

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

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

Tentative AGENDA MONDAY, DECEMBER 11, 2023, AT 10:00 AM
2nd FLOOR, BOARD ROOM 4

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. APPROVAL OF AGENDA**
 - 1. Committee Agenda, December 11, 2023
- IV. PUBLIC COMMENT PERIOD***
- V. OVERVIEW**
 - 1. 2023 General Regulatory Review Outline
 - 2. Members & Staff
- VI. RESOURCES AND INFORMATION**
 - 1. Waterworks & Wastewater Works Operator Regulations
 - 2. Chapter 23 of Title 54.1
 - 3. SB 999/HB 1940
 - 4. Virginia Experience Verification Form
 - 5. Out-of-State Description & Experience Verification Form
- VII. NEW BUSINESS**
 - 1. Consider Amendments to Part VI, Standards of Practice and Conduct
 - 2. Review Amendments to Parts I through V
- VIII. OTHER BUSINESS**
- IX. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS**
- X. ADJOURN**

* Five minute public comment, per person.

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EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
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Training Room 2

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

PUBLIC COMMENT PERIOD

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

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

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

Waterworks and Wastewater Works Operators Licensing Regulations

2023 General Regulatory Review

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

Overall

- Repeal provisions of the regulation that are out of date.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

Definitions

- Review definitions.

Entry Requirements

- Review requirements for disclosure of criminal convictions for initial licensure.
- Review requirements for disclosure of disciplinary actions for initial licensure.
- Review training and experience requirements for waterworks and wastewater works operator licenses.
- Review experience verification requirements.
- Review applicable requirements for individuals licensed in another state or jurisdiction.

Renewal and Reinstatement

- Review current requirements for continuing professional education for waterworks and wastewater works operators.

Standards of Conduct and Practice

- Review standards of conduct and practice.
- Review supervision requirements.
- Review prohibited acts outlined in 18 VAC 160-30-320.
- Review licensee responsibilities outlined in 18 VAC 160-30-340.

Training Courses

- Review current training course requirements.

Waterworks & Wastewater Works Operator Regulatory Review Committee Members

Committee Member	
W. Jordan Evans, Chair	WWWOSSP Board Member
Wendy Callahan	Alexandria Renew
Mike Collins	Harrisonburg Public Utilities
Erica Duncan	WWWOSSP Board Member
Tom Fore	WWWOSSP Board Member
Barry Matthews	VDH
Charles Phillips	Class 1 WWW Operator
Pamela Pruet, Ex Officio	WWWOSSP Board Member
Jason Spicer	DEQ
Wayne Staples	WWWOSSP Board Member
Caleb Taylor	WWWOSSP Board Member
Board Staff	
Steven Kirschner	Deputy Director, LRPD
Tanya M. Pettus	Board Administrator
Joseph Haughwout	Regulatory Affairs Manager
Lee D. Bryant	Board and Regulatory Operations Administrator
Rachel Harris	Administrative Coordinator

Materials contained herein are confidential and are not to be distributed outside of the Commission.

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



**WATERWORKS AND WASTEWATER
WORKS OPERATORS LICENSING
REGULATIONS**

Last Updated December 8, 2021

STATUTES

Title 54.1, Chapter 23



Department of Professional and Occupational Regulation

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Richmond, VA 23233

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**NOTICE
SUMMARY OF SIGNIFICANT CHANGES**

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

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

This document is a complete, edited (unofficial) copy of the Waterworks and Wastewater Works Operators Regulations (18VAC160-30). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://law.lis.virginia.gov/admincode>.

The following is a brief summary of significant revisions to the regulations effective December 8, 2021, but may not include all changes that were made to the Waterworks and Wastewater Works Operators Licensing Regulations:

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

STATEMENT OF PURPOSE

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

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

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

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

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DRAFT AGENDA

PART I.
DEFINITIONS

18VAC160-30-10. Definitions.

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

"Board"

"Onsite sewage system"

"Operator"

"Owner"

"Wastewater works"

"Waterworks"

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

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

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

"Category" means a profession under the board's purview, which includes waterworks and wastewater works as applicable to the licensure of waterworks and wastewater works operators.

"Classification" means the division within each category of license as it relates to the classified facility. Class 1 represents the highest classification for each category of license.

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

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

"DEQ" means the Virginia Department of Environmental Quality.

"Direct supervision" means being immediately available and fully responsible for the provision of waterworks and wastewater works operation regulated pursuant to Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

"Direct supervisor" means a licensed waterworks or wastewater works operator who assumes the responsibility of direct supervision.

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

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

"Maintenance" or "maintain" means performing adjustments to equipment and controls and in-kind replacement of normal wear and tear parts such as light bulbs, fuses, filters, pumps, motors, or other like components. Maintenance includes pumping the tanks or cleaning the building sewer on a periodic basis.

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

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

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

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

"VDH" means the Virginia Department of Health.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

PART II.

ENTRY

18VAC160-30-20. Application procedures.

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-30. General fee requirements.

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-40. Fee schedule.

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

For wastewater works operator licenses expiring on February 28, 2018, and waterworks operator licenses expiring on February 28, 2019, the renewal fee shall be \$50. For reinstatement applications received after February 28, 2018, and on or before February 29, 2020, the total reinstatement fee shall be \$75.

Historical Notes

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

18VAC160-30-50. Examination fee.

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-60. General requirements for licensure.

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

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

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

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

- B. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.
- C. The applicant shall report any suspension, revocation, or surrender of a license, certification, or registration in connection with a disciplinary action or that has been the subject of discipline in any jurisdiction prior to applying for licensure. The board, at its discretion, may deny licensure to any applicant based on prior suspensions, revocations, or surrenders of licenses based on disciplinary action by any jurisdiction.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017; amended, Virginia Register Volume 38, Issue 6, eff. December 8, 2021.

18VAC160-30-70. Examination procedures and conduct.

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-80. Individuals certified or licensed in another jurisdiction.

An applicant holding a valid license or certificate in another jurisdiction who meets the requirements of this chapter, including having equivalent experience and education, shall pass a board-approved examination to become licensed.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-90. License required.

- A. No individual shall serve as the operator of a waterworks or wastewater works without possessing a valid category of license issued by the board in a classification equal to or greater than the classification of the applicable waterworks or wastewater works.
- B. An individual cannot simultaneously hold two licenses of different classifications in the same category.
- C. Experience used to qualify for licensure must be obtained under the direct supervision of an operator holding a valid license of the same category and of a classification equal to or higher than the classification of the waterworks or wastewater works at which the experience was gained.
- D. Experience operating and maintaining water distribution systems shall only be considered for Class 5 or Class 6 waterworks operator license applicants.
- E. Experience limited solely to the operation and maintenance of wastewater collection systems, laboratory work, plant maintenance, and other nonoperating duties shall not be counted as experience as an operator or an operator-in-training.
- F. Provisional licensure alone shall not authorize an individual to serve as the operator of a classified waterworks or wastewater works facility.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-100. Full-time experience or equivalent.

For the purposes of this part, experience requirements are expressed in terms of calendar periods of full-time employment as an operator or as an operator-in-training at a waterworks or wastewater works in the same category for which licensure is sought pursuant to this chapter.

1. A year of full-time employment is defined as a minimum of 1,760 hours during a 12-month period or a minimum of 220 workdays in a 12-month period. A workday is defined as attendance at a waterworks or wastewater works to the extent required for proper operation. More than 1,760 hours or 220 workdays during a 12-month period will not be considered as more than one year of full-time employment.

2. Partial credit may be given for actual hours of work experience if the applicant works as an operator or as an operator-in-training less than full time.

Historical Notes

Derived from Virginia Register *Volume 33, Issue 11, eff. April 1, 2017.*

18VAC160-30-110. Qualifications for examination approval.

A. An applicant for licensure as a waterworks or wastewater works operator shall furnish acceptable documentation that one of the following qualifications has been met.

TABLE 1 Waterworks and Wastewater Works Operator Experience and Education					
Classes	Education Required	Current License	Minimum Experience	Facility Type	Experience with Substitutions
Class 6 (Waterworks Operator Only)	High school diploma or GED	N/A	Six months	Class 6 or higher facility	N/A
	No high school diploma or GED	N/A	One year	Class 6 or higher facility	N/A
Class 5 (Waterworks Operator Only)	High school diploma or GED	N/A	Six months	Class 5 or higher facility	N/A
	No high school diploma or GED	N/A	One year	Class 5 or higher facility	N/A
Class 4	High school diploma or GED	N/A	Six months	Class 4 or higher facility	N/A
	No high school diploma or GED	N/A	One year	Class 4 or higher facility	N/A
Class 3	Bachelor's or master's degree	N/A	Six months	Class 4 or higher facility	N/A
	Associate's degree	N/A	Nine months	Class 4 or higher facility	Six months

	High school diploma or GED	N/A	One year	Class 4 or higher facility	Six months
	No high school diploma or GED	Class 4 license	Three years	Class 3 or higher facility	One and one-half years
Class 2	Bachelor's or master's degree	N/A	One year	Class 3 or higher facility	Six months
	Associate's degree	N/A	18 months	Class 3 or higher facility	Nine months
	High school diploma or GED	N/A	Two years	Class 3 or higher facility	One year
	No High school diploma or GED	Class 3 license	Five years	Class 2 or higher facility	Three and one-half years
Class 1	Bachelor's or master's degree	Class 2 license	Two years	Class 2 or higher facility	One year
	Associate's degree	Class 2 license	Three years	Class 2 or higher facility	One and one-half years
	High school diploma or GED	Class 2 license	Four years	Class 2 or higher facility	Two years
	No high school diploma or GED	Class 2 license	Nine years	Class 2 or higher facility	Four and one-half years
Where applicable, the current license held, minimum experience, and the facility type must coincide with the category of license for which the application is being submitted.					

- B. The direct supervisor shall certify the experience on the application form as accurate and relevant to the classification and category of license for which is being submitted. In the event that a licensed operator is not available to certify the experience of the applicant, the experience may be certified by a representative of the facility owner with first-hand knowledge of the applicant's experience.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-120. Provisional licensure for nonclassified facility operation.

An applicant for licensure as a provisional waterworks or wastewater works operator shall furnish acceptable documentation of having met all of the requirements of 18VAC160-30-110 except that the experience requirement may be met through experience gained as an operator or operator-in-training of a nonclassified facility. Such experience must be gained under the following conditions:

1. The experience is obtained at a nonclassified facility that is comparable in size and in treatment process as described in 18VAC160-30-360 and 18VAC160-30-370, as applicable.
2. The experience is obtained while performing nonclassified facility operation duties that provide experience comparable to that obtained at a classified facility. Experience operating and maintaining water distribution systems shall only be considered for a Class 5 or Class 6 provisional waterworks operator license. Experience limited solely to the operation and maintenance of wastewater collection system, laboratory work, plant maintenance, and other nonoperating duties shall not be counted as experience as a provisional operator or operator-in-training.
3. Any individual holding a provisional license may apply for licensure by submitting evidence of having met 50% of the experience required by 18VAC160-30-110 and submitting the appropriate application.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-130. Experience substitutions.

- A. Experience obtained as a licensed alternative onsite sewage system operator before April 1, 2017, or a master alternative onsite sewage system operator may be substituted for the Class 4 wastewater works operator-in-training experience requirements.
- B. 18VAC160-30-110 A provides the maximum experience substitutions that may be applied for each applicable class of license.
 1. Experience gained in either waterworks or wastewater works operations may be substituted for up to one-half of the required experience in the alternate category so long as the experience was gained in an equivalent or higher class of facility.
 2. Education may substitute for part of the required experience in the category of license applied for at a rate of one month of experience credit for each semester hour of college credit. Coursework must be relevant to the category and classification of the license being sought. The college credit must be from an

accredited college or university that is approved or accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, a regional or national accreditation association, or by an accreditation agency that is recognized by the U.S. Secretary of Education.

3. Board-approved waterworks or wastewater works operator training courses may be utilized for experience at a rate of one month experience for each training credit approved by the board.

