sit for the conventional onsite sewage system operator examination.

1970, c. 768, §§ 54-573.1, 54-573.3; 1981, c. 447; 1988, c. 765; 1989, c. 97; 2007, cc. 892, 924; 2008, c. 67; 2013, c. 731.

§ 54.1-2302. License required

No person shall operate a waterworks or wastewater works, perform the duties of an onsite soil evaluator, or install or operate an alternative onsite sewage system, without a valid license.

1979, c. 408, § 54-573.18; 1988, c. 765; 2007, cc. 892, 924.

COMMONWEALTH OF VIRGINIA
BOARD FOR WATERWORKS AND WASTEWATER WORKS
OPERATORS AND ONSITE SEWAGE SYSTEM PROFESSIONALS



**ONSITE SEWAGE SYSTEM
PROFESSIONALS LICENSING
REGULATIONS**

Last Updated December 8, 2021

STATUTES

Title 54.1, Chapter 23



Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400

Richmond, VA 23233

(804) 367-8500

www.dpor.virginia.gov

**NOTICE
SUMMARY OF SIGNIFICANT CHANGES**

Included in this document are relevant excerpts from the Virginia Administrative Code. Please note that the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals is responsible for promulgating regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), and the Virginia Code Commission is responsible for compiling and codifying all of the administration regulations of state agencies into the Virginia Administrative Code.

It is your responsibility to stay informed and follow all regulations and statutes governing your profession or occupation. As a regulant of the Board, you should read and become familiar with all regulations applicable to your profession or occupation. You can stay informed of regulatory actions that may result in changes to the regulations at Virginia Regulatory Town Hall (www.townhall.virginia.gov).

This document is a complete, edited (unofficial) copy of the Onsite Sewage System Professionals Regulations (18 VAC 160-40). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://law.lis.virginia.gov/admincode>.

The following is a brief summary of significant revisions to the regulations effective December 8, 2021, but may not include all changes that were made to the Onsite Sewage System Professionals Licensing Regulations:

- The regulations were amended to conform to SB 1406, enacted by the General Assembly during the 2021 Special Session I. Requirements for licensure were revised to exclude marijuana-related misdemeanor convictions from convictions that must be disclosed on an application. Standards of conduct and practice were revised to exclude marijuana-related drug distribution misdemeanor convictions from convictions that a regulant must report to the Board.

STATEMENT OF PURPOSE

This document contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 23. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This document contains a copy of the law and regulations that you will need to know and obey to obtain and keep your license. **BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR LICENSE.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this document, please write to:

Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233

You may also call the Agency at (804) 367-8500 or (804) 367-8595 or e-mail WaterWasteOper@dpor.virginia.gov.

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DRAFT AGENDA - this agenda is proposed for discussion
 Materials contained herein are not to be construed as a regulation or official board position.
 DRAFT AGENDA

PART I.

DEFINITIONS

18VAC160-40-10. Definitions.

- A. Section [54.1-2300](#) of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

"Board"

"Onsite sewage system"

"Operator"

"Wastewater works"

- B. The following words, terms, and phrases when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Alternative onsite sewage system" means a treatment works that is not a conventional onsite sewage system and does not result in a point source discharge.

"Alternative onsite sewage system installer" means an individual licensed by the board to construct, install, and repair conventional and alternative onsite sewage systems.

"Alternative onsite sewage system operator" means an individual licensed by the board to operate and maintain conventional and alternative onsite sewage systems.

"Alternative onsite soil evaluator" means an individual licensed by the board to evaluate soils and soil properties in relationship to the effect of these properties on the use and management of these soils as the locations for conventional and alternative onsite sewage systems, to certify in accordance with applicable state regulations and local ordinances that sites are suitable for conventional and alternative onsite sewage systems, and to design conventional and alternative onsite sewage systems suitable for the soils.

"Applicant" means an individual who submits an application with the appropriate fee and other required documentation.

"Application" means a completed, board-prescribed form submitted with the appropriate fee and other required documentation.

"Authorized onsite soil evaluator" means an individual holding an authorized onsite soil evaluator certification issued by the Virginia Department of Health that was valid on June 30, 2009.

"Category" means journeyman or master as applicable to the professionals under the board's purview.

"Class" means conventional or alternative as applicable to the professionals under the board's purview.

"Contact hour" means 50 minutes of participation in a structured training activity.

"Conventional onsite sewage system" means a treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

"Conventional onsite sewage system installer" means an individual licensed by the board to construct, install, and repair conventional onsite sewage systems.

"Conventional onsite sewage system operator" means an individual licensed by the board to operate and maintain conventional onsite sewage systems.

"Conventional onsite soil evaluator" means an individual licensed by the board to evaluate soils and soil properties in relationship to the effects of these properties on the use and management of these soils as the locations for conventional and alternative onsite sewage systems, to certify in accordance with applicable state regulations and local ordinances that sites are suitable for conventional and alternative onsite sewage systems, and to design conventional onsite sewage systems suitable for the soils.

"Department" means the Virginia Department of Professional and Occupational Regulation.

"Direct supervision" means being immediately available and fully responsible for the provision of onsite sewage system services regulated pursuant to Chapter 23 ([§ 54.1-2300](#) et seq.) of Title 54.1 and this chapter.

"Interim license" refers to the initial issuance of professional licenses during the implementation of the onsite sewage system professionals licensure program. Such licenses were limited to four years and not renewable.

"Journeyman" means an individual who possesses the minimum skills and competency to install or maintain onsite sewage systems or assist in the evaluation of soil sites as suitable for conventional and alternative onsite sewage systems and to design onsite sewage systems under the direct supervision of a master licensee.

"Licensee" means an individual holding a valid license issued by the board.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation that is unlawful to practice without such license.

"Maintenance" or "maintain" means, unless otherwise provided in local ordinance, (i) performing adjustments to equipment and controls or (ii) in-kind replacement of normal wear and tear parts that do not require a construction permit for adjustment or replacement of the component, such as light bulbs, fuses, filters, pumps, motors, sewer lines, conveyance lines, distribution boxes, header lines, or other like components. Maintenance includes pumping the tanks or cleaning the building sewer on a periodic basis. Notwithstanding any local ordinance, "maintenance" does not include replacement of tanks, drainfield piping, subsurface drainfields, or work requiring a construction permit and a licensed onsite sewage system installer. Unless otherwise prohibited by local ordinance, a conventional onsite sewage system installer or an alternative onsite sewage system installer may perform maintenance work limited to in-kind replacement of light bulbs, fuses, filters, pumps, sewer lines, conveyance lines, distribution boxes, and header lines.

"Master" means an individual who possesses the minimum skills and competency to install or maintain onsite sewage systems or evaluate soil sites as suitable for conventional and alternative onsite sewage systems and to design conventional and alternative onsite sewage systems.

"Operate" means the act of (i) placing into or taking out of service a unit process or (ii) making or causing adjustments in the operation of a unit process at a treatment works.

"Profession" means the practice of onsite soil evaluation, onsite sewage system installation, and onsite sewage system operation.

"Professional" means an onsite sewage system installer, onsite sewage system operator, or onsite soil evaluator who is licensed pursuant to the provisions of this chapter and is in good standing with the board to practice his profession in this Commonwealth.

"Renewal" means the process and requirements for periodically approving the continuance of a license.

"Sewage" means water-carried and nonwater-carried human excrement or kitchen, laundry, shower, bath, or lavatory wastes separately or together with such underground, surface, storm, or other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments, or other places.

"Training credit" means a unit of board-approved training or formal education completed by an individual that may be used to substitute for experience when applying for a license.

"Treatment works" means any device or system used in the storage, treatment, disposal, or reclamation of sewage or combinations of sewage and industrial wastes including pumping power and other equipment and appurtenances, septic tanks and any works, including land, that are or will be (i) an integral part of the treatment processes or (ii) used for ultimate disposal or residues or effluent resulting from such treatment.

"VDH" means the Virginia Department of Health.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017; amended, Virginia Register [Volume 34, Issue 26](#), eff. September 19, 2018.

PART II.

ENTRY

18VAC160-40-20. Application procedures.

- A. All applicants seeking licensure shall submit an application with the appropriate fee in 18VAC160-40-40. Applications shall be made on forms provided by the board. By submitting the application to the department, the applicant certifies that the applicant has read and understands the applicable statutes and the board's regulations. The receipt of an application and the deposit of fees by the board does not indicate approval of the application by the board.
- B. The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied. All applications shall be completed in accordance with the instructions contained in this chapter and on the application. Applications will not be considered complete until all required documents are received by the board. If an examination is required for licensure, the applicant will not be permitted to sit for the applicable board-approved examination until the application is complete and approved.
- C. The applicant will be notified within 30 days of the board's receipt of an initial application if the application is incomplete. An individual who fails to complete the process within 12 months of receipt of the application in the board's office must submit a new application. If applicable, the applicant has 12 months from approval of the application to pass the board-approved examination. Failure to pass the board-approved examination within 12 months of approval will result in the applicant being required to submit a new application to be considered for licensure.
- D. The applicant shall immediately report all changes in information supplied with the application, if applicable, prior to the issuance of the license or expiration of the application or examination period.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-30. General fee requirements.

All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be made payable to the Treasurer of Virginia.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-40. Fee schedule.

Fee Type	Fee Amount	When Due
Initial application (for each profession, class, and category of license)	\$100	With application
Renewal (for each profession, class, and category of license)	\$80	With renewal application
Reinstatement (for each profession, class, and category of license)	\$105 (renewal fee + \$25 reinstatement fee)	With reinstatement application

For licenses expiring on or after January 31, 2018, and before January 31, 2020, the renewal fee shall be \$50. For reinstatement applications received after January 31, 2018, and on or before January 31, 2020, the total reinstatement fee shall be \$75.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017; amended, Virginia Register [Volume 34, Issue 7](#), eff. January 1, 2018.

18VAC160-40-50. Examination fee.

The fee for examination or reexamination is subject to charges to the department by an outside vendor based on a contract entered into in compliance with the Virginia Public Procurement Act ([§ 2.2-4300](#) et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with this contract.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-60. General requirements for licensure.

A. In addition to the specific qualifications for each profession, class, and category of licensure, each applicant for licensure shall meet the requirements provided in this section:

1. The applicant shall be at least 18 years old.
2. The applicant shall disclose his mailing address. A post office box is only acceptable as a mailing address when a physical address is provided.
3. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information:
 - a. All felony convictions.

- b. All misdemeanor convictions, except marijuana convictions, that occurred within three years of the date of application.

Any plea of *nolo contendere* or finding of guilt regardless of adjudication or deferred adjudication shall be considered a conviction for the purposes of this section. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt.

- B. The board, at its discretion, may deny licensure to any applicant in accordance with [§ 54.1-204](#) of the Code of Virginia.

- C. The applicant shall report any suspension, revocation, or surrender of a license, certification, or registration in connection with a disciplinary action or that has been subject of discipline in any jurisdiction prior to applying for licensure. The board at its discretion may deny licensure to any applicant based on prior suspensions, revocations, or surrenders of licenses based on disciplinary action by any jurisdiction.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017; amended, Virginia Register [Volume 38, Issue 7](#), eff. December 8, 2021.

18VAC160-40-70. Education and training for experience.

- A. Each individual applying for a license may receive credit for up to half of the required experience for:

1. Satisfactory completion of postsecondary courses in wastewater, biology, chemistry, geology, hydraulics, hydrogeology, engineering, environmental science, agronomy, earth science, environmental health, or soil science at the rate of one month per semester hour or two-thirds of a month per quarter hour; or

2. Satisfactory completion of board-approved onsite sewage system installer or operator or onsite soil evaluation training courses, as applicable to the license sought, at the rate of one month for each training credit earned. Up to one training credit is awarded for each 10 hours of classroom contact time or for each 20 hours of laboratory exercises and field trip contact time. Training credit is not earned for breaks, meals, receptions, and time other than classroom, laboratory, and field trip contact time.

- B. Education used to meet the education requirements to qualify for licensure may not be substituted for experience.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-80. Examination procedures and conduct.

- A. Upon approval of the application, the board will notify the applicant of his eligibility to take the applicable examination. The license will not be issued prior to the receipt of a passing score for the applicable examination.
- B. An applicant who does not receive a passing score within one year after the date of approval of the application by the board to sit for the examination must submit a new application and meet entry requirements in effect at the time of the submittal of the new application.
- C. In those instances where the applicant is required to take an examination for licensure, the applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include written instructions communicated prior to the examination date and instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board and the testing organization with regard to conduct at the examination shall be grounds for denial of the application, voiding of examination scores, or any combination thereof.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-90. Individuals certified or licensed in another jurisdiction.

Any applicant holding a valid license or certificate in another jurisdiction shall meet the requirements of this chapter, including having equivalent experience and education. The applicant shall pass the appropriate board-approved examination to become licensed in those instances where an examination for licensure is required.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-100. Full-time experience or equivalent.

For the purpose of this part, experience requirements are expressed in terms of calendar periods of full-time employment as an operator, installer, or onsite soil evaluator in the same class for which licensure is sought.

1. A year of full-time employment is defined as a minimum of 1,760 hours during a 12-month period or a minimum of 220 workdays in a 12-month period. A workday is defined as performing or assisting in the duties of an installer, operator, or onsite soil evaluator to the extent required for the proper installation or maintenance of onsite sewage systems or the evaluation of soil and soil properties for suitability as locations for onsite sewage systems. More than 1,760 hours or 220 workdays during a 12-month period will not be considered as more than one year of full-time employment.

2. Partial credit may be given for actual hours of work experience if the applicant works less than full time.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-105. Master licenses; conversion of licenses on April 1, 2017.

A. An individual holding a current license issued by the board that was valid on March 31, 2017, will be issued a master license in the same class and category of license, and with the same expiration date.

1. A conventional onsite sewage system installer license that is current on March 31, 2017, will be converted to a master conventional onsite sewage system installer license.

2. An alternative onsite sewage system installer license that is current on March 31, 2017, will be converted to a master alternative onsite sewage system installer license.

3. A conventional onsite sewage system operator license that is current on March 31, 2017, will be converted to a master conventional onsite sewage system operator license.

4. An alternative onsite sewage system operator license that is current on March 31, 2017, will be converted to a master alternative onsite sewage system operator license.

5. A conventional onsite soil evaluator license that is current on March 31, 2017, will be converted to a master conventional onsite soil evaluator license.

6. An alternative onsite soil evaluator license that is current on March 31, 2017, will be converted to a master alternative onsite soil evaluator license.

B. Any license issued pursuant to this section may be subject to disciplinary action in accordance with this chapter for any violation of the regulations that occurred under the license held prior to conversion in accordance with this section.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

PART III.

ONSITE SEWAGE SYSTEM INSTALLERS

18VAC160-40-110. License required.

- A. No individual shall install a conventional or alternative onsite sewage system without a valid onsite sewage system installer license issued by the board in the appropriate class.
- B. An individual cannot simultaneously hold valid master and journeyman onsite sewage system installer licenses in the same class. Issuance of a master onsite sewage system installer license in a specific class shall void the journeyman onsite sewage system installer license in the same class.
- C. An individual cannot simultaneously hold valid conventional and alternative master onsite sewage system installer licenses or conventional and alternative journeyman onsite sewage system installer licenses. Issuance of a master alternative onsite sewage system installer license shall void the conventional onsite sewage system installer license.
- D. A journeyman onsite sewage system installer must work under the direct supervision of a licensed master onsite sewage system installer with the appropriate class of license. A master onsite sewage system installer is responsible for supervising the provision of onsite sewage system installations by any journeyman onsite sewage system installers under his direct supervision.
- E. Experience used to qualify for licensure cannot be verified by a journeyman onsite sewage system installer.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-120. Qualifications for journeyman conventional onsite sewage system installer licenses.

An applicant for licensure as a journeyman conventional onsite sewage system installer shall furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the	No	No	Six months of full-time experience assisting with the installation of conventional or alternative onsite sewage systems verified by one or more of the following: an

	Virginia Board for Contractors			onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2.	None	No	No	One year of full-time experience assisting with the installation of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-130. Qualifications for master conventional onsite sewage system installer licenses.

An applicant for licensure as a master conventional onsite sewage system installer shall furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	20 hours of training approved by the board covering basic installation of conventional or alternative onsite sewage systems	One year of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system	Yes	No	Two years of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an

	(SDS) specialty issued by the Virginia Board for Contractors			onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
3.	Interim conventional onsite sewage system installer or journeyman onsite sewage system installer license	Yes	20 hours of training approved by the board covering basic installation of conventional or alternative onsite sewage systems	Two years of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
4.	Interim conventional onsite sewage system installer or journeyman onsite sewage system installer license	Yes	No	Three years of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017; Errata, 33:16 VA.R. 1944 April 3, 2017.

18VAC160-40-140. (Reserved.)

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-150. Qualifications for journeyman alternative onsite sewage system installer licenses.

An applicant for licensure as a journeyman alternative onsite sewage system installer shall furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
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1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	No	No	One year of full-time experience assisting with the installation of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2.	None	No	No	Two years of full-time experience assisting with the installation of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-160. Qualifications for master alternative onsite sewage system installer licenses.

An applicant for licensure as a master alternative onsite sewage system installer shall furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	No	Two years of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional

				engineer, or an authorized onsite soil evaluator
2.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	20 hours of training approved by the board covering the basic installation of alternative onsite sewage systems	18 months of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
3.	No	Yes	20 hours of training approved by the board covering basic installation of alternative onsite sewage systems	Three years of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
4.	Interim alternative onsite sewage system installer or conventional onsite sewage system installer license	Yes	No	18 months of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

PART IV.

ONSITE SEWAGE SYSTEM OPERATORS

18VAC160-40-170. License required.

- A. No individual shall operate a conventional or alternative onsite sewage system without a valid onsite sewage system operator license issued by the board in the appropriate class.
- B. An individual cannot simultaneously hold valid master and journeyman onsite sewage system operator licenses in the same class. Issuance of a master onsite sewage system operator license in a specific class shall void the journeyman onsite sewage system operator license in the same class.
- C. An individual cannot simultaneously hold valid conventional and alternative master onsite sewage system operator licenses or conventional and alternative journeyman onsite sewage system operator licenses. Issuance of a master alternative onsite sewage system operator license shall void the conventional onsite sewage system operator license.
- D. A journeyman onsite sewage system operator must work under the direct supervision of a licensed master onsite sewage system operator with the appropriate class of license. A master onsite sewage system operator is responsible for supervising the operation of the onsite sewage system by any journeyman onsite sewage system operator under his responsibility.
- E. Experience used to qualify for licensure cannot be verified by a journeyman onsite sewage system operator.
- F. No individual shall act as an alternative onsite sewage system operator of an alternative onsite sewage system that exceeds 10,000 gallons per day design flow without possessing a Class 4 or higher wastewater works operator license in addition to an alternative onsite sewage system operator license.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-180. Qualifications for journeyman conventional onsite sewage system operator licenses.

An applicant for licensure as a journeyman conventional onsite sewage system operator shall furnish acceptable documentation that the following qualification has been met:

Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
None	No	No	Six months of full-time experience assisting with the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-190. Qualifications for master conventional onsite sewage system operator licenses.

An applicant for licensure as a master conventional onsite sewage system operator shall furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Wastewater works operator license	Yes	No	None
2.	No	Yes	10 hours of education approved by the board covering the basics of operation and maintenance of conventional onsite sewage systems	Six months of full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
3.	No	Yes	No	One year of full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil

				evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
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Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-200. Qualification for exemption from examination for master conventional onsite sewage system operator applicants.

Applicants seeking licensure as a master conventional onsite sewage system operator may be exempt from the examination provided the applicant:

1. Is able to satisfactorily demonstrate that he has been actively engaged in performing the duties of a conventional onsite sewage system operator for at least four years. Documentation of qualifying experience may be verified by a master conventional or alternative onsite soil evaluator, a master conventional or alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator; and
2. Meets the requirements of 18VAC160-40-60.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-210. Qualifications for journeyman alternative onsite sewage system operator licenses.

An applicant for licensure as a journeyman alternative onsite sewage operator shall furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	None	No	20 hours of education approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	One year of full-time experience assisting with the operation and maintenance of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative sewage system operator, a professional engineer, or an authorized onsite soil evaluator

2.	None	No	None	Two years of full-time experience assisting with the operation and maintenance of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative sewage system operator, a professional engineer, or an authorized onsite soil evaluator
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Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-220. Qualifications for master alternative onsite sewage system operator licenses.

An applicant for licensure as a master alternative onsite sewage system operator shall furnish acceptable documentation that one of the following has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Held or holds a conventional onsite sewage system operator license	Yes	10 hours of training approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	One year of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
2.	Held or holds a conventional onsite sewage system operator license	Yes	No	18 months of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more

				of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
3.	None	Yes	20 hours of training approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	Two years of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
4.	Wastewater works operator license	Yes	No	Six months of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
5.	Wastewater works operator license	Yes	20 hours of training approved by the board in basics of operation and maintenance	No

			of alternative onsite sewage systems	
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Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

DRAFT AGENDA
 Materials contained in this agenda are proposed topics for discussion
 and are not to be construed as regulation or official Board position.
 DRAFT AGENDA

PART V.

ONSITE SOIL EVALUATOR

18VAC160-40-230. License required.

- A. Notwithstanding the provisions of Chapter 4 ([§ 54.1-400](#) et seq.) of Title 54.1 of the Code of Virginia, no individual shall perform the duties of an onsite soil evaluator without possessing a valid license issued by the board.
- B. An individual cannot simultaneously hold master and journeyman onsite soil evaluator licenses in the same class. Issuance of a master onsite soil evaluator license in a specific class shall void the journeyman onsite soil evaluator license in the same class.
- C. An individual cannot simultaneously hold valid conventional and alternative master onsite soil evaluator licenses or conventional and alternative journeyman onsite soil evaluator licenses. Issuance of an alternative master onsite soil evaluator license shall void the conventional onsite soil evaluator license.
- D. A journeyman onsite soil evaluator must work under the direct supervision of a master onsite soil evaluator with the appropriate class of license. A master onsite soil evaluator of an equal or greater class is responsible for supervising the provision of onsite soil evaluations and designs by any journeyman onsite soil evaluator under his responsibility.
- E. Experience to qualify for licensure cannot be verified by a journeyman onsite soil evaluator.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-240. Qualifications for journeyman conventional onsite soil evaluator licenses.

An applicant for licensure as a journeyman conventional onsite soil evaluator shall furnish acceptable documentation that one of the following has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	Virginia professional soil scientist license	No	No	No
2.	No	No	No	One and one-half years of full-time experience assisting in the evaluation of site and soil conditions and design of

				conventional onsite sewage systems verified by one or more of the following: an authorized soil evaluator, a professional engineer, or an onsite soil evaluator
3.	No	No	VDH onsite sewage system training program	One year of full-time experience assisting in the evaluation of site and soil conditions and design of conventional onsite sewage systems verified by one or more of the following: an authorized soil evaluator, a professional engineer, or an onsite soil evaluator

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-250. Qualifications for master conventional onsite soil evaluator licenses.

An applicant for licensure as a master conventional onsite soil evaluator shall furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	No	Yes	Master's or bachelor's degree	Two years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator a professional engineer, or an onsite soil evaluator
2.	No	Yes	Associate's degree	Three years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized

				onsite soil evaluator, a professional engineer, or an onsite soil evaluator
3.	No	Yes	VDH onsite sewage system training program	Two years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator
4.	Journeyman or interim conventional onsite soil evaluator	Yes	No	Three years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator
5.	Virginia professional soil scientist license	Yes	No	One year of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-260. Qualifications for journeyman alternative onsite soil evaluator licenses.

An applicant for licensure as a journeyman alternative onsite soil evaluator shall furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
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1.	Virginia professional soil scientist license	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative soil evaluator
2.	Possess or held either a valid interim alternative onsite soil evaluator license or a conventional onsite soil evaluator license	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator a professional engineer, or an alternative soil evaluator
3.	An authorized onsite soil evaluator	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative soil evaluator
4.	No	No	No	Two years of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative soil evaluator

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017; Errata, 33:15 VA.R. XXXX march 20, 2017.

18VAC160-40-270. Qualifications for master alternative onsite soil evaluator licenses.

An applicant for licensure as a master alternative onsite soil evaluator shall furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	No	Yes	Master's or bachelor's degree	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator
2.	No	Yes	Associate's degree	Three years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator
3.	Held or holds a conventional onsite soil evaluator license, interim alternative onsite soil evaluator license, journeyman alternative onsite soil evaluator license, or authorized onsite	Yes	No	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator

	soil evaluator license			
4.	No	Yes	No	Four years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator
5.	Virginia licensed professional soil scientist	Yes	No	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-275. Verification of experience by authorized onsite soil evaluators.

