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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)	18VAC160-20, 18 VAC160-30, 18VAC 160-40
Regulation title(s)	Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
Action title	General Review
Date this document prepared	July 12, 2016

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

Brief summary

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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

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

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

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

Acronyms and Definitions

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

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

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 April 21, 2016, the Board voted to repeal 18 VAC 160-20 and to adopt 18 VAC 160-30 and 18 VAC 160-40.

Legal basis

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

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

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

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

Purpose

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

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

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both.

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

Issues

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

The primary advantage to the public is that the revisions will improve the clarity of the regulations, ensure consistency with current board practices and legal requirements, and standards of practice in the industry, all to better protect the health, safety, and welfare of citizens of the Commonwealth. The primary disadvantage to the public is that the new licensing model for onsite sewage system professionals will require regulants and potential regulants to acclimate to the new processes. However, for those that have had the advantage of engaging in a regulated profession without the license required

by law (under the auspices of working under a licensed professional), the new licensing model allows those requiring licensure to do so through a tiered licensing mechanism, thus reducing barriers due to costs associated with examinations, related study materials, etc.

Regarding the development of master and journeyman license categories and any 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 of the *Code of Virginia*, and reiterated in the Board Regulation 18VAC160-20-74.C effective July 1, 2009. 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 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.

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, 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 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. 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.

The primary advantage to the Commonwealth is that the revisions to the regulations reflect the importance that Virginia places on ensuring the regulations are the least burdensome but also provide protection to the citizens of the Commonwealth while meeting the statutory mandates applicable to the Board. There are no identified disadvantages to the Commonwealth.

Requirements more restrictive than federal

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

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

There are no requirements that exceed applicable federal requirements.

Localities particularly affected

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

There are no particularly affected localities that have been identified.

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.

The final changes are not expected to have an impact on families.

Changes made since the proposed stage

*Please list all changes that made to the text of the proposed regulation and the rationale for the changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. *Please put an asterisk next to any substantive changes.*

Section number	Requirement at proposed stage	What has changed	Rationale for change
160-30-10	At the proposed stage, "Licensure" defined.	Licensure definition amended striking "without such license" and adding "without such license."	Definition amended to align with statutory definition of the same term
160-30-10	At the proposed stage, "Maintenance" defined	Maintenance definition was amended to strike references to duties specifically performed by onsite sewage system installers	Language in definition did not pertain to waterworks or wastewater works operators.
160-30-30	At the proposed stage, fee amounts for initial application, renewal and late renewal are outlined.	Renewal fee amounts reduced from 100.00 to 80.00.	A separate regulatory action regarding a fee adjustment was withdrawn. Therefore proposed fee adjustment was no longer applicable.

160-30-50	At the proposed stage, examination fees are subject to the Virginia Public Procurement Act and may be adjusted in accordance with contract.	Addition of the word “the” before “Virginia Public Procurement Act.	Grammatical change.
160-30-60.C	At the proposed stage, section outlines reporting requirements of the applicant.	Addition of “any”, “...any suspension, renovation , or surrender”	This section was amended for clarity.
160-30-80	At the proposed stage, section requires individuals licensed or certified in another state to pass an examination.	Strike “Virginia examination” and include “board approved	This section was amended for clarity.
160-30-90. A	At the proposed stage, this section states that an the applicable license is required to serve as the operator of a water or wastewater works.	Strike “an” before operator and insert “the”, add “applicable” before waterworks, strike “...to be operated.”	This section was amended for clarity.
160-30-90 D and E	At the proposed stage, sections outline qualifying and non-qualifying experience types.	Section E replaces Section D, Section D replaces Section E and is amended to outline what experience shall not qualify for operators or operator-in-trainings.	This section was amended for clarity.
160-30-100.2	At the proposed stage, operators are given credit for part-time experience	Strike “or workdays”	This section was amended for clarity
160-30-120	At the proposed stage, sections outline qualifying and non-qualifying experience types for those applying for a provisional license.	Language amended to mirror 160-30-90 D and E to outline what experience shall not qualify for those seeking licensure as a provisional operator.	This section was amended for clarity.
160-30-130.A	At the proposed stage, section outlined certain substitutions of experience.	Add “ licensed alternative onsite sewage system operator before (insert effective date of regulation)”	This amended allows the board to consider experience of licensed alternative onsite sewage system operators prior to any regulatory changes contained within the proposed language.
160-30-130.2 & 3	At the proposed stage, the regulations outline the use of education to substitute for experience required for licensure.	Strike, “be” and amend “substituted” to “substitute.” In section 3,strike “be” and insert “utilized” and amend “substituted” to substitute.”	This section was amended for clarity.
160-30-160.B	At the proposed stage, any person who does not renewal timely pursuant to the regulations, shall enter into a reinstatement period	Strike “any licensee” and insert “Any individual”	This section was amended for clarity.
160-30-	At the proposed stage, the	Strike “the” an insert “a”	This section was

190	regulations outlined the requirements of continuing education.		amended for clarity.
160-30-240	At the proposed stage, this section outlined the approval process for persons applying for approval as a training course.	Strike all instances of “sponsor” and insert “provider”	This section was amended for consistency of term usage.
160-30-250	At the proposed stage, this section outlined the approval process for persons applying for approval as a training course	Strike all instances of “sponsor” and insert “provider”	This section was amended for consistency of term usage.
160-30-270	This section describes instances in which the board can withdraw approval of a training provider’s course.	Strike “way” and insert “manner”	This section was amended for clarity.
160-30-280	This section describes the training courses that do not require board approval	Insert “ subject matter”	This section was amended for clarity.
160-40-10	This section indicates definitions of terms found in the proposed regulations.	Amend the definition of “journeyman” and “licensure”.	This section was amended to clarify the term “journeyman” and to align the definition of “licensure” with that in statute.
160-40-20	This section outlines the procedures for submitting an application for licensure.	Strike “certified” and insert “certifies.”	This section was amended for clarity.
160-40-40	This section outlines the fee amounts for initial application, renewal and late renewal.	Renewal fee amounts reduced from 100.00 to 80.00.	A separate regulatory action regarding a fee adjustment was withdrawn. Therefore proposed fee adjustment was no longer applicable.
160-40-60	This section outlines the general requirements for licensure.	Rephrase section C. to include the requirement of reporting all instances of disciplinary action as part of the application process.	This section was amended for clarity.
160-40-70	This section describes education and training an applicant may utilize to substitute for work experience.	Insert, “ ...engineering, environmental science, agronomy, earth science, environmental health...” under acceptable post secondary courses.	The board found the additional course topics acceptable as a method of substitution for experience.
160-40-90	The section requires individuals licensed or certified in another state to pass an examination.	Strike “Virginia examination” and include “board approved.”	This section was amended for clarity.
160-40-100	The section outlines the calculation of full-time and part-time employment	Strike “or workdays”.	This section was amended for clarity.

	hours.		
160-40-105	New section	This new section was added to include language regarding the transition to the master/journeyman licensing scheme. All persons holding a license will automatically receive a master license in the category of the license that was held previous to the effective date of the new regulations.	New section
160-40-110	The section outlines the requirement for licensure to install conventional and alternative onsite sewage systems and the journeyman/master relationship.	Insert “master”, “onsite sewage system installer”, and “with the appropriate class of license”	This section was amended for clarity.
160-40-140	This section consisted of language exempting applicants of the master conventional onsite sewage system installer license from examination if certain requirements were met.	This section was repealed.	This section was amended to conform to the expiration of a statutory exemption under §54.1-2301 of the Code of Virginia that was in effect until July 1, 2016
160-40-150	This section outlines the qualifications for licensure as a journeyman alternative onsite sewage system installer.	Insert “a journeyman”	This section as amended for clarity.
160-40-170	This section outlines the requirement for licensure to perform the duties of an onsite sewage system operator.	Section A: Insert “in the appropriate class” Section B. Insert “Journeyman” Section C. Insert “in the appropriate class” and “ master”	Clarification of terms was needed to ensure master licensees understood their role in supervising journeyman licenses under their direct supervision.
160-40-200	This section outlines the qualifications for applicants seeking an exemption from the master conventional onsite sewage system operator examination.	Section 1. Insert the term “master” in two places and change “evaluation” to “evaluator”	This section as amended to correct grammar and to clarify who may verify experience.
160-40-230	This section outlines that requirement for a license to perform the duties of an onsite soil evaluator.	Section A. strike “ evaluate soils and soil properties for suitability as locations for or design conventional or alternative onsite sewage systems” and insert “perform the duties of an onsite soil evaluator”	This section was amended for clarity.
160-40-250	This section outlines the qualifications for licensure as a master conventional onsite sewage system evaluator.	Increase the amount of experience under section one from one and a half years to two years. Add section 5 which allows licensed professional soil scientist with one year of experience to sit for the	These changes were a result of feedback from public comment to include additional options for entry or licensure and to increase the years of

		examination.	experience to protect the safety, health, and welfare of the public.
160-40-270	This section outlines the qualifications for licensure as a master alternative onsite soil evaluator.	Increase the amount of experience under section 1 and 4. Amend section 5 to include licensed professional soil scientist with two years of experience to sit for the examination.	These changes were a result of feedback from public comment to include additional options for entry or licensure and to increase the years of experience to protect the safety, health, and welfare of the public.
160-40-330	This section outlines the required continuing professional education hours.	Restructure of continuing education hours across the various professionals.	These changes were a result of feedback from public comment. Such feedback requested an adjustment to the number of hours of continuing professional education.
160-40-340.8	This section describes the required subject matter content of the continuing professional education.	Reduce the number of hours of management and supervision from 5 to 4.	These changes were a result of feedback from public comment and board staff review. Typically courses are taught either half (4 hours) or full days (8hours). Changing the hours aligned the course with current course time practices.
160-40-350.8	This section describes the required subject matter content of the continuing professional education of onsite sewage system operators.	Reduce the number of hours of management and supervision from 5 to 4.	These changes were a result of feedback from public comment and board staff review. Typically courses are taught either half (4 hours) or full days (8hours). Changing the hours aligned the course with current course time practices.
160-40-360	This section describes the required subject matter content of the continuing professional education courses for onsite soil evaluators.	Add "Mapping, cartography, and geographic information systems", reduce the number of hours of management and supervision from 5 to 4.	These changes were a result of feedback from public comment and board staff review. Typically courses are taught either half (4 hours) or full days (8 hours). Changing the hours aligned the course with current course time practices.
160-40-390	This section outlines the approval of training courses.	Strike all instances of "sponsor" and replace with "provider"	This section was amended for clarification and consistency.