C. Substitutions shall not exceed 50% of the total experience required for licensure.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-140. Education.

A. Applicants seeking to qualify for licensure based on completion of an associate's, bachelor's, or master's degree shall submit an official transcript from the school where the applicable degree was obtained. Only degrees from an accredited college or university that is approved or accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education will be considered. Formal education used to meet a specific education requirement for license entry cannot also be used as a training credit for experience substitution.

B. The following degrees shall be considered to qualify in accordance with 18VAC160-30-110:

1. Bachelor's or master's degree in engineering or engineering technology in a related physical, biological, environmental, or chemical science;

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

3. Master's degree in a related physical, biological, environmental, or chemical science, and a bachelor's degree in any major such that the combined degrees include a minimum 40 semester credit hours in any combination of science and math; or

4. Associate's degree in waterworks, in wastewater works, or in a related physical, biological, environmental, or chemical science that includes a minimum of 20 credit hours in any combination of science and math.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

PART III.

RENEWAL AND REINSTATEMENT

18VAC160-30-150. Expiration and renewal.

- A. Licenses for waterworks operators shall expire on the last day of February of each odd-numbered year. Licenses for wastewater works operators shall expire on the last day of February of each even-numbered year.
- B. Prior to the expiration date shown on the license, the board shall mail a renewal notice to the licensee's address of record. The licensee shall return to the board a renewal notice and the applicable renewal fee. Failure to receive a renewal notice from the board does not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee as an application for renewal.
- C. By submitting the renewal or reinstatement fee, the licensee is certifying his continued compliance with the Standards of Practice and Conduct (Part VI (18VAC160-30-290 et seq.) of this chapter, as established by the board. In addition, by submitting the renewal or reinstatement fee, licensees are certifying compliance with the continuing professional education requirements of this chapter.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-160. Reinstatement.

- A. If all of the requirements for renewal of the license as specified in 18VAC160-30-150 are not completed within 30 days of the license expiration date, a reinstatement fee shall be required as established in 18VAC160-30-40.
- B. A license may be reinstated for up to one year following the expiration date of the license. An individual who fails to reinstate the license within 12 months after the expiration date shall apply for a new license and meet entry requirements in effect at the time of the submittal of the new application. Such individual shall be deemed to be eligible to sit for the examination for the same category and classification of license as the expired license.
- C. Any regulated activity conducted subsequent to the license expiration date may constitute unlicensed activity and be subject to the prosecution under Chapter 1 (§ 54.1-100 et seq.) of Title 54.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-170. Status of license during period prior to reinstatement.

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-180. Board discretion to deny renewal or reinstatement.

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

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

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PART IV.

CONTINUING PROFESSIONAL EDUCATION

18VAC160-30-190. Continuing professional education.

- A. Each licensee shall have completed the following number of continuing professional education (CPE) contact hours during each renewal cycle. CPE provisions do not apply for the renewal of licenses that were held for less than two years on the date of expiration.
1. Class 1, Class 2, and Class 3 waterworks and wastewater works operators shall obtain a minimum of 20 contact hours.
 2. Class 4 waterworks and wastewater works operators shall obtain a minimum of 16 contact hours.
 3. Class 5 waterworks operators shall obtain a minimum of eight contact hours.
 4. Class 6 operators shall obtain a minimum of four contact hours.
- B. CPE contact hours completed during the license period immediately prior to the expiration date of the license shall be acceptable in order to renew the license. CPE contact hours completed during a licensing renewal cycle to satisfy the CPE requirements of the preceding licensing renewal cycle shall be valid only for that preceding license renewal cycle and shall not be accepted for any subsequent renewal cycles.
- C. The licensee will not receive CPE credit for completing the same continuing education course with the same content more than once during a license period.
- D. A licensee may receive CPE credit for teaching a course that otherwise meets the requirements of this chapter; however, additional credit shall not be given for subsequent offerings of a course or activity with the same content within the same licensing cycle. In addition, a licensee may receive two hours of CPE no more than once during a single licensing cycle for the initial development or substantial updating of a CPE course.
- E. Safety subjects shall not count for more than one-half of the total required CPE hours.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-200. CPE subject matter for waterworks operators.

- A. The following course topics will be accepted for CPE credit for waterworks operators:
1. Waterworks operations;

2. Monitoring, evaluating, and adjusting treatment processes and systems;
3. Operating and maintaining equipment;
4. Security and safety procedures;
5. General science and mathematical principles;
6. Administrative processes and procedures applicable to licensure; and
7. Laws and regulations applicable to the profession.

B. Of the total 20 hours required, a minimum of five contact hours pertaining to utility management is required of Class 1 and Class 2 waterworks operators.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-210. CPE subject matter for wastewater works operators.

A. The following course topics will be accepted for CPE credit for wastewater works operators:

1. Wastewater works operations;
2. Monitoring, evaluating, and adjusting treatment processes and systems;
3. Operating and maintaining equipment;
4. Security and safety procedures;
5. General science and mathematical principles;
6. Administrative processes and procedures applicable to licensure; and
7. Laws and regulations applicable to the profession.

B. Of the total 20 hours required, a minimum of five contact hours pertaining to utility management is required of Class 1 and Class 2 wastewater works operators.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-220. Use of training credits and formal education for CPE credit.

Any course approved by the board for substitution as training credits or formal education semester hours, as provided for in Part V (18VAC160-30-240 et seq.) of this chapter, shall also be

acceptable on an hour-for-hour basis for CPE contact hours. One semester hour of college credit shall equal 15 CPE contact hours, and one-quarter hour of college credit shall equal 10 CPE credit hours.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-230. Maintenance of CPE.

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

PART V.

TRAINING COURSE APPROVAL

18VAC160-30-240. Approval of training courses.

- A. Training courses may be substituted for experience pursuant to the provisions of Part II (18VAC160-30-20 et seq.) of this chapter. With the exception of training courses provided pursuant to 18VAC160-30-280, training courses that may be substituted for required experience must be approved by the board prior to commencing.
- B. Each training provider seeking course approval shall submit an application for approval on a form provided by the board. Only classroom, laboratory, and field trip contact time will be used to compute training credits. No credit will be given for breaks, meals, or receptions.
 1. Organization. The board will only approve training offered by a provider that is an identifiable organization with a mission statement outlining its functions, structure, process, and philosophy and that has a staff of one or more persons with the authority to administer and coordinate a training course.
 2. Training course records. The board will only approve training offered by a provider that maintains training course records for all participants for a minimum of seven years and that has a written policy on retention and release of training course records.
 3. Instructors. The board will only approve training conducted by personnel who have demonstrated competence in the subject being taught, an understanding of the learning objective, and knowledge of the learning process to be used.
 4. Objectives. The board will only approve courses that have a series of stated objectives that are pertinent to the tasks performed by a licensee. The training course content must be consistent with those objectives.
 5. Course completion requirements. For successful completion of a training course, participants must attend 90% or more of the class contact time and must demonstrate their learning through written examinations, completion of a project, oral examination, or other similar assessment technique.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-250. Application for training course approval.

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

1. Course information.

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

2. Instructor qualifications.

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

3. Training materials.

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

presentation sequence, laboratory and field activities, audiovisual presentation, and other major activities.

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

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

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

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

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

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

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-260. Maintenance of training approval.

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

- B. Substantial modifications or changes to the information provided in 18VAC160-30-240 and 18VAC160-30-250 must be reported to the board within 30 days of the change. Failure to report the changes as required may result in the withdrawal of approval by the board.
- C. Any change of the address of the training provider shall be reported in writing within 30 days of the change.
- D. The board may conduct an audit of the training provider to ensure compliance with this chapter.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-270. Withdrawal of approval.

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

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-280. Training courses offered by certain entities; board approval not required.

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

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

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PART VI.

STANDARDS OF PRACTICE AND CONDUCT

18VAC160-30-290. Grounds for disciplinary action.

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-300. Maintenance of license.

- A. No license issued by the board shall be assigned or otherwise transferred.
- B. A licensee shall report, in writing, all changes of address and name to the board within 30 days of the change and shall return the license to the board. In addition to the address of record, a physical address is required for each license. If the licensee holds more than one license, the licensee shall inform the board of all licenses, certificates, and registrations affected by the address change. The board shall not be responsible for the licensee's failure to receive notices or correspondence due to the licensee's failure to report a change of address.
- C. Any change in any of the requirements and qualifications for licensure found in Part II (18VAC160-30-20 et seq.) or Part III (18VAC160-30-150 et seq.) of this chapter shall be reported to the board within 30 days of the change.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-310. Notice of adverse action.

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

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

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017; amended, Virginia Register Volume 38, Issue 6, eff. December 8, 2021.

18VAC160-30-320. Prohibited acts.

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

1. Violating, inducing another to violate, cooperating with another to violate, or combining or conspiring with or acting as agent, partner, or associate for another to violate any of the provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), or 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia, or any of the regulations of the board.
2. Allowing a license issued by the board to be used by another.
3. Obtaining or attempting to obtain a license by false or fraudulent representation, or maintaining or renewing a license by false or fraudulent representation.
4. A licensee having been convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC160-30-310. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia.
5. Failing to inform the board in writing within 30 days that the licensee was convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC160-30-310.
6. Not demonstrating reasonable care, judgment, or application of the required knowledge, skill, and ability in the performance of the licensee's duties.
7. Having undertaken to perform or performed a professional assignment that the licensee is not qualified to perform by education, experience, training, or any combination thereof.

8. Failing to report a change as required by 18VAC160-30-300.
9. Negligence, misconduct, or incompetence in the practice of the profession.
10. Making any misrepresentation or engaging in acts of fraud or deceit in providing professional services.
11. Failing to adequately supervise and review work performed by licensed or unlicensed employees under direct supervision of the licensee.
12. Submitting or recording or assisting another in the submission or recording of false or misleading operational information relating to the performance and monitoring requirements of a waterworks or wastewater works.
13. Failing to act in providing waterworks and wastewater works operator services in a manner that safeguards the interests of the public.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-330. Conflicts of interest.

The licensee shall:

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-340. Licensee responsibility.

- A. The primary obligation of the licensee is to the public. If the licensee's judgment is overruled and not adhered to when advising appropriate parties of circumstances of a substantial threat to the public health, safety, or welfare, the licensee shall inform the

employer or client, as applicable, of the possible consequences and notify appropriate authorities.

- B. The licensee shall not knowingly associate in a business venture with, or permit the use of the licensee's name by, any person where there is reason to believe that person is engaging in activity of a fraudulent or dishonest nature or is violating any law or regulation of the board.
- C. A licensee who has direct knowledge that another individual may be violating any of the provisions of this chapter or the provisions of Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia shall immediately inform the board in writing and shall cooperate in furnishing any further information or assistance that may be required.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-350. Response to inquiry and provision of records.

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

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

18VAC160-30-360. Wastewater works.

- A. A Class 4 wastewater works licensee may operate any wastewater works as follows:
 - 1. A wastewater works employing biological mechanical methods (i.e., mechanical treatment process defined as those containing aerated and mixed flows using electrical or outside energy sources) with a design hydraulic capacity greater than 1,000 gallons per day but equal to or less than 0.04 MGD;

2. A wastewater works employing natural treatment methods (referenced in 9VAC25-790-870 as land treatment utilizing a secondary process for pretreatment followed by irrigation, overland flow infiltration-percolation, or combination thereof or aquatic ponds or constructed wetlands) with a design hydraulic capacity greater than 1,000 gallons per day but equal to or less than 1.0 MGD; or
3. Any other wastewater works classified by DEQ or VDH as a Class 4 wastewater works.