An authorized onsite soil evaluator who is verifying experience pursuant to Part II of this chapter and who holds no other license listed as qualified to verify experience may only verify experience obtained before July 1, 2009.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-280. Acceptable degree programs and verification procedures.

- A. Applicants seeking to qualify for licensure based on completion of an associate's, bachelor's, or master's degree shall submit an official transcript from the school where the applicable degree was obtained. Only degrees from an accredited college or university that is approved or accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education will be considered. The following degrees shall be considered to qualify in accordance with 18VAC160-40-250 and 18VAC160-40-270:

- DRAFT AGENDA
Materials contained in this agenda are proposed only for discussion
and are not to be construed as regulation or official board position.
1. Bachelor's or master's degree in soil science, biology, chemistry, engineering, environmental science, geology, agronomy, earth science, or environmental health.
 2. Associate's degree in wastewater works, environmental science, or engineering technology.
 3. Bachelor's degree in a related physical, biological, environmental, or chemical science that includes a minimum of 40 semester credit hours in any combination of science and math.

B. Any applicant who has earned a degree from an institution outside of the United States shall have the degree authenticated and evaluated by an education credential evaluation services. The board reserves the right to reject any evaluation submitted by the applicant.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

PART VI.

RENEWAL AND REINSTATEMENT

18VAC160-40-290. Expiration and renewal.

- A. A license shall expire two years from the last day of the month in which it was issued.
- B. Prior to the expiration date shown on the license, the board shall mail a renewal notice to the licensee's address of record. The licensee shall return a renewal notice and the applicable renewal fee. Failure to receive a renewal notice from the board does not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee as an application for renewal.
- C. By submitting the renewal fee, the licensee is certifying his continued compliance with the Standards of Practice and Conduct (Part IX (18VAC160-40-440 et seq.) of this chapter) as established by the board. In addition, by submitting the renewal fee, licensees are certifying compliance with the continuing professional education requirements of this chapter.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-300. Reinstatement.

- A. If all the requirements for renewal of the license as specified in 18VAC160-40-290 are not completed within 30 days of the license expiration date, a reinstatement fee shall be required as established in 18VAC160-40-40.
- B. A license may be reinstated for up to one year following the expiration date of the license. Any licensee who fails to reinstate the license within 12 months after the expiration date shall apply for a new license and meet entry requirements in effect at the time of submittal of the new application. The individual shall be deemed to be eligible to sit for the examination for the same profession, class, and category of license as the expired license, if an examination is applicable.
- C. By submitting the reinstatement fee, the licensee is certifying his continued compliance with the Standards of Practice and Conduct (Part IX (18VAC160-40-440 et seq.) of this chapter) as established by the board. In addition, by submitting the reinstatement fee, licensees are certifying compliance with the continued professional education requirements of this chapter.
- D. Any regulated activity conducted subsequent to the license expiration date may constitute unlicensed activity and be subject to prosecution under Chapter 1 ([§ 54.1-100](#) et seq.) of Title 54.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-310. Status of license during period prior to reinstatement.

A licensee who applies for reinstatement of the license shall be subject to all laws and regulations as if the regulant had been continuously licensed. The licensee shall remain under and be subject to the disciplinary authority of the board during the entire period.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-320. Board discretion to deny renewal or reinstatement.

- A. The board may deny renewal or reinstatement of license for the same reasons as the board may refuse initial licensure or discipline a licensee. The licensee has the right to request further review of any such action by the board under the Administrative Process Act ([§ 2.2-4000](#) et seq. of the Code of Virginia).

- B. The board may deny renewal or reinstatement of a licensee if the licensee has been subject to a disciplinary proceeding and has not met the terms of an agreement for licensure, has not satisfied all sanctions, or has not fully paid monetary penalties and costs imposed by the board.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

PART VII.

CONTINUING PROFESSIONAL EDUCATION

18VAC160-40-330. Continuing professional education.

- A. Each licensee shall have completed the following number of continuing professional education (CPE) contact hours during each renewal cycle. CPE provisions do not apply to licenses that were held for less than two years on the date of expiration.

License Type	CPE Contact Hours Required
1. Master alternative onsite soil evaluator	16
2. Master alternative onsite sewage system installer	16
3. Master alternative onsite sewage system operator	16
4. Master conventional onsite soil evaluator	12
5. Master conventional onsite sewage system installer	12
6. Master conventional onsite sewage system operator	8
7. Journeyman alternative onsite soil evaluator	8
8. Journeyman alternative onsite sewage system installer	8
9. Journeyman alternative onsite sewage system operator	8
10. Journeyman conventional onsite soil evaluator	4
11. Journeyman conventional onsite sewage system installer	4
12. Journeyman conventional onsite sewage system operator	4

- B. CPE courses completed during the license period immediately prior to the expiration date of the license shall be acceptable in order to renew the license. CPE courses completed during a license renewal cycle to satisfy the CPE requirements of the preceding licensing renewal cycle shall be valid only for that preceding license renewal cycle and shall not be accepted for subsequent renewal cycles.
- C. The licensee will not receive credit for completing the same CPE course with the same content more than once during a license period.
- D. A licensee may receive CPE credit for teaching a course that otherwise meets the requirements of this chapter; however, additional credit shall not be given for subsequent offering of a course or activity with the same content within the same licensing cycle. In

addition a licensee may receive two hours of CPE no more than once during a single licensing cycle for the initial development or substantial updating of a CPE course.

- E. For all licenses, safety subjects shall not count for more than one half of the total required CPE hours.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017; Errata, 33:13 VA.R. 1821 February 20, 2017.

18VAC160-40-340. CPE subject matter for onsite sewage system installers.

The following course topics will be accepted for CPE credit for onsite sewage system installers:

1. Sewage system installation;
2. Operating and maintaining equipment;
3. Security and safety procedures;
4. General science and mathematical principles;
5. Administrative knowledge and procedures applicable to the profession;
6. Laws and regulations applicable to the profession;
7. Monitoring, evaluating and adjusting treatment processes (alternative onsite sewage system installers only); and
8. Management and supervision principles (master onsite sewage system installers only; maximum of four contact hours).

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-350. CPE subject matter for onsite sewage system operators.

The following course topics will be accepted for CPE credit for onsite sewage system operators:

1. Onsite system operations;
2. Monitoring, evaluating, and adjusting treatment processes;
3. Operating and maintaining equipment;
4. Security and safety procedures;

5. General science and mathematical principles;
6. Administrative knowledge applicable to the profession;
7. Laws and regulations applicable to the profession; and
8. Management and supervision principles (applicable to master onsite sewage system operators only; maximum of four contact hours).

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-360. CPE subject matter for onsite soil evaluators.

The following course topics will be accepted for CPE credit for onsite soil evaluators:

1. Site and soil evaluations;
2. Security and safety procedures;
3. Mapping, cartography, and geographic information systems;
4. System design;
5. Inspections;
6. General science and mathematical principles;
7. Administrative knowledge and procedures applicable to the profession;
8. Laws and regulations applicable to the profession; and
9. Management and supervision principles (applicable to master onsite soil evaluators only; maximum of four contact hours).

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-370. Use of training credits and formal education for CPE credit.

Any course approved by the board for substitution as training credits or formal education semester hours, as provided for in 18VAC160-40-70 or 18VAC160-40-280, shall also be acceptable on an hour-for-hour basis for CPE contact hours. One semester hour of college credit shall equal 15 CPE contact hours, and one-quarter hour of college credit shall equal 10 CPE

hours. The training credits or formal education must be applicable to the license for which CPE credit is sought.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-380. Maintenance of CPE.

- A. For a period of at least two years following the end of the license renewal cycle for which the CPE was taken, the following evidence shall be maintained to document completion of the required CPE.
1. Evidence of completion of a structured training activity, which shall consist of the name, address, and telephone number of the sponsor;
 2. The dates the licensee participated in the training;
 3. Description of the subject matter presented; and
 4. A statement from the sponsor verifying the number of hours completed.
- B. The board may conduct an audit of its licensees to ensure compliance with the applicable CPE requirements. Licensees who are selected for audit shall provide the necessary documentation stipulated in this section.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

PART VIII.

TRAINING COURSE APPROVAL

18VAC160-40-390. Approval of training courses.

- A. Training courses may be substituted for experience pursuant to the provisions of 18VAC160-40-70. With the exception of training courses provided pursuant to 18VAC160-40-430, training courses that may be substituted for required experience must be approved by the board prior to commencing in accordance with the provisions of this section.
- B. Each training provider seeking course approval shall submit an application for approval on a form provided by the board. Only classroom, laboratory, and field trip contact time will be used to compute training credits. No credit will be given for breaks, meals, or receptions.
1. Organization. The board will only approve training offered by a provider that is an identifiable organization with a mission statement outlining its functions, structure, process, and philosophy and that has a staff of one or more persons with the authority to administer and coordinate the training course.
 2. Training course records. The board will only approve training offered by a provider that maintains records for all participants for a minimum of seven years and that has a written policy on retention and release of records.
 3. Instructors. The board will only approve training conducted by personnel who have demonstrated competency in the subject being taught, an understanding of the learning objective, and knowledge of the learning process to be used.
 4. Objectives. The board will only approve courses that have a series of stated objectives that are pertinent to the tasks performed by the licensee. The training course content must be consistent with those objectives.
 5. Course completion requirements. For successful completion of a training course, participants must attend 90% or more of the class contact time and must demonstrate their learning through written examinations, completion of a project, oral examination, or other similar assessment techniques.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017; Errata, 33:15 VA.R. XXXX March 20, 2017.

18VAC160-40-400. Application for training course approval.

- A. The board shall consider the following information, to be submitted by the course provider or instructor on forms provided by the board:

1. Course information.

- a. Course title;
- b. Planned audience;
- c. Name of provider;
- d. Name, physical address, email address, and phone number of contact person;
- e. Scheduled presentation dates;
- f. Detailed course schedule, hour by hour including begin and end times;
- g. List of planned breaks;
- h. Scheduled presentation location; and
- i. Identification of the profession, category, and class of license to which the course is applicable and relevancy to the identified license type.

2. Instructor qualifications.

- a. Name of instructor;
- b. Title;
- c. Employer;
- d. Board license number or numbers, if applicable; and
- e. Summary of qualifications to teach the course.

3. Training materials.

- a. Course objectives. A listing of the course objectives stated in terms of the skills and knowledge the participant will be able to demonstrate as a result of the training.
- b. Course outline. A detailed outline showing the planned activities that will occur during the training course, including major topics, planned presentation sequence, laboratory and field activities, audiovisual presentations, and other major activities.

c. Course reference materials. A list of the name, publisher, and publication date for commercially available publications. For reference materials developed by the course provider or available exclusively through the course, a copy of the reference.

d. Audiovisual support materials. A listing of any commercially available audiovisual support material that will be used in the program. A brief description of any provider or instructor generated audiovisual material that will be used.

e. Handouts. Identification of all commercially available handout materials that will be used, as well as copies of other planned handouts.

4. Determination of successful completion. A description of the means that will be used to assess the learning of each participant to determine successful completion of training program, such as examinations, projects, personal evaluations by the instructor, or other recognized evaluation techniques. Correspondence and other distance learning courses must include appropriate testing procedures to verify completion of the course.

B. Recurring training programs. If there are plans to present the same course of instruction routinely at multiple locations with only minor modifications and changes, the board may approve the overall program rather than individual presentations if so requested by the provider.

1. The board shall consider all of the information listed in subsection A of this section except those items related to specific offerings of the course.

2. Board approval will apply only to those specific offerings certified by the provider as having been conducted by instructors meeting the established criteria and in accordance with the board-approved course outlines and objectives.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-410. Maintenance of training course approval.

A. At times established by the board, the board may require that course providers that have previously obtained course approval provide the board with evidence, in a form set forth by the board, that the provider continues to comply with the requirements of this chapter. Failure to continue to comply with the board's requirements or respond to such a request may result in the board withdrawing its approval.

B. Substantial modifications or changes to the information provided in 18VAC160-40-390 and 18VAC160-40-400 must be reported to the board within 30 days of the change.

Failure to report the changes as required may result in the withdrawal of approval by the board.

- C. Any change of address of the training provider shall be reported in writing within 30 days of the change.
- D. The board may conduct an audit of the training provider to ensure continued compliance with this chapter.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-420. Withdrawal of approval.

The board may withdraw approval of any provider for the following reasons:

1. The course or courses being offered no longer meet the standards established by the board.
2. The provider, through an agent or otherwise, advertises its services in a fraudulent or deceptive way.
3. The provider, instructor, or designee of the provider falsifies any information relating to the application for approval, course information, or student records.
4. The provider fails to respond to the board or any of its agents.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-430. Training courses offered by certain entities, board approval not required.

- A. Training courses provided by (i) federal, state, or local government agencies; (ii) accredited colleges or universities approved or accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; (iii) a regional or national accreditation association; or (iv) an accrediting agency that is recognized by the U.S. Secretary of Education do not require board approval to be used for experience substitution, provided the training course information submitted to the board includes the following:
 1. The course must include the continuing education hours awarded by the entity.
 2. The course must be related to the profession, category, or class, if applicable, for which experience substitution is sought.

B. The board may require additional information from the provider as necessary to ensure compliance with this section. If such assurance cannot be made by the board, the training course may not be used for experience substitution, or the provider may pursue board approval pursuant to this chapter.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion
and are not to be construed as regulation or official board position.
DRAFT AGENDA

PART IX.

STANDARDS OF PRACTICE AND CONDUCT

18VAC160-40-440. Grounds for disciplinary action.

The board may place a licensee on probation; impose a monetary penalty in accordance in [§ 54.1-202 A](#) of the Code of Virginia; or revoke, suspend, or refuse to renew any license when the licensee has been found to have violated or cooperated with others in violating any provision of the regulations of the board or Chapter 23 ([§ 54.1-2300](#) et seq.) of Title 54.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-450. Maintenance of license.

- A. No license issued by the board shall be assigned or otherwise transferred.
- B. A licensee shall report, in writing, all changes of the address of record and name to the board within 30 days of the change and shall return the license to the board. In addition to the address of record, a physical address is required for each license. If the licensee holds more than one license, the licensee shall inform the board of all licenses, certificates, and registrations affected by the name or address change. The board shall not be responsible for the licensee's failure to receive notices or correspondence due to the licensee's failure to report a change of name or address.
- C. Any change in any of the requirements and qualifications for licensure found in Part II (18VAC160-40-20 et seq.), III (18VAC160-40-110 et seq.), or IV (18VAC160-40-170 et seq.) of this chapter shall be reported to the board within 30 days of the change.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-460. Notice of adverse action.

- A. Licensees shall notify the board of the following actions against the licensee.
 - 1. Any disciplinary action taken by any jurisdiction, board, or administrative body of competent jurisdiction, including any reprimand, license or certificate revocation, suspension or denial, monetary penalty, requirement for remedial education, or other corrective action.
 - 2. Any voluntary surrendering of a related license, certificate, or registration done in connection with a disciplinary action in another jurisdiction.

3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred adjudication, in any jurisdiction of the United States of any misdemeanor involving lying, cheating, stealing, sexual offense, non-marijuana drug distribution, physical injury, or relating to the practice of the profession or of any felony, there being no appeal pending therefrom or the time for appeal having lapsed. Review of convictions shall be subject to the requirements of [§ 54.1-204](#) of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for the purpose of this section.

B. Notices to the board must be made in writing within 30 days of the action. A copy of the order or other supporting documentation must accompany the notice. The record of conviction finding or case decision shall be considered prima facie evidence of a conviction or finding of guilt.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017; amended, Virginia Register [Volume 38, Issue 7](#), eff. December 8, 2021.

18VAC160-40-470. Prohibited acts.

The following acts are prohibited and any violation may result in disciplinary action by the board:

1. Violating, inducing another to violate, cooperating with another to violate, or combining or conspiring with or acting as agent, partner, or associate for another to violate any of the provisions of Chapter 1 ([§ 54.1-100](#) et seq.), 2 ([§ 54.1-200](#) et seq.), or 23 ([§ 54.1-2300](#) et seq.) of Title 54.1 of the Code of Virginia, or any of the regulations of the board.
2. Allowing a license issued by the board to be used by another.
3. Obtaining or attempting to obtain a license by false or fraudulent representation, or maintaining or renewing a license by false or fraudulent representation.
4. A licensee having been convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC160-40-460. Review of convictions shall be subject to the requirements of [§ 54.1-204](#) of the Code of Virginia.
5. Failing to inform the board in writing within 30 days that the licensee was convicted or found guilty or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC160-40-460.
6. Not demonstrating reasonable care, judgment, or application of the required knowledge, skill, and ability in the performance of the licensee's duties.
7. Having undertaken to perform or performed a professional assignment that the licensee is not qualified to perform by education, experience, training, appropriate class or category of licensure, or any combination thereof.

8. Failing to report a change as required by 18VAC160-40-450.
9. Negligence, misconduct, or incompetence in the practice of the profession.
10. Making any misrepresentation or engaging in acts of fraud or deceit in advertising, soliciting, or in providing professional services.
11. Failing to adequately supervise and review work performed by unlicensed employees or journeyman licensees under the direct supervision of the master licensee.
12. Failure to obtain any permit, approval, or other document required by VDH related to the design, installation, repair, or operation of an onsite sewage system.
13. Knowingly signing plans, drawings, reports, specifications, maps, or other documents related to an onsite sewage system not prepared or reviewed and approved by the licensee.
14. Knowingly misrepresenting factual information in expressing a professional opinion.
15. Failing to act in providing professional services in a manner that safeguards the interests of the public.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-480. Conflicts of interest.

The licensee shall:

1. Promptly and fully inform an employer or client of any interest, circumstance, or business association that may influence the licensee's judgment of the quality of service.
2. Not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to by, all interested parties in writing.
3. Neither solicit nor accept financial or other valuable consideration from material or equipment suppliers for specifying their products or services.
4. Not solicit or accept gratuities, directly or indirectly, from contractors or their agents or other parties dealing with a client or employer in connection with work for which the licensee is responsible.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-490. Licensee responsibility.

- A. The primary obligation of the licensee is to the public. If the licensee's judgment is overruled and not adhered to when advising appropriate parties of circumstances of a substantial threat to the public health, safety, or welfare, the licensee shall inform the employer and client, as applicable, of the possible consequences and notify appropriate authorities.
- B. The licensee shall sign, date, and include his license number on all final work products prepared or reviewed and approved by the licensee. For work products performed by a journeyman licensee, the master licensee providing direct supervision shall sign, date, and include his license number, along with the journeyman's signature, date, and license number on the final work product. A journeyman licensee shall not submit a work project as final without the applicable master licensee's signature, date, and license number.
- C. The licensee shall not knowingly associate in a business venture with, or permit the use of the licensee's name by, any person or firm where there is reason to believe that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating any law or regulation of the board.
- D. A licensee who has direct knowledge that another individual or firm may be violating any of the provisions of this chapter or the provisions of Chapter 23 ([§ 54.1-2300](#) et seq.) of Title 54.1 of the Code of Virginia shall immediately inform the board in writing and shall cooperate in furnishing any further information or assistance that may be required.
- E. Except as provided in subsection F of this section, a licensee shall not utilize the evaluations, design, drawings, or work of another licensee without the knowledge and written consent of the licensee or organization of ownership that originated the design, drawings, or work.
- F. A licensee who relies on information in VDH files or has received permission to modify or otherwise utilize the evaluation, design, drawings, or work of another licensee pursuant to subsection E of this section or this subsection may certify that work only after a thorough review of the evaluation, design, drawings or work and after he determines that he is willing to assume full responsibility for all design, drawings, or work on which he relies for his opinion.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-500. Response to inquiry and provision of records.

- A. A licensee must respond within 10 days to a request by the board or any of its agents regarding any complaint filed with the department.

- B. Unless otherwise specified by the board, a licensee of the board shall produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any transaction pertaining to a complaint filed in which the licensee was involved, or for which the licensee is required to maintain records. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.
- C. A licensee shall not provide a false, misleading, or incomplete response to the board or any of its agents seeking information in the investigation of a complaint filed with the board.
- D. With the exception of the requirements of subsection A or B of this section, a licensee must respond to an inquiry by the board or its agent within 21 days.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

18VAC160-40-510. Master licensee's professional responsibilities.

- A. Any work performed by a journeyman regulated pursuant to Chapter 23 ([§ 54.1-2300](#) et seq.) of Title 54.1 of the Code of Virginia and this chapter shall be under the direct supervision of the master. Such master and journeyman shall have an employment or written contractual relationship.
- B. Each master shall maintain documentation of the employment or contractual relationship with each journeyman under the master's direct supervision. Such documentation shall be kept for a minimum of five years and shall include, at a minimum, the beginning and ending dates of the employment or contractual relationship.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017.

Included in this document are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2021 session. Any changes made during the 2021 session became effective July 1, 2021 unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1, Chapter 23

§ 54.1-2300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.

"Onsite sewage system" means a conventional onsite sewage system or alternative onsite sewage system as defined in § [32.1-163](#).

"Operator" means any individual employed or appointed by any owner, and who is designated by such owner to be the person in responsible charge, such as a supervisor, a shift operator, or a substitute in charge, and whose duties include testing or evaluation to control waterworks or wastewater works operations or to operate and maintain onsite sewage systems. Not included in this definition are superintendents or directors of public works, city engineers, or other municipal or industrial officials whose duties do not include the actual operation or direct supervision of waterworks or wastewater works.

"Owner" means the Commonwealth of Virginia, or any political subdivision thereof, any public or private institution, corporation, association, firm or company organized or existing under the laws of this Commonwealth or of any other state or nation, or any person or group of persons acting individually or as a group, who own, manage, or maintain waterworks or wastewater works.

"Person" means any individual, group of individuals, a corporation, a partnership, a business trust, an association or other similar legal entity engaged in operating waterworks or wastewater works.

"Wastewater works" means each system of (i) sewerage systems or sewage treatment works, serving more than 400 persons, as set forth in § [62.1-44.18](#); (ii) sewerage systems or sewage

treatment works serving fewer than 400 persons, as set forth in § [62.1-44.18](#), if so certified by the State Water Control Board; and (iii) facilities for discharge to state waters of industrial wastes or other wastes, if certified by the State Water Control Board.

"Waterworks" means each system of structures and appliances used in connection with the collection, storage, purification, and treatment of water for drinking or domestic use and the distribution thereof to the public, except distribution piping. Systems serving fewer than 400 persons shall not be considered to be a waterworks unless certified by the Board to be such.

1970, c. 768, § 54-573.2; 1972, c. 682; 1988, c. 765; 2007, cc. [892](#), [924](#).

§ 54.1-2301. Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; membership; terms; duties.

A. The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall consist of 11 members as follows: the Director of the Office of Water Programs of the State Department of Health, or his designee, the Executive Director of the State Water Control Board, or his designee, a currently employed waterworks operator having a valid license of the highest classification issued by the Board, a currently employed wastewater works operator having a valid license of the highest classification issued by the Board, a faculty member of a public institution of higher education in the Commonwealth whose principal field of teaching is management or operation of waterworks or wastewater works, a representative of an owner of a waterworks, a representative of an owner of a wastewater works, a licensed alternative onsite sewage system operator, a licensed alternative onsite sewage system installer, a licensed onsite soil evaluator, and one citizen member. The alternative onsite sewage system operator, alternative onsite sewage system installer, and onsite soil evaluator shall have practiced for at least five consecutive years immediately prior to appointment. No owner shall be represented on the Board by more than one representative or employee operator. The term of Board members shall be four years.

B. The Board shall examine waterworks and wastewater works operators and issue licenses. The licenses may be issued in specific operator classifications to 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.

C. The Board shall establish a program for licensing individuals as onsite soil evaluators, onsite sewage system installers, and onsite sewage system operators.

D. 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; and (f) other criteria the Board deems necessary.

E. The Board shall permit any wastewater works operator to sit for the conventional onsite sewage system operator examination.

1970, c. 768, §§ 54-573.1, 54-573.3; 1981, c. 447; 1988, c. 765; 1989, c. 97; 2007, cc. [892](#), [924](#); 2008, c. [67](#); 2013, c. [731](#).

§ 54.1-2302. License required.

No person shall operate a waterworks or wastewater works, perform the duties of an onsite soil evaluator, or install or operate an alternative onsite sewage system, without a valid license.

1979, c. 408, § 54-573.18; 1988, c. 765; 2007, cc. [892](#), [924](#).

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

Onsite Sewage System Professionals Licensing Regulations

2022 General Regulatory Review

The following list of topics are items that have been discussed at Board meetings, presented to staff, or identified by staff review, and that the Board may wish to consider during the general review of the Onsite Sewage System Professionals Licensing Regulations. This list is not inclusive of all items that the Board may present for amendment.

