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Exempt Action Final Regulation Agency Background Document

Agency name	Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
Virginia Administrative Code (VAC) citation(s)	18 VAC 160-40
Regulation title(s)	Onsite Sewage System Professionals Licensing Regulations
Action title	Update definition of maintenance
Final agency action date	July 26, 2018
Date this document prepared	July 30, 2018

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Chapter 830 of the 2018 Acts of Assembly amended the definition of "maintenance" in § 32.1-163 of the Code of Virginia, relating to onsite sewage systems. Under the legislation, the definition of maintenance is expanded to include in-kind replacement of sewer lines, conveyance lines, distribution boxes, and header lines that do not require a construction permit for adjustment and replacement, unless local ordinance provides otherwise.

In addition, the revised definition clarifies that—notwithstanding any local ordinance—onsite system maintenance does not include replacement of tanks, drainfield piping, subsurface drainfields, or work requiring a construction permit and installer. Further, the definition clarifies that unless prohibited by local ordinance, a licensed installer (conventional or alternative) may perform maintenance work limited to in-

kind replacement of light bulbs, fuses, filters, pumps, sewer lines, conveyance lines, distribution boxes, and header lines.

The amendments to the statutory definition of maintenance became effective on July 1, 2018. This regulatory action amends 18 VAC 15-40-10 so that the definition of maintenance in the Onsite Sewage System Professionals Licensing Regulations reflects the current statutory definition.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On July 26, 2018, the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals authorized an exempt action for the Onsite Sewage System Professionals Licensing Regulations.

Family impact

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

No impact on families in Virginia has been identified as resulting from the proposed amendment to the regulations.