B. A Class 3 wastewater works licensee may operate any wastewater works as follows:

1. A wastewater works using biological treatment methods consisting of but not limited to (i) suspended growth reactors, (ii) aerated lagoons, (iii) constructed wetlands, (iv) filters or other attached growth contactors, (v) processes utilizing biological nutrient control, or (vi) processes utilizing land treatment having a design hydraulic capacity greater than 0.04 MGD, but equal to or less than 0.5 MGD;
2. A wastewater works using natural treatment methods (referenced in 9VAC25-790-870 as land treatment utilizing a secondary process for pretreatment followed by irrigation, overland flow infiltration-percolation, or combination thereof or aquatic ponds or constructed wetlands) with a design hydraulic capacity greater than 1.0 MGD;
3. A wastewater works using advanced waste treatment methods consisting of but not limited to (i) ammonia stripping, (ii) breakpoint chlorination, (iii) carbon adsorption, (iv) chemical coagulation, (v) flocculation, (vi) precipitation, (vii) filtration, or (viii) demineralization (i.e., ion exchange, reverse osmosis, or electrodialysis) having a design hydraulic capacity greater than 1,000 gallons per day but equal to or less than 0.1 MGD; or
4. A wastewater works classified by DEQ or VDH as a Class 3 or Class 4 wastewater works facility.

C. A Class 2 wastewater works licensee may operate any wastewater works as follows:

1. A wastewater works using biological treatment methods consisting of but not limited to (i) suspended growth reactors, (ii) aerated lagoons or constructed wetlands, (iii) filters or other attached growth contactors, (iv) processes utilizing biological nutrient control, or (v) processes utilizing land application having a design hydraulic capacity greater than 0.5 MGD but equal to or less than 5.0 MGD;

2. A wastewater works using advanced waste treatment methods consisting of but not limited to (i) ammonia stripping, (ii) breakpoint chlorination, (iii) carbon adsorption, (iv) chemical coagulation, (v) flocculation, (vi) precipitation, (vii) filtration, (viii) demineralization (i.e., ion exchange, reverse osmosis, or electro dialysis) and having a hydraulic capacity greater than 0.1 MGD but equal to or less than 2.5 MGD; or
3. A wastewater works classified by DEQ or VDH as a Class 2, Class 3, or Class 4 wastewater works.

D. A Class 1 wastewater works licensee may operate any wastewater works as follows:

1. A wastewater works using biological treatment methods consisting of but not limited to (i) suspended growth reactors, (ii) aerated lagoons or constructed wetlands, (iii) filters or other attached growth contactors, (iv) processes utilizing biological nutrient control, (v) processes utilizing land treatment and having a hydraulic capacity greater than 5.0 MGD;
2. A wastewater works using advanced waste treatment methods consisting of but not limited to (i) ammonia stripping, (ii) breaking chlorination, (iii) carbon adsorption, (iv) chemical coagulation, (v) flocculation, (vi) precipitation, (vii) filtration, (viii) demineralization (i.e., ion exchange, reverse osmosis, or electro dialysis) and having a design capacity greater than 2.5 MGD; or
3. A wastewater works classified by DEQ or VDH as a Class 1, Class 2, Class 3, or Class 4 wastewater works.

Historical Notes

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

18VAC160-30-370. Waterworks.

A. A Class 6 waterworks licensee may operate any waterworks as follows:

1. A waterworks serving fewer than 400 persons that provides no treatment or employs one or more of the following treatment processes: (i) hypochlorination for disinfection, (ii) corrosion control with calcite or magnesium oxide contactors or solution feed except with caustic, or (iii) sequestration by solution feed; or
2. A waterworks classified by VDH as a Class 6 waterworks.

B. A Class 5 waterworks licensee may operate any waterworks as follows:

1. A waterworks serving 400 or more persons that provides no treatment or employs one or more of the following treatment processes: (i) hypochlorination

for disinfection, (ii) corrosion control with calcite or magnesium oxide contactors or solution feed except with caustic, or (iii) sequestration by solution feed; or

2. A waterworks classified by VDH as a Class 5 waterworks.

C. A Class 4 waterworks licensee may operate any waterworks as follows:

1. A waterworks or treatment facility serving fewer than 5,000 persons or having a treatment facility capacity of less than 0.5 MGD and employing one or more of the following: (i) disinfection other than with hypochlorination, (ii) caustic soda feed, (iii) iron and manganese removal, (iv) ion exchange, (v) slow sand filtration, (vi) aeration, (vii) rechlorination other than with hypochlorination, (viii) activated carbon contactors, (ix) membrane or other filtration technologies without chemical coagulation, or (x) fluoridation with a saturator; or

2. A waterworks classified by VDH as a Class 4 waterworks.

D. A Class 3 waterworks licensee may operate any waterworks as follows:

1. A waterworks or treatment facility serving fewer than 5,000 persons or having a treatment facility capacity less than 0.5 MGD, whichever is greater, and employing conventional filtration or chemical coagulation in combination with membrane filtration;

2. A waterworks or treatment facility serving 5,000 or more persons or having a treatment facility capacity of 0.5 MGD or more, whichever is greater, and employing one or more of the following: (i) disinfection other than with hypochlorination, (ii) caustic soda feed, (iii) iron and manganese removal, (iv) ion exchange, (v) slow sand filtration, (vi) aeration, (vii) rechlorination other than with hypochlorination, (viii) activated carbon contactors, (ix) membrane or other filtration technologies without chemical coagulation, or (x) fluoridation with a saturator or acid feed;

3. A waterworks or treatment facility employing fluoridation with other than a saturator not considered a Class 1 or Class 2 waterworks; or

4. A waterworks classified by VDH as a Class 3 waterworks.

E. A Class 2 waterworks licensee may operate any waterworks as follows:

1. A waterworks or treatment facility serving 5,000 or more persons but fewer than 50,000 persons or having a treatment facility capacity of 0.5 MGD or more but less than 5.0 MGD, whichever range applies, and employing rapid rate conventional filtration chemical coagulation in combination with membrane filtration;

2. A waterworks or treatment facility serving fewer than 50,000 persons or having a treatment facility capacity of less than 5.0 MGD employing high rate conventional filtration; or

3. A waterworks classified by the VDH as a Class 2 waterworks.

F. A Class 1 waterworks licensee may operate any waterworks as follows:

1. A waterworks or treatment facility serving 50,000 or more persons or having a treatment facility capacity of 5.0 MGD or more and employing conventional filtration or chemical coagulation in combination with membrane filtration; or

2. A waterworks classified by VDH as a Class 1 waterworks.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

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

Code of Virginia

Title 54.1, Chapter 23

§ 54.1-2300. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

B. The Board shall examine waterworks and wastewater works operators and issue licenses. The licenses may be issued in specific operator classifications to attest to the competency of an operator to supervise and operate waterworks and wastewater works while protecting the public health, welfare and property and conserving and protecting the water resources of the Commonwealth.

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

D. The Board, in consultation with the Board of Health, shall adopt regulations for the licensure of (i) onsite soil evaluators; (ii) installers of alternative onsite sewage systems, as defined in § 32.1-163; and (iii) operators of alternative onsite sewage systems, as defined in § 32.1-163. Such regulations shall include requirements for (a) minimum education and training, including approved training courses; (b) relevant work experience; (c) demonstrated knowledge and skill; (d) application fees to cover the costs of the program, renewal fees, and schedules; (e) the

division of onsite soil evaluators into classes, one of which shall be restricted to the design of conventional onsite sewage systems; and (f) other criteria the Board deems necessary.

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

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

§ 54.1-2302. License required.

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

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

DRAFT AGENDA
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DRAFT AGENDA

Code of Virginia

Title 54.1. Professions and Occupations

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

Chapter 23. Waterworks and Wastewater Works Operators

§ 54.1-2300. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

B. 1. The Board shall examine waterworks and wastewater works operators and issue licenses. The licenses may be issued in specific operator classifications to attest to the competency of an operator to supervise and operate waterworks and wastewater works while protecting the public health, welfare, and property and conserving and protecting the water resources of the Commonwealth.

2. The Board shall, upon application by an individual, and without examination pursuant to subdivision 1, recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure in the Commonwealth if the following conditions are met:

- a. The individual holds a current and valid professional or occupational license or government certification in another state in a profession or occupation with a similar scope of practice, as determined by the Board;
- b. The individual has held the professional or occupational license or government certification in the other state for at least three years;
- c. The other state or state of original licensure required the individual to pass an examination and to meet certain standards related to education, training, or experience;
- d. There are no pending investigations or unresolved complaints against the individual, and the other state holds the individual in good standing;
- e. The individual does not have a disqualifying criminal record as determined by the Board in accordance with § 54.1-204;
- f. No other state has imposed discipline on the licensee, except for discipline involving only a financial penalty and no harm to the health or economic well-being of the public; and
- g. The individual pays all applicable fees.

3. For the purposes of this subsection, "other state" or "another state" means any state, territory, possession, or jurisdiction of the United States.

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

D. The Board, in consultation with the Board of Health, shall adopt regulations for the licensure of (i) onsite soil evaluators; (ii) installers of alternative onsite sewage systems, as defined in §

32.1-163;and (iii) operators of alternative onsite sewage systems, as defined in § 32.1-163. Such regulations shall include requirements for (a) minimum education and training, including approved training courses; (b) relevant work experience; (c) demonstrated knowledge and skill; (d) application fees to cover the costs of the program, renewal fees, and schedules; (e) the division of onsite soil evaluators into classes, one of which shall be restricted to the design of conventional onsite sewage systems; and (f) other criteria the Board deems necessary.

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

1970, c. 768, §§ 54-573.1, 54-573.3; 1981, c. 447; 1988, c. 765; 1989, c. 97; 2007, cc. 892, 924; 2008, c. 67;2012, cc. 677, 704;2013, c. 731;2023, cc. 192, 632, 633.

§ 54.1-2302. License required

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

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

DRAFT AGENDA
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DRAFT AGENDA

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 633

An Act to amend and reenact § 54.1-2301 of the Code of Virginia, relating to waterworks and wastewater works operators; license reciprocity.

[S 999]

Approved March 26, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2301 of the Code of Virginia is amended and reenacted as follows:

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

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

B. 1. The Board shall examine waterworks and wastewater works operators and issue licenses. The licenses may be issued in specific operator classifications to attest to the competency of an operator to supervise and operate waterworks and wastewater works while protecting the public health, welfare, and property and conserving and protecting the water resources of the Commonwealth.

2. *The Board shall, upon application by an individual, and without examination pursuant to subdivision 1, recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure in the Commonwealth if the following conditions are met:*

a. The individual holds a current and valid professional or occupational license or government certification in another state in a profession or occupation with a similar scope of practice, as determined by the Board;

b. The individual has held the professional or occupational license or government certification in the other state for at least three years;

c. The other state or state of original licensure required the individual to pass an examination and to meet certain standards related to education, training, or experience;

d. There are no pending investigations or unresolved complaints against the individual, and the other state holds the individual in good standing;

e. The individual does not have a disqualifying criminal record as determined by the Board in accordance with § 54.1-204;

f. No other state has imposed discipline on the licensee, except for discipline involving only a financial penalty and no harm to the health or economic well-being of the public; and

g. The individual pays all applicable fees.

3. *For the purposes of this subsection, "other state" or "another state" means any state, territory, possession, or jurisdiction of the United States.*

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

D. The Board, in consultation with the Board of Health, shall adopt regulations for the licensure of (i) onsite soil evaluators; (ii) installers of alternative onsite sewage systems, as defined in § 32.1-163; and (iii) operators of alternative onsite sewage systems, as defined in § 32.1-163. Such regulations shall include requirements for (a) minimum education and training, including approved training courses; (b) relevant work experience; (c) demonstrated knowledge and skill; (d) application fees to cover the costs of the program, renewal fees, and schedules; (e) the division of onsite soil evaluators into classes, one of which shall be restricted to the design of conventional onsite sewage systems; and (f) other criteria the Board deems necessary.

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

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 632

An Act to amend and reenact § 54.1-2301 of the Code of Virginia, relating to waterworks and wastewater works operators; license reciprocity.

[H 1940]

Approved March 26, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2301 of the Code of Virginia is amended and reenacted as follows:

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

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

B. 1. The Board shall examine waterworks and wastewater works operators and issue licenses. The licenses may be issued in specific operator classifications to attest to the competency of an operator to supervise and operate waterworks and wastewater works while protecting the public health, welfare, and property and conserving and protecting the water resources of the Commonwealth.

