

**BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS  
AND ONSITE SEWAGE SYSTEM PROFESSIONALS**

**AGENCY RESPONSE TO DPB's ECONOMIC IMPACT ANALYSIS**

18 VAC 160-20

Town Hall Action/Stage 4226/7260

**Agency Response to Economic Impact Analysis Performed by the Virginia Department of Planning and Budget Regarding the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals Regulations:**

Concur with the approval.

Regarding the development of master and journeyman license categories and the concern of an adverse impact, the Board considered alternative methods of regulation to achieve the Board's responsibility to protect the health, safety, and welfare of the public through the license mandate codified in § 54.1-2302<sup>1</sup> of the *Code of Virginia*, and reiterated in the Board Regulation 18VAC160-20-74.C<sup>2</sup> effective July 1, 2009. As referenced in the Economic Impact Analysis, the Board adopted policies during the early implementation of the program to allow many in the industry to continue working without a license while under the supervision of a license-holder.

From July 1, 2009 (the effective date of the initial onsite sewage system professional licensing regulations) until June 30, 2010, individuals were able to apply for a four-year, non-renewable interim license based on experience and training alone. Once the interim licenses ended, many in the industry found that they would have to take a licensing examination in order to obtain a new license (and continue working in the profession). A number of constituents sought legislative remedies<sup>3</sup> due to concerns with the examination. Concerns that were voiced included illiteracy, the applicability of exam content areas, difficulty with passing an examination after so many years, etc. An exam review of all content areas was held, with subject matter experts from the applicable professions, to review all exam questions, references, and applicability to the profession in late 2014. Also in 2014, an extension (SB 657) to the interim license for alternative onsite sewage system installers passed to allow such individuals additional time to take and pass the examination.

---

<sup>1</sup> "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."

<sup>2</sup> "No individual shall act as a conventional onsite soil evaluator, alternative onsite soil evaluator, conventional onsite sewage system installer, alternative onsite sewage system installer, conventional onsite sewage system operator, or alternative onsite sewage system operator without possessing a valid license issued by the board. Issuance of an alternative license shall void the previously issued conventional license and shall authorize the alternative licensee to perform duties on both conventional and alternative onsite sewage systems consistent with the license category. The board shall issue a license only after an individual has met all experience and examination requirements as set forth in this chapter."

<sup>3</sup> SB 662 (2012), HB 1482 (2013), HB 253 (2014), SB 657 (2014)

When the Board was conducting a general review of its regulations, among other important items, the Board carefully considered the current license requirements along with its statutory responsibility to protect the public. One alternative the Board considered was to require all individuals performing the duties identified in the statute as requiring a license<sup>4</sup>, to meet the current license requirements for the applicable classification and category of license, which requires an examination for all license types. This would result in an increased cost<sup>5</sup> to all individuals requiring licensure through application fees, examination fees, and, for some, the cost of study classes and/or materials. Alternatively, the Board decided to utilize a license system currently in place for other, similar programs<sup>6</sup>. This would allow those who are performing the work described in § 54.1-2302, which mandates a license, but are not in a supervisory or responsible charge capacity, to continue performing such work after having demonstrated minimum competency to the Board for a license. This also allows the Board to take disciplinary action, if necessary, against the licensee actually performing the regulated activity as, currently, the Board cannot take disciplinary action against an individual who is performing the work but is not a licensee of the Board. As noted in the Economic Impact Analysis for this action, “Licensing and regulating journeyman may reduce the health risk to the public.”

Through this revision to the regulations, the Board also provided additional options to qualify for licensure – including the acceptance of more degree options and opportunities to qualify for licensure with experience and training, and, in some cases, no examination.

---

<sup>4</sup> “No person shall . . . perform the duties of an onsite soil evaluator, or install or operate an alternative onsite sewage system, without a valid license.” “No individual shall act as a conventional onsite soil evaluator, alternative onsite soil evaluator, conventional onsite sewage system installer, alternative onsite sewage system installer, conventional onsite sewage system operator, or alternative onsite sewage system operator without possessing a valid license issued by the board.”

<sup>5</sup> Currently \$100 application fee, \$85 examination fee, plus cost of renewal and continuing education to maintain the license. Licenses are renewed every two years – which requires submittal of the renewal fee and certification of compliance with CPE.

<sup>6</sup> This concept is present in similarly regulated professions, including trades (master/journeyman), water well service providers (trainee/master/journeyman), and professional engineers and land surveyors (in-training).