Overall

- Repeal provisions of the regulation that are out of date.
- Change appearances of “shall” to “must”, “will”, “may”, etc., as appropriate.
- Amend regulations to provide clarity and to align with current practices and processes.

Definitions

- Review definitions.

Entry Requirements

- Review requirements for disclosure of criminal convictions for initial licensure.
- Review requirements for disclosure of disciplinary actions for initial licensure.
- Review training and experience requirements for journeyman installer, operator, and soil evaluator licenses.
- Review training and experience requirements for master installer, operator, and soil evaluator licenses.
- Review experience verification requirements and whom may verify experience.
- Review applicable requirements for individuals licensed in another state or jurisdiction.

Renewal and Reinstatement

- Review current requirements for continuing professional education for installers, operators, and soil evaluators.

Standards of Conduct and Practice

- Review standards of conduct and practice.
- Review supervision requirements.
- Review prohibited acts outlined in 18 VAC 160-40-470.
 - Prohibition on unreasonable failure to sign experience verification form.
- Review licensee responsibilities outlined in 18 VAC 160-40-490.

Training Courses

- Review current training course requirements.

ONSITE SEWAGE SYSTEM INSTALLERS

<u>Effective 4/1/17</u>					
		Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
CONVENTIONAL OSS INSTALLER	JOURNEYMAN	SDS Contractor	No	No	6 months
		None	No	No	1 year
	MASTER	SDS Contractor	Yes	20 hours	1 year
		SDS Contractor	Yes	No	2 years
		Interim or Journeyman Installer	Yes	20 hours	2 years
Interim or Journeyman Installer		Yes	No	3 years	
ALTERNATIVE OSS INSTALLER	JOURNEYMAN	SDS Contractor	No	No	1 year
		No	No	No	2 years
	MASTER	SDS Contractor	Yes	No	2 years
		SDS	Yes	20 hours	18 months
		Interim AOSSI, COSSI, or Journeyman AOSSI	Yes	No	18 months
		No	Yes	20 hours	3 years months

ONSITE SEWAGE SYSTEM OPERATORS

Effective 4/1/17					
		Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
CONVENTIONAL OSS OPERATOR	JOURNEYMAN	No	No	No	6 months
	MASTER	Wastewater Works Operator license	Yes	No	None
		No	Yes	10 hours	6 months
		No	Yes	No	1 year
		No	No	No	4 years
ALTERNATIVE OSS OPERATOR	JOURNEYMAN	No	No	20 hours	1 year
		No	No	No	2 years
	MASTER	COSSO*	Yes	10 hours	1 year
		COSSO*	Yes	No	18 months
		None	Yes	20 hours	2 years
		Wastewater Works Operator license	Yes	No	6 months
		Wastewater Works Operator license	Yes	20 hours	No

*Journeyman AOSSO also

ONSITE SOIL EVALUATORS

Effective 4/1/17						
		Prerequisites	Exam Required	Education Required	Documented Qualifying Experience	
CONVENTIONAL ONSITE SOIL EVALUATOR	JOURNEYMAN	Professional Soil Scientist	No	No	No	
		No	No	No	1 ½ years	
		No	No	VDH OSS Training Program	1 year	
	MASTER	No	Yes	Master's/ Bachelor's	2 years	
		No	Yes	Associate's	3 years	
		No	Yes	VDH OSS Training Program	2 years	
		Journeyman or interim COSE	Yes	No	3 years	
		Professional Soil Scientist	Yes	No	1 year	
	ALTERNATIVE ONSITE SOIL EVALUATOR	JOURNEYMAN	Professional Soil Scientist	No	No	1 year
			Interim AOSE or COSE	No	No	1 year
VDH AOSE			No	No	1 year	
No			No	No	2 years	
MASTER		No	Yes	Master's/ Bachelor's	2 years	
		No	Yes	Associate's	3 years	
		COSE, Interim AOSE, Journeyman AOSE, or VDH AOSE	Yes	No	2 years	
		No	Yes	No	4 years	
		Professional Soil Scientist	Yes	No	2 years	

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as final.
DRAFT AGENDA

OSSP Licensing Requirements – Surrounding States (TN, WV, NC, PA)

Agency(ies)	Design	Installation	Operation & Maintenance	Notes/Miscellaneous
West Virginia				
Department of Health & Human Services Public Health Sanitation Division On-Site Sewage Program https://www.wvdhhr.org/phs/sewage/index.asp http://www.wvdhhr.org/phs/manual/Wastewater/index.asp	<ul style="list-style-type: none"> • Appears that local “sanitarian” performs site evaluation for conventional systems <ul style="list-style-type: none"> ○ State Board of Sanitarians ○ Requires 300 hours environmental health training ○ 15 hours CPE/year • System must be inspected after installation • No one designated as to who can design <ul style="list-style-type: none"> ○ Design standards must be met ○ LHD/Sanitarian reviews and approves 	“Class 1 and Class 2 Sewage System Installer” <ul style="list-style-type: none"> • Permit Required <ul style="list-style-type: none"> ○ Training Class ○ Written Exam Administered at Central/District Offices ○ Must be Class 1 first • Permit issued for 5 years • Homeowner’s Exam administered by LHD 	“Septic Tank Cleaning Permit” <ul style="list-style-type: none"> ○ Issued to company ○ Issued by locality ○ Good for 6 months ○ Renewable 	<p>Conventional systems include gravel and pipe, gravel-less pipe, and chamber systems. <i>Non-conventional systems include home aeration systems, low pressure dosing systems, holding tanks and recirculating sand filters. These alternative systems are used when a conventional system has failed and cannot be repaired by conventional means, or when soil conditions are extremely poor.</i></p> <p>Alternative systems [also referred to as “nonconventional”] may be considered for new construction only if the lot is two acres or larger in size.</p> <p>The on-site sewage program also issues permits for residential waste water systems with surface water discharge which are 600 gallons/ day or less and which qualify for a West Virginia Department of Environmental Protection N.P.D.E.S. permit.</p>
Tennessee				
Department of Environment & Conservation Division of Water Resources https://www.tn.gov/environment/	<ul style="list-style-type: none"> • Permit submitted to LHD with soils map by soil scientist 	“Subsurface Disposal System Installer” <ul style="list-style-type: none"> • Exam Required 	“Septic Tank Pumping Contractor”	<p>Conventional Subsurface Sewage Disposal System means a system that pretreats sewage by use of a septic tank and</p>

Agency(ies)	Design	Installation	Operation & Maintenance	Notes/Miscellaneous
program-areas/wr-water-resources/septic-decentralized-systems/wr-sds-active-installers-pumpers.html https://www.tn.gov/environment/permit-permits/water-permits1/septic-systems-permits/ssp/permit-water-septic-system-related-permits.html http://onsite.tennessee.edu/1200-01-06.pdf	<ul style="list-style-type: none"> ○ Large conventional systems or alternative systems • Regulations contain conventional design requirements for permit • No apparent designation for who can design systems 	<ul style="list-style-type: none"> • Permit Required to Install • Homeowner can do installation on his own property • Must install under supervision of person designated by Department • Annual Renewal 	<ul style="list-style-type: none"> • Permit Required <ul style="list-style-type: none"> ○ Truck Inspection • Annual Renewal 	<i>applies effluent to the soil as described in Rule 1200-1-6-.06. Alternative/ Experimental Methods of Disposal means a subsurface sewage disposal system, the construction, installation and operation of which varies from that of a conventional subsurface sewage disposal system.</i>

North Carolina				
Department of Health & Human Services North Carolina Public Health Environmental Health Section On-Site Water Protection Branch https://ehs.ncpublichealth.com/oswp/resources.htm https://ehs.ncpublichealth.com/oswp/accreditation.htm https://ehs.ncpublichealth.com/oet/docs/cit/oswpmo/Chapter-5-OSWW-GuidanceManual.pdf	Soil and site evaluation must be performed by soil scientist or geologist, when applicable Registered Environmental Health Specialist <ul style="list-style-type: none"> • Requires internship, training, experience, exam <ul style="list-style-type: none"> • Regulated through North Carolina State Board of Health 	North Carolina Onsite Wastewater Contractor Inspector Certification Board certifies installers and inspectors <ul style="list-style-type: none"> • 18 hour intro course + credit hours based on Grade level • Grades I (lowest) to IV (highest)¹ 	Permit required <ul style="list-style-type: none"> • Permit issued to trucks based on disposal method • System owners must name certified operator 	On-site Water Protection Branch reviews/evaluate LHD <ul style="list-style-type: none"> • If approved, issues “accreditation” Conventional systems and types of other systems are: <i>PPBPS - Prefabricated permeable block panel system; Subsurface Drip Irrigation; and</i>

¹

Level	Description of Activities
I	Single Septic Tank, Conventional (Gravel) Gravity System
II	Grade I, plus: Multiple tanks, Grease Traps, Single Pump or Single Siphon, Fill Systems, Sand Lined Trench, and any approved gravity or single pump dispersal system not specified in Grade Level III or Grade Level IV
III	Grade II, plus: Dual pumps or Dual Siphons, Systems of >1500 gpd to <3000 gpd, Low-Pressure Dispersal, Flow Equalization, and any system requiring ground water lowering with a pump

Agency(ies)	Design	Installation	Operation & Maintenance	Notes/Miscellaneous
<p>North Carolina Onsite Wastewater Contractor Inspector Certification Board https://ncowcibc.info/</p> <p>North Carolina State Board of Health Specialist Examiners https://ncrehs.com/</p>	<p>Specialist Examiners (https://ncrehs.com/)</p> <ul style="list-style-type: none"> Requires 15 hours CE to renew 	<ul style="list-style-type: none"> Grades III and IV required exam 3-6 hours CE for renewal (based on grade) Renewal is annual Homeowner can install certain systems on his own residence 		<i>Low Pressure Pipe</i>

Pennsylvania				
<p>Department of Environmental Protection Bureau of Clean Water Wastewater Management Onlot Disposal Program https://www.dep.pa.gov/Business/Water/CleanWater/WastewaterMgmt/Act537/OnlotDisposal/Pages/default.aspx</p>	<p>Local government approves design permits through Sewage Enforcement Officer (SEO):</p> <ul style="list-style-type: none"> Certification program administered by state DEP Precertification soils course Precertification Academy 2 year certification 15 hours CEU required SEO must approve design and installation 	<ul style="list-style-type: none"> Designer inspects installation DEP advises to “hire reputable contractor” for installation 	<ul style="list-style-type: none"> System owner responsible for O&M System owner must identify person responsible for design and scheduled maintenance of alternate systems 	<p>Conventional onlot systems:</p> <ul style="list-style-type: none"> <i>in-ground trench</i> <i>in-ground seepage beds</i> <i>subsurface sand filters</i> <i>elevated sand mounds</i> <i>spray irrigation</i> <p>Alternate Systems:</p> <ul style="list-style-type: none"> <i>elevated sand mound bed on slopes between 12 and 15 percent</i> <i>non-infiltration, evapotranspiration bed contained within a greenhouse</i> <i>separation of blackwater/ greywater sewage flows</i>

IV	Grade III, plus: Systems >3000 gpd, Multiple Off-Site Systems, Industrial Process Wastewater, Residential Wastewater Treatment Systems(RWTS), TS-I and TS-II System, Drip Dispersal Systems, and Wastewater Reuse Systems or any Pretreatment Component.
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Agency(ies)	Design	Installation	Operation & Maintenance	Notes/Miscellaneous
				<ul style="list-style-type: none"> • <i>flow equalization (commercial only)</i> • <i>subsurface sand filter (trenches)</i> • <i>shallow absorption area with pressure distribution</i> • <i>peat based filter systems</i> • <i>leaching chambers</i> • <i>at-grade bed systems</i> • <i>the A/B soil system</i> • <i>various recirculating sand filters</i>

NOTE: **Maryland Department of the Environment** site was not available for access during this research. Appears that **installers** are certified at the county level, but not in all counties. “At-grade installer” certification requires training and an exam. “Best Available Technology” (BAT) systems include a certification for **O&M service providers**.



REGULATIONS

VOL. 38 ISS. 11 - JANUARY 17, 2022

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

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BOARD FOR CONTRACTORS

Chapter 22

Final

Title of Regulation: **18VAC50-22. Board for Contractors Regulations (amending 18VAC50-22-30 through 18VAC50-22-60).**

Statutory Authority: § 54.1-201 of the Code of Virginia.

Effective Date: February 16, 2022.

Agency Contact: Eric L. Olson, Executive Director, Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2785, FAX (866) 430-1033, or email contractors@dpor.virginia.gov.

Summary:

The amendments divide the existing sewage disposal system contracting specialty into two new specialties - alternative sewage disposal system contracting and conventional sewage disposal system contracting - to align the licensing of the contractor licenses for these specialties issued by the Board for Contractors with the individual licenses of the specialties issued by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

18VAC50-22-30. Definitions of specialty services.

The following words and terms when used in this chapter unless a different meaning is provided or is plainly required by the context shall have the following meanings:

"Accessibility services contracting" (Abbr: ASC) means the service that provides for all work in connection with the constructing, installing, altering, servicing, repairing, testing, or maintenance of wheelchair lifts, incline chairlifts, dumbwaiters with a capacity limit of 300 pounds, and private residence elevators in accordance with the Virginia Uniform Statewide Building Code (13VAC5-63). The EEC specialty may also perform this work. This specialty does not include work on limited use-limited application (LULA) elevators.

"Accessibility services contracting - LULA" (Abbr: ASL) means the service that provides for all work in connection with the constructing, installing, altering, servicing, repairing, testing, or maintenance of wheelchair lifts, incline chairlifts, dumbwaiters with a capacity limit of 300 pounds, private residence elevators, and limited use-limited application (LULA) elevators in accordance with the Virginia Uniform Statewide Building Code (13VAC5-63). The EEC specialty may also perform this work.

"Alternative energy system contracting" (Abbr: AES) means the service that provides for the installation, repair or improvement, from the customer's meter, of alternative energy generation systems, supplemental energy systems and associated equipment annexed to real property. This service does not include the installation of emergency generators powered by fossil fuels. No other classification or specialty service provides this function. This specialty does not provide for electrical, plumbing, gas fitting, or HVAC functions.

"Alternative sewage disposal system contracting" (Abbr: ADS) means the service that provides for the installation, repair, improvement, or removal of a treatment works that is not a conventional onsite sewage system and does not result in a point source discharge. No other classification or specialty service provides this function.

"Asbestos contracting" (Abbr: ASB) means the service that provides for the installation, removal, or encapsulation of asbestos containing materials annexed to real property. No other classification or specialty service provides for this function.



both, on subdivision streets and adjacent intersections, driveways, parking lots, tennis courts, running tracks, and play areas, using materials and accessories common to the industry. This includes height adjustment of existing sewer manholes, storm drains, water valves, sewer cleanouts and drain grates, and all necessary excavation and grading. The H/H classification also provides for this function.

"Billboard/sign contracting" (Abbr: BSC) means the service that provides for the installation, repair, improvement, or dismantling of any billboard or structural sign permanently annexed to real property. H/H and CBC are the classifications that can perform this work except that a contractor in this specialty may connect or disconnect signs to existing electrical circuits. No trade related plumbing, electrical, or HVAC work is included in this function.

"Blast/explosive contracting" (Abbr: BEC) means the service that provides for the use of explosive charges for the repair, improvement, alteration, or demolition of any real property or any structure annexed to real property.

"Commercial improvement contracting" (Abbr: CIC) means the service that provides for repair or improvement to structures not defined as dwellings and townhouses in the USBC. The CBC classification also provides for this function. The CIC specialty does not provide for the construction of new buildings, accessory buildings, electrical, plumbing, HVAC, or gas work.

"Concrete contracting" (Abbr: CEM) means the service that provides for all work in connection with the processing, proportioning, batching, mixing, conveying, and placing of concrete composed of materials common to the concrete industry. This includes finishing, coloring, curing, repairing, testing, sawing, grinding, grouting, placing of film barriers, sealing, and waterproofing. Construction and assembling of forms, molds, slipforms, and pans, centering, and the use of rebar are also included. The CBC, RBC, and H/H classifications also provide for this function.

"Conventional sewage disposal system contracting" (Abbr: CDS) means the service that provides for the installation, repair, improvement, or removal of a treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield. The ADS specialty may also perform this work.

"Drug lab remediation contracting" (Abbr: DLR) means the service that provides for the cleanup, treatment, containment, or removal of hazardous substances at or in a property formerly used to manufacture methamphetamine or other drugs and may include demolition or disposal of structures or other property. No other classification or specialty provides for this function.

"Drywall contracting" (Abbr: DRY) means the service that provides for the installation, taping, and finishing of drywall, panels and assemblies of gypsum wallboard, sheathing, and cementitious board, and the installation of studs made of sheet metal for the framing of ceilings and nonstructural partitioning. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Electronic/communication service contracting" (Abbr: ESC) means the service that provides for the installation, repair, improvement, or removal of electronic or communications systems annexed to real property including telephone wiring, computer cabling, sound systems, data links, data and network installation, television and cable TV wiring, antenna wiring, and fiber optics installation, all of which operate at 50 volts or less. A firm holding an ESC license is responsible for meeting all applicable tradesman licensure standards. The ELE classification also provides for this function.

"Elevator/escalator contracting" (Abbr: EEC) means the service that provides for the installation, repair, improvement, or removal of elevators or escalators permanently annexed to real property. A firm holding an EEC license is responsible for meeting all applicable individual license and certification regulations. No other classification or specialty service provides for this function.

"Environmental monitoring well contracting" (Abbr: EMW) means the service that provides for the construction of a well to monitor hazardous substances in the ground.

"Environmental specialties contracting" (Abbr: ENV) means the service that provides for installation, repair, removal, or improvement of pollution control and remediation devices. No other specialty provides for this function. This specialty does not provide for electrical, plumbing, gas fitting, or HVAC functions.

"Equipment/machinery contracting" (Abbr: EMC) means the service that provides for the installation or removal of equipment or machinery including conveyors or heavy machinery. Boilers exempted by the Virginia Uniform Statewide Building Code (13VAC5-63) but regulated by the Department of Labor and Industry are also included in this specialty. This specialty does not provide for any electrical, plumbing, process piping, or HVAC functions.

"Farm improvement contracting" (Abbr: FIC) means the service that provides for the installation, repair, or improvement of a nonresidential farm building or structure, or nonresidential farm accessory-use structure, or additions thereto. The CBC classification also provides for this function. The FIC specialty does not provide for any electrical, plumbing, HVAC, or gas fitting functions.

"Finish carpentry contracting" (Abbr: FIN) means the service that provides for the installation, repair, and finishing of cabinets, sash casing, door casing, wooden flooring, baseboards, countertops, and other millwork. Finish carpentry does not include the installation of ceramic tile, marble, and artificial or cultured stone. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.



operate at 50 volts or less. The ELC classification also provides for this function. A firm with an ELC license is responsible for meeting an applicable tradesman licensure standards.

"Fire sprinkler contracting" (Abbr: SPR) means the service that provides for the installation, repair, alteration, addition, testing, maintenance, inspection, improvement, or removal of sprinkler systems using water as a means of fire suppression when annexed to real property. This specialty does not provide for the installation, repair, or maintenance of other types of fire suppression systems. The PLB classification allows for the installation of systems permitted to be designed in accordance with the plumbing provisions of the USBC. This specialty may engage in the installation of backflow prevention devices in the fire sprinkler supply main and incidental to the sprinkler system installation when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

"Fire suppression contracting" (Abbr: FSP) means the service that provides for the installation, repair, improvement, or removal of fire suppression systems including halon and other gas systems, dry chemical systems, and carbon dioxide systems annexed to real property. No other classification provides for this function. The FSP specialty does not provide for the installation, repair, or maintenance of water sprinkler systems.

"Flooring and floor covering contracting" (Abbr: FLR) means the service that provides for the installation, repair, improvement, or removal of materials that are common in the flooring industry. This includes wood and wood composite flooring, tack strips or other products used to secure carpet, vinyl and linoleum, ceramic, marble, stone, and all other types of tile, and includes the installation or replacement of subflooring, leveling products, or other materials necessary to facilitate the installation of the flooring or floor covering. This does not include the installation, repair, or removal of floor joists or other structural components of the flooring system. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Framing subcontractor" (Abbr: FRM) means the service which, while serving in the role of a subcontractor to a licensed prime contractor, provides for the construction, removal, repair, or improvement to any framing or rough carpentry necessary for the construction of framed structures, including the installation and repair of individual components of framing systems. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Gas fitting contracting" (Abbr: GFC) means the service that provides for the installation, repair, improvement, or removal of gas piping and appliances annexed to real property. A firm holding a GFC license is responsible for meeting all applicable individual (tradesman) licensure regulations.

"Glass and glazing contracting" (Abbr: GLZ) means the service that provides for the installation, assembly, repair, improvement, or removal of all makes and kinds of glass, glass work, mirrored glass, and glass substitute for glazing; executes the fabrication and glazing of frames, panels, sashes and doors; or installs these items in any structure. This specialty includes the installation of standard methods of weatherproofing, caulking, glazing, sealants, and adhesives. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Home improvement contracting" (Abbr: HIC) means the service that provides for repairs or improvements to dwellings and townhouses as defined in the USBC or structures annexed to those dwellings or townhouses as defined in the USBC. The RBC classification also provides for this function. The HIC specialty does not provide for electrical, plumbing, HVAC, or gas fitting functions. It does not include new construction functions beyond the existing building structure other than decks, patios, driveways, and utility out buildings that do not require a permit per the USBC.

"Industrialized building contracting" (Abbr: IBC) means the service that provides for the installation or removal of an industrialized building as defined in the Virginia Industrialized Building Safety Regulations (13VAC5-91). This classification covers foundation work in accordance with the provisions of the Virginia Uniform Statewide Building Code (13VAC5-63) and allows the licensee to complete internal tie-ins of plumbing, gas, electrical, and HVAC systems. It does not allow for installing additional plumbing, gas, electrical, or HVAC work such as installing the service meter, or installing the outside compressor for the HVAC system. The CBC and RBC classifications also provide for this function.

"Insulation and weather stripping contracting" (Abbr: INS) means the service that provides for the installation, repair, improvement, or removal of materials classified as insulating media used for the sole purpose of temperature control or sound control of residential and commercial buildings. It does not include the insulation of mechanical equipment and ancillary lines and piping. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Landscape irrigation contracting" (Abbr: ISC) means the service that provides for the installation, repair, improvement, or removal of irrigation sprinkler systems or outdoor sprinkler systems. The PLB and H/H classifications also provide for this function. This specialty may install backflow prevention devices incidental to work in this specialty when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

"Landscape service contracting" (Abbr: LSC) means the service that provides for the alteration or improvement of a land area not related to any other classification or service activity by means of excavation, clearing, grading, construction of retaining walls for landscaping purposes, or



"Lead abatement contracting" (Abbr: LAC) means the service that provides for the removal or encapsulation of lead-containing materials annexed to real property. No other classification or specialty service provides for this function, except that the PLB and HVA classifications may provide this service incidental to work in those classifications.

"Liquefied petroleum gas contracting" (Abbr: LPG) means the service that includes the installation, maintenance, extension, alteration, or removal of all piping, fixtures, appliances, and appurtenances used in transporting, storing, or utilizing liquefied petroleum gas. This excludes hot water heaters, boilers, and central heating systems that require an HVA or PLB license. The GFC specialty also provides for this function. A firm holding an LPG license is responsible for meeting all applicable individual license and certification regulations.

"Manufactured home contracting" (Abbr: MHC) means the service that provides for the installation or removal of a manufactured home as defined in the Virginia Manufactured Home Safety Regulations (13VAC5-95). This classification does not cover foundation work; however, it does allow installation of piers covered under HUD regulations. It does allow a licensee to do internal tie-ins of plumbing, gas, electrical, or HVAC equipment. It does not allow for installing additional plumbing, gas, electrical, or HVAC work such as installing the service meter or installing the outside compressor for the HVAC system. No other specialty provides for this function.

"Marine facility contracting" (Abbr: MCC) means the service that provides for the construction, repair, improvement, or removal of any structure the purpose of which is to provide access to, impede, or alter a body of surface water. The CBC and H/H classifications also provide for this function. The MCC specialty does not provide for the construction of accessory structures or electrical, HVAC, or plumbing functions.

"Masonry contracting" (Abbr: BRK) means the service that includes the installation of brick, concrete block, stone, marble, slate, or other units and products common to the masonry industry, including mortarless type masonry products. This includes installation of grout, caulking, tuck pointing, sand blasting, mortar washing, parging, and cleaning and welding of reinforcement steel related to masonry construction. The CBC and RBC classifications and the HIC and CIC specialties also provide for this function.