2. *The Board shall, upon application by an individual, and without examination pursuant to subdivision 1, recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure in the Commonwealth if the following conditions are met:*

a. The individual holds a current and valid professional or occupational license or government certification in another state in a profession or occupation with a similar scope of practice, as determined by the Board;

b. The individual has held the professional or occupational license or government certification in the other state for at least three years;

c. The other state or state of original licensure required the individual to pass an examination and to meet certain standards related to education, training, or experience;

d. There are no pending investigations or unresolved complaints against the individual, and the other state holds the individual in good standing;

e. The individual does not have a disqualifying criminal record as determined by the Board in accordance with § 54.1-204;

f. No other state has imposed discipline on the licensee, except for discipline involving only a financial penalty and no harm to the health or economic well-being of the public; and

g. The individual pays all applicable fees.

3. *For the purposes of this subsection, "other state" or "another state" means any state, territory, possession, or jurisdiction of the United States.*

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

D. The Board, in consultation with the Board of Health, shall adopt regulations for the licensure of (i) onsite soil evaluators; (ii) installers of alternative onsite sewage systems, as defined in § 32.1-163; and (iii) operators of alternative onsite sewage systems, as defined in § 32.1-163. Such regulations shall include requirements for (a) minimum education and training, including approved training courses; (b) relevant work experience; (c) demonstrated knowledge and skill; (d) application fees to cover the costs of the program, renewal fees, and schedules; (e) the division of onsite soil evaluators into classes, one of which shall be restricted to the design of conventional onsite sewage systems; and (f) other criteria the Board deems necessary.

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

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
VIRGINIA EXPERIENCE VERIFICATION APPLICATION
Waterworks and Wastewater Works Operators Applicants only

(Use only one verification application per experience.)

Section A: To be completed by the applicant only. Complete items #1 through #11, then forward this form to the Employer named in question #4.

1. Name _____
Last First Middle Generation

2. Provide **one** of the following identification numbers.
 Social Security Number or Virginia DMV Control Number*

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 -

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* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

3. Applicant's Mailing Address _____

City State Zip Code

4. Employer's Facility/Employer's Name *

5. Employer's Facility/Employer' Address * _____

City State Zip Code

* Waterworks and Wastewater Works applicants must list the Facility name and address as noted on the permit issued by DEQ or VDH. If experience has been gained as an **interim or master alternative onsite sewage system operator**, provide the name and address where experience was obtained.

6. Employee Status Full-Time Part-time Total Hours: _____ Total Days: _____

7. Time period in which experience was obtained: From: _____ To: _____
MM/DD/YYYY MM/DD/YYYY

8. Do you hold a current or expired waterworks and wastewater works operator license?
No
Yes If yes, provide your license number and expiration date below
VA License Number

1	9								
---	---	--	--	--	--	--	--	--	--

 Expiration Date _____

9. Do you hold an expired Interim or a current or expired Master Alternative Onsite Sewage System operator license?
No
Yes If yes, provide your license number and expiration date below
VA Interim License No.

1	9	3	4						
---	---	---	---	--	--	--	--	--	--

VA Master Alternative License No.

1	9	4	2						
---	---	---	---	--	--	--	--	--	--

 Expiration Date _____

10. Check the type of license you are requesting: (only one license type per form)
Waterworks Operator or Wastewater Works Operator
 Class 1 Class 3 Class 5 Class 1 Class 3
 Class 2 Class 4 Class 6 Class 2 Class 4

11. Applicant's Signature _____ Date _____

Section B: To be completed by the Verifier.

Verifier - This section is to be completed by the applicant's supervisor or other individual in responsible charge at the facility or employer's company listed in Section A4. For applicants who are self employed (Sole Proprietor), work experience must be verified by an independent third-party who has first-hand knowledge of the applicant's experience.

Complete questions #12 - #20. Return for inclusion in his/her application package. Your prompt response is appreciated.

12. Was the applicant's experience gained at a **Waterworks Facility**?

No

Yes If yes, provide the following information:

A. Facility VDH Permit Number: Facility Class _____

B. If facility has been reclassified, provide the date of reclassification: _____

13. Was the applicant's experience gained at a **Wastewater Works Facility**?

No

Yes If yes, provide the following information:

A. Facility DEQ Permit Number Facility Class _____

B. If facility has been reclassified, provide the date of reclassification: _____

14. Was the applicant employed during the time period indicated in Section A.7?

No If no, clarify the dates: _____

Yes

15. Was the applicant's experience during his/her employment period **solely** limited to the **operation and maintenance** of wastewater collection systems and water distributions systems, laboratory work, plant maintenance, and other nonoperating duties?

Yes If yes, these duties shall **not** be counted as experience as an operator or as an operator-in-training.

No If no, specify the applicant's duties below.

16. Was the applicant's experience during his/her employment period limited to **water distribution system** operation and maintenance?

No

Yes If yes, the applicant's experience shall be only considered when applying for a Class 5 or Class 6 waterworks operator license.

17. Was the applicant's experience during his/her employment period related to the **operation and maintenance** of **Alternative Onsite Sewage Systems**?

No

Yes If yes, the applicant's experience shall be only considered when applying for a Class 4 wastewater works operator license.

18. Verifier's Name/Supervisor's Name & Title _____

19. Certifying Supervisor's Virginia Operator License No. (if applicable):

Virginia License Number Expiration Date _____

20. I certify that the applicant has met the experience requirements of 18 VAC 160-30-90 of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals Regulations and that, to the best of my knowledge, all information provided on this form is true and accurate.

Certifying Supervisor's Signature _____ Date _____

or

Verifier's Signature _____ Date _____

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
OUT-OF-STATE FACILITY DESCRIPTION & EXPERIENCE VERIFICATION APPLICATION
No Fee Required

(Complete **one** form per facility)

Instructions:

This form should be completed by applicants who hold a valid (unexpired) out-of-state-license or certification. This form must be signed by the applicant's immediate supervisor verifying applicant's experience from the facility listed in question #3. An original Certification of Licensure/Letter of Good Standing (dated within the last 60 days) must be included with your exam application.

1. Name _____
Last First Middle Generation

2. Dates of Employment From: _____ To: _____
MM/DD/YYYY MM/DD/YYYY

3. Facility Name _____

4. Facility Street Address _____

City State Zip Code

5. Did you pass a national standardized exam or a state required exam to qualify for your current license?
 No Yes If yes, attach exam results to this application.

6. Applicant's Signature _____ Date _____

7. **Waterworks Facilities:**
 Design Hydraulic Capacity: _____ MGD Number of persons served: _____

Treatment Methods Used (check ALL that apply)

- | | |
|--|--|
| <input type="checkbox"/> Slow sand filtration | <input type="checkbox"/> Membrane technology * without pretreatment |
| <input type="checkbox"/> Biological activated carbon contactors | <input type="checkbox"/> Membrane technology * requiring pretreatment consisting of pH adjustment |
| <input type="checkbox"/> Aeration | <input type="checkbox"/> Membrane technology * requiring pretreatment other than pH adjustment |
| <input type="checkbox"/> Rechlorination other than with hypochlorination | <input type="checkbox"/> Corrosion control |
| <input type="checkbox"/> Activated carbon contactors | <input type="checkbox"/> Disinfection other than hypochlorination |
| <input type="checkbox"/> Iron and Manganese removal | <input type="checkbox"/> Hypochlorination |
| <input type="checkbox"/> Ion exchange | <input type="checkbox"/> No Treatment (Class 4 and Class 5 well systems only) |
| <input type="checkbox"/> Caustic Soda Feed | |

Chemical coagulation or lime softening in combination with:

- | | |
|--|--|
| <input type="checkbox"/> Sedimentation | <input type="checkbox"/> Aeration |
| <input type="checkbox"/> Rapid sand filtration | <input type="checkbox"/> Corrosion control |
| <input type="checkbox"/> Fluoridation | <input type="checkbox"/> Membrane technologies * |
| <input type="checkbox"/> Disinfection | |

* "Membrane technologies" includes electrical dialysis reversal, reverse osmosis, ultra filtration, micro filtration, and nano filtration.

Chemical coagulation or lime softening coupled with multimedia granular filtration or granular filtration at rates above 2.0 gpm/square foot in combination with:

- Sedimentation
- Fluoridation
- Disinfection
- Aeration
- Corrosion control

Diatomaceous earth filtration coupled with:

- Aeration
- Corrosion control
- Disinfection
- Fluoridation

8. Wastewater Facilities:

Design Hydraulic Capacity: _____ MGD

Treatment Methods Used (check all that apply)

- Natural treatment methods**

Physical Treatment Methods

- Screening
- Grit removal
- Grinding
- Pre-aeration
- Flow equalization
- Settling
- Floatation

Biological Treatment Methods

- Secondary settling/clarification
- Suspended growth reactors
- Aerated lagoons
- Other lagoons
- Constructed wetlands
- Biological filters or other attached growth contractors
- Processes using biological nutrient removal
- Processes using land applications
- Membrane bioreactors

Advanced Waste Treatment Methods

- Tertiary settling (after precipitation)
- Phosphorous removal
- Ammonia stripping
- Carbon absorption
- Chemical coagulation
- Flocculation
- Precipitation
- Filtration (all varieties)
- Demineralization***

Disinfection

- UV
- Ozone
- Chlorination
- Hypo-chlorination
- De-chlorination
- Post-aeration

Solids Handling

- | | |
|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Thickeners | <input type="checkbox"/> Composting |
| <input type="checkbox"/> Dewatering | <input type="checkbox"/> Drying |
| <input type="checkbox"/> Digestion | <input type="checkbox"/> Incineration |
| <input type="checkbox"/> Anaerobic | <input type="checkbox"/> Disposal |
| <input type="checkbox"/> Aerobic | |

** Those not utilizing aerated or mixed flows and not using electrical or outside energy sources to accomplish treatment

*** Ion exchange, reverse osmosis or electro dialysis

9. Supervisor's Name _____
Last First Middle Generation

10. Supervisor's Contact Numbers _____
Primary Telephone Alternate Telephone Fax

11. I certify, to the best of my knowledge all information provided on this form is true and accurate.

Supervisor's Signature _____ Date _____

DRAFT AGENDA
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DRAFT AGENDA

1 **Project 7558 - NOIRA**

2 **Board For Waterworks and Wastewater Works Operators and Onsite Sewage System**
3 **Professionals**

4 **General Review of Waterworks and Wastewater Works Operators Licensing Regulations**

5 Chapter 30

6 Waterworks and Wastewater Works Operators Licensing Regulations

7 Part I

8 Definitions

9 **18VAC160-30-10. Definitions.**

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

12 "Board"

13 ~~"Onsite sewage system"~~

14 "Operator"

15 "Owner"

16 "Wastewater works"

17 "Waterworks"

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

20 "Address of record" means the address designated by the licensee to receive notices and
21 correspondence from the board.

Commented [LT(1)]: Used only as part of alternative OSS operator license; will define master alternative OSS operator instead.

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

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

26 "Category" means a profession under the board's purview, which includes waterworks and
27 wastewater works as applicable to the licensure of waterworks and wastewater works operators.

28 "Classification" means the division within each category of license as it relates to the classified
29 facility. Class 1 represents the highest classification for each category of license.

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

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

32 "DEQ" means the ~~Virginia~~ Department of Environmental Quality.

33 "Direct supervision" means being immediately available and fully responsible for the provision
34 of waterworks and wastewater works operation regulated pursuant to Chapter 23 (§ 54.1-2300 et
35 seq.) of Title 54.1 of the Code of Virginia and this chapter.

36 "Direct supervisor" means a licensed waterworks or wastewater works operator who assumes
37 the responsibility of direct supervision.

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

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

42 "Maintenance" or "maintain" means performing adjustments to equipment and controls and
43 in-kind replacement and cleaning of normal wear and tear parts such as light bulbs, fuses, filters,

44 pumps, motors, or other like components. ~~Maintenance includes pumping the tanks or cleaning~~
45 ~~the building sewer on a periodic basis.~~

46 "Master alternative onsite sewage system operator" means an individual licensed by the board
47 who possesses the minimum skills and competency to operate and maintain conventional and
48 alternative onsite sewage systems.