160-40-400	This section outlines the application and review process for training course approval.	Strike all instances of “sponsor” and replace with “provider”	This section was amended for clarification and consistency.
160-40-470.7	This section describes prohibited acts.	Add, “ appropriate class or category of licensure”	This section was amended to clarify that undertaking a task not allowed based on category or classification of licensure is a prohibited act.
160-40-480	This section outlines the licensee’s duties in the event a conflict of interest arises.	Grammatical changes regarding word placement and commas.	This section was amended as a result of public comment.
160-40-490	This section outlines the licensee’s responsibility as it pertains to the practice of their profession.	Addition of section B.	These changes were a result of feedback from public comment. The inclusion of the requirement of signatures, dates, and license number to final work products was included as a safeguard to the safety, health, and welfare of the public. Such information serves as a level of assurance that a professional who meets the minimum qualifications for licensure has rendered a service.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate. Please distinguish between comments received on Town Hall versus those made in a public hearing or submitted directly to the agency or board.

	Regulation *#	Summary of Comment(s)	Board Response
	Commenter		
1	160-40 Jeff Walker	The commenter objects to the regulations as drafted and requests that the Board reconvene to establish a professional seal. Onsite soil evaluator work, exempt from professional engineer licensure via §54.1-402, requires sealing of documents under a professional's control pursuant to 18VAC10-20-760.B.4 (Regulations of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects).	The Board thanks the commenter for submitting comments. The Board considered this proposal prior to adopting proposed regulations and found that mandating a seal, when there is not currently a prohibition on sealing work, is an overly burdensome and costly requirement for regulants. However, as a result of feedback by some regulants that a method of authentication of documents is a matter of public concern that requires government oversight for onsite sewage system professionals, the Board has amended the proposed regulations to require that all final work products include the regulant's signature and license number. Further, the Code section provided pertains to onsite soil evaluators only so far as it exempts onsite soil evaluators from having to hold a license as a professional engineer so long as such work is performed within the parameters of § 54.1-402.A.11. "Professional" as used in the regulation provided is defined in 18VAC10-20-10 as "an architect, professional engineer, land surveyor, landscape architect, or interior designer who holds a valid license or certificate issued by the [APELSCIDLA] board" and does not include onsite soil evaluators.
2		The commenter objects to the journeyman/master licensure structure. The new class expands upon the statutory contract. Journeyman and apprentice are defined under the Contractor's Board and the Department of Labor and Industry and should not be applied to professionals. The small business impact statement is inadequate for the reasons outlined in the comment. DPOR seems to advocate licensure for everyone with a shovel which is a barrier to employment and would raise the cost of labor without benefit in the public.	Section 54.1-2302 of the Code of Virginia states that "no person shall . . . perform the duties of an onsite soil evaluator, or install or operate an alternative onsite sewage system, without a valid license." In addition, § 54.1-2301.C requires the Board to "establish a program for licensing individuals as onsite soil evaluators, onsite sewage system installers, and onsite sewage system operators." 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 due to concerns with the examination [SB 662 (2012), HB 1482 (2013), HB 253 (2014), and SB 657 (2014)]. 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

			<p>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. 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, 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 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. 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. Currently, the person who is working under the purview of the licensed onsite soil evaluator (and may or may not be directly supervised) has no minimum level of competency verified – including no exam and the possibility of no experience.</p> <p>The Board seeks only to license those that are performing the regulated activities described in Chapter 23 of Title 54.1, and the Virginia Administrative Code applicable to waterworks and wastewater works operators and onsite system professionals. A person holding a shovel is not necessarily performing such regulated activities.</p>
3		<p>The commenter stated sealing a document completes the professional design, restricts future changes and provides the public with assurances. The commenter provided information regarding zoning ordinances from Fauquier County in reference to a seal.</p>	<p>The Board considered this proposal prior to adopting proposed regulations and found that mandating a seal, when there is not currently a prohibition on sealing work, is an overly burdensome and costly requirement for regulants. However, as a result of feedback by some regulants that a method of authentication of documents is a matter of public concern that</p>

			requires government oversight for onsite sewage system professionals, the Board has amended the proposed regulations to require that all final work products include the regulant's signature and license number.
4	160-30	The commenter states the proposed change to the definitions for "direct supervision" and "direct supervisor" dilutes the standards of supervision. It appears the commenter wishes the current definitions to remain in place.	The Board amended the existing definition of "direct supervision" to provide greater clarity regarding the parameters necessary to achieve direct supervision. In addition to being fully responsible for compliance with the regulations, such person in direct supervision must be immediately available, thus increasing the parameters in which direct supervision is achieved. Permits issued by the Department of Environmental Quality (DEQ) and the Virginia Department of Health (VDH) to classified waterworks and wastewater works facilities provide additional requirements to each facility regarding the classification of operators, operators in charge, and supervisory provisions.
5	160-40	The commenter references the need to require a contract which would be in the public's best interest. In addition, the commenter cites case law.	The Board considered the proposal to include contract provisions during the development of the proposed regulations. The Board's decision to not include contract provisions was not a result of any belief that services should not, or cannot, be performed under a contract. Conversely, the Board concurs that it is a good business practice for any entity providing services to utilize a contract in its business dealings, however, the Board regulates <u>individuals</u> and most contracts are going to be between the firm offering services and the client. Thus, the Board for Contractors – which licenses <u>firms</u> – has regulations governing contracts applicable to its licensees. Licensed installers are also required to have a license from the Board for Contractors and, therefore, will be bound by the contract requirements under the Board for Contractors. The Board does not have the statutory authority to regulate firms.
6	160-40 and 160-30	The commenter suggests that community colleges should be included among the avenues for entry, and practical training without necessity for CPE from trade shows or other vendor-driven events. In addition the commenter objects to licensing of "shovelers and hose handlers" through the journeyman license.	The Board concurs, as evidenced by regulations that, in addition to providing options for entry that recognize associate degrees, provide for certain training courses, including those offered by accredited colleges and universities, to not require Board approval (see 18VAC160-40-430 and 18VAC160-30-280). Thus, community college programs and courses are considered for both entry requirements and CPE. The Board seeks only to license those that are performing the regulated activities described in Chapter 23 of Title 54.1, and the Virginia Administrative Code applicable to waterworks and wastewater works operators and onsite system professionals. A "shoveler or hose handler" is not necessarily performing such regulated activities.

7	160-30	The commenter raises questions regarding the appearance of "a gap" between class IV wastewater works operator and onsite operators for systems that fall between 10,000 and 40,000 gallons per day.	This matter was brought to the Board's attention by staff at the December 2015 Board meeting, at which the commenter was present, and was revisited at the April 21 st Board meeting. The Board has adopted a guidance document to clarify the current regulatory requirements. In addition, a provision was added to the proposed regulations to clarify the license requirements in this scenario.
8	160-40 Kenneth Carbaugh AOSE, Carbaugh Environmental Inc.	The commenter agrees with other commenters on the need for a seal for onsite soil evaluators. Believes the current regulations (education, experience) are sufficient and a master/journeyman license structure is unnecessary for soil evaluators.	The Board thanks the commenter for submitting comments. See response to comment #3
9		Master/journeyman license model is unnecessary for AOSE's. The journeyman license is a method by which VDH will push unexperienced employees into high level regulatory/design positions.	See response to comment #2.
10		The current regulations for AOSE licensure are not acceptable. License for an AOSE should require a BS or 10 years of experience.	The comment exceeds the current experience and education requirements, which include educational options such as an associate degree, an onsite sewage system training program, and other coursework, as well as experience options that range from one year to eight years (six months and up with experience substitutions). No data has been identified that warrants increasing the experience and education requirements above current requirements, thereby making it less feasible to increase the entry requirements as suggested.
11		While the commenter believes the master/journeyman license structure is unnecessary for soil evaluators, he believes it is an excellent idea for the other professions regulated under the Board as it would encourage employee retention and encourage individuals who want licensure to work under a master licensee and gain experience.	The Board thanks the commenter for his comment.
12		The commenter objects to the onsite soil evaluator journeyman license. The commenter shares his concern that there has been little feedback on this proposal from the installers and	The regulatory process has been conducted in accordance with all applicable laws, regulations, and executive order, to include solicitation of public comments via the Virginia Regulatory Town Hall. In addition, staff has shared information at industry

		operators, thus leading to concern about the transparency and inclusiveness of the process.	events regarding the proposed regulations and encouraged the submittal of comments during the public comment periods. See response to comment #2.
13	160-40	The commenter objects to the regulations as drafted as well as existing. The practice of onsite soil evaluation is a part of the practice of soil science. The master/journeyman structure is typically applied to those practicing a trade and the board cannot successfully meet the needs of both tradesman and professionals. Onsite soil evaluators are, in effect, already journeyman with the master's being the professional soil scientist. The commenter is not concerned with the need of a seal for onsite soil evaluators.	The Board thanks the commenter for submitting comments. The General Assembly determined in 2007 that a separate license would exist for those engaged in the evaluation of soils and soil properties as the locations for onsite sewage systems, the certification of such sites for the applicable system, <i>and</i> the design of said systems. This was further reinforced in 2008 with the General Assembly's amendment to § 54.1-402 of the Code of Virginia that provided a specific exemption from professional engineer licensure to licensed onsite soil evaluators who design systems that meet specific parameters. The Board is required by Chapter 23 of Title 54.1 to regulate onsite soil evaluators separately from soil scientists (regulated pursuant to Chapter 22 of Title 54.1), and to also regulate onsite sewage system installers and operators. Chapter 23 of Title 54.1 of the Code of Virginia refers to all of the regulants engaging in onsite sewage system services as "professionals" (as stated in the name of the Board), and does not provide for a hierarchy of the three professions. The Board developed the master/journeyman structure to address the concerns as explained in the response to comment 2.
	Jeff Sledjeski, OSE		
14	160-40(CPE)	The commenter suggests including "mapping/cartography" to the list of subject matter for continuing education for onsite soil evaluators.	The Board thanks the commenter for submitting comments. The Board concurs with the comment and will amend 18VAC160-40-360 of the proposed regulations accordingly.
	James B. Slusser		
15		The commenter requests the board create language for contractual agreements and if entities must be regulated, incorporate that requirement into the proposed regulations.	See response to comment #5.
16		The commenter proposes changing the definition of "direct supervision" to include "means the responsibility for the direct control and conduct of a subordinate" and remove "being immediately available and fully responsible." The commenter believes this change was made to benefit VDH.	See response to comment #4.
17		The commenter proposes adding a definition of "delegation" to the regulations.	There is no benefit in defining a term that is not used in the regulations.
18		The commenter proposes inclusion of the term "organization" to be defined as "any firm, corporation, partnership, government agency, sole proprietor or	The definition proposed does not correlate with the use of the term in the text of the regulations.