"Miscellaneous contracting" (Abbr: MSC) means the service that may fall under another classification or specialty service but is more limited than the functions provided by the other classification or specialty. This specialty is limited to a single activity and will be restricted to that specialty only. This specialty may not be used for work that would fall under the ELE, HVA, PLB, GFC, LPG, NGF, EEC, WWP, ASC, LAC, or ASB classification or specialty. Contractors applying for the MSC specialty will have their applications reviewed by the Board for Contractors.

"Natural gas fitting provider contracting" (Abbr: NGF) means the service that provides for the incidental repair, testing, or removal of natural gas piping or fitting annexed to real property. This does not include new installation of gas piping for hot water heaters, boilers, central heating systems, or other natural gas equipment that requires an HVA or PLB license. The GFC specialty also provides for this function. A firm holding an NGF license is responsible for meeting all applicable individual license and certification regulations.

"Painting and wallcovering contracting" (Abbr: PTC) means the service that provides for the application of materials common to the painting and decorating industry for protective or decorative purposes, the installation of surface coverings such as vinyls, wall papers, and cloth fabrics. This includes surface preparation, caulking, sanding, and cleaning preparatory to painting or coverings and includes both interior and exterior surfaces. The CBC and RBC classifications and the HIC and CIC specialties also provide for this function.

"Radon mitigation contracting" (Abbr: RMC) means the service that provides for additions, repairs, or improvements to buildings or structures, for the purpose of mitigating or preventing the effects of radon gas. No electrical, plumbing, gas fitting, or HVAC functions are provided by this specialty.

"Recreational facility contracting" (Abbr: RFC) means the service that provides for the construction, repair, or improvement of any recreational facility, excluding paving and the construction of buildings, plumbing, electrical, and HVAC functions. The CBC classification also provides for this function.

"Refrigeration contracting" (Abbr: REF) means the service that provides for installation, repair, or removal of any refrigeration equipment (excluding HVAC equipment). No electrical, plumbing, gas fitting, or HVAC functions are provided by this specialty. This specialty is intended for those contractors who repair or install coolers, refrigerated casework, ice-making machines, drinking fountains, cold room equipment, and similar hermetic refrigeration equipment. The HVA classification also provides for this function.

"Roofing contracting" (Abbr: ROC) means the service that provides for the installation, repair, removal, or improvement of materials common to the industry that form a watertight, weather resistant surface for roofs and decks. This includes roofing system components when installed in conjunction with a roofing project, application of dampproofing or waterproofing, and installation of roof insulation panels and other roof insulation systems above roof deck. The CBC and RBC classifications and the HIC and CIC specialties also provide for this function.

tanks, septic systems, and other onsite sewage disposal systems annexed to real property.

"Steel erection contracting" (Abbr: STL) means the service that provides for the fabrication and erection of structural steel shapes and plates, regardless of shape or size, to be used as structural members, or tanks, including any related riveting, welding, and rigging. This specialty includes the fabrication, placement and tying of steel reinforcing bars (rods), and post-tensioning to reinforce concrete buildings and structures. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Swimming pool construction contracting" (Abbr: POL) means the service that provides for the construction, repair, improvement, or removal of in-ground swimming pools. The CBC and RBC classifications and the RFC specialty also provide for this function. No trade related plumbing, electrical, backflow, or HVAC work is included in this specialty.

"Tile, marble, ceramic, and terrazzo contracting" (Abbr: TMC) means the service that provides for the preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, terrazzo, encaustic, faience, quarry, semi-vitreous, cementitious board, and other tile, excluding hollow or structural partition tile. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Underground utility and excavating contracting" (Abbr: UUC) means the service that provides for the construction, repair, improvement, or removal of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line, or residential or single-occupancy commercial properties, or on multi-occupancy properties at manhole or wye lateral extend to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. This specialty may install empty underground conduits in rights-of way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings if each conduit system does not include installation of any conductor wiring or connection to an energized electrical system. The H/H classification also provides for this function.

"Vessel construction contracting" (Abbr: VCC) means the service that provides for the construction, repair, improvement, or removal of nonresidential vessels, tanks, or piping that hold or convey fluids other than sanitary, storm, waste, or potable water supplies. The H/H classification also provides for this function.

"Water well/pump contracting" (Abbr: WWP) means the service that provides for the installation of a water well system, including geothermal wells, which includes construction of a water well to reach groundwater, as defined in § 62.1-255 of the Code of Virginia, and the installation of the well pump and tank, including pipe and wire, up to and including the point of connection to the plumbing and electrical systems. No other classification or specialty service provides for construction of water wells. This regulation shall not exclude the PLB, ELE, or HVA classification from installation of pumps and tanks.

Note: Specialty contractors engaging in construction that involves the following activities or items or similar activities or items may fall under the CIC, HIC, and FIC specialty services, or they may fall under the CBC or RBC classification.

Appliances	Fences	Railings
Awnings	Fiberglass	Rigging
Blinds	Fireplaces	Rubber linings
Bulkheads	Fireproofing	Sandblasting
Carpeting	Fixtures	Scaffolding
Ceilings	Grouting	Screens
Chimneys	Guttering	Shutters
Chutes	Interior decorating	Siding
Curtains	Lubrication	Skylights
Curtain walls	Metal work	Storage bins and lockers



Doors	Mirrors	Vaults
Drapes	Miscellaneous iron	Wall panels
Epoxy	Ornamental iron	Waterproofing
Exterior decoration	Partitions	Windows
Facings	Protective coatings	

18VAC50-22-40. Requirements for a Class C license.

A. A firm applying for a Class C license must meet the requirements of this section.

B. For every classification or specialty in which the firm seeks to be licensed, the firm shall name a qualified individual who meets the following requirements:

1. Is at least 18 years old;
2. Has a minimum of two years of experience in the classification or specialty for which he is the qualifier;
3. Is a full-time employee of the firm as defined in this chapter or is a member of the responsible management of the firm; and
4. a. Has obtained the appropriate certification for the following specialties:

(1) Blast/explosive contracting (Department of Fire Programs explosive use certification);

(2) Fire sprinkler (NICET Sprinkler III certification); and

(3) Radon mitigation (EPA or DEQ accepted radon certification).

b. Has obtained, pursuant to the Individual Licensing and Certification Regulations, a master license for Plumbing, HVAC, Electrical, Gas Fitting, Natural Gas Fitting Provider, and Liquefied Petroleum Gas Contracting.

c. Has completed, for the drug lab remediation specialty, a remediation course approved by the board and a board-approved examination.

d. Has obtained, pursuant to the Individual Licensing and Certification Regulations, certification as an Elevator Mechanic for Elevator Escalator Contracting and certification as a Water Well Systems Provider for Water Well/Pump Contracting.

e. Has obtained, pursuant to the Onsite Sewage System Professionals Licensing Regulations (18VAC160-40), a master conventional onsite sewage system installer license for Conventional Sewage Disposal System Contracting and a master alternative onsite sewage system installer license for Alternative Sewage Disposal System Contracting.

f. Has been approved by the Board for Contractors for the miscellaneous specialty (MSC).

f. g. Has completed a board-approved examination for all other classifications and specialties that do not require other certification or licensure.

C. The firm shall provide information for the past five years prior to application on any outstanding, past-due debts and judgments; outstanding tax obligations; defaults on bonds; or pending or past bankruptcies. The firm and all members of the responsible management of the firm shall submit information on any past-due debts and judgments or defaults on bonds directly related to the practice of contracting as defined in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia.

D. The firm and all members of the responsible management of the firm shall disclose at the time of application any current or previous contractor licenses held in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses. This includes any monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license in Virginia or in any other jurisdiction.

E. In accordance with § 54.1-204 of the Code of Virginia, all applicants shall disclose the following information about the firm, all members of the responsible management, and the qualified individual for the firm:



2. All felony convictions during their lifetimes.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

F. A member of responsible management shall have successfully completed a board-approved basic business course.

18VAC50-22-50. Requirements for a Class B license.

A. A firm applying for a Class B license must meet the requirements of this section.

B. A firm shall name a designated employee who meets the following requirements:

1. Is at least 18 years old;
2. Is a full-time employee of the firm as defined in this chapter, or is a member of responsible management as defined in this chapter;
3. Has passed a board-approved examination as required by § 54.1-1108 of the Code of Virginia or has been exempted from the exam requirement in accordance with § 54.1-1108.1 of the Code of Virginia; and
4. Has followed all rules established by the board or by the testing service acting on behalf of the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any oral or written instructions given at the site on the date of the exam.

C. For every classification or specialty in which the firm seeks to be licensed, the firm shall name a qualified individual who meets the following requirements:

1. Is at least 18 years old;
2. Has a minimum of three years of experience in the classification or specialty for which he is the qualifier;
3. Is a full-time employee of the firm as defined in this chapter or is a member of the responsible management of the firm;
4. a. Has obtained the appropriate certification for the following specialties:
 - (1) Blast/explosive contracting (Department of Fire Programs explosive use certification);
 - (2) Fire sprinkler (NICET Sprinkler III certification); and
 - (3) Radon mitigation (EPA or DEQ accepted radon certification).
- b. Has obtained, pursuant to the Individual Licensing and Certification Regulations, a master license for Plumbing, HVAC, Electrical, Gas Fitting, Natural Gas Fitting Provider, and Liquefied Petroleum Gas Contracting.
- c. Has completed, for the drug lab remediation specialty, a remediation course approved by the board and a board-approved examination.
- d. Has obtained, pursuant to the Individual Licensing and Certification Regulations, certification as an Elevator Mechanic for Elevator Escalator Contracting and certification as a Water Well Systems Provider for Water Well/Pump Contracting.
- e. Has obtained, pursuant to the Onsite Sewage System Professionals Licensing Regulations (18VAC160-40), a master conventional onsite sewage system installer license for Conventional Sewage Disposal System Contracting and a master alternative onsite sewage system installer license for Alternative Sewage Disposal System Contracting.
- f. Has been approved by the Board for Contractors for the miscellaneous specialty (MSC).
- f. g. Has completed a board-approved examination for all other classifications and specialties that do not require other certification or licensure.

D. Each firm shall submit information on its financial position. Excluding any property owned as tenants by the entirety, the firm shall state a net worth or equity of \$15,000 or more.

E. Each firm shall provide information for the five years prior to application on any outstanding, past-due debts and judgments; outstanding tax obligations; defaults on bonds; or pending or past bankruptcies. The firm, its designated employee, and all members of the responsible



contracting as defined in Chapter 17 (§ 54.1-1100 et seq.) of the Code of Virginia.

F. The firm, the designated employee, and all members of the responsible management of the firm shall disclose at the time of application any current or previous substantial identities of interest with any contractor licenses issued in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses. This includes any monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action. The board, in its discretion, may deny licensure to any applicant when any of the parties listed in this subsection have had a substantial identity of interest (as deemed in § 54.1-1110 of the Code of Virginia) with any firm that has had a license suspended, revoked, voluntarily terminated or surrendered in connection with a disciplinary action in Virginia or any other jurisdiction.

G. In accordance with § 54.1-204 of the Code of Virginia, all applicants shall disclose the following information about the firm, designated employee, all members of the responsible management, and the qualified individual for the firm:

1. All non-marijuana misdemeanor convictions within three years of the date of application; and
2. All felony convictions during their lifetimes.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

H. The designated employee or a member of responsible management shall have successfully completed a board-approved basic business course.

18VAC50-22-60. Requirements for a Class A license.

A. A firm applying for a Class A license shall meet all of the requirements of this section.

B. A firm shall name a designated employee who meets the following requirements:

1. Is at least 18 years old;
2. Is a full-time employee of the firm as defined in this chapter or is a member of the responsible management of the firm as defined in this chapter;
3. Has passed a board-approved examination as required by § 54.1-1106 of the Code of Virginia or has been exempted from the exam requirement in accordance with § 54.1-1108.1 of the Code of Virginia; and
4. Has followed all rules established by the board or by the testing service acting on behalf of the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any oral or written instructions given at the site on the day of the exam.

C. For every classification or specialty in which the firm seeks to be licensed, the firm shall name a qualified individual who meets the following requirements:

1. Is at least 18 years old;
2. Has a minimum of five years of experience in the classification or specialty for which he is the qualifier;
3. Is a full-time employee of the firm as defined in this chapter or is a member of the firm as defined in this chapter or is a member of the responsible management of the firm;
4. a. Has obtained the appropriate certification for the following specialties:
 - (1) Blast/explosive contracting (DHCD explosive use certification);
 - (2) Fire sprinkler (NICET Sprinkler III certification); and
 - (3) Radon mitigation (EPA or DEQ accepted radon certification).
- b. Has obtained, pursuant to the Individual Licensing and Certification Regulations, a master license for Plumbing, HVAC, Electrical, Gas Fitting, Natural Gas Fitting Provider, and Liquefied Petroleum Gas Contracting.
- c. Has completed, for the drug lab remediation specialty, a remediation course approved by the board and a board-approved examination.

e. Has obtained, pursuant to the Onsite Sewage System Professionals Licensing Regulations (18VAC160-40), a master conventional onsite sewage system installer license for Conventional Sewage Disposal System Contracting and a master alternative onsite sewage system installer license for Alternative Sewage Disposal System Contracting.

f. Has been approved by the Board for Contractors for the miscellaneous specialty (MSC).

f. g. Has completed a board-approved examination for all other classifications and specialties that do not require other certification or licensure.

D. Each firm shall submit information on its financial position. Excluding any property owned as tenants by the entirety, the firm shall state a net worth or equity of \$45,000.

E. The firm shall provide information for the five years prior to application on any outstanding, past-due debts and judgments; outstanding tax obligations; defaults on bonds; or pending or past bankruptcies. The firm, its designated employee, and all members of the responsible management of the firm shall submit information on any past-due debts and judgments or defaults on bonds directly related to the practice of contracting as defined in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia.

F. The firm, the designated employee, and all members of the responsible management of the firm shall disclose at the time of application any current or previous substantial identities of interest with any contractor licenses issued in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses. This includes any monetary penalties, fines, suspensions, revocations, or surrender of a license in connection with a disciplinary action. The board, in its discretion, may deny licensure to any applicant when any of the parties listed in this subsection have had a substantial identity of interest (as deemed in § 54.1-1110 of the Code of Virginia) with any firm that has had a license suspended, revoked, voluntarily terminated, or surrendered in connection with a disciplinary action in Virginia or in any other jurisdiction.

G. In accordance with § 54.1-204 of the Code of Virginia, all applicants shall disclose the following information about the firm, all members of the responsible management, the designated employee, and the qualified individual for the firm:

1. All non-marijuana misdemeanor convictions within three years of the date of application; and
2. All felony convictions during their lifetimes.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

H. The designated employee or a member of responsible management shall have successfully completed a board-approved basic business course.

VA.R. Doc. No. R21-6438; Filed December 21, 2021

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Licensed Onsite Sewage System Professionals as of June 1, 2022

	Onsite Sewage System Installer (Conventional)	Onsite Sewage System Installer (Alternative)	Total
Master	331	299	630
Journeyman	44	67	111
Total	375	366	741

	Onsite Sewage System Operator (Conventional)	Onsite Sewage System Operator (Alternative)	Total
Master	165	176	341
Journeyman	28	63	91
Total	193	239	432

	Onsite Soil Evaluator (Conventional)	Onsite Soil Evaluator (Alternative)	Total
Master	51	339	390
Journeyman	16	9	25
Total	67	348	415



Department of Professional and Occupational Regulation

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

Guidance Document: Onsite Sewage System Installers

Adopted September 27, 2011

Revised October 26, 2017

I. Policy

The Board adopts the following policy as it pertains to Onsite Sewage System Installers and the installation of non-discharging onsite sewage systems:

A licensed alternative onsite sewage system installer is required for the installation of nondischarging onsite sewage systems permitted by VDH, regardless of the size of the nondischarging onsite sewage system. The licensed alternative onsite sewage system installer must also be a licensed contractor or work for a licensed contractor who has the SDS specialty on his contractor's license if required by Chapter 11 of Title 54.1 of the *Code of Virginia*. Depending on the construction and installation plans of the non-discharging onsite sewage systems (e.g., the plan includes a pumping station), the licensed contractor may be required by the Virginia Board for Contractors to have the H/H classification in addition to the SDS.



Department of Professional and Occupational Regulation

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

Guidance Document: Onsite Sewage System Professionals Master and Journeyman License Requirements

Adopted April 20, 2017

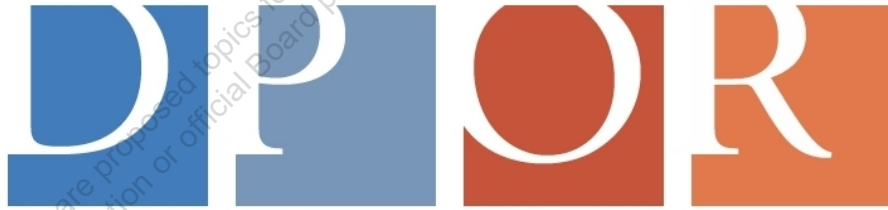
I. Background

Board staff has received inquiries regarding whether everyone involved in performing regulated activities (i.e., onsite sewage system installation, soil evaluation, and/or operation) needs to have a license issued by the Board.

II. Policy

The Board adopts the following policy as it pertains to licensing of individuals engaged in the provision of regulated activities:

A license is required if an individual is performing a regulated activity. If assisting with tasks related to the regulated activity, a license is not necessarily required. When installing onsite sewage systems, the decision-maker and person executing the installation of approved permits must be licensed as a journeyman or master for the applicable license type. In addition, a licensee (master or journeyman, with the appropriate license type) must be on the job site. For operation and maintenance and onsite soil evaluation and design, the decision-maker must have a license and a licensee must be on-site where the regulated activities are being performed (either master or journeyman, with the appropriate license type). In all cases, master licensees are responsible for providing direct supervision over journeymen licensees working under them and performing regulated activities, in accordance with the Board's regulations.



Department of Professional and Occupational Regulation

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

Guidance Document: Pumping of Alternative Onsite Sewage Systems

Adopted January 19, 2017

Amended April 20, 2017

I. Background

Board staff has received inquiries regarding the necessity of an alternative onsite sewage system operator to be present when a conventional onsite system operator has been called to pump an alternative onsite sewage system. Currently, a conventional onsite sewage system operator is not permitted to perform any kind of operation and maintenance on alternative onsite sewage systems, to include pumping the tanks.

18VAC160-20-10 of the Board's regulations provides the following definitions:

"Alternative onsite sewage system operator" means an individual licensed by the board to operate and maintain conventional and alternative onsite sewage systems.

"Conventional onsite sewage system operator" means an individual licensed by the board to *operate* and *maintain* a conventional onsite sewage system.

"Maintenance" or **"maintain"** means performing adjustments to equipment and controls and in-kind replacement of normal wear and tear parts such as light bulbs, fuses, filters, pumps, motors, or other like components. ***Maintenance includes pumping the tanks*** or cleaning the building sewer on a periodic basis. Maintenance shall not include replacement of tanks, drain field piping, distribution boxes, or work requiring a construction permit and a licensed onsite sewage system installer.

"Operate" means any act of an individual that may impact on the finished water quality at a waterworks, the plant effluent at a wastewater works, or the effluent at an onsite sewage system.

In addition, the Board has the following policies and interpretations relative to this issue:

December 2, 2009 - Onsite Sewage System Operators (Septic Pumpers) An onsite sewage system operator license is required for pumping out conventional and alternative onsite sewage systems.

April 12, 2011 - Alternative Onsite Sewage System Operators (Septic Pumpers) Alternative septic tanks must have a licensed alternative onsite sewage system operator responsible for the actions of the individual or individuals pumping out the septic tank. The licensed alternative onsite sewage system operator is not required to be present when the septic tank is pumped out, but is responsible for the actions of the **unlicensed individual** actually pumping out the septic tank. The individual actually pumping out the septic tank need not be a licensed alternative onsite sewage system operator, but must be working under the supervision of a licensed alternative onsite sewage system operator who shall be responsible for the **unlicensed person's** actions, as related to pumping the septic tank.

II. Issues and Concerns

The conventional onsite sewage system operator has the truck and equipment necessary to pump an onsite sewage system, and an alternative operator may not. In this case, the alternative onsite sewage system operator must have a conventional onsite sewage system operator pump the alternative onsite sewage system. Thus, the alternative operator must be present – because he is responsible for operation and maintenance on the alternative system – along with the conventional operator. The homeowner is then paying for two different licensees to be present, even though the conventional operator is **only** pumping the tank. *Note: Neither of the policies above address this issue, and the above policies are expected to be repealed when the new regulations are effective as the issue of supervision is addressed more clearly.*

III. Policy

The Board adopts the following policy as it pertains to conventional onsite sewage system operators pumping alternative onsite sewage systems:

A conventional onsite sewage system operator with the appropriate sewage handling permit issued by VDH may pump an alternative onsite sewage system without the alternative onsite sewage system operator present so long as it is done at the direction of the alternative onsite sewage system operator. The conventional onsite sewage system operator is only permitted to pump the tanks and is not authorized to perform any other functions associated with operation and maintenance of the alternative onsite sewage system, and such conventional operator may only pump the tank of the alternative onsite sewage system at the request of a properly licensed alternative onsite sewage system operator. If it is found that the conventional onsite sewage system operator has performed

any function outside of pumping the alternative onsite sewage system, or has done so independently and not at the direction of an alternative onsite sewage system operator, the conventional onsite sewage system operator may be subject to disciplinary action by the Board.

The Board advises that as a best practice the alternative operator *should* be present during the pumping of the alternative onsite sewage system, or should inspect the system as soon as possible after pumping to ensure the proper continued operation of the alternative onsite sewage system in accordance with applicable regulations and manufacturer's instructions.



Department of Professional and Occupational Regulation

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

Guidance Document: Qualifying for Operator and Installer Licensure Using Certain Degree Programs in Lieu of Board-Approved Training

Adopted April 19, 2018

I. Background

The Board's Onsite Sewage System Professionals Licensing Regulations include several options to qualify for licensure. Among the entry options, the qualifications for master conventional and alternative onsite sewage system installers, master conventional and alternative onsite sewage system operators, and journeyman alternative onsite sewage system operators include provisions for completion of training approved by the Board. Board staff has received an inquiry whether certain degree programs could be used in lieu of completion of the training approved by the Board.

II. Policy

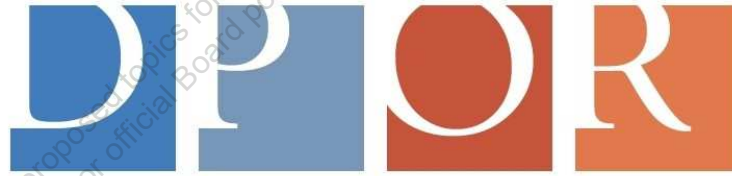
The Board adopts the following policy as it pertains to licensing of individuals engaged in the provision of regulated activities:

The Onsite Sewage System Professionals Licensing Regulations provide options for entry that include completion of 10 to 20 hours of education approved by the Board covering the basics of operation and installation, as applicable to the license being sought, of onsite sewage systems. Applicants seeking to qualify under 18VAC160-40-130.1 or 18VAC160-40-130.3 (master conventional onsite sewage system installer); 18VAC160-40-160.2 or 18VAC160-40-160.3 (master alternative onsite sewage system installer); 18VAC160-40-190.2 (master conventional onsite sewage system operator); 18VAC160-40-210.1 (journeyman alternative onsite sewage system operator); and 18VAC160-40-220.1 or 18VAC160-40-220.3 (master alternative onsite

sewage system operator) may substitute the “Education Required” pursuant to the respective regulation with an acceptable degree as provided in 18VAC160-40-280.

The applicant must meet all other requirements of the Board, including appropriate documentation of qualifying experience. Board staff may request additional information from the applicant to confirm the education component has been satisfied and all eligibility criteria has been met.

DRAFT AGENDA
Materials contained in this agenda are proposed only for discussion
and are not to be construed as final or official in any position.
DRAFT AGENDA



Department of Professional and Occupational Regulation

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

GUIDANCE DOCUMENT

Guidance Regarding License Requirements for Operators of an Alternative Sewage System Exceeding 10,000 GPD

Adopted: October 28, 2021

Effective Date: December 23, 2021

I. Background

Board staff continues to receive inquiries regarding the license requirements for those acting as an operator of an alternative sewage system that exceeds 10,000 gallons per day design flow. Specifically, Board staff has been asked whether a single individual must hold both licenses or whether two individuals can work together for operations on an alternative onsite sewage system that exceeds 10,000 gallons per day.