49 "Operate" means the act of (i) placing into or taking out of service a unit process or unit
50 processes or (ii) making or causing adjustments in the operation of a unit process at a waterworks
51 or wastewater works.

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

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

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

61 "VDH" means the Virginia Department of Health.

Commented [HJ(2)]: Term is not used in the regulation.

Materials contained in this agenda are proposed for
and are not to be construed as regulation of office

62

Part II

63

Entry

64 **18VAC160-30-20. Application procedures.**

65 A. All applicants seeking licensure ~~shall~~must submit an application with the appropriate fee
66 specified in 18VAC160-30-40. Application ~~shall~~will be made on forms provided by the board or
67 its agent.

68 1. By submitting the application to the department, the applicant certifies that the
69 applicant has read and understands the applicable statutes and the board's
70 regulations.

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

73 B. The board may make further inquiries and investigations with respect to the applicant's
74 qualifications to confirm or amplify information supplied. All applications ~~shall~~must be completed
75 in accordance with the instructions contained in this chapter and on the application. Applications
76 will not be considered complete until all required documents are received by the board. An
77 applicant will not be permitted to sit for the applicable board-approved examination until the
78 application is complete and approved.

79 C. The applicant will be notified within 30 days of the board's receipt of an initial application if
80 the application is incomplete. An individual who fails to complete the application process within
81 12 months of receipt of the application in the board's office must submit a new application. An
82 applicant has ~~12-24~~ months from approval of the application to pass the board-approved
83 examination. Failure to pass the board-approved examination within ~~12-24~~ months of approval
84 will result in the applicant being required to submit a new application to be considered for
85 licensure.

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86 D. The applicant ~~shall~~must immediately report all changes in information supplied with the
87 application, if applicable, prior to issuance of the license or expiration of the application or
88 examination period.

89 **18VAC160-30-30. General fee requirements.**

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

93 **18VAC160-30-40. Fee schedule.**

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

94 ~~For wastewater works operator licenses expiring on February 28, 2018, and waterworks
95 operator licenses expiring on February 28, 2019, the renewal fee shall be \$50. For reinstatement
96 applications received after February 28, 2018, and on or before February 29, 2020, the total
97 reinstatement fee shall be \$75.~~

Commented [HJ(3)]: Provisions are no longer applicable.

98 **18VAC160-30-50. Examination fee.**

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

103 **18VAC160-30-60. General requirements for licensure.**

104 A. In addition to the specific qualifications for each category and classification of licensure,
105 each applicant for licensure ~~shall~~must meet the requirements provided in this section.

106 ~~1-B.~~ The applicant ~~shall~~must be at least 18 years old.

107 ~~2-C.~~ The applicant ~~shall disclose the applicant's~~must provide a mailing address, ~~which will~~
108 serve as the address of record. A post office box is only acceptable as ~~a mailing the~~
109 address of record when a physical address is also provided.

110 ~~3-D.~~ In accordance with § 54.1-204 of the Code of Virginia, each applicant ~~shall~~must
111 disclose the following information.

112 a. All felony convictions that occurred within 20 years of the date of application.

113 b. All misdemeanor convictions involving lying, cheating, or stealing, except marijuana
114 convictions, ~~in any jurisdiction~~ that occurred within three years of the date of
115 application.

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

121 ~~B.~~ The board, ~~at~~in its discretion, may deny licensure to any applicant in accordance with §
122 54.1-204 of the Code of Virginia. The applicant has the right to request further review of any such
123 action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of
124 Virginia).

Commented [HJ(4): This language is being added to make this subsection consistent with similar provisions in other DPOR regulations.

125 ~~C.E.~~ The applicant ~~shall~~must report any ~~suspension, revocation, or surrender of a license,~~
126 ~~certification, or registration in connection with a disciplinary action or that has been the subject of~~
127 ~~discipline in any jurisdiction prior to applying for licensure.~~ action taken by any board or
128 administrative body in any jurisdiction against a professional or occupational license, certification,
129 or registration issued to the applicant, to include any suspension, revocation, or surrender of a
130 license, certification, or registration, imposition of a monetary penalty, or requirement to take
131 remedial education or other corrective action. The board, ~~at~~in its discretion, may deny licensure
132 to any applicant ~~based on prior suspensions, revocations, or surrenders of licenses based on~~
133 ~~disciplinary action by~~ for any prior action taken by any board or administrative body in any
134 jurisdiction. The applicant has the right to request further review of any such action by the board
135 under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

136 F. The applicant for licensure must be in compliance with the standards of conduct and
137 practice set forth in Part VI (18VAC160-30-290 et seq.) of this chapter at the time of application.
138 while the application is under review by the board, and at all times when the license is in effect.

139 **18VAC160-30-70. Examination procedures and conduct.**

140 A. Upon approval of the application, the board will notify the applicant of ~~his~~the applicant's
141 eligibility to take the applicable examination. ~~The license will not be issued prior to receipt of a~~
142 ~~passing score for the applicable examination.~~

143 B. An applicant who does not receive a passing score within ~~one year~~ 24 months after the
144 date of approval of the application by the board to sit for the examination, must submit a new
145 application and meet the entry requirements in effect at the time of submittal of the new
146 application.

147 C. The applicant ~~shall~~must follow all rules established by the board with regard to conduct at
148 the examination. Such rules ~~shall~~ include all written instructions communicated prior to the

Commented [HJ5]: This language is being added to make the general licensure requirements consistent with similar provisions in other DPOR regulations.

Commented [JH6]: Changed per committee meeting on 11/9/23.

149 examination date and all instructions communicated at the site, ~~either written or oral,~~ on the date
150 of examination. Failure to comply with all rules established by the board and the testing
151 organization with regard to conduct at the examination may be grounds for denial of the
152 application, voiding of examination scores, or any combination thereof.

153 D. The passing examination score received by an applicant for the category and class of
154 license for which the applicant has applied is valid for a period of 10 years from the date of the
155 examination.

Commented [JH7]: Added to mirror proposed change to OSSP Regulations.

156 **18VAC160-30-80. Individuals certified or licensed in another jurisdiction.**

157 An applicant holding ~~a valid~~ an active, current license or certificate in another jurisdiction who
158 meets the requirements of this chapter, including having equivalent experience and education,
159 ~~shall~~ must pass a board-approved examination to become licensed.

160 **18VAC160-30-90. License required.**

161 A. No individual ~~shall serve as the operator of~~ will operate a waterworks or wastewater works
162 without possessing a valid category of license issued by the board in a classification equal to or
163 greater than the classification of the applicable waterworks or wastewater works.

164 ~~B. An individual cannot simultaneously hold two licenses of different classifications in the~~
165 ~~same category.~~

Commented [JH8]: Removed as unnecessary.

166 ~~C. Experience used to qualify for licensure must be obtained under the direct supervision of~~
167 ~~an operator holding a valid license of the same category and of a classification equal to or higher~~
168 ~~than the classification of the waterworks or wastewater works at which the experience was gained.~~

169 ~~D. Experience operating and maintaining water distribution systems shall only be considered~~
170 ~~for Class 5 or Class 6 waterworks operator license applicants.~~

171 ~~E. Experience limited solely to the operation and maintenance of wastewater collection~~
172 ~~systems, laboratory work, plant maintenance, and other nonoperating duties shall not be counted~~
173 ~~as experience as an operator or an operator in training.~~

Commented [HJ(9)]: Moved to new section -95.

174 ~~F.B.~~ Provisional licensure alone ~~shall~~will not authorize an individual to ~~serve as the operator~~
175 ~~of~~ operate a classified waterworks or wastewater works facility.

176 18VAC160-30-95. Qualifying experience.

Commented [HJ(10)]: Discuss Board's July 2022 guidance re: small wastewater.

177 A. Experience used to qualify for licensure must be obtained under the direct supervision of an
178 operator holding a valid license of the same category and of a classification equal to or higher
179 than the classification of the waterworks or wastewater works at which the experience was gained.

180 B. The direct supervisor must certify the applicant's experience on the application as accurate
181 and relevant to the classification and category of license for which licensure is being sought. In
182 the event that a licensed operator is not available to certify the experience of the applicant, the
183 experience may be certified by a representative of the facility owner with first-hand knowledge of
184 the applicant's experience.

185 C. Experience operating and maintaining water distribution systems will only be considered for
186 Class 5 or Class 6 waterworks operator license applicants.

187 D. Experience limited solely to nonoperating duties will not be counted as experience as an
188 operator or an operator-in-training.

189 E. The board will accept an applicant's experience obtained in a previously unclassified
190 wastewater treatment facility that has recently been classified as requiring a licensed Class 4 or
191 Class 3 operator provided that (i) the application includes verification from the appropriate DEQ

192 regional office the operator license requirement is a new requirement and (ii) the applicant's
 193 experience is verified by the owner of the facility.

Commented [JH11]: Incorporates the Board's guidance from Guidance Document 7210 - License Requirements for Operators of Small Wastewater Treatment Facilities; adopted 4/21/22.

194 **18VAC160-30-100. Full-time experience or equivalent.**

195 For the purposes of this part, experience requirements are expressed in terms of calendar
 196 periods of full-time employment as an operator or as an operator-in-training at a waterworks or
 197 wastewater works in the same category for which licensure is sought ~~pursuant to this chapter.~~

198 1. A year of full-time employment is defined as a minimum of 1,760 hours during a 12-
 199 month period or a minimum of 220 workdays in a 12-month period. A workday is defined
 200 as attendance at a waterworks or wastewater works to the extent required for proper
 201 operation. More than 1,760 hours or 220 workdays during a 12-month period will not be
 202 considered as more than one year of full-time employment.

203 2. Partial credit may be given for actual hours of work experience if the applicant works as
 204 an operator or as an operator-in-training less than full time.

205 **18VAC160-30-110. Qualifications for examination approval.**

206 ~~A.~~ An applicant for licensure as a waterworks or wastewater works operator shall furnish
 207 acceptable documentation that one of the following qualifications has been met.

TABLE 1
 Waterworks and Wastewater Works Operator Experience and Education

Classes	Education Required	Current License	Minimum Experience	Facility Type	Experience with Substitutions
Class 6 (Waterworks Operator Only)	High school diploma or GED equivalent	N/A	Six Three months	Class 6 or higher facility	N/A
	No high school diploma or GED equivalent	N/A	One year Six months	Class 6 or higher facility	N/A

Commented [JH12]: Reflects committee discussion from 11/9/23.

Class 5 (Waterworks Operator Only)	High school diploma or GED <u>equivalent</u>	N/A	Six <u>Three</u> months	Class 5 or higher facility	N/A
	No high school diploma or GED <u>equivalent</u>	N/A	One year <u>Six months</u>	Class 5 or higher facility	N/A
Class 4	High school diploma or GED <u>equivalent</u>	N/A	Six months	Class 4 or higher facility	N/A
	No high school diploma or GED <u>equivalent</u>	N/A	One year <u>Six months</u>	Class 4 or higher facility	N/A <u>Six months</u>
Class 3	Bachelor's or master's or associate's degree	N/A	Six months	Class 4 or higher facility	N/A <u>Three months</u>
	Associate's degree	N/A	Nine months	Class 4 or higher facility	Six months
	High school diploma or GED <u>equivalent</u>	N/A	One year <u>Six months</u>	Class 4 or higher facility	Six <u>Three</u> months
	No high school diploma or GED <u>equivalent</u>	Class 4 license	Three years	Class 3 or higher facility	One and one-half years
Class 2	Bachelor's or master's or associate's degree	N/A	One year <u>Six months</u>	Class 3 or higher facility	Six <u>Three</u> months
	Associate's degree	N/A	18 months	Class 3 or higher facility	Nine months
	High school diploma or GED <u>equivalent</u>	N/A	Two years	Class 3 or higher facility	One year
	No High school diploma or GED <u>equivalent</u>	Class 3 license	Five years	Class 2 or higher facility	Three and one-half years

Class 1	Bachelor's or master's or associate's degree	Class 2 license	Two years	Class 2 or higher facility	One year
	Associate's degree	Class 2 license	Three years	Class 2 or higher facility	One and one-half years
	High school diploma or GED equivalent	Class 2 license	Four Three years	Class 2 or higher facility	Two One and one-half years
	No high school diploma or GED equivalent	Class 2 license	Nine Five years	Class 2 or higher facility	Four Three and one-half years

Where applicable, the current license held, minimum experience, and the facility type must coincide with the category of license for which the application is being submitted.