		other type of legal entity that employs licensed onsite soil evaluators and provides products and /or services regulated pursuant to Chapter 23 (§54.1-2300 et seq.) of Title 54.1 and this chapter.”	
19		The commenter proposes inclusion of the term “subordinate” to be defined as “ any person, directly supervised by a licensed onsite soil evaluator who assists in the practice of onsite soil evaluation and designs for conventional or alternative onsite sewage disposal systems.”	There is no benefit in defining a term that is not used in the regulations.
20		The commenter proposes inclusion of the term “seal” to be defined as, “ any physical or electronic seal applied by a licensed onsite soil evaluator to a document to indicate that he or she is professionally responsible for the work so sealed.”	See response to comment #3. There is no benefit in defining a term that is not used in the regulations.
21		The commenter proposes inclusion of the term “standard of care” to be defined as, “the care and skill ordinarily used by members of the onsite soil evaluation profession practicing under similar conditions at the same time and locality.”	There is no benefit in defining a term that is not used in the regulations.
22		The commenter objects to the journeyman/master licensure structure as it will increase costs to the consumer by way of the need to comply with CEU requirements.	See response to comment #2 above.
23		The commenter suggests restraints of trade because professional engineer members of the Board were permitted to vote on a motion that refused onsite soil evaluators from obtaining a seal.	Onsite soil evaluators are not prohibited from obtaining or utilizing a seal.
24		The commenter makes inquiries regarding a Board member.	The comments are not germane to the proposed regulations.
25		The commenter objects to journeyman/master licensure structure. In addition, the commenter believes reducing the existing onsite soil evaluator standards does not serve the interest of the public.	See response to comment #2. The Board carefully reviewed the existing regulations and made amendments to provide for additional options for licensure (varying to recognize differences in education and experience), and three of the possible options for entry for onsite soil evaluators in the proposed regulations include a reduction in experience requirements. Based on public comments received, the Board will amend any experience requirements for onsite soil evaluators that have been decreased, except those that were decreased to provide for additional options of entry that added a requirement (i.e., education

			requirements).
26		The commenter believes the proposed regulations have obvious conflicting interests. Believes keeping the onsite soil evaluators under this board is "indentured servitude."	In 2007, the General Assembly passed House Bill 3134 and Senate Bill 1270 establishing a licensure program for installers, operators, and onsite soil evaluators of onsite sewage systems under the WWOSSP Board. Unless the General Assembly opts in the future to place onsite soil evaluators with another regulatory board, it is the statutory responsibility of this Board to administer the licensing program for onsite soil evaluators.
27		The commenter objects to the journeyman license. The OSE license has the benefit of not being required to possess a full PE license. Reducing OSE requirements does not serve to protect the health, safety, and welfare of the public.	The Board created the journeyman license, in part, to address the concern that there are many individuals fully engaging in regulated onsite sewage system activities with no license and, therefore, the possibility of having little to no applicable experience, education, or training and no standard of minimum competency. Thus, the creation of the journeyman license establishes a minimum standard of competency for those practicing regulated professions, though not in a responsible charge position. As for the requirements for the master licenses, the Board carefully reviewed the existing regulations and made amendments to provide for additional options for licensure (varying to recognize differences in education and experience), and three of the possible options for entry for onsite soil evaluators in the proposed regulations include a reduction in experience requirements. Based on public comments received, the Board will amend any experience requirements for onsite soil evaluators that have been decreased, except those that were decreased to provide for additional options of entry that added a requirement (i.e., education requirements).
28		The commenter provided several excerpts of emails labeled Exhibit A – C with comments regarding the presence of Board members who are also members of a professional association.	The Department and its regulatory boards collaborate with a number of professional and trade associations that are related to the various professions and occupations under the Department's purview. Those relationships are integral to dissemination of information to the regulated community, staff outreach and education opportunities, and obtaining feedback on regulatory and other processes. Many individual board members may also be members of professional and trade associations; however, that does not mean such members are automatically precluded from membership on, and participating with, a regulatory board.
29		The commenter provided excerpts of emails labeled Exhibit D-E. In addition, the commenter referenced prior and current Board policies regarding the parameters of supervision of	The comments refer to prior and current policies but do not pertain to the proposed regulations.

		unlicensed individuals performing onsite soil evaluations.	
30		The commenter references proposed regulations 18 VAC 160-40-180 and the phrase "...agreed to by all interested parties in writing." Suggests the board require disclosure through the written form of a contractual agreement.	See response to comment #5.
31		The commenter requests the removal of 18 VAC 40-470.15 as the commenter states that it will prevent VDH from designing voluntary upgrades.	The Board believes this regulation is necessary to aid in the protection of the health, safety, and welfare of the public.
32		The commenter suggests amending 18VAC160-40-470.6 as follows: "Not demonstrating reasonable <u>standard of</u> care, judgment, or application of the required knowledge, skill, and ability in the performance of the licensee's duties" to better align the regulations with statutory and common law use.	The language in the proposed regulations is consistent with the current regulatory requirement, as well as the Board for Professional Soil Scientists, Wetland Professionals, and Geologists, which has been identified by other commenters as being related to this board. In addition, there are no accompanying provisions that specify such standards. Finally, from a statutory perspective, the use of "standard of care" is only present in professional and occupational law for health regulatory professions (i.e., medicine, nursing, etc.).
33		The commenter suggests the addition of the following prohibited act: "No regulant of this Board shall provide evaluation and design services to the public for which that same person while serving as a code official and approves their own work." The commenter further states this will remove conflicts of interests for VDH staff who perform such work.	The Board's authority does not extend to processes under VDH related to permit approvals.
34		The commenter provided excerpts from documents/emails notated as Exhibit F. Such comment relates to the necessity to license all individuals in the onsite industry and whether the Board concedes that existing policy failed to provide adequate regulatory oversight.	In accordance with the law, the only individuals that will need to be licensed are those that are performing onsite sewage system installations, operation, and onsite soil evaluation for conventional and alternative onsite sewage systems. As provided in the proposed regulations, those <i>assisting</i> in the performance of such services do not necessarily need to be licensed, as that experience is used to qualify for licensure.
35		The commenter suggests that language should be added to indicate that the master will sign all legal documents and proposed onsite soil evaluations and designs.	The Board concurs and the proposed regulations are amended to require that all final work products include the regulant's signature and license number, to include the journeyman, as applicable, and the master. This will address concerns related to regulatory responsibility, as legal responsibility is handled by the courts.
36		The commenter suggests amending the definition of the term "journeyman"	The purpose of regulation is to establish a minimal level of competency for the regulated community.

		by removing the phrase “and competency” from the phrase “an individual who possesses the minimum skills <i>and competency</i> ” as “DPOR and its regulatory boards establish entry requirements based upon a combination of education, examination, and/or experience” (referencing information on the Department’s website).	The establishment of such is based upon any combination of, but not necessarily including all of, education, examination, and experience (thus the use of and/or).
37		The commenter provided excerpts from emails labeled Exhibit G regarding the Onsite Sewage System Professionals Work Group. The commenter asked whether the Board regulates individuals or agencies. The commenter further stated that VDH has not allowed the Board to have consistent standards of practice. The commenter thanks the Board for incorporating 18VAC160-40-470 into the proposed regulations.	The Board’s regulations are applicable to individuals and the proposed regulations include standards of practice and conduct.
38		The commenter provided excerpts from emails labeled Exhibit H and provides objection to the restructuring of direct supervision and no examination process for journeyman who will not be directly supervised. The commenter further suggests that the regulations allow operators to use a “manpower” job sourcing entity to hire persons that will not be employed for the full 1,760 minimum hour requirement for licensure.	Neither the proposed regulations nor the existing regulations provide an exemption from licensure based on the number of hours worked or for day laborers. The necessity for licensure is based on work performed and not hours worked. Reference in the regulations to 1,760 hours is to establish the number of hours that are equivalent to a year of full-time work experience (since the experience requirements are based on full-time years of experience). Any interpretation to the contrary is incorrect. Currently, a person working under the direct supervision of a licensee has met <u>no</u> established minimum qualifications. The proposed regulations further state that a journeyman must work under the supervision of a master licensee and that the master licensee is responsible for supervising the provision of regulated services by the journeyman under his responsibility. The regulations further require that the master licensee maintain documentation of the employment or contractual relationship with each journeyman under the master’s direct supervision. Absent a specific reference or citation in the proposed regulations representative of the commenters concern regarding the direct supervision structure, the Board has not identified further amendments to the referenced provisions.
39	160-40	The commenter asked about onsite soil evaluation’s relationship to the preparation of plans and designs and expresses concerns about the dilution of consumer protections.	This comment is not germane to the proposed regulations.
40	160-40	The commenter finds that the proposed	The Board thanks the commenter for submitting

	T. A. Houston, Jr.	changes are bureaucratic. The commenter is familiar with several installers that are being put out of business due to a lack of education and book sense, not experience.	comments. The Board amended the regulations to address, in part, concerns expressed by those in the industry that they would be unable to continue working once the interim licenses ended. Many of these concerns centered on the individual's ability to take and pass an examination – which was required for every onsite sewage system professional license type until the legislature made a change to provide an examination exemption for conventional installers <u>for a limited time</u> and the Board adopted a guidance document to allow some conventional operators to waive the examination in limited circumstances. The statute and regulations require those performing regulated work to possess the appropriate license and the Board is working within the parameters established by the General Assembly through the Code. Through this regulatory action, the Board sought to establish requirements that balanced protection of the public through entry requirements establishing minimum competency while providing options that are less dependent on an examination for those not in a responsible charge capacity, while working within the parameters established by the General Assembly through the Code.
41		The commenter suggests dropping continuing education requirements from the regulations.	Given the number of regulatory, technological, and industry changes that affect onsite sewage systems, the Board does not agree that it would be fulfilling its responsibility of protecting the public and ensuring minimal competency by eliminating the continuing professional education requirements. The Board has, however, re-reviewed the proposed continuing education requirements and made amendments which, in some cases, resulted in a reduction in the proposed CPE requirements. The amendments also better align required CPE hours with increments more compatible with an average work day (i.e., 4 hours, 8 hours, 12 hours, 16 hours).
42	160-40 David Beahm, LPSS	The commenter stated that only a licensed soil scientist should conduct soil morphologic/cartographic, soil genesis interpretations, classification, etc. for professional reports and recommendations. They request that the board scrap the onsite soil evaluator program and only allow licensed professional soil scientists to conduct the work as specified within the regulations applicable to licensed soil scientists. Existing onsite soil evaluator licensees should only be qualified to sit for the licensed professional soil scientist exam.	The Board thanks the commenter for submitting comments. The General Assembly determined in 2007 that a separate license would exist for those engaged in the evaluation of soils and soil properties as the locations for onsite sewage systems, the certification of such sites for the applicable system, <i>and</i> the design of said systems. This was further reinforced in 2008 with the General Assembly's amendment to § 54.1-402 of the Code of Virginia that provided a specific exemption from professional engineer licensure to licensed onsite soil evaluators who design systems that meet specific parameters. The Board is required by Chapter 23 of Title 54.1 to regulate onsite soil evaluators separately from soil scientists (regulated pursuant to Chapter 22 of Title 54.1). Through the