II. Applicable Regulations and Minutes Excerpt

18VAC160-40-170 F of the Board's regulations states: "No individual shall act as an alternative onsite sewage system operator of an alternative onsite sewage system that exceeds 10,000 gallons per day design flow without possessing a Class 4 or higher wastewater works operator license in addition to an alternative onsite sewage system operator license".

As reflected in the January 29, 2019, Board meeting minutes, the Board previously considered

this issue and agreed by consensus that one individual must hold both an alternative onsite sewage system operator license and a Class 4 or higher wastewater works operator license in order to operate and alternative system that exceeds 10,000 gallons per day, and two individuals would not meet the licensing requirement by partnering with one another.

III. Consideration of Board Policy

At the April 29, 2021, Board meeting, the Board revisited this subject and requested that staff prepare a draft guidance document for consideration at a future meeting. Accordingly, staff recommends the following.

As of April 2021, there are only 45 licensees that hold both a wastewater works operator license (of any class) and an alternative onsite sewage system operator license. Since the requirement that a single individual holding both licenses be responsible for operations on an alternative onsite sewage system that exceeds 10,000 gallons per day design flow may be overly-burdensome and restrictive for some areas of the state, the Board adopts guidance as follows:

An alternative onsite sewage system that exceeds 10,000 gallons per day design flow is required to have operations and maintenance performed by either (i) an individual who is licensed as both an alternative onsite sewage system operator and a Class 4 or higher wastewater works operator, or (ii) an individual who is licensed as an alternative onsite sewage system operator and an individual who is licensed as a Class 4 or higher wastewater works operator who are working together pursuant to an employment relationship, contract, or other written agreement.

Journeyman Conventional Installers (Current)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	No	No	Six months of full-time experience assisting with the installation of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2.	None	No	No	One year of full-time experience assisting with the installation of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

Journeyman Conventional Installers (Proposed)

	Prerequisites	Exam Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a conventional sewage disposal system contracting (CDS) or alternative sewage disposal system contracting (ADS) specialty issued by the Virginia Board for Contractors	No	Six months of full-time experience assisting with the installation of conventional or alternative onsite sewage systems.
2.	None	No	One year of full-time experience assisting with the installation of conventional or alternative onsite sewage systems.

Master Conventional Installers (Current)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	20 hours of training approved by the board covering basic installation of conventional or alternative onsite sewage systems	One year of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	No	Two years of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
3.	Interim conventional onsite sewage system installer or journeyman onsite sewage system installer license	Yes	20 hours of training approved by the board covering basic installation of conventional or alternative onsite sewage systems	Two years of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
4.	Interim conventional onsite sewage system installer journeyman onsite sewage system installer license	Yes	No	Three years of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

Master Conventional Installers (Proposed)

	Prerequisites	Exam Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a conventional sewage disposal system contracting (CDS) or alternative sewage disposal system contracting (ADS) specialty issued by the Virginia Board for Contractors	Yes	Two years of full-time experience installing conventional or alternative onsite sewage systems.
2.	Interim conventional or alternative onsite sewage system installer or journeyman conventional or alternative onsite sewage system installer license	Yes	Three years of full-time experience installing conventional or alternative onsite sewage systems.
3.	None	Yes	Five years of full-time experience installing conventional or alternative onsite sewage systems.

Journeyman Alternative Installers (Current)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	No	No	One year of full-time experience assisting with the installation of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2.	None	No	No	Two years of full-time experience assisting with the installation of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

Journeyman Alternative Installers (Proposed)

	Prerequisites	Exam Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with an alternative sewage disposal system contracting (ADS) specialty issued by the Virginia Board for Contractors	No	One year of full-time experience assisting with the installation of alternative onsite sewage systems.
2.	None	No	Two years of full-time experience assisting with the installation of alternative onsite sewage systems.

Master Alternative Installers (Current)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	No	Two years of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	20 hours of training approved by the board covering the basic installation of alternative onsite sewage systems	18 months of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
3.	No	Yes	20 hours of training approved by the board covering basic installation of alternative onsite sewage systems	Three years of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
4.	Interim alternative onsite sewage system installer or conventional onsite sewage system installer license	Yes	No	18 months of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

Master Alternative Installers (Proposed)

	Prerequisites	Exam Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with an alternative sewage disposal system contracting (ADS) specialty issued by the Virginia Board for Contractors	Yes	Two years of full-time experience installing alternative onsite sewage systems.
2.	Interim alternative onsite sewage system installer, master conventional onsite sewage system installer license, or journeyman alternative onsite sewage system installer license	Yes	18 months of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
3.	None	Yes	Five years of full-time experience installing alternative onsite sewage systems.

Journeyman Conventional Operators (Current)

Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
None	No	No	Six months of full-time experience assisting with the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator

Journeyman Conventional Operators (Proposed)

Prerequisites	Exam Required	Documented Qualifying Experience
None	No	Six months of full-time experience assisting with the operation and maintenance of conventional or alternative onsite sewage systems.

DRAFT AGENDA
 Materials contained in this agenda are proposed topics for discussion
 and are not to be construed as a recommendation or official Board position.
 DRAFT AGENDA

Master Conventional Operators (Current)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Wastewater works operator license	Yes	No	None
2.	No	Yes	10 hours of education approved by the board covering the basics of operation and maintenance of conventional onsite sewage systems	Six months of full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
3.	No	Yes	No	One year of full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator

Master Conventional Operators (Proposed)

	Prerequisites	Exam Required	Documented Qualifying Experience
1.	Wastewater works operator license	Yes	None
2.	Interim alternative onsite sewage system operator, master conventional onsite sewage system installer, or journeyman alternative onsite sewage system operator license	Yes	Six months of full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems.
3.	No	Yes	One year of full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems.

Journeyman Alternative Operators (Current)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	None	No	20 hours of education approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	One year of full-time experience assisting with the operation and maintenance of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative sewage system operator, a professional engineer, or an authorized onsite soil evaluator
2.	None	No	None	Two years of full-time experience assisting with the operation and maintenance of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative sewage system operator, a professional engineer, or an authorized onsite soil evaluator

Journeyman Alternative Operators (Proposed)

	Prerequisites	Exam Required	Documented Qualifying Experience
1.	None	No	Two years of full-time experience assisting with the operation and maintenance of alternative onsite sewage systems.

Master Alternative Operators (Current)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Held or holds a conventional onsite sewage system operator license	Yes	10 hours of training approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	One year of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
2.	Held or holds a conventional onsite sewage system operator license	Yes	No	18 months of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
3.	None	Yes	20 hours of training approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	Two years of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
4.	Wastewater works operator license	Yes	No	Six months of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
5.	Wastewater works operator license	Yes	20 hours of training approved by the board in basics of operation and maintenance of alternative onsite sewage systems	No

Master Alternative Operators (Proposed)

	Prerequisites	Exam Required	Documented Qualifying Experience
1.	Held or holds a master conventional onsite sewage system operator license	Yes	18 months of full-time experience in the operation and maintenance of alternative onsite sewage systems.
2.	Wastewater works operator license	Yes	Six months of full-time experience in the operation and maintenance of alternative onsite sewage systems.

Journeyman Conventional Soil Evaluators (Current)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Virginia professional soil scientist license	No	No	No
2.	No	No	No	One and one-half years of full-time experience assisting in the evaluation of site and soil conditions and design of conventional onsite sewage systems verified by one or more of the following: an authorized soil evaluator, a professional engineer, or an onsite soil evaluator
3.	No	No	VDH onsite sewage system training program	One year of full-time experience assisting in the evaluation of site and soil conditions and design of conventional onsite sewage systems verified by one or more of the following: an authorized soil evaluator, a professional engineer, or an onsite soil evaluator

Journeyman Conventional Soil Evaluators (Proposed)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Professional soil scientist license	No	No	No
2.	No	No	No	One and one-half years of full-time experience assisting in the evaluation of site and soil conditions and design of conventional onsite sewage systems.
3.	No	No	VDH onsite sewage system training program	One year of full-time experience assisting in the evaluation of site and soil conditions and design of conventional onsite sewage systems.

Master Conventional Soil Evaluators (Current)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	No	Yes	Master's or bachelor's degree	Two years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator
2.	No	Yes	Associate's degree	Three years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator
3.	No	Yes	VDH onsite sewage system training program	Two years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator
4.	Journeyman or interim conventional onsite soil evaluator	Yes	No	Three years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator
5.	Virginia professional soil scientist license	Yes	No	One year of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator.

Master Conventional Soil Evaluators (Proposed)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	No	Yes	Master's or bachelor's degree	Two years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems.
2.	No	Yes	Associate's degree	Three years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems.
3.	No	Yes	VDH onsite sewage system training program	Two years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems.
4.	Journeyman or interim conventional onsite soil evaluator	Yes	No	Three years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems.
5.	Professional soil scientist license	Yes	No	One year of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems.

Journeyman Alternative Soil Evaluators (Current)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Virginia professional soil scientist license	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator , a professional engineer, or an alternative soil evaluator
2.	Possess or held either a valid interim alternative onsite soil evaluator license or a conventional onsite soil evaluator license	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator a professional engineer, or an alternative soil evaluator
3.	An authorized onsite soil evaluator	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative soil evaluator
4.	No	No	No	Two years of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator , a professional engineer, or an alternative soil evaluator

Journeyman Alternative Soil Evaluators (Proposed)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Professional soil scientist license	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems.
2.	Possess or held either a valid interim alternative onsite soil evaluator license or a master conventional onsite soil evaluator license	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems.
3.	Authorized onsite soil evaluator	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems.
4.	No	No	No	Two years of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems.

Master Alternative Soil Evaluators (Current)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	No	Yes	Master's or bachelor's degree	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator
2.	No	Yes	Associate's degree	Three years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator
3.	Held or holds a conventional onsite soil evaluator license, interim alternative onsite soil evaluator license, journeyman alternative onsite soil evaluator license, or authorized onsite soil evaluator license	Yes	No	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator
4.	No	Yes	No	Four years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator
5.	Virginia licensed professional soil scientist	Yes	No	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator

Master Alternative Soil Evaluators (Proposed)

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	No	Yes	Master's or bachelor's degree	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems.
2.	No	Yes	Associate's degree	Three years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems.
3.	Held or holds a master conventional onsite soil evaluator license, interim alternative onsite soil evaluator license, journeyman alternative onsite soil evaluator license, or authorized onsite soil evaluator license	Yes	No	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems.
4.	No	Yes	No	Four years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems.
5.	Professional soil scientist	Yes	No	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems.

Onsite Sewage System Disciplinary Files

2010-June 15, 2022

Closed disciplinary file information is purged one year from the file close date per records retention policy. Limited information available for disciplinary files.

Complaints

License Type	
Evaluators	44
Installers	29
Operators	23

Consent Orders	9
Final Orders	1
Closed in Complaint or Investigation Stage	86
Total Closed Disciplinary Files	96

Consent Orders

Total Executed	9
18VAC 160-20-140.2 (repealed)	1
18VAC 160-20-140.6 (repealed)	2
18VAC 160-20-140.3 (repealed) <i>reasonable care, judgment, skill</i>	5
18VAC 160-40-470.1	1
18VAC 160-40-470.14	1
18VAC 160-40-470.15	1
18VAC 160-20.140.1(repealed) <i>obtaining/ renewing a license through fraud</i>	4
18VAC 160-40-470.9	1
18VAC 160-20-140.7 (repealed)	1
18VAC 160-40-500.D.	1

Final Order

Total Executed	1
18VAC 160-20-140.2 (repealed)	1
18VAC 160-20-140.6 (repealed)	1
18VAC 160-20-140.7 (repealed)	1

Closed Disciplinary Files (Did not come before the Board)

Closed due to Complainant <i>withdrawal, insufficient information/evidence</i>	57
Closed due to Compliance	7
Closed Administratively <i>duplicate, error, respondent death</i>	8
Closed due to No Violation	1
Handled through ADR	2
Handled through Litigation	1

Closed due to No Jurisdiction	8
No reason given	4
Not licensed at time of offense	1
Complaint cited another agency's statute	1
Complaint not related to DPOR regulated activity	1
Complaint regarding inspection	1

Closed due to No Regulation or Statute, No reason given	2
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NEW BUSINESS

1. Discussion and Review of Regulatory Review Topics

- a. Standards of Conduct and Practice

2. Review Draft Amendments

- a. Definitions
- b. General Entry Requirements
- c. Entry Requirements for Installers
- d. Entry Requirements for Operators
- e. Entry Requirements for Soil Evaluators
- f. Renewal and Reinstatement
- g. Continuing Professional Education
- h. Training Course Approval
- i. Standards of Conduct and Practice

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1 **Board For Waterworks And Wastewater Works Operators And Onsite Sewage System**

2 **Professionals**

3 **2022 General Review**

4 Chapter 40

5 Onsite Sewage System Professionals Licensing Regulations

6 Part IX

7 Standards of Practice and Conduct

8 **18VAC160-40-440. Grounds for disciplinary action.**

9 The board may ~~place a licensee on probation;~~ impose a monetary penalty in accordance in §
10 54.1-202 A of the Code of Virginia; or revoke, suspend, or refuse to renew any license, or place
11 a licensee on probation in accordance with § 54.1-201 A 7 of the Code of Virginia, when the
12 licensee has been found to have violated or cooperated with others in violating any provision of
13 the regulations of the board or Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of
14 Virginia.

15 **18VAC160-40-450. Maintenance of license.**

16 A. No license issued by the board ~~shall~~ may be assigned or otherwise transferred.

17 ~~B. A licensee shall report, in writing, all changes of the address of record and name to the~~
18 ~~board within 30 days of the change, and shall return the license to the board. In addition to the~~
19 ~~address of record, a physical address is required for each license. If the licensee holds more than~~
20 ~~one license, the licensee shall inform the board of all licenses, certificates, and registrations~~
21 ~~affected by the name or address change. The board shall not be responsible for the licensee's~~
22 ~~failure to receive notices or correspondence due to the licensee's failure to report a change of~~
23 ~~name or address.~~

Commented [HJ(1): Break this up into separate subsections, one for name change, and the other for address change.

Commented [HJ(2): This is not necessary.

Commented [HJ(3): This is not necessary.

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24

25 ~~C. Any change in any of the requirements and qualifications for licensure found in Part II~~
26 ~~(18VAC160-40-20 et seq.), III (18VAC160-40-110 et seq.), or IV (18VAC160-40-170 et seq.) of~~
27 ~~this chapter shall be reported to the board within 30 days of the change.~~

Commented [HJ(4)]: This is not necessary.

28 B. A licensee must report to the board, in writing, any change in the licensee's legal name
29 within 30 days of the change. Such report must be accompanied by documentation acceptable to
30 the board that verifies the name change.

31 C. A licensee must report to the board, in writing, any change of address, to include the
32 physical address, as applicable, within 30 days of the change. The board is not responsible for
33 the licensee's failure to receive notices, communications, and correspondence caused by the
34 licensee's failure to report to the board any change of address.

35 **18VAC160-40-460. Notice of adverse action.**

36 A. ~~Licensees shall~~ A licensee must notify the board of the following actions against the
37 licensee.

38 1. Any disciplinary action taken by any jurisdiction, board, or administrative body of
39 competent jurisdiction, including any reprimand, ~~license or certificate~~ revocation,
40 suspension or denial of a license, certificate, or registration, imposition of a monetary
41 penalty, or requirement ~~for to take~~ remedial education, or other corrective action.

42 2. Any voluntary surrendering of a ~~related~~ license, certificate, or registration done in
43 connection with a disciplinary action ~~in another taken by any jurisdiction, board, or~~
44 administrative body.

45 3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred
46 adjudication, in any jurisdiction of the United States of any misdemeanor ~~involving lying,~~
47 ~~cheating, stealing, sexual offense, non-marijuana drug distribution, physical injury, or~~

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48 ~~relating to the practice of the profession, except marijuana convictions,~~ or of any felony,
49 there being no appeal pending therefrom or the time for appeal having lapsed. Review of
50 convictions ~~shall will~~ be subject to the requirements of § 54.1-204 of the Code of Virginia.

51 ~~Any plea of nolo contendere shall be considered a conviction for the purpose of this~~
52 ~~section.~~

Commented [HJ(5)]: Removed to be consistent with changes in -60.

53 B. ~~Notices to~~ ~~The notice must be given to~~ the board ~~must be made~~ in writing, within 30 days
54 of the action. A copy of the order or other supporting documentation must accompany the notice.

55 ~~The record of conviction finding or case decision shall be considered prima facie evidence of a~~
56 ~~conviction or finding of guilt.~~

Commented [HJ(6)]: Removed to be consistent with changes in -60.

57 **18VAC160-40-470. Prohibited acts.**

Commented [HJ(7)]: Some prohibited acts reordered; some revised. Changes are similar to what is in the proposed HI regulations amendments.

58 The following acts are prohibited and any violation may result in disciplinary action by the
59 board:

60 1. Violating, inducing another to violate, cooperating with another to violate, or combining
61 or conspiring with or acting as agent, partner, or associate for another to violate any of the
62 provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), ~~3 (§ 54.1-300 et seq),~~
63 or 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia, or any of the regulations
64 of the board.

65 ~~2. Allowing a license issued by the board to be used by another.~~

66 ~~3. Obtaining or attempting to obtain a license by false or fraudulent representation, or~~
67 ~~maintaining or renewing a license by false or fraudulent representation.~~

68 ~~2. Obtaining or attempting to obtain a license by false or fraudulent representation, or~~
69 ~~maintaining, renewing, or reinstating a license by false or fraudulent representation; or~~

70 ~~furnishing substantially inaccurate or incomplete information to the board in obtaining,~~
71 ~~renewing, reinstating, or maintaining a license.~~

Commented [HJ(8)]: Moved from subdivision #3 and revised.

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72 ~~3. Failing to report a change pursuant to 18VAC160-40-450.~~

Commented [HJ(9): Moved from subdivision #8 and revised.

73 4. A licensee having been convicted, ~~or~~ found guilty in any jurisdiction, or disciplined by
74 any jurisdiction, board, or administrative body in any jurisdiction of any offense or violation
75 enumerated in 18VAC160-40-460. Review of convictions ~~shall~~ will be subject to the
76 requirements of § 54.1-204 of the Code of Virginia.

77 5. Failing to inform the board in writing within 30 days that the licensee was convicted or
78 found guilty in any jurisdiction, or disciplined ~~in~~ by any jurisdiction, board, or administrative
79 body of any offense or violation enumerated in 18VAC160-40-460.

80 ~~6. Not demonstrating reasonable care, judgment, or application of the required knowledge,~~
81 ~~skill, and ability in the performance of the licensee's duties.~~

82 ~~7. Having undertaken to perform or performed a professional assignment that the licensee~~
83 ~~is not qualified to perform by education, experience, training, appropriate class or category~~
84 ~~of licensure, or any combination thereof.~~

85 ~~8. Failing to report a change as required by 18VAC160-40-450.~~

Commented [HJ(10): Moved to subdivision #3.

86 ~~9. Negligence~~ ~~6. Failure to comply with the requirements of 18VAC160-40-480.~~

Commented [HJ(11): Similar to what we are doing in HI regs.

87 7. Actions constituting negligence, misconduct, or incompetence in the practice of the
88 profession, ~~including:~~

89 a. Having undertaken to perform or performed a professional assignment that the
90 licensee is not qualified to perform by education, experience, training, or appropriate
91 class or category of licensure.

Commented [HJ(12): Moved from subdivision #7 and revised.

92 b. Not demonstrating reasonable care, judgment, or application of the required
93 knowledge, skill, and ability in the performance of the licensee's duties.

Commented [HJ(13): Moved from subdivision #6.

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94 c. Failing to adequately supervise and review work performed by unlicensed
95 employees or journeyman licensees under the direct supervision of the master
96 licensee.

Commented [HJ(14)]: Moved from subdivision #11.

97 d. Failure to obtain any permit, approval, or other document required by VDH related
98 to the design, installation, repair, or operation of an onsite sewage system.

Commented [HJ(15)]: Moved from subdivision #12.

99 e. Failing to act in providing professional services in a manner that safeguards the
100 interests of the public.

Commented [HJ(16)]: Moved from subdivision #15.

101 8. Actions constituting engaging in improper, fraudulent, or dishonest conduct, including:

102 a. Making any misrepresentation or engaging in acts of fraud or deceit in advertising,
103 soliciting, or in providing professional services.

Commented [HJ(17)]: Moved from subdivision #10.

104 b. Knowingly signing plans, drawings, reports, specifications, maps, or other
105 documents related to an onsite sewage system not prepared or reviewed and
106 approved by the licensee.

Commented [HJ(18)]: Moved from subdivision #13.

107 c. Knowingly misrepresenting factual information in expressing a professional opinion.

Commented [HJ(19)]: Moved from subdivision #14.

108 d. Allowing a license issued by the board to be used by another.

Commented [HJ(20)]: Moved from subdivision #2.

109 9. Failure to comply with the requirements of 18VAC160-40-500.

Commented [HJ(21)]: Similar to what we are doing in HI regs.

110 10. Making any misrepresentation or engaging in acts of fraud or deceit in advertising,
111 soliciting, or in providing professional services.

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112 11. Failing to adequately supervise and review work performed by unlicensed employees
113 or journeyman licensees under the direct supervision of the master licensee.

114 12. Failure to obtain any permit, approval, or other document required by VDH related to
115 the design, installation, repair, or operation of an onsite sewage system.

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116 ~~13. Knowingly signing plans, drawings, reports, specifications, maps, or other documents~~
117 ~~related to an onsite sewage system not prepared or reviewed and approved by the~~
118 ~~licensee.~~

119 ~~14. Knowingly misrepresenting factual information in expressing a professional opinion.~~

120 ~~15. Failing to act in providing professional services in a manner that safeguards the~~
121 ~~interests of the public.~~

Commented [HJ(22)]: Moved to subdivision #7.

122 **18VAC160-40-480. Conflicts of interest.**

123 The licensee ~~shall~~ must:

124 1. Promptly and fully inform an employer or client of any interest, circumstance, or
125 business association that may influence the licensee's judgment ~~of or~~ the quality of
126 service.

Commented [HJ(23)]: Assuming this was meant to be an "or".

127 2. Not accept compensation, financial or otherwise, from more than one party for services
128 on or pertaining to the same project, unless the circumstances are fully disclosed to, and
129 agreed to by, all interested parties in writing.

130 3. Neither solicit nor accept financial or other valuable consideration from material or
131 equipment suppliers for specifying their products or services.

132 4. Not solicit or accept gratuities, directly or indirectly, from contractors or their agents or
133 other parties dealing with a client or employer in connection with work for which the
134 licensee is responsible.

135 **18VAC160-40-490. Licensee responsibility.**

136 A. The primary obligation of the licensee is to the public. If the licensee's judgment is overruled
137 and not adhered to when advising appropriate parties of circumstances of a substantial threat to

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138 the public health, safety, or welfare, the licensee ~~shall~~must inform the employer and client, as
139 applicable, of the possible consequences and notify appropriate authorities.

140 B. The licensee ~~shall~~must sign, date, and include ~~his~~the licensee's license number on all
141 final work products prepared or reviewed and approved by the licensee. For work products
142 performed by a journeyman licensee, the master licensee providing direct supervision shall sign,
143 date, and include ~~his~~the licensee's license number, along with the journeyman's signature, date,
144 and license number on the final work product. A journeyman licensee ~~shall~~will not submit a work
145 project as final without the applicable master licensee's signature, date, and license number.

146 C. The licensee ~~shall~~will not knowingly associate in a business venture with, or permit the
147 use of the licensee's name by, any person or firm where there is reason to believe that person or
148 firm is engaging in activity of a fraudulent or dishonest nature or is violating any law or regulation
149 of the board.

150 D. A licensee who has direct knowledge that another individual or firm may be violating any
151 of the provisions of this chapter or the provisions of Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1
152 of the Code of Virginia ~~shall~~must immediately inform the board in writing and shall cooperate in
153 furnishing any further information or assistance that may be required.

154 E. Except as provided in subsection F of this section, a licensee ~~shall~~will not utilize the
155 evaluations, design, drawings, or work of another licensee without the knowledge and written
156 consent of the licensee or organization of ownership that originated the design, drawings, or work.

157 F. A licensee who relies on information in VDH files or has received permission to modify or
158 otherwise utilize the evaluation, design, drawings, or work of another licensee pursuant to
159 subsection E of this section or this subsection may certify that work only after a thorough review
160 of the evaluation, design, drawings or work and after ~~he~~the licensee determines that ~~he~~the

161 licensee is willing to assume full responsibility for all design, drawings, or work on which ~~he-the~~
162 licensee relies for ~~his-the licensee's~~ opinion.