~~B. The direct supervisor shall certify the experience on the application form as accurate and relevant to the classification and category of license for which is being submitted. In the event that a licensed operator is not available to certify the experience of the applicant, the experience may be certified by a representative of the facility owner with first-hand knowledge of the applicant's experience.~~

Commented [HJ(13)]: Moved to new section -95.

18VAC160-30-120. Provisional licensure for nonclassified facility operation.

An applicant for licensure as a provisional waterworks or wastewater works operator shall must furnish acceptable documentation of having met all of the requirements of 18VAC160-30-110 except that the experience requirement may be met through experience gained as an operator or operator-in-training of a nonclassified facility. Such experience must be gained under the following conditions:

1. The experience is obtained at a nonclassified facility that is comparable in size and in treatment process as described in 18VAC160-30-360 and 18VAC160-30-370, as applicable.
2. The experience is obtained while performing nonclassified facility operation duties that provide experience comparable to that obtained at a classified facility. Experience

224 operating and maintaining water distribution systems shall only be considered for a Class
225 5 or Class 6 provisional waterworks operator license. Experience limited solely to ~~the~~
226 ~~operation and maintenance of wastewater collection system, laboratory work, plant~~
227 ~~maintenance, and other nonoperating duties shall~~ nonoperating duties will not be counted
228 as experience as a provisional operator or operator-in-training.

Commented [JH14]: Reflects committee discussion on 11/9/23.

229 3. Any individual holding a provisional license may apply for licensure by submitting
230 evidence of having met 50% of the experience required by 18VAC160-30-110 and
231 submitting the appropriate application.

232 **18VAC160-30-130. Experience substitutions.**

233 A. Experience obtained as a licensed alternative onsite sewage system operator before April
234 1, 2017, or a master alternative onsite sewage system operator may be substituted for the Class
235 4 wastewater works operator-in-training experience requirements.

236 B. 18VAC160-30-110 A provides the maximum experience substitutions that may be applied
237 for each applicable class of license.

238 1. Experience gained in either waterworks or wastewater works operations may be
239 substituted for up to one-half of the required experience in the alternate category so long
240 as the experience was gained in an equivalent or higher class of facility.

241 2. Education may substitute for part of the required experience in the category of license
242 applied for at a rate of one month of experience credit for each semester hour of college
243 credit. Coursework must be relevant to the category and classification of the license being
244 sought. The college credit must be from an accredited college or university that is
245 approved or accredited by ~~the Commission on Colleges of the Southern Association of~~
246 ~~Colleges and Schools,~~ a regional or national accreditation association, or by an
247 accreditation agency that is recognized by the U.S. Secretary of Education.

248 3. Board-approved waterworks or wastewater works operator training courses may be
249 utilized for experience at a rate of one month experience for each training credit approved
250 by the board.

251 C. Substitutions shall not exceed 50% of the total experience required for licensure.

252 **18VAC160-30-140. Education.**

Commented [JH15]: Reflects committee discussion from 11/9/23.

253 A. Applicants seeking to qualify for licensure based on completion of an associate's,
254 bachelor's, or master's degree shall must submit ~~an official a~~ transcript from the school where the
255 applicable degree was obtained. Only degrees from an accredited college or university that is
256 approved or accredited by ~~the Commission on Colleges of the Southern Association of Colleges~~
257 ~~and Schools,~~ a regional or national accreditation association, or by an accrediting agency that is
258 recognized by the U.S. Secretary of Education will be considered. ~~Formal education used to meet~~
259 ~~a specific education requirement for license entry cannot also be used as a training credit for~~
260 ~~experience substitution.~~

261 **B.** The following degrees shall will be considered to qualify in accordance with 18VAC160-
262 30-110:

263 1. Bachelor's or master's degree in engineering or engineering technology in a related
264 physical, biological, environmental, or chemical science;

265 2. Bachelor's degree in a related physical, biological, environmental, or chemical science
266 that includes a minimum ~~40~~ 32 semester credit hours in any combination of science and
267 math;

268 3. Master's degree in a related physical, biological, environmental, or chemical science,
269 and a bachelor's degree in any major such that the combined degrees include a minimum
270 ~~40~~ 32 semester credit hours in any combination of science and math; or

271 4. Associate's degree in waterworks, in wastewater works, or in a related physical,
272 biological, environmental, or chemical science that includes a minimum of ~~20~~16 credit
273 hours in any combination of science and math.

274 C. A degree used to meet education requirements may not be used as training credit for
275 experience substitution.

276 Part III

277 Renewal and Reinstatement

278 **18VAC160-30-150. Expiration and renewal.**

279 A. Licenses for waterworks operators ~~shall~~will expire on the last day of February of each odd-
280 numbered year. Licenses for wastewater works operators ~~shall~~will expire on the last day of
281 February of each even-numbered year.

282 B. Prior to the license expiration date ~~shown on the license~~, the board ~~shall mail~~will send a
283 renewal notice to the licensee's address of record. The licensee ~~shall~~must return to the board a
284 renewal notice and the applicable renewal fee. ~~Failure to receive a renewal notice from the board~~
285 ~~does not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal~~
286 ~~notice, a copy of the license may be submitted with the required fee as an application for renewal.~~

287 C. By submitting the renewal or reinstatement fee, the licensee is certifying his continued
288 compliance with the Standards of Practice and Conduct (Part VI (18VAC160-30-290 et seq.) of
289 this chapter, as established by the board. In addition, by submitting the renewal or reinstatement
290 fee, licensees are certifying compliance with the continuing professional education requirements
291 of this chapter.

Commented [JH16]: Staff still researching whether to shift to expiration on last day of month in which license issued.

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

292 **18VAC160-30-160. Reinstatement.**

293 A. If all of the requirements for renewal of the license as specified in 18VAC160-30-150 are
294 not completed within 30 days of the license expiration date, a reinstatement fee ~~shall be~~ is
295 required as established in 18VAC160-30-40.

296 B. A license may be reinstated for up to ~~one year~~ 24 months following the expiration date of
297 the license. An individual who fails to reinstate the license within ~~42~~ 24 months after the expiration
298 date ~~shall~~ must apply for a new license and meet entry requirements in effect at the time of the
299 submittal of the new application. ~~Such individual shall be deemed to be eligible to sit for the~~
300 ~~examination for the same category and classification of license as the expired license.~~

301 C. Any regulated activity conducted subsequent to the license expiration date may constitute
302 unlicensed activity and be subject to the prosecution under Chapter 1 (§ 54.1-100 et seq.) of Title
303 54.1 of the Code of Virginia.

304 **18VAC160-30-170. Status of license during period prior to reinstatement.**

305 A licensee who ~~applies for reinstatement of the~~ reinstates a license ~~shall~~ will be subject to all
306 laws and regulations as if the licensee had been continuously licensed without interruption. The
307 licensee ~~shall~~ will remain under and be subject to the disciplinary authority of the board during
308 this entire period.

309 **18VAC160-30-180. Board discretion to deny renewal or reinstatement.**

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

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

317 Part IV

318 Continuing Professional Education

319 **18VAC160-30-190. Continuing professional education.**

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

323 1. Class 1, Class 2, and Class 3 waterworks and wastewater works operators ~~shall~~must
324 obtain a minimum of ~~20~~18 contact hours.

325 2. Class 4 waterworks and wastewater works operators ~~shall~~must obtain a minimum of
326 16 contact hours.

327 3. Class 5 waterworks operators ~~shall~~must obtain a minimum of ~~eight~~six contact hours.

328 4. Class 6 waterworks operators ~~shall~~must obtain a minimum of four contact hours.

329 ~~B. CPE contact hours completed during the license period immediately prior to the expiration~~
330 ~~date of the license shall be acceptable in order to renew the license.~~The licensee may request
331 additional time to meet the CPE requirement. However, CPE contact hours completed during a
332 current licensing renewal cycle to satisfy the CPE requirements of the preceding licensing renewal
333 cycle ~~shall~~will be valid only for that preceding license renewal cycle and ~~shall~~will not be accepted
334 for any subsequent renewal cycles. The grant of any request for additional time to meet the CPE
335 requirement is at the discretion of the board.

Commented [JH17]: Reflects similar changes to OSSP Regulations.

336 C. The licensee will not receive CPE credit for completing the same continuing education
337 course with the same content more than once during a license ~~period~~ renewal cycle.

338 D. A licensee may receive CPE credit for teaching a course that otherwise meets the
339 requirements of this chapter; however, additional credit ~~shall~~ will not be given for subsequent
340 offerings of a course or activity with the same content within the same ~~licensing~~ renewal cycle.
341 In addition, a licensee may receive ~~two~~ four hours of CPE no more than once during a single
342 ~~licensing~~ renewal cycle for the initial development or substantial updating of a CPE course.

343 E. Safety subjects ~~shall~~ will not count for more than ~~one-half~~ one-quarter of the total required
344 CPE hours.

345 **18VAC160-30-200. CPE subject matter for waterworks operators.**

346 A. The following course topics will be accepted for CPE credit for waterworks operators:

- 347 1. Waterworks operations;
- 348 2. Monitoring, evaluating, and adjusting treatment processes and systems, including
349 technology;
- 350 3. Operating and maintaining equipment;
- 351 4. Security and safety procedures;
- 352 5. General science and mathematical principles;
- 353 6. Administrative processes and procedures applicable to licensure; and
- 354 7. Laws and regulations applicable to the profession.

355 B. Of the total ~~20~~ 18 hours required, a minimum of ~~five~~ four contact hours pertaining to utility
356 management is required of Class 1 and Class 2 waterworks operators.

357 **18VAC160-30-210. CPE subject matter for wastewater works operators.**

358 A. The following course topics will be accepted for CPE credit for wastewater works operators:

359 1. Wastewater works operations;

360 2. Monitoring, evaluating, and adjusting treatment processes and systems, including
361 technology;

362 3. Operating and maintaining equipment;

363 4. Security and safety procedures;

364 5. General science and mathematical principles;

365 6. Administrative processes and procedures applicable to licensure; and

366 7. Laws and regulations applicable to the profession.

367 B. Of the total ~~20~~ 18 hours required, a minimum of ~~five~~ four contact hours pertaining to utility
368 management is required of Class 1 and Class 2 wastewater works operators.

369 **18VAC160-30-220. Use of training credits and formal education for CPE credit.**

370 Any course approved by the board for substitution as training credits or formal education
371 semester hours, as provided for in Part V (18VAC160-30-240 et seq.) of this chapter, ~~shall~~ will
372 also be acceptable on an hour-for-hour basis for CPE contact hours. One semester hour of college
373 credit ~~shall~~ will equal 15 CPE contact hours, ~~and one-quarter hour of college credit shall equal 10~~
374 ~~CPE credit hours.~~

375 **18VAC160-30-230. Maintenance of CPE.**

376 A. For a period of at least two years following the end of the license renewal cycle for which
377 the CPE was taken, the following evidence ~~shall~~ must be maintained to document completion of
378 the required hours of CPE:

- 379 1. Evidence of completion of a structured training activity, which shall consist of the name,
380 address, and ~~telephone number~~ contact information of the sponsor;
- 381 2. The dates the licensee participated in the training;
- 382 3. Description of the subject matter presented; and
- 383 4. A statement from the sponsor verifying the number of hours completed.

384 B. The board may conduct an audit of its licensees to ensure compliance with the applicable
385 CPE requirements. Licensees who are selected for audit ~~shall~~ must provide the necessary
386 documentation stipulated in this section.

387 **Part V**

388 **Training Course Approval**

Commented [JH18]: Reflects changes made in OSSP Regulations.