			proposed regulations, the Board acknowledged the value of a professional soil scientist license by removing any exam and experience requirements for licensed soil scientist to qualify for the journeyman conventional onsite soil evaluator license, and exam requirements for journeyman alternative onsite soil evaluator license.. Further, the Board agrees to amend 18VAC160-40-250 and 18VAC160-40-270 to provide an avenue for a professional soil scientist to qualify with one and two years, respectively, of appropriate experience along with the applicable examination.
43	160-40	The commenter supports the proposed regulations. The commenter affirmed that the board licenses individuals not entities and that the Board for Contractors governs contract requirements. The conflict of interest and ethics portion of the regulations has been "tightened" and due to the movement of other government agencies away from the sealing of documents towards electronic submission and signatures, requiring an original seal on onsite soil evaluator submissions could have a negative impact.	The Board thanks the commenter for submitting comments.
	Coast Plains Environmental Group, LLC	The commenter reiterated that the board does not have any purview over other government agencies such as VDH or DEQ. In addition, the creation of the journeyman licensure structure would serve to address concerns regarding accountability and would require everyone practicing to have the appropriate license, whether working for VDH or a private employer. Lastly, the commenter believes the regulations under VDH governing authorized soil evaluators require repealing prior to any incorporation into the board's regulations.	
44	160-40	The commenter opposes the regulations as written. The commenter makes reference to a section of the Board's guidance documents regarding onsite sewage system installers and necessity of a contract. Believes that board policy could be brought into proposed regulations.	The Board thanks the commenter for submitting comments. See response to comment #5.
	VDH Staff		
45	160-40	The commenter believes the regulations have been influenced by a former board member and only represent the interests of VOWRA.	The Board thanks the commenter for submitting comments. The commenter did not identify any provisions in the proposed regulations that should be reconsidered or amended by the Board.
	Bill Thomas		

46		<p>The commenter referenced a board guidance document regarding direct supervision and who is accountable for an unlicensed person's actions. The commenter believes the proposed licensing scheme will create a buffer for management and cause issues with accountability. Requests the board withdraw the proposed regulations.</p>	<p>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, 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 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 programs. 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.</p>
47	160-40 Dr. John M. Galbraith, Virginia Tech	<p>The commenter objects to the regulations as drafted regarding sealing documents. The commenter further states that any document that stands as a professional design should be sealed and requests the board to consider requiring sealing.</p>	<p>The Board thanks the commenter for submitting comments. See response to comment #3.</p>
48		<p>The commenter objects to the proposed regulations regarding the journeyman license. Adding journeyman will not provide better protection to water quality and may result in the public not receiving a fully professional design and/or site evaluation. Consider an unrestricted journeyman class.</p>	<p>See response to comment #2.</p>
49		<p>The commenter objects to the lowering of qualifications and training requirements for onsite soil evaluators.</p>	<p>The Board created the journeyman license, in part, to address the concern that there are many individuals fully engaging in regulated onsite sewage system activities with no license and, therefore, the possibility of having little to no applicable experience, education, or training and no standard of minimum competency. Thus, the creation of the journeyman license establishes a minimum standard of competency for those practicing regulated professions, though not in a responsible charge position. As for the requirements for the master licenses, the Board</p>

			carefully reviewed the existing regulations and made amendments to provide for additional options for licensure (varying to recognize differences in education and experience), and three of the possible options for entry for onsite soil evaluators in the proposed regulations include a reduction in experience requirements. Based on public comments received, the Board will amend any experience requirements for onsite soil evaluators that have been decreased, except those that were decreased to provide for additional options of entry that added a requirement (i.e., education requirements).
50	160-40	The commenter does not believe the proposed regulations will improve clarity, consistency with board practices and legal requirements. The commenter raises issues with the review of the proposed regulations by the Attorney General, an appearance of conflicts with the Constitution of the United States and Virginia, and the board's failure to address inconsistencies in §54.1-2301 and the board's regulations.	The Board thanks the commenter for his comments. It is the responsibility of the Office of the Attorney General to provide legal services to the Commonwealth's agencies, including the Board. The commenter provided no specific reference regarding perceived inconsistencies in the Board's statute and/or regulations.
	Bob Marshall		
51		The commenter suggests including a new section titled, "Responsibility to the Public" under 18 VAC 160-40-440. [Text provided]	The substance of the text provided can be found in 18VAC48-40-490.A under Licensee Responsibility in the proposed regulations.
52		The commenter questions whether the Board protects VDH or the public and cites case law.	The comments are not germane to the text of the proposed regulations and provide no examples or alternative regulatory provisions.
53		The commenter recommends removing 18VAC160-40-470.12 as the commenter finds it burdensome. The commenter questions who is to obtain the referenced documents and whether it asks licensees to guarantee that a permit or approval will be obtained from VDH.	The provision is included in the prohibited acts as obtaining necessary approvals or authorizations to perform specific activities that require such approvals or authorizations is indicative of professionalism and competency that is expected of a regulated professional. The regulation is to ensure a professional obtains necessary governmental approvals (permits) when engaging in work requiring such approvals, but is not intended to address document retrieval and/or retention. This regulation would be applicable if a complaint were received, not through random audits of VDH records.
54		The commenter objects to the definition of "category" to include journeyman or master and suggests amending "category" to mean "onsite soil evaluator, onsite sewage system installer, and onsite sewage system operator."	See response to comment #2. In addition, the proposed amendment to the definition is unnecessary as the added language is covered in the definition of "professional."
55		The commenter objects to the definition of "class" and the applicability of alternative and conventional to all	The definition of "class" in Chapter 40 of 18VAC160 is only applicable to onsite sewage system professionals, and not waterworks and wastewater

		classes under the Board’s purview. Commenter suggests amending the definition of “class” to mean “conventional or alternative as applicable to the professionals under the board’s purview onsite soil evaluator, or alternative onsite sewage system installer, and alternative sewage system operator.”	works operators (whose regulations are found in Chapter 30 of 18VAC160). Section 54.1-2301.D(e) and (f) provides for the meaning of “class” as applicable to conventional and alternative systems. Further § 54.1-2301.C requires the Board to establish a program for licensing individuals as onsite soil evaluators, onsite sewage system installers, and onsite sewage system operators.
56		The commenter objects to the proposed change of the definition of “alternative onsite soil evaluator.” Suggests replacing the word “as” with “and.”	The Board concurs with the suggested change.
57		The commenter objects to the proposed definition of “VDH.” Suggests adding the word “Incorporated” to the end of the definition.	The Virginia Department of Health is a state government agency and not an incorporated entity. The definition is consistent with its usage in the proposed regulations.
58		The commenter objects to the proposed definition of “journeyman” and requests that it be stricken.	See the response to comment #2.
59		The commenter objects to the proposed definition of “master” and requests that it be stricken.	See response to comment #2.
60		The commenter objects to proposed definition of “licensure.” Recommends the utilization of the definition of “licensure” as stated under §54.1-300 of the Code of Virginia	The Board concurs with the substance of the suggested amendment.
61		The commenter objects to the proposed definitions for “direct supervision.” In addition, the commenter provided amendments to 18 VAC 160-40-230 D, 18 VAC 160-40-470. 11 and requests the removal of 18 VAC 160-40-510.	As all of the suggested amendments are directly related to the commenter’s objection to the master/journeyman license structure, see response to comment #2.
62		The commenter objects to the proposed regulatory changes regarding onsite sewage system professionals. In addition, the commenter recommends changes to proposed language in 18 VAC 160-40-230 and 480.	Section 18VAC160-40-230.A includes the introductory phrase referencing Chapter 4 of title 54.1 to acknowledge that the Board’s regulations cannot require a license for professional engineers performing the work identified in 18VAC160-40-230.A. The suggested change to 18VAC160-40-480 is unnecessary as the definition of “licensee” covers the listed terms.
63	160-40 Alexis Jones, LPSS	The commenter states that soil scientists should be permitted to perform work in the field of soil science. Further, the commenter asks that the Board not reduce, but maintain and strengthen, the training or experience requirements for practice. The commenter also asks the Board to considering lowering the qualifications for conventional onsite soil evaluators.	The Board thanks the commenter for submitting comments. The General Assembly determined in 2007 that a separate license would exist for those engaged in the evaluation of soils and soil properties as the locations for onsite sewage systems, the certification of such sites for the applicable system, and the design of said systems. In conducting the review of the regulations, the Board did take into consideration the relationship of professional soil scientists to aspects of the work