163 **18VAC160-40-500. Response to inquiry and provision of records.**

164 A. A licensee must respond within 10 days to a request by the board or any of its agents
165 regarding any complaint filed with the department.

166 B. Unless otherwise specified by the board, a licensee of the board ~~shall-must~~ produce to the
167 board or any of its agents within 10 days of the request any document, book, or record concerning
168 any transaction pertaining to a complaint filed in which the licensee was involved, or for which the
169 licensee is required to maintain records. The board may extend such timeframe upon a showing
170 of extenuating circumstances prohibiting delivery within such 10-day period.

171 C. A licensee ~~shall-must~~ not provide a false, misleading, or incomplete response to the board
172 or any of its agents seeking information in the investigation of a complaint filed with the board.

173 D. With the exception of the requirements of subsection A or B of this section, a licensee must
174 respond to an inquiry by the board or its agent within 21 days.

175 **18VAC160-40-510. Master licensee's professional responsibilities.**

176 A. Any work performed by a journeyman regulated pursuant to Chapter 23 (§ 54.1-2300 et
177 seq.) of Title 54.1 of the Code of Virginia and this chapter ~~shall-must~~ be under the direct
178 supervision of the master. Such master and journeyman ~~shall-must~~ have an employment or
179 written contractual relationship.

180 B. Each master ~~shall-must~~ maintain documentation of the employment or contractual
181 relationship with each journeyman under the master's direct supervision. Such documentation
182 ~~shall-must~~ be kept for a minimum of five years and ~~shall-must~~ include, at a minimum, the beginning
183 and ending dates of the employment or contractual relationship.

DRAFT AGENCY MATERIALS CONTAINED HEREIN ARE PROPOSED TOPICS FOR DISCUSSION AND ARE NOT TO BE CONSIDERED AS REGULATORY OR OFFICIAL BOARD POSITION.

184 **18VAC160-40-515. Licensee responsible for regulated activities performed on site.**

185 A. For the installation of onsite sewage systems, the decision-maker and the individual
186 executing the installation of approved permits must be licensed as a journeyman or master onsite
187 sewage system installer in the appropriate class of license. In addition, a journeyman or master
188 onsite sewage system installer in the appropriate class of license must be on-site.

189 B. For operation and maintenance of onsite sewage systems, the decision-maker must be
190 licensed as a journeyman or master onsite sewage system operator in the appropriate class of
191 license. In addition, a journeyman or master onsite sewage system operator in the appropriate
192 class of license must be on-site where regulated activities are being performed.

193 C. For soil evaluation and design, the decision-maker must be licensed as a journeyman or
194 master onsite soil evaluator in the appropriate class of license. In addition, a journeyman or master
195 onsite soil evaluator in the appropriate class of license must be on-site where regulated activities
196 are being performed.

197 **18VAC160-40-520. Pumping of alternative onsite sewage systems by conventional onsite**
198 **sewage system operators.**

199 A conventional onsite sewage system operator with the appropriate sewage handling permit
200 issued by VDH may pump an alternative onsite sewage system without the alternative onsite
201 sewage system operator present provided the conventional onsite sewage system operator
202 performs the pumping at the request and direction of the alternative onsite sewage system
203 operator. The conventional onsite sewage system operator is only permitted to pump the tank
204 and is not authorized to perform any other functions associated with the operation and
205 maintenance of the alternative onsite sewage system.

Commented [HJ(24): Incorporates Board guidance document: [Onsite Sewage System Professionals Master and Journeyman License Requirements](#), adopted April 20, 2017.

Commented [HJ(25): Incorporates Board guidance document: [Pumping of Alternative Onsite Sewage Systems](#), adopted January 19, 2017 (amended April 20, 2017).

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1 **Board For Waterworks And Wastewater Works Operators And Onsite Sewage System**

2 **Professionals**

3 **2022 General Review**

4 Chapter 40

5 Onsite Sewage System Professionals Licensing Regulations

6 Part I

7 Definitions

8 **18VAC160-40-10. Definitions.**

9 A. Section 54.1-2300 of the Code of Virginia provides definitions of the following terms and
10 phrases as used in this chapter:

11 "Board"

12 "Onsite sewage system"

13 ~~"Operator"~~

14 ~~"Wastewater works"~~

15 B. The following words, terms, and phrases when used in this chapter ~~shall~~will have the
16 following meanings unless the context clearly indicates otherwise:

17 "Address of record" means the mailing address designated by the licensee to receive notices
18 and correspondence from the board.

19 "Alternative onsite sewage system" means a treatment works that is not a conventional onsite
20 sewage system and does not result in a point source discharge.

21 "Alternative onsite sewage system installer" means an individual licensed by the board to
22 construct, install, and repair conventional and alternative onsite sewage systems.

23 "Alternative onsite sewage system operator" means an individual licensed by the board to
24 operate and maintain conventional and alternative onsite sewage systems.

25 "Alternative onsite soil evaluator" means an individual licensed by the board to evaluate soils
26 and soil properties in relationship to the effect of these properties on the use and management of
27 these soils as the locations for conventional and alternative onsite sewage systems, to certify in
28 accordance with applicable state regulations and local ordinances that sites are suitable for
29 conventional and alternative onsite sewage systems, and to design conventional and alternative
30 onsite sewage systems suitable for the soils.

31 "Applicant" means an individual who submits ~~has submitted~~ an application ~~with the~~
32 appropriate fee and other required documentation for licensure.

33 "Application" means a completed, board-prescribed form submitted with the appropriate fee
34 and other required documentation.

35 "Authorized onsite soil evaluator" means an individual holding an authorized onsite soil
36 evaluator certification issued by the Virginia Department of Health that was valid on June 30,
37 2009.

38 "Category" means journeyman or master as applicable to the professionals under the board's
39 purview.

40 "Class" means conventional or alternative as applicable to the professionals under the board's
41 purview.

42 "CPE" means continuing professional education.

43 "Contact hour" means 50 minutes of participation in a structured training activity.

44 "Conventional onsite sewage system" means a treatment works consisting of one or more
45 septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface
46 drainfield.

47 "Conventional onsite sewage system installer" means an individual licensed by the board to
48 construct, install, and repair conventional onsite sewage systems.

49 "Conventional onsite sewage system operator" means an individual licensed by the board to
50 operate and maintain conventional onsite sewage systems.

51 "Conventional onsite soil evaluator" means an individual licensed by the board to evaluate
52 soils and soil properties in relationship to the effects of these properties on the use and
53 management of these soils as the locations for conventional and alternative onsite sewage
54 systems, to certify in accordance with applicable state regulations and local ordinances that sites
55 are suitable for conventional and alternative onsite sewage systems, and to design conventional
56 onsite sewage systems suitable for the soils.

57 "Department" means the ~~Virginia~~ Department of Professional and Occupational Regulation.

58 "Direct supervision" means being immediately available and fully responsible for the provision
59 of onsite sewage system services regulated pursuant to Chapter 23 (§ 54.1-2300 et seq.) of Title
60 54.1 of the Code of Virginia and this chapter.

61 "Interim license" refers to the initial issuance of professional licenses during the
62 implementation of the onsite sewage system professionals' licensure program. Such licenses
63 were limited to four years and not renewable.

64 "Journeyman" means an individual who possesses the minimum skills and competency to
65 install or maintain onsite sewage systems or assist in the evaluation of soil sites as suitable for
66 conventional and alternative onsite sewage systems and to design onsite sewage systems, all as
67 under the direct supervision of a master licensee.

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and are not to be construed as regulation or official Board position.

68 "Licensee" means an individual holding a valid license issued by the board.

69 "Licensure" means a method of regulation whereby the Commonwealth, through the issuance
70 of a license, authorizes a person possessing the character and minimum skills to engage in the
71 practice of a profession or occupation that is unlawful to practice without such license.

72 "Maintenance" or "maintain" means, unless otherwise provided in local ordinance, (i)
73 performing adjustments to equipment and controls or (ii) in-kind replacement of normal wear and
74 tear parts that do not require a construction permit for adjustment or replacement of the
75 component, such as light bulbs, fuses, filters, pumps, motors, sewer lines, conveyance lines,
76 distribution boxes, header lines, or other like components. Maintenance includes pumping the
77 tanks or cleaning the building sewer on a periodic basis. Notwithstanding any local ordinance,
78 "maintenance" does not include replacement of tanks, drainfield piping, subsurface drainfields, or
79 work requiring a construction permit and a licensed onsite sewage system installer. Unless
80 otherwise prohibited by local ordinance, a conventional onsite sewage system installer or an
81 alternative onsite sewage system installer may perform maintenance work limited to in-kind
82 replacement of light bulbs, fuses, filters, pumps, sewer lines, conveyance lines, distribution boxes,
83 and header lines.

84 "Master" means an individual who possesses the minimum skills and competency to install or
85 maintain onsite sewage systems or evaluate soil sites as suitable for conventional and alternative
86 onsite sewage systems and to design conventional and alternative onsite sewage systems.

87 "Operate" means the act of (i) placing into or taking out of service a unit process or (ii) making
88 or causing adjustments in the operation of a unit process at a treatment works.

89 "Profession" means the practice of onsite soil evaluation, onsite sewage system installation,
90 and onsite sewage system operation **and maintenance**.

Commented [HJ(1): Revised per committee discussion on 10/3/22.

91 "Professional" means an onsite sewage system installer, onsite sewage system operator, or
92 onsite soil evaluator who is licensed pursuant to the provisions of this chapter and is in good
93 standing with the board to practice his profession in this Commonwealth.

94 "Renewal" means the process and requirements for periodically approving the continuance of
95 a license.

96 "Sewage" means water-carried and nonwater-carried human excrement or kitchen, laundry,
97 shower, bath, or lavatory wastes separately or together with such underground, surface, storm,
98 or other water and liquid industrial wastes as may be present from residences, buildings, vehicles,
99 industrial establishments, or other places.

100 "Training credit" means a unit of board-approved training or formal education completed by
101 an individual that may be used to substitute for experience when applying for a license.

102 "Treatment works" means any device or system used in the storage, treatment, disposal, or
103 reclamation of sewage or combinations of sewage and industrial wastes including pumping,
104 power, and other equipment and appurtenances, septic tanks and any works, including land, that
105 are or will be (i) an integral part of the treatment processes or (ii) used for ultimate disposal ~~or of~~
106 residues or effluent resulting from such treatment.

107 "VDH" means the Virginia Department of Health.

108 Part II

109 Entry

110 **18VAC160-40-20. Application procedures.**

111 A. All applicants seeking licensure ~~shall~~must submit an application with the appropriate fee
112 in 18VAC160-40-40. Applications ~~shall~~will be made on forms provided by the board or its agent.

113 1. By submitting the application form and fee to the department, the applicant certifies that
114 the applicant has read and understands the applicable statutes and the board's
115 regulations.

116 2. The receipt of an application and the deposit of fees by the board does not indicate
117 approval of the application by the board.

118 B. The board may make further inquiries and investigations with respect to the applicant's
119 qualifications to confirm or amplify information supplied. All applications shall-must be completed
120 in accordance with the instructions contained in this chapter-section and on the application.
121 Applications will not be considered complete until all required documents are received by the
122 board. If an examination is required for licensure, the applicant will not be permitted to sit for the
123 applicable board-approved examination until the application is complete and approved.

124 C. The applicant will be notified within 30 days of the board's receipt of an initial application if
125 the application is incomplete. An individual who fails to complete the process within 12 months of
126 receipt of the application in the board's office must submit a new application. If applicable, the
127 applicant has 12 months from approval of the application to pass the board-approved
128 examination. Failure to pass the board-approved examination within 12 months of approval will
129 result in the applicant being required to submit a new application to be considered for licensure.

130 D. The applicant shall-must immediately report all changes in information supplied with the
131 application, if applicable, prior to the issuance of the license or expiration of the application or
132 examination period.

133 **18VAC160-40-30. General fee requirements.**

134 All fees are nonrefundable and shall-will not be prorated. The date on which the fee is received
135 by the department or its agent will determine whether the fee is on time. Checks or money orders
136 shall-must be made payable to the Treasurer of Virginia.

137 **18VAC160-40-40. Fee schedule.**

Fee Type	Fee Amount	When Due
Initial application (for each profession, class, and category of license)	\$100	With application
Renewal (for each profession, class, and category of license)	\$80	With renewal application
Reinstatement (for each profession, class, and category of license)	\$105 (renewal fee + \$25 reinstatement fee)	With reinstatement application

138 ~~For licenses expiring on or after January 31, 2018, and before January 31, 2020, the renewal~~
139 ~~fee shall be \$50. For reinstatement applications received after January 31, 2018, and on or before~~
140 ~~January 31, 2020, the total reinstatement fee shall be \$75.~~

141 **18VAC160-40-50. Examination fee.**

142 The ~~fee fees~~ for ~~examination or reexamination is all examinations are~~ subject to charges to
143 the department by an outside vendor based on a contract entered into in compliance with the
144 Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be
145 adjusted and charged to the candidate in accordance with this contract.

146 **18VAC160-40-60. General requirements for licensure.**

147 A. In addition to the specific qualifications for each profession, class, and category of
148 licensure, each applicant for licensure ~~shall must~~ meet the requirements provided in this section:

149 ~~1-B.~~ The applicant ~~shall must~~ be at least 18 years old.

150 ~~2-C.~~ The applicant ~~shall disclose his~~ must provide a mailing address, which will serve as the
151 address of record. A post office box is only acceptable as ~~a mailing the~~ address of record when a
152 physical address is also provided.

153 ~~3-D.~~ In accordance with § 54.1-204 of the Code of Virginia, each applicant ~~shall must~~ disclose
154 the following information:

155 ~~a.1.~~ All felony convictions.

156 ~~b.2.~~ All misdemeanor convictions, except marijuana convictions, that occurred within three
157 years of the date of application.

158 ~~Any plea of nolo contendere or finding of guilt regardless of adjudication or deferred~~
159 ~~adjudication shall be considered a conviction for the purposes of this section. The record~~
160 ~~of conviction certified or authenticated in such form as to be admissible in evidence under~~
161 ~~the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of~~
162 ~~such guilt.~~

163 ~~B.~~ The board, ~~at in~~ its discretion, may deny licensure to any applicant in accordance with §
164 54.1-204 of the Code of Virginia. ~~The applicant has the right to request further review of any such~~
165 ~~action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of~~
166 ~~Virginia).~~

167 ~~C.E.~~ The applicant ~~shall must~~ report any ~~suspension, revocation, or surrender of a license,~~
168 ~~certification, or registration in connection with a disciplinary action or that has been subject of~~
169 ~~discipline in any jurisdiction prior to applying for licensure action taken by any board or~~
170 ~~administrative body in any jurisdiction against a professional or occupational license, certification,~~
171 ~~or registration issued to the applicant, to include any suspension, revocation, or surrender of a~~
172 ~~license, certification, or registration, imposition of a monetary penalty, or requirement to take~~
173 ~~remedial education or other corrective action.~~ The board ~~at in~~ its discretion may deny licensure to
174 any applicant ~~based on prior suspensions, revocations, or surrenders of licenses based on~~
175 ~~disciplinary action by for any prior action taken by any board or administrative body in any~~
176 jurisdiction. ~~The applicant has the right to request further review of any such action by the board~~
177 ~~under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).~~

178 F. The applicant for licensure must be in compliance with the standards of conduct and
179 practice set forth in Part IX (18VAC160-40-440 et seq.) of this chapter at the time of application,
180 while the application is under review by the board, and at all times when the license is in effect.

181 **18VAC160-40-70. Education and training for experience.**

182 A. Each individual applying for a license may receive credit for up to half of the required
183 experience for:

184 1. Satisfactory completion of postsecondary courses in wastewater, biology, chemistry,
185 geology, hydraulics, hydrogeology, engineering, environmental science, agronomy, earth
186 science, environmental health, or soil science at the rate of one month per semester hour
187 or two-thirds of a month per quarter hour; or

188 2. Satisfactory completion of board-approved onsite sewage system installer-~~or, onsite~~
189 ~~sewage system~~ operator, or onsite soil evaluation training courses, ~~as applicable to the~~
190 ~~license sought, at the rate of one month for each training credit earned. Up to one training~~
191 ~~credit is awarded for each 10 hours of classroom contact time or for each 20 hours of~~
192 ~~laboratory exercises and field trip contact time. Training credit is not earned for breaks,~~
193 ~~meals, receptions, and time other than classroom, laboratory, and field trip contact time.~~

194 B. Education used to meet the education requirements to qualify for licensure may not be
195 substituted for experience.

196 **18VAC160-40-80. Examination procedures and conduct.**

197 A. ~~Upon approval of the application. In those instances where an applicant is required to take~~
198 an examination for licensure, the board will notify the applicant of ~~his~~ the applicant's eligibility to
199 take the applicable examination upon approval of the application. The license will not be issued
200 prior to the receipt of a passing score for the applicable examination.

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201 B. An applicant who does not receive a passing score within ~~one year~~ 12 months after the
202 date of approval of the application by the board to sit for the examination must submit a new
203 application and meet entry requirements in effect at the time of the submittal of the new
204 application.

205 C. ~~In those instances where the applicant is required to take an examination for licensure,~~ the
206 applicant ~~shall~~ must follow all rules established by the board with regard to conduct at the
207 examination. Such rules ~~shall~~ will include written instructions communicated prior to the
208 examination date and instructions communicated at the site, either written or oral, on the date of
209 the examination. Failure to comply with all rules established by the board and the testing
210 organization with regard to conduct at the examination ~~shall~~ will be grounds for denial of the
211 application, voiding of examination scores, or any combination thereof.

212 D. A passing examination score received by an applicant is valid for a period of 10 years from
213 the date of the examination.

214 **18VAC160-40-90. Individuals certified or licensed in another jurisdiction.**

215 Any applicant holding ~~a valid~~ an active, current license or certificate in another jurisdiction
216 ~~shall~~ must meet the requirements of this chapter, including having equivalent experience and
217 education. The applicant ~~shall~~ must pass the appropriate board-approved examination to become
218 licensed in those instances where an examination for licensure is required.

219 **18VAC160-40-100. Full-time experience or equivalent.**

220 For the purpose of this ~~part~~ chapter, experience requirements are expressed in terms of
221 calendar periods of full-time employment as an operator, installer, or onsite soil evaluator in the
222 same class for which licensure is sought.

- 223 1. A year of full-time employment is defined as a minimum of 1,760 hours during a 12-
224 month period or a minimum of 220 workdays in a 12-month period. A workday is defined

225 as performing or assisting in the duties of an installer, operator, or onsite soil evaluator to
226 the extent required for the proper installation or maintenance of onsite sewage systems
227 or the evaluation of soil and soil properties for suitability as locations for onsite sewage
228 systems. More than 1,760 hours or 220 workdays during a 12-month period will not be
229 considered as more than one year of full-time employment.

230 2. Partial credit may be given for actual hours of work experience if the applicant works
231 less than full time.

232 ~~18VAC160-40-105. Master licenses; conversion of licenses on April 1, 2017. (Repealed.)~~

233 ~~A. An individual holding a current license issued by the board that was valid on March 31,~~
234 ~~2017, will be issued a master license in the same class and category of license, and with the~~
235 ~~same expiration date.~~

236 ~~1. A conventional onsite sewage system installer license that is current on March 31, 2017,~~
237 ~~will be converted to a master conventional onsite sewage system installer license.~~

238 ~~2. An alternative onsite sewage system installer license that is current on March 31, 2017,~~
239 ~~will be converted to a master alternative onsite sewage system installer license.~~

240 ~~3. A conventional onsite sewage system operator license that is current on March 31,~~
241 ~~2017, will be converted to a master conventional onsite sewage system operator license.~~

242 ~~4. An alternative onsite sewage system operator license that is current on March 31, 2017,~~
243 ~~will be converted to a master alternative onsite sewage system operator license.~~

244 ~~5. A conventional onsite soil evaluator license that is current on March 31, 2017, will be~~
245 ~~converted to a master conventional onsite soil evaluator license.~~

246 ~~6. An alternative onsite soil evaluator license that is current on March 31, 2017, will be~~
247 ~~converted to a master alternative onsite soil evaluator license.~~

~~B. Any license issued pursuant to this section may be subject to disciplinary action in accordance with this chapter for any violation of the regulations that occurred under the license held prior to conversion in accordance with this section.~~

Part III

Onsite Sewage System Installers

18VAC160-40-110. License required.

A. ~~No~~ An individual ~~shall~~ must not install a conventional or alternative onsite sewage system without a valid onsite sewage system installer license issued by the board in the appropriate class.

B. An individual cannot simultaneously hold valid master and journeyman onsite sewage system installer licenses in the same class. Issuance of a master onsite sewage system installer license in a specific class ~~shall~~ will void the journeyman onsite sewage system installer license in the same class.

C. An individual cannot simultaneously hold valid conventional and alternative master onsite sewage system installer licenses or conventional and alternative journeyman onsite sewage system installer licenses. Issuance of a master alternative onsite sewage system installer license ~~shall~~ will void the conventional onsite sewage system installer license.

D. A journeyman onsite sewage system installer must work under the direct supervision of a licensed master onsite sewage system installer with the appropriate class of license. A master onsite sewage system installer is responsible for supervising the provision of onsite sewage system installations by any journeyman onsite sewage system installers under his direct supervision.

1. A master alternative onsite sewage system installer licensee may supervise a journeyman conventional onsite sewage system installer licensee.

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 and are not to be considered as regulation in an official Board position.

271 E. Experience used to qualify for licensure cannot be verified by a journeyman onsite sewage
 272 system installer.

273 **18VAC160-40-115. Documented qualifying experience for onsite sewage system installers.**

274 All qualifying experience submitted by an applicant in accordance with this part must be
 275 verified by one or more of the following: master conventional or alternative onsite soil evaluator,
 276 master conventional or alternative onsite sewage system installer, professional engineer, or, for
 277 experience gained outside of Virginia, an equivalent credential to these licenses.

Commented [HJ(2): Consider whether verification from onsite sewage system operators should be accepted.

278 **18VAC160-40-120. Qualifications for journeyman conventional onsite sewage system**
 279 **installer licenses.**

280 An applicant for licensure as a journeyman conventional onsite sewage system installer ~~shall~~
 281 must furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) <u>conventional sewage disposal system contracting (CDS) or alternative sewage disposal system contracting (ADS)</u> specialty issued by the Virginia Board for Contractors	No	No	Six months of full-time experience assisting with the installation of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator.
2.	None	No	No	One year of full-time experience assisting with the installation of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional

				engineer, or an authorized onsite soil evaluator.
--	--	--	--	---

282

283 **18VAC160-40-130. Qualifications for master conventional onsite sewage system installer**
 284 **licenses.**

285 An applicant for licensure as a master conventional onsite sewage system installer ~~shall~~must
 286 furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	20 hours of training approved by the board covering basic installation of conventional or alternative onsite sewage systems	One year of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2. 1.	Employee, owner, director, or officer of a properly licensed contractor with a <u>sewage disposal system (SDS) conventional sewage disposal system contracting (CDS) or alternative sewage disposal system contracting (ADS)</u> specialty issued by the Virginia Board for Contractors	Yes	No	Two years of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator.
3.	Interim conventional onsite sewage system installer or	Yes	20 hours of training approved by the board	Two years of full-time experience installing conventional or alternative onsite sewage systems

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	journeyman onsite sewage system installer license		covering basic installation of conventional or alternative onsite sewage systems	verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
4.2.	Interim conventional <u>or</u> alternative onsite sewage system installer <u>or</u> journeyman conventional <u>or</u> alternative onsite sewage system installer license	Yes	No	Three years of full-time experience installing conventional or alternative onsite sewage systems <u>verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator.</u>
3.	None	Yes		<u>Five years of full-time experience installing conventional or alternative onsite sewage systems.</u>

287

288 **18VAC160-40-140. ~~[Reserved]~~ Qualification for exemption from examination for master**
 289 **conventional onsite sewage system installer applicants.**

290 A. Applicants seeking licensure as a master conventional onsite sewage system installer may
 291 be exempt from the examination provided the applicant meets the requirements of 18VAC160-
 292 40-60, and provides documentation acceptable to the board of one of the following:

- 293 1. The applicant has completed a minimum of 40 hours of board-approved training, and
 294 has been actively engaged in performing the duties of a conventional onsite sewage
 295 system installer for at least six years; or
- 296 2. The applicant has been actively engaged in performing the duties of a conventional
 297 onsite sewage system installer for at least 10 years.

298 B. Documentation of qualifying experience may be verified by a master conventional or
 299 alternative onsite soil evaluator, a master conventional or alternative onsite sewage system

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300 installer, a professional engineer, an authorized onsite soil evaluator, or, for experience gained
 301 outside of Virginia, an equivalent credential to these licenses.