389 **18VAC160-30-235. Training courses, generally.**

390 In accordance with 18VAC160-30-110, training courses approved by the board may be
391 substituted for experience. All training courses must be approved by the board in accordance with
392 the provisions of this part. Training courses may be delivered using distance, virtual, or online
393 education technology. Training courses may be approved retroactively; however, no applicant will
394 receive credit for the training course until such approval is granted by the board.

395 1. Up to one training credit will be awarded for each 10 hours of classroom contact time or for
396 each 20 hours of laboratory exercises and field trip contact time. Training credit will not be
397 earned for breaks, meals, or receptions. A training credit awarded is equivalent to one month
398 of experience.

399 2. Training courses that meet the requirements of 18VAC160-30-280 may be accepted for
400 substitution of experience without approval by the board.

401

402

403 **18VAC160-30-240. Approval of training courses.**

404 ~~A. Training courses may be substituted for experience pursuant to the provisions of Part II~~
405 ~~(18VAC160-30-20 et seq.) of this chapter. With the exception of training courses provided~~
406 ~~pursuant to 18VAC160-30-280, training courses that may be substituted for required experience~~
407 ~~must be approved by the board prior to commencing.~~

408 ~~B. Each training provider seeking course approval shall submit an application for approval on~~
409 ~~a form provided by the board. Only classroom, laboratory, and field trip contact time will be used~~
410 ~~to compute training credits. No credit will be given for breaks, meals, or receptions.~~

411 ~~1. Organization. The board will only approve training offered by a provider that is an~~
412 ~~identifiable organization with a mission statement outlining its functions, structure,~~
413 ~~process, and philosophy and that has a staff of one or more persons with the authority to~~
414 ~~administer and coordinate a training course.~~

415 ~~2. Training course records. The board will only approve training offered by a provider that~~
416 ~~maintains training course records for all participants for a minimum of seven years and~~
417 ~~that has a written policy on retention and release of training course records.~~

418 ~~3. Instructors. The board will only approve training conducted by personnel who have~~
419 ~~demonstrated competence in the subject being taught, an understanding of the learning~~
420 ~~objective, and knowledge of the learning process to be used.~~

421 ~~4. Objectives. The board will only approve courses that have a series of stated objectives~~
422 ~~that are pertinent to the tasks performed by a licensee. The training course content must~~
423 ~~be consistent with those objectives.~~

424 ~~5. Course completion requirements. For successful completion of a training course,~~
425 ~~participants must attend 90% or more of the class contact time and must demonstrate~~
426 ~~their learning through written examinations, completion of a project, oral examination, or~~
427 ~~other similar assessment technique.~~

428 A training provider seeking approval of a training course must submit an application for training
429 course approval on a form provided by the board. The application must include:

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430 1. The name of the training provider;

431 2. Provider contact person, address, email address, and telephone number;

432 3. Training course title;

433 4. Identification of the profession, category, and class of license to which the course is
434 applicable;

435 5. Method of delivery;

436 6. Detailed course schedule, including begin and end times, and a list of planned breaks.

437 7. Instructor qualifications, including name, license number, if applicable, and a list of trade-
438 appropriate designations, as well as a professional resume with a summary of teaching
439 experience and subject matter knowledge and qualifications acceptable to the board.

440 8. Training course syllabus or outline;

441 9. Materials to be provided to participants;

442 10. A description of the means that will be used to assess the learning of each participant to
443 determine successful completion of the training course, such as examinations, projects,
444 personal evaluations by the instructor, or other recognized evaluation techniques.

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447 ~~18VAC160-30-250. Application for training course approval. (Repealed.)~~

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

450 ~~1. Course information.~~

451 ~~a. Course title;~~

452 ~~b. Planned audience;~~

453 ~~c. Name of provider;~~

454 ~~d. Name, physical address, email address, and phone number of contact person;~~

455 ~~e. Scheduled presentation dates;~~

456 ~~f. Detailed course schedule, hour by hour, including start and ending times;~~

457 ~~g. List of planned breaks;~~

458 ~~h. Scheduled presentation location; and~~

459 ~~i. Identification of the category and classification of license to which the course is~~
460 ~~applicable and relevancy to the identified license type.~~

461 ~~2. Instructor qualifications.~~

462 ~~a. Name of instructor;~~

463 ~~b. Title;~~

464 ~~c. Employer;~~

465 ~~d. Board license number or numbers, if applicable; and~~

466 ~~e. Summary of qualifications to teach the course.~~

467 ~~3. Training materials.~~

468 a. ~~Course objectives. A listing of the course objectives stated in terms of the skills and~~
469 ~~knowledge the participant will be able to demonstrate as a result of the training.~~

470 b. ~~Course outline. A detailed outline showing the planned activities that will occur~~
471 ~~during the training course, including major topics, planned presentation sequence,~~
472 ~~laboratory and field activities, audiovisual presentation, and other major activities.~~

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

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

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

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

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

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

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

18VAC160-30-255. Documentation of training course completion required.

All training course providers must provide each participant with a certificate of training course completion or other documentation that the participant may use as proof of training course completion. Such documentation must contain the hours completed, the date of training, and the training course identification number assigned by the board.

18VAC160-30-260. Maintenance of training approval records.

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

~~B. Substantial modifications or changes to the information provided in 18VAC160-30-240 and 18VAC160-30-250 must be reported to the board within 30 days of the change. Failure to report the changes as required may result in the withdrawal of approval by the board.~~

~~C. Any change of the address of the training provider shall be reported in writing within 30 days of the change.~~

~~D. The board may conduct an audit of the training provider to ensure compliance with this chapter.~~

All providers of approved training courses must establish and maintain a record for each participant. The record must include the participant's name and address, the course name and hours attended, the course syllabus or outline, the names of the instructors, the date of successful

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515 completion, and the board's approved training course identification number. Records must be
516 available for inspection during normal business hours by authorized representatives of the board.
517 Providers must maintain these records for a minimum of five years.

518 **18VAC160-30-265. Reporting of changes.**

519 Any change in the information provided in 18VAC160-30-240 must be reported to the board
520 within 90 days of the change. Any change in information submitted will be reviewed to ensure
521 compliance with the provisions of this chapter.

522 **18VAC160-30-270. Withdrawal of approval.**

523 The board may withdraw approval of ~~any provider~~ a training course for the following reasons:

524 1. The ~~courses-~~ course being offered no longer meet the standards established by the
525 board.

526 2. The provider, through an agent or otherwise, advertises its services in a fraudulent or
527 deceptive manner.

528 3. The provider, instructor, contact person, or designee of the provider falsifies any
529 information relating to the application for approval, course information, and ~~student~~
530 participant records.

531 4. A change in the information provided that results in noncompliance with this part.

532 5. Failure to comply with 18VAC160-30-265.

533 ~~4-6.~~ The provider fails to respond to the board or any of its agents.

534 **18VAC160-30-275. Board authority to audit approved training courses.**

535 The board may conduct an audit of any board-approved training course provider to ensure
536 continued compliance with this chapter.

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538 **18VAC160-30-280. Training Acceptance of training courses offered by certain entities;**
539 **~~board approval not required.~~**

540 A. Training courses provided by (i) federal, state, or local government agencies; ~~(ii) accredited~~
541 ~~colleges or universities approved or accredited by the Commission on Colleges of the Southern~~
542 ~~Association of Colleges and Schools;~~ ~~(iii)~~ (ii) a regional or national accreditation association; or
543 ~~(iv)~~ (iii) an accrediting agency that is recognized by the U.S. Secretary of Education do not require
544 board approval to be used for experience substitution, provided the training course information
545 submitted to the board includes the following:

- 546 1. The course must include the continuing education units awarded by the entity.
547 2. The course's subject matter must be related to the license category and classification,
548 if applicable, for which experience substitution is sought.

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

553 Part VI
554 Standards of Practice and Conduct

555 **18VAC160-30-290. Grounds for disciplinary action.**

556 The board ~~may place a licensee on probation~~; impose a monetary penalty in accordance with
557 § 54.1-202 A of the Code of Virginia; or revoke, suspend, or refuse to renew any license or place
558 a licensee on probation in accordance with § 54.1-201 A 7 of the Code of Virginia, when the
559 licensee has been found to have violated or cooperated with others in violating any provision of

560 the regulations of the board or Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of
561 Virginia.

562 **18VAC160-30-300. Maintenance of license.**

563 A. No license issued by the board ~~shall~~will be assigned or otherwise transferred.

564 B. A licensee ~~shall~~must report, in writing, ~~all changes of address and name to the board within~~
565 ~~30 days of the change and shall return the license~~ to the board any change of the following:

566 1. The licensee's legal name. Such report must be accompanied by documentation
567 acceptable to the board that verifies the name change.

568 2. The licensee's address, to include the physical address when applicable.

569 C. Reporting of a change in name or address must be reported within 30 days of the change.

570 The board is not responsible for the licensee's failure to receive notices, communications, and
571 correspondence caused by the licensee's failure to report to the board any change of name or
572 address. In addition to the address of record, a physical address is required for each license. If
573 ~~the licensee holds more than one license, the licensee shall inform the board of all licenses,~~
574 ~~certificates, and registrations affected by the address change. The board shall not be responsible~~
575 ~~for the licensee's failure to receive notices or correspondence due to the licensee's failure to report~~
576 ~~a change of address.~~

577 ~~C. Any change in any of the requirements and qualifications for licensure found in Part II~~
578 ~~(18VAC160-30-20 et seq.) or Part III (18VAC160-30-150 et seq.) of this chapter shall be reported~~
579 ~~to the board within 30 days of the change.~~

580 **18VAC160-30-310. Notice of adverse action.**

581 A. ~~Licensees shall~~ A licensee must notify the board of the following actions against the
582 licensee:

Commented [JH19]: Discuss whether this should be expanded.

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

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

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

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

602 **18VAC160-30-320. Prohibited acts.**

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

605 1. Violating, inducing another to violate, cooperating with another to violate, or combining
606 or conspiring with or acting as agent, partner, or associate for another to violate any of the

607 provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), [3 \(§ 54.1-300 et seq.\)](#),
608 or 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia, or any of the regulations
609 of the board.

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

611 3.2. Obtaining or attempting to obtain a license by false or fraudulent representation, or
612 maintaining, ~~or~~ renewing, [or reinstating](#) a license by false or fraudulent representation.

613 [3. Failing to report a change as required by 18VAC160-30-300.](#)

614 4. A licensee having been convicted, ~~or~~ found guilty [in any jurisdiction](#), or disciplined ~~by~~
615 [any jurisdiction, board, or administrative body](#) in any jurisdiction of any offense or violation
616 enumerated in 18VAC160-30-310. Review of convictions ~~shall~~ [will](#) be subject to the
617 requirements of § 54.1-204 of the Code of Virginia.

618 5. Failing to inform the board in writing within 30 days that the licensee was convicted,
619 found guilty [in any jurisdiction](#), or disciplined ~~in~~ [by any jurisdiction, board, or administrative](#)
620 [body](#) of any offense or violation enumerated in 18VAC160-30-310.

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

623 ~~7. Having undertaken to perform or performed a professional assignment that the licensee
624 is not qualified to perform by education, experience, training, or any combination thereof.~~

625 ~~8. Failing to report a change as required by 18VAC160-30-300.~~

626 ~~9.6. Negligence~~ [Actions constituting negligence](#), misconduct, or incompetence in the
627 practice of the profession ~~including~~:

628 a. Having undertaken to perform or performed a professional assignment that the
629 licensee is not qualified to perform by education, experience, training, or any
630 combination thereof.

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

633 c. Failing to adequately supervise and review work performed by licensed or
634 unlicensed employees under direct supervision of the licensee.

635 d. Failing to act in providing waterworks and wastewater works operator services
636 in a manner that safeguards the interests of the public.

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637 7. Actions constituting engaging in improper, fraudulent, or dishonest conduct, including:

638 a. Making any misrepresentation or engaging in acts of fraud or deceit in providing
639 professional services.