			<p>conducted by onsite soil evaluators. The proposed regulations allow a professional soil scientist to obtain a journeyman conventional onsite soil evaluator license with no experience. In reviewing the proposed regulations, the Board concurs that recognition of the professional soil scientist license should be extended to the master conventional onsite soil evaluator license, and will include a provision for licensed professional soil scientists to qualify with the applicable examination and one year of experience. In the current regulations, there is no entry requirement specific to licensed professional soil scientists for a master journeyman or alternative onsite soil evaluator license. The proposed regulations include a provision for licensed professional soil scientists to obtain a journeyman conventional onsite soil evaluator license with no additional prerequisites and a journeyman alternative onsite soil evaluator license with one year of experience. In reviewing the proposed regulations, the Board concurs that recognition of the professional soil scientist license should be extended to the master conventional and alternative onsite soil evaluator licenses, and has amended 18VAC160-40-250 and 18 VAC160-40-270 of the proposed regulations accordingly.</p>
64	160-40	<p>The commenter objects to lessening any training or experience requirements in the proposed regulations. The commenter noted that professional soil scientists have the training and experience to serve and protect the public and natural resources. In addition, the role of VDH should be that of a regulatory function and not engage in design services. The commenter indicated that the proposed regulations make it easier for VDH staff to engage in design services and facilitates its role in such services.</p>	<p>The Board thanks the commenter for submitting comments. The Board carefully reviewed the existing regulations and made amendments to provide for additional options for licensure (varying to recognize differences in education and experience), and three of the possible options for entry for onsite soil evaluators in the proposed regulations include a reduction in experience requirements. Based on public comments received, the Board will amend any experience requirements for onsite soil evaluators that have been decreased, except those that were decreased to provide for additional options of entry that added a requirement (i.e., education requirements). The General Assembly determined in 2007 that a separate license would exist for those engaged in the evaluation of soils and soil properties as the locations for onsite sewage systems, the certification of such sites for the applicable system, <i>and</i> the design of said systems. In conducting the review of the regulations, the Board did take into consideration the relationship of professional soil scientists to aspects of the work conducted by onsite soil evaluators. Finally, while the commenter provided no examples of proposed text that demonstrates favoritism towards VDH in the performance of onsite soil evaluation, the Board's review considered the responsibilities and competencies of the <i>individuals</i> under the Board's</p>
	Robert K. Denton		

			purview and were not based on whether the individual is engaged in public or private sector work.
65	160-40 Mike	The commenter raises concerns over the applicability of the proposed regulations to day laborers and whether or not the people he gets at a convenience store have to be licensed as installers.	The Board thanks the commenter for submitting comments. In accordance with the law, all individuals engaged in the regulated services performed by onsite sewage system installers must hold a license issued by the Board. This example is demonstrative of the Board's concern that some of those engaged in the provision of regulated services had met no standards of minimum competency. Thus, the establishment of the journeyman license strengthens the qualifications of those performing regulated services, while not making the qualifications such that obtaining the license is prohibitive.
66	160-40 SDS/AOSSI	The commenter states the proposed regulation creates a requirement of licensure for full time employees of installation contractors, which exempts firms that hire day labor. The commenter further states that employees working less than 1,760 hours a year are exempt from licensing, continuing education, and renewal. In addition, the commenter raises concerns over the impact of the proposed regulations on small business and the amendment of the definition of "direct supervision" and believes that a responsible supervisor must be onsite at all times. Commenter recommends the board consult with the Board for Contractors to discuss the requirement of a contract, and service/warranty disclosure. Lastly, the commenter believes the board deserves investigation regarding undisclosed conflict of interest with the Attorney General's office and is under the influence of VDH and VOWRA.	The Board thanks the commenter for submitting comments. Neither the proposed regulations nor the existing regulations provide an exemption from licensure based on the number of hours worked or for day laborers. The necessity for licensure is based on work performed and not hours worked. Reference in the regulations to 1,760 hours is to establish the number of hours that are equivalent to a year of full-time work experience (since the experience requirements are based on full-time years of experience). The Board amended the existing definition of "direct supervision" to provide greater clarity regarding the parameters necessary to achieve direct supervision. In addition to being fully responsible for compliance with the regulations, such person in direct supervision must be immediately available, thus increasing the parameters in which direct supervision is achieved. However, given current technology, there may be current or future alternatives wherein the master licensee can provide such direct supervision without being on-site. The proposed text was developed to provide such flexibility, while still ensuring that a licensee is accountable and responsible for the work. See the response to comment #5 regarding contracts. The comments regarding conflicts of interest and investigation are not germane to the text of the proposed regulations and provide no examples or alternative regulatory provisions.
67	160-40 LPSS	The commenter wishes the board to withdraw the "incomplete" regulations. The commenter provided a comparison of entry requirements of the authorized soil evaluator program, which required eight years of experience, and one of the journeyman onsite soil evaluator license entry methods, which requires no examination and two years	The Board thanks the commenter for submitting comments. The commenter provided no specific instance(s) where the regulations are "incomplete." The commenter provided a comparison to one of the <i>journeyman</i> onsite soil evaluator methods of qualification, and a journeyman licensee works under the direct supervision of a master licensee pursuant to the proposed regulations. Currently, the person working under the direct supervision of a

		of experience assisting in evaluation and design. The commenter inquires as to the logic used when considering the reduction of education and experience in the proposed regulations.	licensee has met <u>no</u> established minimum qualifications. A more accurate comparison would be to the master alternative onsite soil evaluator entry requirements proposed in the regulations, which provide for a varying number of years of experience based on different education options and allows no exemptions from the examination.
68	160-40	The commenter believes the regulations require more work and opposes the way they have been written. The commenter also referenced an executive order issued by the governor, §2.2-4017 of the Code of Virginia, and the process for commenting on existing regulations, specifically to their effectiveness, efficiency, necessity, clarity, and cost of compliance.	The Board thanks the commenter for submitting comments. The regulatory process has been conducted in accordance with all applicable laws, regulations, and executive order, to include solicitation of public comments via the Virginia Regulatory Town Hall. In addition, the proposed regulations were subject to an Executive Branch Review, which included legal, policy, and economic reviews, by the Office of the Attorney General, the Department of Planning and Budget, the Secretary of Commerce and Trade, and the Governor's office.
	T. A Houston		
69	160-40 (CEU)	The commenter disagrees with requiring continuing education for contractor's staff. The commenter believes there is a relationship between VOWRA, former board member Trapper Davis and the requirement for continuing education.	The Board thanks the commenter for submitting comments. The licensing programs under the WWWOSSP Board are separate and apart from those of the Board for Contractors (although some regulants of the Board may also be licensed by the Board for Contractors). The Board's programs have included CPE since the establishment of CPE requirements for waterworks operators in 2001, which pre-dates the inclusion of onsite sewage system professionals' regulations in 2008.
	Marlon Kress		
70	160-40(Experience)	The commenter has concerns over experience requirements for VDH staff seeking licensure. The commenter references the lack of bare applications in some areas and that it could take ten or more years to qualify for licensure.	The Board thanks the commenter for submitting comments. The proposed regulations include the conversion of part-time hours to full-time hours (1,760 hours); however, the method of assessment would be essentially the same as the current process with adjustments to accommodate the different methods of entry. Further, the Board has regulations regarding the conversion of full-time hours to part-time hours in recognition of the fact that many in the industry – public and private – may not dedicate all of their work time to just onsite sewage system services. The commenter did not provide any specific recommendations or regulatory references for the Board to consider.
	Concerned@VDH		
71	160-40 (COI-PA)	The commenter suggests the Board amend 18VAC160-40-480.2 by adding a comma after "disclosed to" and "agreed to by" in the phrase "circumstances are fully disclosed to and agreed to by all interested parties in writing" based on concerns regarding a VDH-DPOR conspiracy to circumvent contractual obligations.	The Board thanks the commenter for submitting comments. While the inclusion or omission of commas in this statement does not affect the meaning, the Board concurs that the commas were inadvertently omitted and they have been added to the final text.
	Damion Burke		
72		The commenter suggests the Board amend 18VAC160-40-480.1 by adding a comma after "business", strike "of"	The Board agrees that the sentence could be read to include "business" as the modifier of "association", "interest", and "circumstance" but it

		after” judgment” then insert “or” in this phrase: “. . .any business association, interest, or circumstance that may influence the licensee’s judgment of the quality of service” as business interests of those parties are rarely identical. Further, the change suggests a conspiracy.	may not be applicable to all three terms. It is appropriate for “business” to modify “association” so the phrase will be amended to read “interest, circumstance, or business association” and “of” will be replaced with “or” after “licensee’s judgment.”
73		The commenter suggests the Board amend 18VAC160-40-470, remove item 1, and replace with “A journeyman shall not have any authority to sign final documents, plans, specifications, or as-builts.”	Proposed regulations 18VAC160-40-510 provides the master licensee’s professional responsibilities, to include direct supervision of journeymen. In addition, amendment to the proposed regulations based on public comments received will require both the journeyman, as applicable, and the master licensee to include the signatures and license numbers on final work products, which makes the suggested amendment unnecessary.
74		The commenter suggests the Board amend 18VAC160-40-10, by adding a new definition for “responsible person” as follows: “means the licensed professional named by the employer or firm to be responsible and have control of the regulated services, offered, rendered, or both. A single licensed professional shall be named by the employer or firm to sign plans, drawings, reports, specifications, maps, or other documents related to an onsite sewage system evaluation, or design prepared or reviewed by any licensed person.”	The Board regulates individuals, not firms. Thus, the Board cannot require a firm to name an individual as suggested.
75	160-40	The commenter objects to the journeyman/master licensure structure and questions why the Board needs to regulate what the Board for Contractors regulates. The commenter states that foremen need to be licensed, not laborers.	The Board thanks the commenter for submitting comments. See response to comment #2. In addition, the licensing programs under the WWOSSP Board are separate and apart from those of the Board for Contractors (although some regulants of the Board may also be licensed by the Board for Contractors). The law requires individuals providing onsite sewage system installation, operation, or onsite soil evaluation to be licensed and does not distinguish between those serving as supervisors or direct reports. Thus, the Board created the master/journeyman structure to meet the statutory requirement for licensing individuals engaging in the regulated services, but acknowledges concerns regarding the difficulty of someone coming newly into the profession in meeting the entry requirements as well as those who do not currently serve in a direct supervisory capacity, and provides minimum qualifications for licensure that are less than those for a master licensee.
	Merle Jones, Contractor		
76	160-40	The commenter stated the creation of	The Board thanks the commenter for submitting