303 **18VAC160-40-150. Qualifications for journeyman alternative onsite sewage system**
 304 **installer licenses.**

305 An applicant for licensure as a journeyman alternative onsite sewage system installer ~~shall~~
 306 must furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS)- an alternative sewage disposal system contracting (ADS) specialty issued by the Virginia Board for Contractors	No	No	One year of full-time experience assisting with the installation of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator.
2.	None	No	No	Two years of full-time experience assisting with the installation of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator.

307

308 **18VAC160-40-160. Qualifications for master alternative onsite sewage system installer**
 309 **licenses.**

310 An applicant for licensure as a master alternative onsite sewage system installer ~~shall~~ must
 311 furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1. Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) <u>an alternative sewage disposal system contracting (ADS) specialty issued by the Virginia Board for Contractors</u>	Yes	No	Two years of full-time experience installing alternative onsite sewage systems verified by one of more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator.
2. Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	20 hours of training approved by the board covering the basic installation of alternative onsite sewage systems	18 months of full-time experience installing alternative onsite sewage systems verified by one of more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
3. No	Yes	20 hours of training approved by the board covering basic installation of alternative onsite sewage systems	Three years of full-time experience installing alternative onsite sewage systems verified by one of more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator.
4.2. Interim alternative onsite sewage system installer or <u>master</u> conventional	Yes	No	18 months of full-time experience installing alternative onsite sewage systems verified by one of

	onsite sewage system installer <u>, or journeyman alternative onsite sewage system installer license</u>			more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator.
3.	<u>None</u>	<u>Yes</u>		<u>Five years of full-time experience installing alternative onsite sewage systems.</u>

Part IV

Onsite Sewage System Operators

18VAC160-40-170. License required.

A. ~~No~~-An individual ~~shall~~must not operate or maintain a conventional or alternative onsite sewage system without a valid onsite sewage system operator license issued by the board in the appropriate class.

B. An individual cannot simultaneously hold valid master and journeyman onsite sewage system operator licenses in the same class. Issuance of a master onsite sewage system operator license in a specific class ~~shall~~will void the journeyman onsite sewage system operator license in the same class.

C. An individual cannot simultaneously hold valid conventional and alternative master onsite sewage system operator licenses or conventional and alternative journeyman onsite sewage system operator licenses. Issuance of a master alternative onsite sewage system operator license ~~shall~~will void the conventional onsite sewage system operator license.

D. A journeyman onsite sewage system operator must work under the direct supervision of a licensed master onsite sewage system operator with the appropriate class of license. A master onsite sewage system operator is responsible for supervising the operation and maintenance of

330 the onsite sewage system by any journeyman onsite sewage system operator under his
331 responsibility.

332 1. A master alternative onsite sewage system operator licensee may supervise a
333 journeyman conventional onsite sewage system operator licensee.

334 E. Experience used to qualify for licensure cannot be verified by a journeyman onsite sewage
335 system operator.

336 ~~F. No individual shall act as an alternative onsite sewage system operator of an alternative~~
337 ~~onsite sewage system that exceeds 10,000 gallons per day design flow without possessing a~~
338 ~~Class 4 or higher wastewater works operator license in addition to an alternative onsite sewage~~
339 ~~system operator license. An alternative onsite sewage system that exceeds 10,000 gallons per~~
340 ~~day design flow is required to have operations and maintenance performed by either (i) an~~
341 ~~individual who is licensed as both an alternative onsite sewage system operator and a Class 4 or~~
342 ~~higher wastewater works operator, or (ii) an individual who is licensed as an alternative onsite~~
343 ~~sewage system operator and an individual who is licensed as a Class 4 or higher wastewater~~
344 ~~works operator who are working together pursuant to an employment relationship, contract, or~~
345 ~~other written agreement.~~

346 **18VAC160-40-175. Documented qualifying experience for onsite sewage system operators.**

347 All qualifying experience submitted by an applicant in accordance with this part must be
348 verified by one or more of the following: master conventional or alternative onsite soil evaluator,
349 master conventional or alternative onsite sewage system operator, professional engineer, or, for
350 experience gained outside of Virginia, an equivalent credential to these licenses.

Commented [HJ(3): Consider whether verification from onsite sewage system installers should be accepted.

351 **18VAC160-40-180. Qualifications for journeyman ~~conventional~~ conventional onsite sewage**
 352 **system operator licenses.**

353 An applicant for licensure as a journeyman conventional onsite sewage system operator ~~shall~~
 354 must furnish acceptable documentation that the following qualification has been met:

Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
None	No	No	Six months of full-time experience assisting with the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator.

355
 356 **18VAC160-40-190. Qualifications for master conventional onsite sewage system operator**
 357 **licenses.**

358 An applicant for licensure as a master conventional onsite sewage system operator ~~shall~~ must
 359 furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Wastewater works operator license	Yes	No	None
2.	No	Yes	10 hours of education approved by the board covering the basics of operation and maintenance of conventional onsite	Six months of full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator

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and are not intended to be used as regulation or official Board position.

			sewage systems	
2.	<u>Interim alternative onsite sewage system operator, master conventional onsite sewage system installer, or journeyman alternative onsite sewage system operator license</u>	Yes		<u>Six months of full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems.</u>
3.	No	Yes	No	One year of full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator.

360

361 **18VAC160-40-200. Qualification for exemption from examination for master conventional**
 362 **onsite sewage system operator applicants.**

363 Applicants seeking licensure as a master conventional onsite sewage system operator may
 364 be exempt from the examination provided the applicant:

365 1. Is able to satisfactorily demonstrate that ~~he~~ the applicant has been actively engaged in
 366 performing the duties of a conventional onsite sewage system operator for at least four
 367 years. Documentation of qualifying experience may be verified by a master conventional
 368 or alternative onsite soil evaluator, a master conventional or alternative onsite sewage
 369 system operator, a professional engineer, ~~or~~ an authorized onsite soil evaluator, or, for
 370 experience gained outside of Virginia, an equivalent credential to these licenses; and

371 2. Meets the requirements of 18VAC160-40-60.

372 **18VAC160-40-210. Qualifications for journeyman alternative onsite sewage system**
 373 **operator licenses.**

374 An applicant for licensure as a journeyman alternative onsite sewage operator ~~shall~~must
 375 furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	None	No	20 hours of education approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	One year of full-time experience assisting with the operation and maintenance of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative sewage system operator, a professional engineer, or an authorized onsite soil evaluator
2. <u>2.1.</u>	None	No	None	Two years of full-time experience assisting with the operation and maintenance of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative sewage system operator, a professional engineer, or an authorized onsite soil evaluator.

376
 377 **18VAC160-40-220. Qualifications for master alternative onsite sewage system operator**
 378 **licenses.**

379 An applicant for licensure as a master alternative onsite sewage system operator ~~shall~~must
 380 furnish acceptable documentation that one of the following has been met:

Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
---------------	---------------	--------------------	----------------------------------

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1.	Held or holds a conventional onsite sewage system operator license	Yes	10 hours of training approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	One year of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
2.1.	Held or holds a <u>an interim alternative onsite sewage system operator, or master</u> conventional onsite sewage system operator license	Yes	No	18 months of full-time experience in the operation and maintenance of <u>alternative onsite sewage systems</u> verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator.
3.	None	Yes	20 hours of training approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	Two years of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
4.2.	Wastewater works operator license	Yes	No	Six months of full-time experience in the operation and

Commented [HJ(4)]: Added following staff review.

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				maintenance of <u>alternative</u> onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator.
6.	Wastewater works operator license	Yes	20 hours of training approved by the board in basics of operation and maintenance of alternative onsite sewage systems	No

381

382

Part V

383

Onsite Soil Evaluator

384

18VAC160-40-230. License required.

385

A. Notwithstanding the provisions of Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia, ~~no~~ an individual ~~shall~~ must not perform the duties of an onsite soil evaluator without possessing a valid license issued by the board.

386

387

388

B. An individual cannot simultaneously hold master and journeyman onsite soil evaluator licenses in the same class. Issuance of a master onsite soil evaluator license in a specific class ~~shall~~ will void the journeyman onsite soil evaluator license in the same class.

389

390

391

C. An individual cannot simultaneously hold valid conventional and alternative master onsite soil evaluator licenses or conventional and alternative journeyman onsite soil evaluator licenses.

392

393 Issuance of an alternative master onsite soil evaluator license ~~shall-will~~ void the conventional
394 onsite soil evaluator license.

395 D. A journeyman onsite soil evaluator must work under the direct supervision of a master
396 onsite soil evaluator with the appropriate class of license. A master onsite soil evaluator of an
397 equal or greater class is responsible for supervising the provision of onsite soil evaluations and
398 designs by any journeyman onsite soil evaluator under his responsibility.

399 E. Experience to qualify for licensure cannot be verified by a journeyman onsite soil evaluator.

400 **18VAC160-40-235. Documented qualifying experience for onsite soil evaluators.**

401 All qualifying experience submitted by an applicant in accordance with this part must be
402 verified by one or more of the following: master conventional or alternative onsite soil evaluator,
403 professional engineer, or, for experience gained outside of Virginia, an equivalent credential to
404 these licenses.

405 **18VAC160-40-240. Qualifications for journeyman conventional onsite soil evaluator**
406 **licenses.**

407 An applicant for licensure as a journeyman conventional onsite soil evaluator ~~shall-must~~
408 furnish acceptable documentation that one of the following has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Virginia professional Professional soil scientist license	No	No	No
2.	No	No	No	One and one-half years of full-time experience assisting in the evaluation of site and soil conditions and design of conventional onsite sewage systems verified by one or more of the following: an authorized soil evaluator, a professional

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				engineer, or an onsite soil evaluator.
3.	No	No	VDH onsite sewage system training program	One year of full-time experience assisting in the evaluation of site and soil conditions and design of conventional onsite sewage systems verified by one or more of the following: an authorized soil evaluator, a professional engineer, or an onsite soil evaluator.

409

410 **18VAC160-40-250. Qualifications for master conventional onsite soil ~~evaluator~~ evaluator**

411 **licenses.**

412 An applicant for licensure as a master conventional onsite soil evaluator ~~shall~~ must furnish

413 acceptable documentation that one of the following qualifications has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	No	Yes	Master's or bachelor's degree	Two years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator.
2.	No	Yes	Associate's degree	Three years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator.
3.	No	Yes	VDH onsite sewage system training program	Two years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a

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				professional engineer, or an onsite soil evaluator.
4.	Journeyman or interim conventional onsite soil evaluator	Yes	No	Three years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator.
5.	Virginia professional Professional soil scientist license	Yes	No	One year of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator.

414

415 **18VAC160-40-260. Qualifications for journeyman ~~alterantive~~ alternative onsite soil**
 416 **evaluator licenses.**

417 An applicant for licensure as a journeyman alternative onsite soil evaluator ~~shall~~ must furnish
 418 acceptable documentation that one of the following qualifications has been met:

Commented [HJ(5)]: Should VDH onsite sewage system training program be acceptable education?

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Virginia professional Professional soil scientist license	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative soil evaluator.
2.	Possess or held either a valid interim alternative onsite soil evaluator	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of

	license or a master conventional onsite soil evaluator license			alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative soil evaluator.
3.	An authorized Authorized onsite soil evaluator	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative soil evaluator.
4.	No	No	No	Two years of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative soil evaluator.

419

420 **18VAC160-40-270. Qualifications for master alternative onsite soil evaluator licenses.**

421 An applicant for licensure as a master alternative onsite soil evaluator ~~shall~~must furnish
 422 acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	No	Yes	Master's or bachelor's degree	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional

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				engineer, or an alternative onsite soil evaluator.
2.	No	Yes	Associate's degree	Three years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator.
3.	Held or holds a master conventional onsite soil evaluator license, interim alternative onsite soil evaluator license, journeyman alternative onsite soil evaluator license, or authorized onsite soil evaluator license	Yes	No	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator.
4.	No	Yes	No	Four years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator.
5.	Virginia licensed professional Professional soil scientist license	Yes	No	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following:

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				an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator.
--	--	--	--	--

423
424 ~~18VAC160-40-275. Verification of experience by authorized onsite soil evaluators.~~
425 ~~(Repealed.)~~
426 ~~An authorized onsite soil evaluator who is verifying experience pursuant to Part II of this~~
427 ~~chapter and who holds no other license listed as qualified to verify experience may only verify~~
428 ~~experience obtained before July 1, 2009.~~

429 **18VAC160-40-280. Acceptable degree programs and verification procedures.**

430 A. Applicants seeking to qualify for licensure based on completion of an associate's,
431 bachelor's, or master's degree ~~shall~~must submit an official transcript from the school where the
432 applicable degree was obtained. Only ~~degrees~~a degree from an accredited college or university
433 that is approved or accredited by the Commission on Colleges of the Southern Association of
434 Colleges and Schools, a regional or national accreditation association, or by an accrediting
435 agency that is recognized by the U.S. Secretary of Education will be considered. The following
436 degrees ~~shall~~will be considered to qualify in accordance with 18VAC160-40-250 and 18VAC160-
437 40-270:

- 438 1. Bachelor's ~~or~~master's, or associate's degree in soil science, biology, chemistry,
439 engineering, engineering technology, environmental science, geology, agronomy, earth
440 science, ~~or~~ environmental health, wastewater works, or applied sciences.
441 ~~2. Associate's degree in wastewater works, environmental science, or engineering~~
442 ~~technology.~~

443 ~~3-2.~~ Bachelor's degree in a related physical, biological, environmental, or chemical
444 science that includes a minimum of 40 semester credit hours in any combination of science
445 and math.

446 B. Any applicant who has earned a degree from an institution outside of the United States
447 ~~shall~~ must have the degree authenticated and evaluated by an education credential evaluation
448 services. The board reserves the right to reject any evaluation submitted by the applicant.

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1 **Board For Waterworks And Wastewater Works Operators And Onsite Sewage System**

2 **Professionals**

3 **2022 General Review**

4 Chapter 40

5 Onsite Sewage System Professionals Licensing Regulations

6 Part VI

7 Renewal and Reinstatement

8 **18VAC160-40-290. Expiration and renewal Renewal required.**

9 ~~A.~~ A license ~~shall~~will expire two years from the last day of the month in which it was issued.

10 **18VAC160-40-295. Procedures for renewal.**

11 ~~B.~~A. Prior to the expiration date shown on the license, the board ~~shall~~will mail a renewal
12 notice to the licensee's address of record.

13 ~~B.~~The Prior to the expiration date shown on the license, a licensee ~~shall~~desiring to renew a
14 license must return to the board a renewal notice and the applicable renewal fee specified in
15 18VAC160-40-40.

16 C. Failure to receive a renewal notice from the board does not relieve the licensee of the
17 obligation to renew. If the licensee fails to receive the renewal notice, a copy of the license may
18 be submitted with the required fee as an application for renewal.

19 ~~C.~~D. By submitting the renewal fee, the licensee is ~~certifying his continued compliance with~~
20 ~~the Standards of Practice and Conduct (Part IX (18VAC160-40-440 et seq.) of this chapter) as~~
21 ~~established by the board. In addition, by submitting the renewal fee, licensees are certifying~~
22 ~~compliance with~~ affirming the continuing professional education requirements of 18VAC160-40-
23 330 have been met, and the licensee is in continued compliance with this chapter.

24 **18VAC160-40-300. Reinstatement.**

25 A. If all the requirements for renewal of the license, as ~~specified-provided~~ in 18VAC160-40-
26 290, are not completed by the licensee within 30 days ~~of-after~~ the ~~license~~ expiration date on the
27 license, ~~a reinstatement fee shall of the license will~~ be required ~~as established in 18VAC160-40-~~
28 ~~40.~~

29 B. A license may be reinstated for up to one year following the expiration date of the license
30 upon submittal of the reinstatement application consisting of (i) payment of the reinstatement fee
31 specified in 18VAC160-40-40 and (ii) proof of CPE in accordance with 18VAC160-40-330. Any
32 ~~licensee who fails to reinstate the license within 12 months after the expiration date shall apply~~
33 ~~for a new license and meet entry requirements in effect at the time of submittal of the new~~
34 ~~application. After one year, the license will not be reinstated under any circumstances, and the~~
35 ~~individual must apply as a new applicant and meet entry requirements current at the time of~~
36 ~~submittal of the new application. The individual shall be deemed to be eligible to sit for the~~
37 ~~examination for the same profession, class, and category of license as the expired license, if an~~
38 ~~examination is applicable.~~

39 C. By submitting the reinstatement fee application, the ~~licensee is certifying his individual is~~
40 affirming the individual is in continued compliance with ~~the Standards of Practice and Conduct~~
41 ~~(Part IX (18VAC160-40-440 et seq.) of this chapter) as established by the board. In addition, by~~
42 ~~submitting the reinstatement fee, licensees are certifying compliance with the continued~~
43 ~~professional education requirements of this chapter.~~

44 ~~D. Any regulated activity conducted subsequent to the license expiration date may constitute~~
45 ~~unlicensed activity and be subject to prosecution under Chapter 1 (§ 54.1-100 et seq.) of Title~~
46 ~~54.1 of the Code of Virginia.~~

47 **18VAC160-40-310. Status of license during period prior to reinstatement.**

48 ~~A. A licensee who applies for reinstatement of the~~ reinstates a license ~~shall will~~ be ~~subject to~~
49 ~~all laws and regulations as if the regulant had been regarded as having been~~ continuously
50 licensed without interruption. The licensee ~~shall will~~ remain under and be subject to the
51 disciplinary authority of the board during the entire period.

52 B. Any regulated activity conducted subsequent to the license expiration date may constitute
53 unlicensed activity and be subject to prosecution under Chapter 1 (§ 54.1-100 et seq.) of Title
54 54.1 of the Code of Virginia.

55 **18VAC160-40-320. Board discretion to deny renewal or reinstatement.**

56 A. The board may deny renewal or reinstatement of license for the same reasons as the board
57 may refuse initial licensure or discipline a licensee. The licensee has the right to request further
58 review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq.
59 of the Code of Virginia).

60 B. The board may deny renewal or reinstatement of a licensee if the licensee has been subject
61 to a disciplinary proceeding by the board and has not met the terms of an agreement for licensure,
62 has not satisfied all sanctions, or has not fully paid monetary penalties and costs imposed by the
63 board.

64 Part VII

65 Continuing Professional Education

66 **18VAC160-40-330. Continuing professional education.**

67 A. Each licensee ~~shall have completed~~ must complete the following number of continuing
68 professional education (CPE) contact hours during each renewal cycle. CPE provisions do not
69 apply ~~to for the renewal of~~ licenses that were held for less than two years on the date of expiration.

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License Type	CPE Contact Hours Required
1. Master alternative onsite soil evaluator	16
2. Master alternative onsite sewage system installer	16
3. Master alternative onsite sewage system operator	16
4. Master conventional onsite soil evaluator	12
5. Master conventional onsite sewage system installer	12
6. Master conventional onsite sewage system operator	8
7. Journeyman alternative onsite soil evaluator	8
8. Journeyman alternative onsite sewage system installer	8
9. Journeyman alternative onsite sewage system operator	8
10. Journeyman conventional onsite soil evaluator	4
11. Journeyman conventional onsite sewage system installer	4
12. Journeyman conventional onsite sewage system operator	4

70 B. ~~CPE courses completed during the license period immediately prior to the expiration date~~
 71 ~~of the license shall be acceptable in order to renew the license. The licensee may request~~
 72 ~~additional time to meet the CPE requirement. However,~~ CPE courses completed during a current
 73 license renewal cycle to satisfy the CPE requirements of the preceding licensing renewal cycle
 74 ~~shall will~~ be valid only for that preceding license renewal cycle and ~~shall will~~ not be accepted for
 75 subsequent renewal cycles. The grant of any request for additional time to meet the CPE
 76 requirement is at the discretion of the board.

Commented [HJ(1)]: Added following staff review.

77 C. The licensee will not receive credit for completing the same CPE course with the same
 78 content more than once during a license ~~period~~ renewal cycle.

79 D. A licensee may receive CPE credit for teaching a course that otherwise meets the
 80 requirements of this chapter; however, additional credit ~~shall will~~ not be given for subsequent

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81 offering of a course or activity with the same content within the same ~~licensing-renewal~~ cycle. In
82 addition a licensee may receive two hours of CPE no more than once during a single ~~licensing~~
83 ~~renewal~~ cycle for the initial development or substantial updating of a CPE course.

84 E. For all licenses, safety subjects ~~shall-will~~ not count for more than ~~one-half-one-half~~ of the
85 total required CPE hours.

86 **18VAC160-40-340. CPE subject matter for onsite sewage system installers.**

87 The following course topics will be accepted for CPE credit for onsite sewage system
88 installers:

- 89 1. Sewage system installation;
- 90 2. Operating and maintaining equipment;
- 91 3. Security and safety procedures;
- 92 4. General science ~~and~~, mathematical, ~~and electrical~~ principles;
- 93 5. Administrative knowledge and procedures applicable to the profession;
- 94 6. Laws and regulations applicable to the profession;
- 95 7. Monitoring, evaluating and adjusting treatment processes (alternative onsite sewage
96 system installers only); and
- 97 ~~8. Management and supervision principles (master onsite sewage system installers only;~~
98 ~~maximum of four contact hours).~~

Commented [HJ(2)]: Revised per committee discussion on 10/3/22.

99 **18VAC160-40-350. CPE subject matter for onsite sewage system operators.**

100 The following course topics will be accepted for CPE credit for onsite sewage system
101 operators:

- 102 1. Onsite system operations;

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103 2. Monitoring, evaluating, and adjusting treatment processes;

104 3. Operating and maintaining equipment;

105 4. Security and safety procedures;

106 5. General science ~~and~~, mathematical, and electrical principles;

107 6. Administrative knowledge applicable to the profession;

108 7. Laws and regulations applicable to the profession; and

109 ~~8. Management and supervision principles (applicable to master onsite sewage system~~

110 ~~operators only; maximum of four contact hours).~~

111 **18VAC160-40-360. CPE subject matter for onsite soil evaluators.**

112 The following course topics will be accepted for CPE credit for onsite soil evaluators:

113 1. Site and soil evaluations;

114 2. Security and safety procedures;

115 3. Mapping, cartography, and geographic information systems;

116 4. System design;

117 5. Inspections;

118 6. General science and mathematical principles;

119 7. Administrative knowledge and procedures applicable to the profession;

120 8. Laws and regulations applicable to the profession; and

121 ~~9. Management and supervision principles (applicable to master onsite soil evaluators~~

122 ~~only; maximum of four contact hours).~~

Commented [HJ(3)]: Revised per committee discussion on 10/3/22.

Commented [HJ(4)]: Should electrical principles be included?

123 **18VAC160-40-365. CPE courses on management and supervision principles.**

124 In addition to the topics provided in 18VAC160-40-340, 18VAC160-40-350, and 18VAC160-
125 40-360, a master licensee may receive a maximum of four contact hours of CPE credit for
126 completion of training in management and supervision principles.

127 **18VAC160-40-370. Use of training credits and formal education for CPE credit.**

128 Any course approved by the board for substitution as training credits or formal education
129 semester hours, as provided for in 18VAC160-40-70 or 18VAC160-40-280, ~~shall will~~ also be
130 acceptable on an hour-for-hour basis for CPE contact hours. One semester hour of college credit
131 ~~shall will~~ equal 15 CPE contact hours, and one-quarter hour of college credit ~~shall will~~ equal 10
132 CPE contact hours. The training credits or formal education must be applicable to the license for
133 which CPE credit is sought.

134 **18VAC160-40-380. Maintenance of CPE.**

135 A. ~~For Each licensee must maintain evidence of the satisfactory completion of CPE for a~~
136 ~~period of at least two years following the end of the license renewal cycle for which the CPE was~~
137 ~~taken, the. Such documentation must be provided to the board or its duly authorized agents upon~~
138 ~~request. The~~ following ~~evidence shall will~~ be maintained to document completion of the required
139 CPE.

- 140 1. Evidence of completion ~~of a structured training activity, which shall consist of that~~
141 ~~contains~~ the name, address, and telephone number of the sponsor;
- 142 2. The dates the licensee participated in the training;
- 143 3. Description of the subject matter presented; and
- 144 4. A statement from the sponsor verifying the number of CPE contact hours completed.

145 B. The board may conduct an audit of its licensees to ensure compliance with the applicable
146 CPE requirements. Licensees who are selected for audit ~~shall~~ must provide the necessary
147 documentation stipulated in this section.