640 b. Submitting or recording or assisting another in the submission or recording of
641 false or misleading operational information relating to the performance and
642 monitoring requirements of a waterworks or wastewater works.

643 c. Allowing a license issued by the board to be used by another.

644 ~~10. Making any misrepresentation or engaging in acts of fraud or deceit in providing~~
645 ~~professional services.~~

646 ~~11. Failing to adequately supervise and review work performed by licensed or unlicensed~~
647 ~~employees under direct supervision of the licensee.~~

648 ~~12. Submitting or recording or assisting another in the submission or recording of false or~~
649 ~~misleading operational information relating to the performance and monitoring~~
650 ~~requirements of a waterworks or wastewater works.~~

651 ~~13. Failing to act in providing waterworks and wastewater works operator services in a~~
652 ~~manner that safeguards the interests of the public.~~

653 **18VAC160-30-330. Conflicts of interest.**

654 The licensee ~~shall~~ must:

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

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

660 3. Neither solicit nor accept financial or other valuable consideration from material or
661 equipment suppliers for specifying their products or services, unless the circumstances
662 are fully disclosed to, and agreed to by, all interested parties in writing.

663 4. Not solicit or accept gratuities, directly or indirectly, from contractors or their agents or
664 other parties dealing with a client or employer in connection with work for which the
665 licensee is responsible, unless the circumstances are fully disclosed to, and agreed to by,
666 all interested parties in writing.

667 **18VAC160-30-340. Licensee ~~responsibility~~ responsibility.**

668 A. The primary obligation of the licensee is to the public. If the licensee's judgment is overruled
669 and not adhered to when advising appropriate parties of circumstances of a substantial threat to
670 the public health, safety, or welfare, the licensee ~~shall~~ must inform the employer or client, as
671 applicable, of the possible consequences and notify appropriate authorities.

672 B. The licensee ~~shall~~ will not knowingly associate in a business venture with, or permit the
673 use of the licensee's name by, any person where there is reason to believe that person is

Commented [JH20]: Discuss whether these requirements are necessary or create undue burdens.

674 engaging in activity of a fraudulent or dishonest nature or is violating any law or regulation of the
675 board.

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

680 **18VAC160-30-350. Response to inquiry and provision of records.**

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

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

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

690 D. With the exception of the requirements of subsections A and B of this section, a licensee
691 must respond to an inquiry by the board or its agent within 21 days.

692 **18VAC160-30-360. Wastewater works.**

693 A. A Class 4 wastewater works licensee may operate any wastewater works as follows:

694 1. A wastewater works employing biological mechanical methods (i.e., mechanical
695 treatment process defined as those containing aerated and mixed flows using electrical or

Commented [JH21]: Are these standards and thresholds correct?

696 outside energy sources) with a design hydraulic capacity greater than 1,000 gallons per
697 day but equal to or less than 0.04 MGD;

698 2. A wastewater works employing natural treatment methods (referenced in 9VAC25-790-
699 870 as land treatment utilizing a secondary process for pretreatment followed by irrigation,
700 overland flow infiltration-percolation, or combination thereof or aquatic ponds or
701 constructed wetlands) with a design hydraulic capacity greater than 1,000 gallons per day
702 but equal to or less than 1.0 MGD; or

703 3. Any other wastewater works classified by DEQ or VDH as a Class 4 wastewater works.

704 B. A Class 3 wastewater works licensee may operate any wastewater works as follows:

705 1. A wastewater works using biological treatment methods consisting of but not limited to
706 (i) suspended growth reactors, (ii) aerated lagoons, (iii) constructed wetlands, (iv) filters or
707 other attached growth contactors, (v) processes utilizing biological nutrient control, or (vi)
708 processes utilizing land treatment having a design hydraulic capacity greater than 0.04
709 MGD, but equal to or less than 0.5 MGD;

710 2. A wastewater works using natural treatment methods (referenced in 9VAC25-790-870
711 as land treatment utilizing a secondary process for pretreatment followed by irrigation,
712 overland flow infiltration-percolation, or combination thereof or aquatic ponds or
713 constructed wetlands) with a design hydraulic capacity greater than 1.0 MGD;

714 3. A wastewater works using advanced waste treatment methods consisting of but not
715 limited to (i) ammonia stripping, (ii) breakpoint chlorination, (iii) carbon adsorption, (iv)
716 chemical coagulation, (v) flocculation, (vi) precipitation, (vii) filtration, or (viii)
717 demineralization (i.e., ion exchange, reverse osmosis, or electrodialysis) having a design
718 hydraulic capacity greater than 1,000 gallons per day but equal to or less than 0.1 MGD;
719 or

720 4. A wastewater works classified by DEQ or VDH as a Class 3 or Class 4 wastewater
721 works facility.

722 C. A Class 2 wastewater works licensee may operate any wastewater works as follows:

723 1. A wastewater works using biological treatment methods consisting of but not limited to
724 (i) suspended growth reactors, (ii) aerated lagoons or constructed wetlands, (iii) filters or
725 other attached growth contactors, (iv) processes utilizing biological nutrient control, or (v)
726 processes utilizing land application having a design hydraulic capacity greater than 0.5
727 MGD but equal to or less than 5.0 MGD;

728 2. A wastewater works using advanced waste treatment methods consisting of but not
729 limited to (i) ammonia stripping, (ii) breakpoint chlorination, (iii) carbon adsorption, (iv)
730 chemical coagulation, (v) flocculation, (vi) precipitation, (vii) filtration, (viii) demineralization
731 (i.e., ion exchange, reverse osmosis, or electrodialysis) and having a hydraulic capacity
732 greater than 0.1 MGD but equal to or less than 2.5 MGD; or

733 3. A wastewater works classified by DEQ or VDH as a Class 2, Class 3, or Class 4
734 wastewater works.

735 D. A Class 1 wastewater works licensee may operate any wastewater works as follows:

736 1. A wastewater works using biological treatment methods consisting of but not limited to
737 (i) suspended growth reactors, (ii) aerated lagoons or constructed wetlands, (iii) filters or
738 other attached growth contactors, (iv) processes utilizing biological nutrient control, (v)
739 processes utilizing land treatment and having a hydraulic capacity greater than 5.0 MGD;

740 2. A wastewater works using advanced waste treatment methods consisting of but not
741 limited to (i) ammonia stripping, (ii) breaking chlorination, (iii) carbon adsorption, (iv)
742 chemical coagulation, (v) flocculation, (vi) precipitation, (vii) filtration, (viii) demineralization

743 (i.e., ion exchange, reverse osmosis, or electro dialysis) and having a design capacity
744 greater than 2.5 MGD; or

745 3. A wastewater works classified by DEQ or VDH as a Class 1, Class 2, Class 3, or Class
746 4 wastewater works.

747 **18VAC160-30-370. Waterworks.**

Commented [JH22]: Are these standards and thresholds correct?

748 A. A Class 6 waterworks licensee may operate any waterworks as follows:

749 1. A waterworks serving fewer than 400 persons that provides no treatment or employs
750 one or more of the following treatment processes: (i) hypochlorination for disinfection, (ii)
751 corrosion control with calcite or magnesium oxide contactors or solution feed except with
752 caustic, or (iii) sequestration by solution feed; or

753 2. A waterworks classified by VDH as a Class 6 waterworks.

754 B. A Class 5 waterworks licensee may operate any waterworks as follows:

755 1. A waterworks serving 400 or more persons that provides no treatment or employs one
756 or more of the following treatment processes: (i) hypochlorination for disinfection, (ii)
757 corrosion control with calcite or magnesium oxide contactors or solution feed except with
758 caustic, or (iii) sequestration by solution feed; or

759 2. A waterworks classified by VDH as a Class 5 waterworks.

760 C. A Class 4 waterworks licensee may operate any waterworks as follows:

761 1. A waterworks or treatment facility serving fewer than 5,000 persons or having a
762 treatment facility capacity of less than 0.5 MGD and employing one or more of the
763 following: (i) disinfection other than with hypochlorination, (ii) caustic soda feed, (iii) iron
764 and manganese removal, (iv) ion exchange, (v) slow sand filtration, (vi) aeration, (vii)
765 rechlorination other than with hypochlorination, (viii) activated carbon contactors, (ix)

766 membrane or other filtration technologies without chemical coagulation, or (x) fluoridation
767 with a saturator; or

768 2. A waterworks classified by VDH as a Class 4 waterworks.

769 D. A Class 3 waterworks licensee may operate any waterworks as follows:

770 1. A waterworks or treatment facility serving fewer than 5,000 persons or having a
771 treatment facility capacity less than 0.5 MGD, whichever is greater, and employing
772 conventional filtration or chemical coagulation in combination with membrane filtration;

773 2. A waterworks or treatment facility serving 5,000 or more persons or having a treatment
774 facility capacity of 0.5 MGD or more, whichever is greater, and employing one or more of
775 the following: (i) disinfection other than with hypochlorination, (ii) caustic soda feed, (iii)
776 iron and manganese removal, (iv) ion exchange, (v) slow sand filtration, (vi) aeration, (vii)
777 rechlorination other than with hypochlorination, (viii) activated carbon contactors, (ix)
778 membrane or other filtration technologies without chemical coagulation, or (x) fluoridation
779 with a saturator or acid feed;

780 3. A waterworks or treatment facility employing fluoridation with other than a saturator not
781 considered a Class 1 or Class 2 waterworks; or

782 4. A waterworks classified by VDH as a Class 3 waterworks.

783 E. A Class 2 waterworks licensee may operate any waterworks as follows:

784 1. A waterworks or treatment facility serving 5,000 or more persons but fewer than 50,000
785 persons or having a treatment facility capacity of 0.5 MGD or more but less than 5.0 MGD,
786 whichever range applies, and employing rapid rate conventional filtration chemical
787 coagulation in combination with membrane filtration;

788 2. A waterworks or treatment facility serving fewer than 50,000 persons or having a
789 treatment facility capacity of less than 5.0 MGD employing high rate conventional filtration;
790 or

791 3. A waterworks classified by the VDH as a Class 2 waterworks.

792 F. A Class 1 waterworks licensee may operate any waterworks as follows:

793 1. A waterworks or treatment facility serving 50,000 or more persons or having a treatment
794 facility capacity of 5.0 MGD or more and employing conventional filtration or chemical
795 coagulation in combination with membrane filtration; or

796 2. A waterworks classified by VDH as a Class 1 waterworks.

797 ~~FORMS (18VAC160-30)~~

798 ~~Waterworks Operator License Application, A436-1955EXLIC-v2 (eff. 12/2021)~~

799 ~~Provisional Waterworks Operator License Application, A436-1955PLIC-v3 (eff. 12/2021)~~

800 ~~Wastewater Works Operator License Application, A436-1965EXLIC-v3 (eff. 12/2021)~~

801 ~~Provisional Wastewater Works Operator License Application, A436-1965PLIC-v3 (eff.~~
802 ~~12/2021)~~

803 ~~Waterworks and Wastewater Works Operator – Provisional License Change in Classification~~
804 ~~Application, A436-1955-65CHG-v2 (eff. 12/2021)~~

805 ~~Out of State Facility Description and Experience Verification Application, A436-~~
806 ~~19STATE-EXP-v3 (eff. 4/2015)~~

807 ~~Waterworks and Wastewater Works Operator Virginia Experience Verification Application,~~
808 ~~A436-19WWEXP-v4 (eff. 4/2017)~~

809 ~~Provisional Description and Experience Verification Application, A436-1955-65PEXP-v3 (eff.~~
810 ~~12/2014)~~
811 ~~Continuing Professional Education (CPE) Application – Certificate of Completion, A436-~~
812 ~~19CPE-v3 (eff. 10/2015)~~
813 ~~Training Course Approval Application, A465-19CRS-v5 (eff. 2/2020)~~
814 ~~Education and Training Substitution Form, A436-19EDTRv4, (eff. 4/2017)~~
815 ~~Wastewater Works Operator Class 4 Application – Department of Corrections Apprenticeship~~
816 ~~Program, A436-1965APLIC-v3 (eff. 6/2019)~~

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OTHER BUSINESS

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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