	DPOR	licenses will serve as a raise for DPOR employees as agency revenue is based on licensing fees.	comments. DPOR salaries are not adjusted based on the addition, or deletion, of licensing programs. DPOR is a non-general fund agency; therefore, the licensing fees for a particular Board are set to cover its expenses pursuant to § 54.1-113 of the Code of Virginia. However, employee raises are determined by the General Assembly and the Governor through the adoption of a biennial budget, and are not specific to DPOR employees, but affect all state employees. The journeyman/master licensing structure was established so that the Board could adequately fulfill its statutory obligations, and individuals engaged in performing regulated activities would have a less-burdensome method for complying with the law requiring licensure.
77	160-40 (Qualifications) Kevin Seaford	The commenter objects to the reduction of standards of the onsite profession. Commenter believes lowering the standards is not in the consumer's best interest.	The Board thanks the commenter for submitting comments. The Board created the journeyman license, in part, to address the concern that there are many individuals fully engaging in regulated onsite sewage system activities with no license and, therefore, the possibility of having little to no applicable experience, education, or training and no standard of minimum competency. Thus, the creation of the journeyman license establishes a minimum standard of competency for those practicing regulated professions, though not in a responsible charge position. As for the requirements for the master licenses, the Board carefully reviewed the existing regulations and made amendments to provide for additional options for licensure (varying to recognize differences in education and experience), and three of the possible options for entry for onsite soil evaluators in the proposed regulations include a reduction in experience requirements. Based on public comments received, the Board will amend any experience requirements for onsite soil evaluators that have been decreased, except those that were decreased to provide for additional options of entry that added a requirement (i.e., education requirements).
78	160-40 and 160-30 Idalina Walker	The commenter objects to the regulations as amended. The commenter references that the proposed regulations offer no consumer protections, benefits to special interests, and dilute standards. Further, the commenter objects to the creation of journeymen. Finally, the commenter suggests that the regulations should provide for a regulated seal.	The Board thanks the commenter for submitting comments. The Board amended the existing definition of "direct supervision" to provide greater clarity regarding the parameters necessary to achieve direct supervision. In addition to being fully responsible for compliance with the regulations, such person in direct supervision must be immediately available, thus increasing the parameters in which direct supervision is achieved. Permits issued by the DEQ and VDH to classified waterworks and wastewater works facilities provide additional requirements to each facility regarding the classification of operators, operators in charge, and supervisory provisions. See the responses to

			comments #2 and #3.
79	160-40 and 160-30	The commenter objects to the regulations as amended. The commenter references that the proposed regulations offer no consumer protections, benefits to special interests, and dilute standards for protection of water resources. Further, the commenter objects to the creation of journeymen. Finally, the commenter suggests that the regulations should provide for a regulated seal.	The Board thanks the commenter for submitting comments. The Board amended the existing definition of “direct supervision” to provide greater clarity regarding the parameters necessary to achieve direct supervision. In addition to being fully responsible for compliance with the regulations, such person in direct supervision must be immediately available, thus increasing the parameters in which direct supervision is achieved. Permits issued by the DEQ and VDH to classified waterworks and wastewater works facilities provide additional requirements to each facility regarding the classification of operators, operators in charge, and supervisory provisions. See the responses to comments #2 and #3.
	Willie Dodson		
80	160-40	The commenter objects to the journeyman/master licensure structure. Commenter believes the current licensure requirements are reasonable.	The Board thanks the commenter for submitting comments. See the response to comment #2.
	Steve Eitner, AOSE		
81	160-40	The commenter objects to the proposed journeyman/master licensure structure.	The Board thanks the commenter for submitting comments. See response to comment #2.
	Walt Henson		
82	160-40	The commenter objects to the proposed journeyman/master licensure structure.	The Board thanks the commenter for submitting comments. See response to comment #2.
	Tom Pearson		
83	160-40	The comment provided relates to work performed for VDH and potential disciplinary action.	The Board thanks the commenter for submitting comments. The comment is not germane to the proposed regulations.
	VDH, Silenced		
84	160-40	The commenter objects to the journeyman/master licensing structure as it pertains to onsite soil evaluators.	The Board thanks the commenter for submitting comments. See response to comment #2.
	W . F Sledjeski, LPSS OSE		
85		The commenter suggests amending 18VAC160-40-70.A.1 as it conflicts with 18VAC160-40-280	The Board thanks the commenter for submitting comments. Section 18VAC160-40-70 pertains to education and training courses that can be used to substitute a portion of required experience, whereas 18VAC160-40-280 specifies the degree programs that are accepted for entry. The Board does agree, however, that the degree programs listed in 18VAC160-40-280 should also be included in 18VAC160-40-70.A.1 if not already included. Due to amendment of the proposed subsection, the suggested change is no longer applicable.
86		The commenter suggests replacing “or” with “and” in 18VAC160-40-230.A.	As a result of another change to the final text, the proposed change is no longer applicable.
87		The commenter suggests amending qualifications for conventional and master soil evaluators to include a master’s or bachelor’s degree for all options, with the prerequisite being licensed professional soil scientist or not a licensed professional soil scientist (no experience for either).	The Board’s proposed regulations provide for methods of entry to accommodate a variety of backgrounds, including those with more experience and less formal education, as well as the reverse. As provided in comment #63, the Board amends the entry requirements to provide additional options for entry for licensed professional soil scientists to obtain a master conventional and a master

			alternative onsite soil evaluator license.
88		<p>The commenter provides several “essential additions”:</p> <ul style="list-style-type: none"> • The Board’s programs shall not prohibit: <ul style="list-style-type: none"> ○ a professional engineer or licensed soil scientist from rendering any service that constitutes the practice of soil evaluation; ○ the practice of any profession or occupation regulated by another board; • Nothing in the regulations shall allow an individual to engage in professions regulated under Chapter 4 of Title 54.1. • The commenter suggests inclusion of a seal. 	<p>Other than the comment regarding inclusion of a seal, the other provisions are covered by statute and are unnecessary in the regulations. The exemption in § 54.1-402.A.11 does not reference licensed professional soil scientists. The suggested provision regarding engaging in professions regulated under Chapter 4 of Title 54.1 is unnecessary as that is covered by § 54.1-406 of the Code of Virginia. See response to comment #3 regarding a seal.</p>
89	160-40 and 160-30	<p>The commenter objects to the regulations as amended. The commenter references that the proposed regulations offer no consumer protections, benefits to special interests, and dilute standards. Further, the commenter objects to the creation of journeymen. Finally, the commenter suggests that the regulations should provide for a regulated seal.</p>	<p>The Board thanks the commenter for submitting comments. The Board amended the existing definition of “direct supervision” to provide greater clarity regarding the parameters necessary to achieve direct supervision. In addition to being fully responsible for compliance with the regulations, such person in direct supervision must be immediately available, thus increasing the parameters in which direct supervision is achieved. Permits issued by the DEQ and VDH to classified waterworks and wastewater works facilities provide additional requirements to each facility regarding the classification of operators, operators in charge, and supervisory provisions. See the responses to comments #2 and #3.</p>
	Anne Armistead		
90	160-40	<p>The commenter objects to the proposed regulations as they reduce oversight and authority over wastewater discharges.</p>	<p>The Board thanks the commenter for submitting comments. The regulations do not impact wastewater discharges. VDH and DEQ are responsible for regulation of the specific systems and facilities and associated discharge requirements.</p>
	Rebekah Hicks		
91	160-40	<p>The commenter objects to the proposed regulations in reference to the journeyman/ master licensure structure. The commenter believes the board should increase the educational requirements and years of experience and have only one license for soil evaluators. The commenter does not believe that onsite soil evaluators should be under the Board.</p>	<p>The Board thanks the commenter for submitting comments. See response to comment #2. The Board’s proposed regulations provide for methods of entry to accommodate a variety of backgrounds, including those with more experience and less formal education, as well as the reverse. The transfer of any licensed programs under the Board would have to be conducted via a legislative change by the General Assembly.</p>
	Morgan Kash		
92	160-40 and 160-30	<p>The commenter believes the process needs to be simpler and more transparent.</p>	<p>The Board thanks the commenter for submitting comments. The regulatory process has been conducted in accordance with all applicable laws,</p>
	Will Bason		

			regulations, and executive order, to include solicitation of public comments via the Virginia Regulatory Town Hall.
93	160-40	The commenter informs the Board that onsite soil evaluators are providing engineering services to support development of private real property. Engineering services include the preparation of feasibility studies and preliminary and final plans and designs; the provision of technical advice and assistance during the construction or installation phase; and the inspection and evaluation of engineering projects. In light of practice under exemption to engineering license and offering professional services incidental to the scope such as surveying, this profession should be regulated in accordance with the wider expectations. In addition, the regulations should include standards of practice, canons of ethics including written disclosures of scope and conflicts of interest, and prohibition of misleading practices. The commenter suggests the Board seek guidance from a "PE/OSE Workgroup" on future regulatory language.	The Board thanks the commenter for submitting comments. Section 54.1-402.A.11 provides the specific parameters under which a licensed onsite soil evaluator may design certain conventional onsite and alternative onsite sewage systems without holding a license as a professional engineer. Performing services beyond the exemption would be considered unlicensed practice pursuant to § 54.1-111 of the Code of Virginia. In addition, the Board has included various amendments related to standards of practice and conduct. Finally, while there is no record of a "PE/OSE Workgroup", if the commenter is referring to the "Onsite Sewage System Professionals Workgroup", which was comprised of licensees and consumers related to operators and installers, in addition to a professional engineer and onsite soil evaluators, the Board may convene stakeholder groups from time-to-time.
	Darren B . Silant		
94	160-30	The commenter believes that water quality standards should not be weakened, but strengthened.	The Board thanks the commenter for submitting comments. The regulations do not impact water quality standards. DEQ is responsible for regulation of the specific systems and facilities and associated with discharge requirements.
	Bob VanGundy		
95	160-30	The commenter references reduction of protection for citizens.	The Board thanks the commenter for submitting comments. The regulations do not impact wastewater discharges. DEQ is responsible for regulation of the specific systems and facilities and associated requirements.
	Jerome King		
96	160-40	The commenter objects to the proposed regulations in reference to the journeyman/ master licensure structure. The commenter recommends moving the onsite soil evaluators to the APELSCIDLA Board, move the onsite installers to the Board for Contractors, and the onsite sewage system operators may stay with the Board.	The Board thanks the commenter for submitting comments. See response to comment #2. The transfer of any licensed programs under the Board would require a legislative change by the General Assembly.
	Rob Charnley		
97	160-40	The commenter does not have an issue with the proposed regulations. The commenter provided several suggestions on the reasons for creation of the journeyman concept. The commenter indicated that the government should be responsible for	The Board thanks the commenter for submitting comments. See response to comment #2.
	Tom Ashton		

		requiring its employees to be properly licensed within established timeframes.	
98	160-40 Ann L. Ruff	The commenter objects to the journeyman/master licensure structure and the reduction of requirements for onsite sewage system professionals.	The Board thanks the commenter for submitting comments. See response to comment #2. The Board created the journeyman license, in part, to address the concern that there are many individuals fully engaging in regulated onsite sewage system activities with no license and, therefore, the possibility of having little to no applicable experience, education, or training and no standard of minimum competency. Thus, the creation of the journeyman license establishes a minimum standard of competency for those practicing regulated professions, though not in a responsible charge position. As for the requirements for the master licenses, the Board carefully reviewed the existing regulations and made amendments to provide for additional options for licensure (varying to recognize differences in education and experience), and three of the possible options for entry for onsite soil evaluators in the proposed regulations include a reduction in experience requirements. Based on public comments received, the Board will amend any experience requirements for onsite soil evaluators that have been decreased, except those that were decreased to provide for additional options of entry that added a requirement (i.e., education requirements).
99	160-40 Robert Melby, OSE, LPSS	The commenter objects to the reduction of requirements for onsite soil evaluators. Commenter believes the journeyman class may be applicable to installers and operators, but not to soil evaluators.	The Board thanks the commenter for submitting comments. See response to comment #2. The Board created the journeyman license, in part, to address the concern that there are many individuals fully engaging in regulated onsite sewage system activities with no license and, therefore, the possibility of having little to no applicable experience, education, or training and no standard of minimum competency. Thus, the creation of the journeyman license establishes a minimum standard of competency for those practicing regulated professions, though not in a responsible charge position. As for the requirements for the master licenses, the Board carefully reviewed the existing regulations and made amendments to provide for additional options for licensure (varying to recognize differences in education and experience), and three of the possible options for entry for onsite soil evaluators in the proposed regulations include a reduction in experience requirements. Based on public comments received, the Board will amend any experience requirements for onsite soil evaluators that have been decreased, except those that were decreased to provide for additional options of entry that added a requirement (i.e., education requirements).
100	160-40	The commenter objects to the	The Board thanks the commenter for submitting