148 Part VIII

149 Training Course Approval

150 **18VAC160-40-385. Training courses, generally.**

151 In accordance with subdivision A 2 of 18VAC160-40-70, training courses approved by the
152 board may be substituted for experience. All training courses must be approved by the board in
153 accordance with the provisions of this part. Training courses may be delivered using distance,
154 virtual, or online education technology. Training courses may be approved retroactively; however,
155 no applicant will receive credit for the training course until such approval is granted by the board

156 1. Up to one training credit will be awarded for each 10 hours of classroom contact time
157 or for each 20 hours of laboratory exercises and field trip contact time. Training credit will
158 not be earned for breaks, meals, or receptions. A training credit awarded is equivalent to
159 one month of experience.

160 2. Training courses that meet the requirements of 18VAC160-40-430 may be accepted for
161 substitution of experience without approval by the board.

162 **18VAC160-40-390. Approval of training courses.**

163 ~~A. Training courses may be substituted for experience pursuant to the provisions of~~
164 ~~18VAC160-40-70. With the exception of training courses provided pursuant to 18VAC160-40-430,~~
165 ~~training courses that may be substituted for required experience must be approved by the board~~
166 ~~prior to commencing in accordance with the provisions of this section.~~

~~B. Each training provider seeking course approval shall submit an application for approval on a form provided by the board. Only classroom, laboratory, and field trip contact time will be used to compute training credits. No credit will be given for breaks, meals, or receptions.~~

~~1. Organization. The board will only approve training offered by a provider that is an identifiable organization with a mission statement outlining its functions, structure, process, and philosophy and that has a staff of one or more persons with the authority to administer and coordinate the training course.~~

~~2. Training course records. The board will only approve training offered by a provider that maintains records for all participants for a minimum of seven years and that has a written policy on retention and release of records.~~

~~3. Instructors. The board will only approve training conducted by personnel who have demonstrated competency in the subject being taught, an understanding of the learning objective, and knowledge of the learning process to be used.~~

~~4. Objectives. The board will only approve courses that have a series of stated objectives that are pertinent to the tasks performed by the licensee. The training course content must be consistent with those objectives.~~

~~5. Course completion requirements. For successful completion of a training course, participants must attend 90% or more of the class contact time and must demonstrate their learning through written examinations, completion of a project, oral examination, or other similar assessment techniques.~~

A training provider seeking approval of a training course must submit an application for training course approval on a form provided by the board. The application must include:

1. The name of the training provider;

2. Provider contact person, address, email address, and telephone number;

191 3. Training course title;

192 4. Identification of the profession, category, and class of license to which the course is
193 applicable;

194 5. Method of delivery;

195 6. Detailed course schedule, including begin and end times, and a list of planned breaks.

196 7. Instructor qualifications, including name, license number, if applicable, and a list of
197 trade-appropriate designations, as well as a professional resume with a summary of
198 teaching experience and subject matter knowledge and qualifications acceptable to the
199 board.

200 8. Training course syllabus or outline;

201 9. Materials to be provided to participants;

202 10. Fees for the training course and materials;

203 11. A description of the means that will be used to assess the learning of each participant
204 to determine successful completion of the training course, such as examinations, projects,
205 personal evaluations by the instructor, or other recognized evaluation techniques.

206
207 **18VAC160-40-400. Application for training course approval. (Repealed.)**

208 ~~A. The board shall consider the following information, to be submitted by the course provider~~
209 ~~or instructor on forms provided by the board:~~

210 ~~1. Course information:~~

211 ~~a. Course title;~~

212 ~~b. Planned audience;~~

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- 213 ~~c. Name of provider;~~
- 214 ~~d. Name, physical address, email address, and phone number of contact person;~~
- 215 ~~e. Scheduled presentation dates;~~
- 216 ~~f. Detailed course schedule, hour by hour including begin and end times;~~
- 217 ~~g. List of planned breaks;~~
- 218 ~~h. Scheduled presentation location; and~~
- 219 ~~i. Identification of the profession, category, and class of license to which the course is~~
- 220 ~~applicable and relevancy to the identified license type.~~

221 ~~2. Instructor qualifications.~~

- 222 ~~a. Name of instructor;~~
- 223 ~~b. Title;~~
- 224 ~~c. Employer;~~
- 225 ~~d. Board license number or numbers, if applicable; and~~
- 226 ~~e. Summary of qualifications to teach the course.~~

227 ~~3. Training materials.~~

- 228 ~~a. Course objectives. A listing of the course objectives stated in terms of the skills and~~
- 229 ~~knowledge the participant will be able to demonstrate as a result of the training.~~
- 230 ~~b. Course outline. A detailed outline showing the planned activities that will occur~~
- 231 ~~during the training course, including major topics, planned presentation sequence,~~
- 232 ~~laboratory and field activities, audiovisual presentations, and other major activities.~~

~~c. Course reference materials. A list of the name, publisher, and publication date for commercially available publications. For reference materials developed by the course provider or available exclusively through the course, a copy of the reference.~~

~~d. Audiovisual support materials. A listing of any commercially available audiovisual support material that will be used in the program. A brief description of any provider or instructor generated audiovisual material that will be used.~~

~~e. Handouts. Identification of all commercially available handout materials that will be used, as well as copies of other planned handouts.~~

~~4. Determination of successful completion. A description of the means that will be used to assess the learning of each participant to determine successful completion of training program, such as examinations, projects, personal evaluations by the instructor, or other recognized evaluation techniques. Correspondence and other distance learning courses must include appropriate testing procedures to verify completion of the course.~~

~~B. Recurring training programs. If there are plans to present the same course of instruction routinely at multiple locations with only minor modifications and changes, the board may approve the overall program rather than individual presentations if so requested by the provider.~~

~~1. The board shall consider all of the information listed in subsection A of this section except those items related to specific offerings of the course.~~

~~2. Board approval will apply only to those specific offerings certified by the provider as having been conducted by instructors meeting the established criteria and in accordance with the board approved course outlines and objectives.~~

18VAC160-40-405. Documentation of training course completion required.

All training course providers must provide each participant with a certificate of training course completion or other documentation that the participant may use as proof of training course

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257 completion. Such documentation must contain the hours completed, the date of training, and the
258 training course identification number assigned by the board.

259 **18VAC160-40-410. Maintenance of training course approval records.**

260 ~~A. At times established by the board, the board may require that course providers that have~~
261 ~~previously obtained course approval provide the board with evidence, in a form set forth by the~~
262 ~~board, that the provider continues to comply with the requirements of this chapter. Failure to~~
263 ~~continue to comply with the board's requirements or respond to such a request may result in the~~
264 ~~board withdrawing its approval.~~

265 ~~B. Substantial modifications or changes to the information provided in 18VAC160-40-390 and~~
266 ~~18VAC160-40-400 must be reported to the board within 30 days of the change. Failure to report~~
267 ~~the changes as required may result in the withdrawal of approval by the board.~~

268 ~~C. Any change of address of the training provider shall be reported in writing within 30 days~~
269 ~~of the change.~~

270 ~~D. The board may conduct an audit of the training provider to ensure continued compliance~~
271 ~~with this chapter.~~

272 All providers of approved training courses must establish and maintain a record for each
273 participant. The record must include the participant's name and address, the course name and
274 hours attended, the course syllabus or outline, the names of the instructors, the date of successful
275 completion, and the board's approved training course identification number. Records must be
276 available for inspection during normal business hours by authorized representatives of the board.
277 Providers must maintain these records for a minimum of five years.

278 **18VAC160-40-415. Reporting of changes.**

279 Any change in the information provided in 18VAC160-40-390 must be reported to the board
280 within 30 days of the change. Any change in information submitted will be reviewed to ensure
281 compliance with the provisions of this chapter.

282 **18VAC160-40-420. Withdrawal of approval.**

283 The board may withdraw approval of ~~any provider~~ a training course for the following reasons:

- 284 1. The course ~~or courses~~ being offered no longer meet the standards established by the
285 board.
- 286 2. The provider, through an agent or otherwise, advertises its services in a fraudulent or
287 deceptive way.
- 288 3. The provider, instructor, contact person, or designee of the provider falsifies any
289 information relating to the application for approval, course information, or ~~student~~
290 participant records.
- 291 4. A change in the information provided that results in noncompliance with this part.
- 292 5. Failure to comply with 18VAC160-40-415.
- 293 6. The provider fails to respond to the board or any of its agents.

294 **18VAC160-40-425. Board authority to audit approved training courses.**

295 The board may conduct an audit of any board-approved training course provider to ensure
296 continued compliance with this chapter.

297 **18VAC160-40-430. ~~Training Acceptance of training~~ courses offered by certain entities,**
298 **board approval not required.**

299 A. Training courses provided by (i) federal, state, or local government agencies; (ii) accredited
300 colleges or universities approved or accredited by the Commission on Colleges of the Southern

301 Association of Colleges and Schools; (iii) a regional or national accreditation association; or (iv)
302 an accrediting agency that is recognized by the U.S. Secretary of Education ~~do not require board~~
303 ~~approval to be used~~ will be accepted for experience substitution, provided the training course
304 information submitted to the board includes the following:

305 1. The course must include the continuing education hours awarded by the entity.

306 2. The course must be related to the profession, category, or class, if applicable, for which
307 experience substitution is sought.

308 B. The board may require additional information from the provider as necessary to ensure
309 compliance with this section. If such assurance cannot be made by the board, the training course
310 may not be used for experience substitution, or the provider may pursue board approval pursuant
311 to this chapter.

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1 **Board For Waterworks And Wastewater Works Operators And Onsite Sewage System**

2 **Professionals**

3 **2022 General Review**

4 Chapter 40

5 Onsite Sewage System Professionals Licensing Regulations

6 Part IX

7 Standards of Practice and Conduct

8 **18VAC160-40-440. Grounds for disciplinary action.**

9 The board may ~~place a licensee on probation;~~ impose a monetary penalty in accordance in §
10 54.1-202 A of the Code of Virginia; or revoke, suspend, or refuse to renew any license, or place
11 a licensee on probation in accordance with § 54.1-201 A 7 of the Code of Virginia, when the
12 licensee has been found to have violated or cooperated with others in violating any provision of
13 the regulations of the board or Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of
14 Virginia.

15 **18VAC160-40-450. Maintenance of license.**

16 A. No license issued by the board ~~shall~~ may be assigned or otherwise transferred.

17 ~~B. A licensee shall report, in writing, all changes of the address of record and name to the~~
18 ~~board within 30 days of the change, and shall return the license to the board. In addition to the~~
19 ~~address of record, a physical address is required for each license. If the licensee holds more than~~
20 ~~one license, the licensee shall inform the board of all licenses, certificates, and registrations~~
21 ~~affected by the name or address change. The board shall not be responsible for the licensee's~~
22 ~~failure to receive notices or correspondence due to the licensee's failure to report a change of~~
23 ~~name or address.~~

Commented [HJ(1): Break this up into separate subsections, one for name change, and the other for address change.

Commented [HJ(2): This is not necessary.

Commented [HJ(3): This is not necessary.

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24

25 ~~C. Any change in any of the requirements and qualifications for licensure found in Part II~~
26 ~~(18VAC160-40-20 et seq.), III (18VAC160-40-110 et seq.), or IV (18VAC160-40-170 et seq.) of~~
27 ~~this chapter shall be reported to the board within 30 days of the change.~~

Commented [HJ(4)]: This is not necessary.

28 B. A licensee must report to the board, in writing, any change in the licensee's legal name
29 within 30 days of the change. Such report must be accompanied by documentation acceptable to
30 the board that verifies the name change.

31 C. A licensee must report to the board, in writing, any change of address, to include the
32 physical address, as applicable, within 30 days of the change. The board is not responsible for
33 the licensee's failure to receive notices, communications, and correspondence caused by the
34 licensee's failure to report to the board any change of address.

35 **18VAC160-40-460. Notice of adverse action.**

36 A. ~~Licensees shall~~ A licensee must notify the board of the following actions against the
37 licensee.

38 1. Any disciplinary action taken by any jurisdiction, board, or administrative body of
39 competent jurisdiction, including any reprimand, ~~license or certificate~~ revocation,
40 suspension or denial of a license, certificate, or registration, imposition of a monetary
41 penalty, or requirement ~~for to take~~ remedial education, or other corrective action.

42 2. Any voluntary surrendering of a ~~related~~ license, certificate, or registration done in
43 connection with a disciplinary action ~~in another taken by any jurisdiction, board, or~~
44 administrative body.

45 3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred
46 adjudication, in any jurisdiction of the United States of any misdemeanor ~~involving lying,~~
47 ~~cheating, stealing, sexual offense, non-marijuana drug distribution, physical injury, or~~

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48 ~~relating to the practice of the profession, except marijuana convictions,~~ or of any felony,
49 there being no appeal pending therefrom or the time for appeal having lapsed. Review of
50 convictions ~~shall will~~ be subject to the requirements of § 54.1-204 of the Code of Virginia.

51 ~~Any plea of nolo contendere shall be considered a conviction for the purpose of this~~
52 ~~section.~~

Commented [HJ(5)]: Removed to be consistent with changes in -60.

53 B. ~~Notices to~~ ~~The notice must be given to~~ the board ~~must be made~~ in writing, within 30 days
54 of the action. A copy of the order or other supporting documentation must accompany the notice.

55 ~~The record of conviction finding or case decision shall be considered prima facie evidence of a~~
56 ~~conviction or finding of guilt.~~

Commented [HJ(6)]: Removed to be consistent with changes in -60.

57 **18VAC160-40-470. Prohibited acts.**

Commented [HJ(7)]: Some prohibited acts reordered; some revised. Changes are similar to what is in the proposed HI regulations amendments.

58 The following acts are prohibited and any violation may result in disciplinary action by the
59 board:

60 1. Violating, inducing another to violate, cooperating with another to violate, or combining
61 or conspiring with or acting as agent, partner, or associate for another to violate any of the
62 provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), ~~3 (§ 54.1-300 et seq),~~
63 or 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia, or any of the regulations
64 of the board.

65 ~~2. Allowing a license issued by the board to be used by another.~~

66 ~~3. Obtaining or attempting to obtain a license by false or fraudulent representation, or~~
67 ~~maintaining or renewing a license by false or fraudulent representation.~~

68 ~~2. Obtaining or attempting to obtain a license by false or fraudulent representation, or~~
69 ~~maintaining, renewing, or reinstating a license by false or fraudulent representation; or~~

70 ~~furnishing substantially inaccurate or incomplete information to the board in obtaining,~~
71 ~~renewing, reinstating, or maintaining a license.~~

Commented [HJ(8)]: Moved from subdivision #3 and revised.

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72 ~~3. Failing to report a change pursuant to 18VAC160-40-450.~~

Commented [HJ(9): Moved from subdivision #8 and revised.

73 4. A licensee having been convicted, ~~or~~ found guilty in any jurisdiction, or disciplined by
74 any jurisdiction, board, or administrative body in any jurisdiction of any offense or violation
75 enumerated in 18VAC160-40-460. Review of convictions ~~shall~~ will be subject to the
76 requirements of § 54.1-204 of the Code of Virginia.

77 5. Failing to inform the board in writing within 30 days that the licensee was convicted or
78 found guilty in any jurisdiction, or disciplined ~~in~~ by any jurisdiction, board, or administrative
79 body of any offense or violation enumerated in 18VAC160-40-460.

80 ~~6. Not demonstrating reasonable care, judgment, or application of the required knowledge,~~
81 ~~skill, and ability in the performance of the licensee's duties.~~

82 ~~7. Having undertaken to perform or performed a professional assignment that the licensee~~
83 ~~is not qualified to perform by education, experience, training, appropriate class or category~~
84 ~~of licensure, or any combination thereof.~~

85 ~~8. Failing to report a change as required by 18VAC160-40-450.~~

Commented [HJ(10): Moved to subdivision #3.

86 ~~9. Negligence~~ ~~6. Failure to comply with the requirements of 18VAC160-40-480.~~

Commented [HJ(11): Similar to what we are doing in HI regs.

87 7. Actions constituting negligence, misconduct, or incompetence in the practice of the
88 profession, ~~including:~~

89 a. Having undertaken to perform or performed a professional assignment that the
90 licensee is not qualified to perform by education, experience, training, or appropriate
91 class or category of licensure.

Commented [HJ(12): Moved from subdivision #7 and revised.

92 b. Not demonstrating reasonable care, judgment, or application of the required
93 knowledge, skill, and ability in the performance of the licensee's duties.

Commented [HJ(13): Moved from subdivision #6.

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94 c. Failing to adequately supervise and review work performed by unlicensed
95 employees or journeyman licensees under the direct supervision of the master
96 licensee.

Commented [HJ(14)]: Moved from subdivision #11.

97 d. Failure to obtain any permit, approval, or other document required by VDH related
98 to the design, installation, repair, or operation of an onsite sewage system.

Commented [HJ(15)]: Moved from subdivision #12.

99 e. Failing to act in providing professional services in a manner that safeguards the
100 interests of the public.

Commented [HJ(16)]: Moved from subdivision #15.

101 8. Actions constituting engaging in improper, fraudulent, or dishonest conduct, including:

102 a. Making any misrepresentation or engaging in acts of fraud or deceit in advertising,
103 soliciting, or in providing professional services.

Commented [HJ(17)]: Moved from subdivision #10.

104 b. Knowingly signing plans, drawings, reports, specifications, maps, or other
105 documents related to an onsite sewage system not prepared or reviewed and
106 approved by the licensee.

Commented [HJ(18)]: Moved from subdivision #13.

107 c. Knowingly misrepresenting factual information in expressing a professional opinion.

Commented [HJ(19)]: Moved from subdivision #14.

108 d. Allowing a license issued by the board to be used by another.

Commented [HJ(20)]: Moved from subdivision #2.

109 9. Failure to comply with the requirements of 18VAC160-40-500.

Commented [HJ(21)]: Similar to what we are doing in HI regs.

110 ~~10. Making any misrepresentation or engaging in acts of fraud or deceit in advertising,~~
111 ~~soliciting, or in providing professional services.~~

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112 ~~11. Failing to adequately supervise and review work performed by unlicensed employees~~
113 ~~or journeyman licensees under the direct supervision of the master licensee.~~

114 ~~12. Failure to obtain any permit, approval, or other document required by VDH related to~~
115 ~~the design, installation, repair, or operation of an onsite sewage system.~~

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116 ~~13. Knowingly signing plans, drawings, reports, specifications, maps, or other documents~~
117 ~~related to an onsite sewage system not prepared or reviewed and approved by the~~
118 ~~licensee.~~

119 ~~14. Knowingly misrepresenting factual information in expressing a professional opinion.~~

120 ~~15. Failing to act in providing professional services in a manner that safeguards the~~
121 ~~interests of the public.~~

Commented [HJ(22)]: Moved to subdivision #7.

122 **18VAC160-40-480. Conflicts of interest.**

123 The licensee ~~shall~~ must:

124 1. Promptly and fully inform an employer or client of any interest, circumstance, or
125 business association that may influence the licensee's judgment ~~of or~~ the quality of
126 service.

Commented [HJ(23)]: Assuming this was meant to be an "or".

127 2. Not accept compensation, financial or otherwise, from more than one party for services
128 on or pertaining to the same project, unless the circumstances are fully disclosed to, and
129 agreed to by, all interested parties in writing.

130 3. Neither solicit nor accept financial or other valuable consideration from material or
131 equipment suppliers for specifying their products or services.

132 4. Not solicit or accept gratuities, directly or indirectly, from contractors or their agents or
133 other parties dealing with a client or employer in connection with work for which the
134 licensee is responsible.

135 **18VAC160-40-490. Licensee responsibility.**

136 A. The primary obligation of the licensee is to the public. If the licensee's judgment is overruled
137 and not adhered to when advising appropriate parties of circumstances of a substantial threat to

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138 the public health, safety, or welfare, the licensee ~~shall~~must inform the employer and client, as
139 applicable, of the possible consequences and notify appropriate authorities.

140 B. The licensee ~~shall~~must sign, date, and include ~~his~~the licensee's license number on all
141 final work products prepared or reviewed and approved by the licensee. For work products
142 performed by a journeyman licensee, the master licensee providing direct supervision shall sign,
143 date, and include ~~his~~the licensee's license number, along with the journeyman's signature, date,
144 and license number on the final work product. A journeyman licensee ~~shall~~will not submit a work
145 project as final without the applicable master licensee's signature, date, and license number.

146 C. The licensee ~~shall~~will not knowingly associate in a business venture with, or permit the
147 use of the licensee's name by, any person or firm where there is reason to believe that person or
148 firm is engaging in activity of a fraudulent or dishonest nature or is violating any law or regulation
149 of the board.

150 D. A licensee who has direct knowledge that another individual or firm may be violating any
151 of the provisions of this chapter or the provisions of Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1
152 of the Code of Virginia ~~shall~~must immediately inform the board in writing and shall cooperate in
153 furnishing any further information or assistance that may be required.

154 E. Except as provided in subsection F of this section, a licensee ~~shall~~will not utilize the
155 evaluations, design, drawings, or work of another licensee without the knowledge and written
156 consent of the licensee or organization of ownership that originated the design, drawings, or work.

157 F. A licensee who relies on information in VDH files or has received permission to modify or
158 otherwise utilize the evaluation, design, drawings, or work of another licensee pursuant to
159 subsection E of this section or this subsection may certify that work only after a thorough review
160 of the evaluation, design, drawings or work and after ~~he~~the licensee determines that ~~he~~the

161 licensee is willing to assume full responsibility for all design, drawings, or work on which ~~he~~the
162 licensee relies for ~~his~~the licensee's opinion.

163 **18VAC160-40-500. Response to inquiry and provision of records.**

164 A. A licensee must respond within 10 days to a request by the board or any of its agents
165 regarding any complaint filed with the department.

166 B. Unless otherwise specified by the board, a licensee of the board ~~shall~~must produce to the
167 board or any of its agents within 10 days of the request any document, book, or record concerning
168 any transaction pertaining to a complaint filed in which the licensee was involved, or for which the
169 licensee is required to maintain records. The board may extend such timeframe upon a showing
170 of extenuating circumstances prohibiting delivery within such 10-day period.

171 C. A licensee ~~shall~~must not provide a false, misleading, or incomplete response to the board
172 or any of its agents seeking information in the investigation of a complaint filed with the board.

173 D. With the exception of the requirements of subsection A or B of this section, a licensee must
174 respond to an inquiry by the board or its agent within 21 days.

175 **18VAC160-40-510. Master licensee's professional responsibilities.**

176 A. Any work performed by a journeyman regulated pursuant to Chapter 23 (§ 54.1-2300 et
177 seq.) of Title 54.1 of the Code of Virginia and this chapter ~~shall~~must be under the direct
178 supervision of the master. Such master and journeyman ~~shall~~must have an employment or
179 written contractual relationship.

180 B. Each master ~~shall~~must maintain documentation of the employment or contractual
181 relationship with each journeyman under the master's direct supervision. Such documentation
182 ~~shall~~must be kept for a minimum of five years and ~~shall~~must include, at a minimum, the beginning
183 and ending dates of the employment or contractual relationship.

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184 **18VAC160-40-515. Licensee responsible for regulated activities performed on site.**

185 A. For the installation of onsite sewage systems, the decision-maker and the individual
186 executing the installation of approved permits must be licensed as a journeyman or master onsite
187 sewage system installer in the appropriate class of license. In addition, a journeyman or master
188 onsite sewage system installer in the appropriate class of license must be on-site.

189 B. For operation and maintenance of onsite sewage systems, the decision-maker must be
190 licensed as a journeyman or master onsite sewage system operator in the appropriate class of
191 license. In addition, a journeyman or master onsite sewage system operator in the appropriate
192 class of license must be on-site where regulated activities are being performed.

193 C. For soil evaluation and design, the decision-maker must be licensed as a journeyman or
194 master onsite soil evaluator in the appropriate class of license. In addition, a journeyman or master
195 onsite soil evaluator in the appropriate class of license must be on-site where regulated activities
196 are being performed.

197 **18VAC160-40-520. Pumping of alternative onsite sewage systems by conventional onsite**
198 **sewage system operators.**

199 A conventional onsite sewage system operator with the appropriate sewage handling permit
200 issued by VDH may pump an alternative onsite sewage system without the alternative onsite
201 sewage system operator present provided the conventional onsite sewage system operator
202 performs the pumping at the request and direction of the alternative onsite sewage system
203 operator. The conventional onsite sewage system operator is only permitted to pump the tank
204 and is not authorized to perform any other functions associated with the operation and
205 maintenance of the alternative onsite sewage system.

Commented [HJ(24): Incorporates Board guidance document: [Onsite Sewage System Professionals Master and Journeyman License Requirements](#), adopted April 20, 2017.

Commented [HJ(25): Incorporates Board guidance document: [Pumping of Alternative Onsite Sewage Systems](#), adopted January 19, 2017 (amended April 20, 2017).

OTHER BUSINESS

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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