	Nan Gray, Soil Works, Inc.	journeyman/master licensure structure.	comments. See response to comment #2.
101	160-30 Mary Bettis	The commenter references “remote” supervision of waterworks operators.	The Board thanks the commenter for submitting comments. The Board amended the existing definition of “direct supervision” to provide greater clarity regarding the parameters necessary to achieve direct supervision. In addition to being fully responsible for compliance with the regulations, such person in direct supervision must be immediately available, thus increasing the parameters in which direct supervision is achieved. Permits issued by the DEQ and VDH to classified waterworks and wastewater works facilities provide additional requirements to each facility regarding the classification of operators, operators in charge, and supervisory provisions.
102	160-40 David Hall	The commenter opposes the journeyman/ master licensure structure.	The Board thanks the commenter for submitting comments. See response to comment #2.
103	160-40 Matt Tolley, Tolley Soil, Inc.	The commenter opposes the journeyman/master licensure structure.	The Board thanks the commenter for submitting comments. See response to comment #2.
104	160-40 Stephen White, OSE, LPSS	The commenter opposes the journeyman/master licensure structure.	The Board thanks the commenter for submitting comments. See response to comment #2.
105	160-30 Beth McKenzie	The commenter opposes the reduction of standards for waterworks operators. In addition, the commenter requests removing the definition of direct supervision to include the requirement that a licensed operator be present at all times.	The Board thanks the commenter for submitting comments. The Board amended the existing definition of “direct supervision” to provide greater clarity regarding the parameters necessary to achieve direct supervision. In addition to being fully responsible for compliance with the regulations, such person in direct supervision must be immediately available, thus increasing the parameters in which direct supervision is achieved. Permits issued by the DEQ and VDH to classified waterworks and wastewater works facilities provide additional requirements to each facility regarding the classification of operators, operators in charge, and supervisory provisions. See the responses to comments #2 and #3.
106	160-40 Anonymous	The comment does not address the proposed regulations.	The Board thanks the commenter for submitting comments.
107	160-40 OSE Professionals of Virginia	The commenter requests the board reconvene the OSE/PE Work Group and require a seal.	The Board thanks the commenter for submitting comments. While there is no record of a “PE/OSE Workgroup”, if the commenter is referring to the “Onsite Sewage System Professionals Workgroup”, which was comprised of licensees and consumers related to operators and installers, in addition to a professional engineer and onsite soil evaluators, the Board may convene stakeholder groups from time-to-time. See response to comment #3 regarding a seal.

108	160-40 William Willoughby, LRH Soil Consultants	The commenter objects but indicates he has waited too late to provide his reasons.	The Board thanks the commenter for submitting comments.
109	160-40 John Powell	The commenter objects to the journeyman/master licensure structure and encourages a 50% reduction in CPE requirements.	The Board thanks the commenter for submitting comments. See response to comment #2. After reviewing current and proposed CPE requirements, and in consideration of the Board's responsibility to protect the health, safety, and welfare of the public while ensuring minimum competency of its regulants, the Board amended the proposed CPE requirements. The amendments contained in the final regulations resulted in a reduction of the CPE hours in some cases, and also serve to better align required CPE hours with increments more compatible with an average work day (i.e., 4 hours, 8 hours, 12 hours, 16 hours).

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections. Explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation.

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

			qualifying experience.
20-74	40-110 40-170 40-230	This section establishes the requirement to hold a license if you serve as an operator of a waterworks or wastewater works facility or serve as an onsite sewage system professional.	The requirement to hold the appropriate onsite sewage system professional license has been inserted into the Part applicable to the specified license, instead of a single general area. In addition, each of the sections includes specific provisions for each category and class of license. These sections also introduce the master and journeyman licenses for each category and class of onsite sewage system professional license, and the supervisory responsibility of a master licensee over a journeyman licensee's work. In addition, a provision was added to include the requirement of alternative onsite sewage system operators who operate systems of a certain size to obtain a wastewater works operator license. The requirement is a carry-over from previous regulation.
20-76	30-20 30-60 30-70 40-20 40-60 40-80	This section provides information regarding the application and examination process, general requirements for licensure, how fees are handled and applied, acceptance of certain experience, and provisions related to conduct at exam sites.	The broadness of the section was narrowed and divided into separate sections. 30-20/40-20 includes general application procedures and information regarding how fees are handled and applied. 30-60/40-60 provides the general requirements for licensure. 30-70/40-80 includes the procedures for the examination and expectations in regards to examination conduct. Further, the section contains the Board's authority for failure to engage in the proper conduct at the examination site.
20-76	30-60 40-60	This section provides information regarding the application and examination process, general requirements for licensure, how fees are handled and applied, acceptance of certain experience, and provisions related to conduct at exam sites.	This section outlines the general requirements for licensure such as age of applicant, disclosing mailing address, the disclosure of certain criminal convictions, disclosure of certain disciplinary action and the board's authority to deny licensure.
	30-70 40-80	This section provides information regarding the application and examination process, general requirements for licensure, how fees are handled and applied, acceptance of certain experience, and provisions related to conduct at exam sites.	This section describes the examination procedure and outlines the applicant's conduct during the examination process. This section was amended to coincide with the Board's current practice.
20-80	30-80	This section outlines entry	This section was amended to clarify that

	40-90	standards for those holding a license in another jurisdiction.	any individual certified or licensed in another jurisdiction must pass a board approved examination.
20-82		This section established the entry requirements for individuals employed by the Virginia Department of Health to obtain interim onsite soil evaluator licenses. (Mandated by the provisions of HB 3134 and SB 1270, 2007 General Assembly Session)	This section has been repealed as the deadline for the Board to receive the application was December 1, 2009; therefore, this regulatory provision has expired and is no longer needed.
20-84		This section established the entry requirements for individuals seeking licensure as interim onsite sewage system installers and operators. (Mandated by the provisions of HB 3134 and SB 1270, 2007 General Assembly Session)	This section has been repealed as the deadline for the Board to receive the interim application was June 30, 2010; therefore, this regulatory provision has expired and is no longer needed.
20-90	30-110 30-140	Section 20-90 C provides the qualifications for licensure as a waterworks or wastewater works operator.	This section was amended to provide clarity and additional avenues to obtain licensure. Applicants for a Class 3, 2 or 1 license may now utilize associate and master's degrees, in addition to bachelor's degrees, to qualify for licensure.
20-90	30-100	Section 20-90 B quantifies experience into calendar terms.	Clarification given as to what constitutes the amount of time that qualifies as experience to obtain licensure.
	40-100	New section.	Previous regulation did not include provisions to quantify experience into terms of calendar periods for onsite sewage system professionals. Those applying for licensure as an onsite sewage system professional will have the ability to clearly calculate their experience.
	40-105	New section	This section outlines the process of converting those licenses that are valid as of the effective date of the new regulation, to the new licensing scheme.
20-90	30-110	This section provides the qualifications for licensure as a waterworks or wastewater works operator and outlines training and education substitution.	This section was amended to provide clarity and additional avenues to obtain licensure. Applicants for a Class 3, 2 or 1 license may now utilize associate degrees to qualify for licensure. Experience was reviewed and, in some cases, reduced to ensure the regulatory requirements were not overly burdensome while still ensuring minimal competency to protect the health, safety, and welfare of the public. In addition, training and education

			substitution were moved to 30-130 and 30-150 to provide clarity.
20-90	30-130	Section 20-90 D outlines training, experience, and education substitution.	This section was amended to provide clarity and additional avenues to substitute experience for waterworks and wastewater works operators. Amending this section will reduce the burden on applicants to find courses that may be used to substitute experience and allows the board to consider the experience of alternative onsite sewage system operators seeking licensure.
	30-140 40-280	New section.	This section specifies the various degree types and degree programs that are acceptable towards obtaining licensure.
20-94		This section establishes the qualifications for licensure for individuals holding authorized onsite soil evaluator certifications.	This section has been repealed as the deadline for the Board to receive the application was December 31, 2009, therefore this regulatory provision has expired and is no longer needed.
20-95	30-120	This section outlines the qualifications for licensure for individuals seeking a provisional water works or wastewater works operator license.	This section has been amended for clarity.
20-96	40-240	This section establishes the entry standards for conventional and alternative onsite soil evaluators.	This section provides the requirements for licensure as a journeyman conventional onsite soil evaluator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide options for initial entry into the profession under the direct supervision of a master licensee, without having to take the exam until the individual has adequate experience and training to be responsible for the provision of onsite soil evaluation. In addition, this section also establishes the roles and responsibilities for the new proposed regulations that govern journeyman conventional onsite soil evaluators.
20-96	40-250	This section establishes the entry standards for conventional and alternative onsite soil evaluators.	This section provides the requirements for licensure as a master conventional onsite soil evaluator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those

			engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide for an examination for those who will have responsibility over the provision of onsite soil evaluation as well as journeymen licensees working under their direct supervision.
20-96	40-260	This section establishes the entry standards for conventional and alternative onsite soil evaluators.	This section provides the requirements for licensure as a journeyman alternative onsite soil evaluator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide options for initial entry into the profession under the direct supervision of a master licensee, without having to take the exam until the individual has adequate experience and training to be responsible for the provision of onsite soil evaluation. In addition, this section also establishes the roles and responsibilities for the new proposed regulations that govern journeyman alternative onsite soil evaluators.
20-96	40-270	This section establishes the entry standards for conventional and alternative onsite soil evaluators.	This section provides the requirements for licensure as a master alternative onsite soil evaluator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide for an examination for those who will have responsibility over the provision of onsite soil evaluation as well as journeymen licensees working under their direct supervision.
20-97	40-120	This section establishes the entry requirements for conventional and alternative onsite sewage system	This section provides the requirements for licensure as a journeyman conventional onsite sewage system installer. The language was amended for clarity and to

		installers.	ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide options for initial entry into the profession under the direct supervision of a master licensee, without having to take the exam until the individual has adequate experience and training to be responsible for the provision of onsite sewage system installations. In addition, this section also establishes the roles and responsibilities for the new proposed regulations that govern journeyman conventional onsite sewage system installers.
20-97	40-130	This section establishes the entry requirements for conventional and alternative onsite sewage system installers.	This section provides the requirements for licensure as a master conventional onsite sewage system installer. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide for an examination for those who will have responsibility over the provision of conventional onsite sewage system installations as well as journeymen licensees working under their direct supervision.
20-97	40-140	18 VAC 20-97.C 2 outlined the exemption from examination for certain individuals seeking licensure as a conventional onsite sewage system installers. Such exemption is pursuant to §54.1-2301 E of the Code of Virginia.	This section was amended to conform to the conclusion of a statutory exemption under §54.1-2301 of the Code of Virginia that was in effect until July 1, 2016.
20-97	40-150	This section establishes the entry requirements for conventional and alternative onsite sewage system installers.	This section provides the requirements for licensure as a journeyman alternative onsite sewage system installer. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still

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

			to allow for varying amounts of experience depending upon education, as well as to provide options for initial entry into the profession under the direct supervision of a master licensee, without having to take the exam until the individual has adequate experience and training to be responsible for the provision of onsite sewage system operations. In addition, this section also establishes the roles and responsibilities for the new proposed regulations that govern journeyman conventional onsite sewage system operators.
20-98	40-190	This section establishes the entry requirements for conventional and alternative onsite sewage system operators.	This section provides the requirements for licensure as a master conventional onsite sewage system operator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide for an examination for those who will have responsibility over the provision of conventional onsite sewage system operations as well as journeymen licensees working under their direct supervision.
	40-200	New section.	This section outlines an exemption from examination for certain individuals seeking licensure as a conventional onsite sewage system operator. This exemption is currently contained in a Board-approved guidance document and is being formalized through inclusion in the regulations.
20-98	40-210	This section establishes the entry requirements for conventional and alternative onsite sewage system operators.	This section provides the requirements for licensure as a journeyman alternative onsite sewage system operator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide options for initial entry

			into the profession under the direct supervision of a master licensee, without having to take the exam until the individual has adequate experience and training to be responsible for the provision of onsite sewage system operations. In addition, this section also establishes the roles and responsibilities for the new proposed regulations that govern journeyman alternative onsite sewage system operators.
20-98	40-220	This section establishes the entry requirements for conventional and alternative onsite sewage system operators.	This section provides the requirements for licensure as a master alternative onsite sewage system operator. The language was amended for clarity and to ensure that the requirements for licensure are not overly burdensome while still ensuring that those engaged in the profession possess the minimal competency necessary to protect the health, safety, and welfare of the public. The options for licensure were expanded to allow for varying amounts of experience depending upon education, as well as to provide for an examination for those who will have responsibility over the provision of alternative onsite sewage system operations as well as journeymen licensees working under their direct supervision.
20-102	30-30 40-30	This section provides the fee requirements for application and renewal. In addition, it provides the process for payment of examination fees to the Board's vendor.	Amended to be consistent with other regulations in the Department applicable to fees. Includes to whom checks should be made payable. Provisions related to payment of exam fees were moved to a new section.
20-102	30-50 40-50	Subdivision C.4. provided general information regarding examination fees and departmental processes regarding procurement of examination vendors.	This section provides general information regarding examination fees and departmental processes regarding procurement of examination vendors.
20-102	30-40 40-40	This section establishes the fee structure for license application, license renewal, and examination.	Provides a table with the fee schedule and establishes a reinstatement fee, consistent with other fee schedules in the Department.
20-104	40-450 30-230	This section requires licensees to notify the board in writing of changes in name or address. The section also requires licensees to operate under the names in which their licenses were issued.	This section was amended to prohibit transfer of licensure and includes the licensee's responsibility for reporting changes to the board.
20-106	30-150	Current language sets forth the standards for the renewal	This section was amended and reorganized for clarity.

		of a license.	
20-106	40-290	Current language sets forth the standards for the renewal of a license.	This section was amended and reorganized for clarity.
	30-160 40-300	New section	This section reclassifies the term “late renewal” to “reinstatement”, which is consistent with other licensure programs in the Department.
	30-170 40-310	New section	This section adds language regarding the status of a license during the reinstatement period.
	30-180 40-320	New section	This section adds language regarding the board’s authority to deny a renewal or reinstatement.
20-109	30-190	This section establishes continuing education requirements	This section clarifies language specific to the continuing education requirements for waterworks and wastewater works operators.
20-109	40-330	This section establishes continuing education requirements	This section amends and adds language specific to the continued education of onsite sewage system professionals. Specifically, language was added regarding the continuing education hours needed for journeyman and master level licensees. In response to public comment, CPE hours were amended to represent “shift hour” increments and to represent an appropriate amount of hours needed to remain abreast of industry standards and practices.
	30-200	New section	This section outlines the subject matter content of continuing education for waterworks operators. Outlining course topics will provide more alternatives for those seeking courses as previous regulation limited course options. In addition, by incorporating the content area into the regulations, there is greater continuity in acceptable content areas and the acceptable content areas are more readily and easily available to licensees.
	30-210	New section	This section outlines the subject matter content of continuing education for wastewater works operators. Outlining course topics will provide more alternatives for those seeking courses as previous regulation limited course options. In addition, by incorporating the content area into the regulations, there is greater continuity in acceptable content areas and the acceptable content areas are more readily and easily available to licensees.
	40-340	New section	This section outlines the subject matter content of continuing education for onsite sewage system installers. Outlining

			course topics will provide more alternatives for those seeking courses as previous regulation limited course options. In addition, by incorporating the content area into the regulations, there is greater continuity in acceptable content areas and the acceptable content areas are more readily and easily available to licensees.
	40-350	New section	This section outlines the subject matter content of continuing education for onsite sewage system operators. Outlining course topics will provide more alternatives for those seeking courses as previous regulation limited course options. In addition, by incorporating the content area into the regulations, there is greater continuity in acceptable content areas and the acceptable content areas are more readily and easily available to licensees.
	40-360	New section	This section outlines the subject matter content of continuing education for onsite soil evaluators. Outlining course topics will provide more alternatives for those seeking courses as previous regulation limited course options. In addition, by incorporating the content area into the regulations, there is greater continuity in acceptable content areas and the acceptable content areas are more readily and easily available to licensees. Based on public comment, additional subject areas were added to encompass a broader knowledge base.
20-109	30-220 40-370	Subsection C allows licensees to utilize coursework completed as training credits or formal education to apply towards the continuing education requirement.	The provision to allow for use of training credits and formal education for CPE was reorganized into its own section for clarity.
20-120	30-370	This section describes the classification of waterworks facilities in which specific classes of waterworks operators may operate.	This section was amended to align with regulations under the Virginia Department of Health and the Department of Environmental Quality.
20-130	30-360	This section describes the classification of wastewater works facilities in which specific classes of wastewater works operators may operate	This section was amended to align with regulations under the Department of Environmental Quality.
20-140	30-290 40-440	This section establishes standards of practice and grounds for disciplinary action.	This section was reorganized to provide the Board's disciplinary authority in a single section and the list of acts that may result in disciplinary action were moved to

			a separate section.
	30-310 40-460	New sections	This section states that licensees shall report to the board certain disciplinary actions and convictions and outlines the timeframe for such reporting.
20-140	30-320	18 VAC 20-140 (1-8) outlined the prohibited acts for which the board may suspend, revoke, refuse to renew, reinstate, or deny any application for license.	This section was amended to include additional prohibited acts that may result in disciplinary action. The additional items were determined by the Board to be necessary to protect the safety, health, and welfare of the public. In addition, the amended provisions reduce ambiguity to licensees in understanding specific acts that may result in disciplinary action. As a result of separating the industry areas, the prohibited acts provided are specific to waterworks and wastewater works operators, thus making them more relevant and clear to licensees.
20-140	40-470	18 VAC 20-140 (1-8) outlined the prohibited acts for which the board may suspend, revoke, refuse to renew, reinstate, or deny any application for license.	This section was amended to include additional prohibited acts that may result in disciplinary action. The additional items were determined by the Board to be necessary to protect the safety, health, and welfare of the public. In addition, the amended provisions reduce ambiguity to licensees in understanding specific acts that may result in disciplinary action. As a result of separating the industry areas, the prohibited acts provided are specific to onsite sewage system professionals, thus making them more relevant and clear to licensees.
20-145	30-330 40-480	This section provides the standards to apply when a licensee must determine whether a conflict of interest exists.	No change.
20-150	30-240 40-390	This section outlines the criteria for approval of training courses including the information needed for the board to grant such approval. All instances of "sponsor" were replaced with "provider"	This section has been reorganized to clarify and proper context. The general requirements for approval of training courses is contained in this section, while the specific requirements pertinent to an application for training course approval have been moved to new sections.
20-150	30-250 40-400	This section outlines the criteria for approval of training courses including the information needed for the board to review to grant such approval. All instances of "sponsor" were replaced with "provider"	The section specifically outlines the items that must be provided with an application for training course approval.
20-150	30-280 40-430	Subsection A provides that certain courses do not require	The section maintains that certain courses offered by specific entities do not

		approval by the Board.	require board approval; however, the parameters of course content and how to allocate continuing education credits have been provided for clarity and consistency in the application of this provision.
	30-260 40-410	New section	This section outlines the maintenance of training course approval. This section will require training courses to report change of address, report to the board any substantial modifications of training and allow the board to audit courses.
	30-270 40-420	New section	This section outlines the board's authority to withdraw approval of any training course who fails to meet the certain regulatory requirements.
	40-290	New section	This section outlines the licensee's responsibility to adhere to various regulatory provisions. Such provisions include informing responsible parties of the overruling of their judgment in cases where there is substantial threat to the health, safety and welfare of the public, and to inform the board when they are aware of other's violating the board's regulations. Specific provisions were added as they relate to onsite sewage professionals and utilization of Virginia Department of Health files.
	30-340	New section	This section outlines the licensee's responsibility to adhere to various regulatory provisions. Such provisions include informing responsible parties of the overruling of their judgment in cases where there is substantial threat to the health, safety and welfare of the public, and to inform the board when they are aware of other's violating the board's regulations
	30-350 40-500	New section	Section describes the licensee's responsibility to respond to board inquiries and each licensee's obligation to supply records to the board or any of its agents within certain timelines.
	40-510	New section	Section describes the master licensee's professional responsibility in reference to supervision of work performed by journeyman onsite sewage system professionals for which an employment or written relationship exists. In addition, this section requires certain record retention requirements of master licensees.