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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18VAC160-30
<b>VAC Chapter title(s)</b>	Waterworks and Wastewater Works Operators Licensing Regulations
<b>Action title</b>	General Review of Waterworks and Wastewater Works Operators Licensing Regulations
<b>Date this document prepared</b>	October 21, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (“the Board”) proposes to amend the Waterworks and Wastewater Works Operators Licensing Regulations to (i) update and clarify provisions of the regulation to include ensuring that the regulation reflects current agency procedures and practices; (ii) ensure the regulation compliments current Virginia law and is clearly written and understandable; (iii) remove requirements in the regulation that are not necessary to protect the public welfare; and (iv) reduce regulatory burdens while still protecting the health, safety, and welfare of the public.

This action proposes significant changes to (i) entry requirements for waterworks and wastewater works operators; (ii) continuing education requirements for renewal of licenses; (iii) the requirements for Board approval of training courses; and (iv) standards of practice and conduct.

**Acronyms and Definitions**

*Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

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"APA" means Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

"CPE" means continuing professional education.

"DEQ" means the Department of Environmental Quality.

"DPOR" means Department of Professional and Occupational Regulation.

"GED" means General Educational Development or General Education Diploma.

"VDH" means the Virginia Department of Health.

**Mandate and Impetus**

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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This action is not the result of a mandate.

The impetus for this regulatory action is Executive Directive Number One (2022), which directs Executive Branch entities under the authority of the Governor "...to initiate regulatory processes to reduce, by at least 25 percent, the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth."

**Legal Basis**

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

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The promulgating agency is Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals. Chapter 23 of Title 54.1 of the Code of Virginia enumerates the legal authority for the Board to administer licenses for waterworks and wastewater works operators.

Section 54.1-2301 of the Code of Virginia states, in part:

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.

Section 54.1-201 of the Code of Virginia provides, in part:

A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

## Purpose

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

The General Assembly has charged the Board with the responsibility for regulating those who operate a waterworks or wastewater works by requiring that such individuals obtain a license in order to engage in these occupations.

The operation of waterworks or wastewater works by those who lack sufficient expertise, competence, and integrity poses a risk to the public health, safety, and welfare. These risks include the potential for contamination of drinking water supply and environmental damage. Additional risk includes potential financial harm to the owners of waterworks and wastewater works facilities, which typically include local government entities, resulting from improperly operated facilities.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation (i) the minimum qualifications of applicants for certification or licensure, provided that all qualifications are necessary to ensure either competence or integrity to engage in the profession or occupation; (ii) minimum standards to assure continued competency and to prevent deceptive or misleading practices by practitioners; and (iii) requirements to effectively administer the regulatory system administered by the Board.

As the proposed regulation was developed, the Board, in accordance with Executive Directive Number One (2022), reviewed discretionary requirements imposed on regulated parties to determine whether such requirements impose burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the licensure program. The proposed amendments to the regulation reflect the Board's consideration in eliminating current requirements that the Board does not deem necessary to protect the public health, safety, and welfare, or to effectively administer the licensure program.

The goals of this regulatory action are:

1. Updating and clarifying the provisions of the regulation. This includes incorporating into the regulation the Board's previous interpretive guidance regarding the applicability of licensure requirements. It also includes ensuring the regulation reflects current agency procedures and practices;
2. Ensuring the regulation complements current Virginia law, and is clearly written and understandable;
3. Remove requirements in the regulation that are not necessary to protect the public welfare;
4. Reduction of regulatory burdens, while still protecting the public health, safety, and welfare, to include revising entry requirements to allow for more individuals to qualify for licensure;
5. Enhancing standards of conduct and practice that will better serve to protect members of the public.

## Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

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### **Part I of the regulation is proposed to be amended as follows:**

1. Remove the definition of "onsite sewage system" as the meaning of the term as provided in statute is included in the added definition of "master alternative onsite sewage system operator."
2. Add definitions for "address of record," and "master alternative onsite sewage system operator."
3. Revise the terms "applicant" and "maintenance" to make the terms clearer.
4. Remove the definition of "treatment works" as the term is not used in the regulation.

### **Part II of the regulation is proposed to be amended as follows:**

1. Revise provisions in section -20 to increase from 12 months to 24 months the time that an applicant has to take the Board-approved examination after being approved.
2. Revise provisions in section -40 to remove language regarding temporarily reduced fees that is no longer applicable.
3. Revise criminal history disclosure provisions in section -60 to (i) reduce the requirement that an applicant report all felony convictions to requiring an applicant to report felony convictions that have occurred within 20 years preceding submission of an application; and narrow the scope of misdemeanor convictions that an applicant must report.
4. Revise criminal history disclosure provisions in section -60 to remove unnecessary and overly burdensome requirements.
5. Revise provisions in section -60 pertaining to disclosure of prior disciplinary action to make these provisions clearer. Applicants will be required to disclose any disciplinary action taken against a professional or occupational license issued to the applicant.
6. Revise provisions in section -60 to require that an applicant be in compliance with the standards of conduct and practice outlined in Part VI of the regulation at the time of application, while the application is under review, and when the license is in effect.
7. Revise provisions in section -60 to make changes to language consistent with other DPOR regulations and to remove unnecessary and redundant language.
8. Revise provisions in section -70 to remove unnecessary language and to reflect revisions made in section -20 regarding the increase in time an applicant has to take the Board-approved examination after being approved.
7. Revise provisions in section -70 to provide that passing examination scores are valid for a period of 10 years from the date of examination.
8. Revise provisions in section -90 to remove unnecessary language and to relocate provisions regarding qualifying work experience to newly proposed section -95.

9. Add a new section (-95) which contains provisions for experience that may be used to qualify for licensure and includes language relocated from sections -90, -110, and incorporates guidance from a guidance document the Board adopted in April 2022.
10. Revise the qualifications table included in section -110 to reduce education and experience requirements for I for most waterworks and wastewater works operator licenses.
11. Revise provisions in section -110 to relocate language regarding verification of experience to newly proposed section -95.
12. Revise provisions in section -120 to clarify experience that will be counted as a provisional operator or operator-in-training.
13. Revise section -140 to reduce the minimum number of semester credit hours of science and math required for individuals seeking to qualify for licensure with certain degrees.
14. Revise section -140 to revise a current provision regarding the use of a degree to both meet education requirements and as experience substitution.
15. Revise section -140 to remove language naming a specific entity as an acceptable authority for the accreditation or approval a college or university from which a degree was obtained.

**Part III of the regulation is proposed to be amended as follows:**

1. Revise section -150 to provide that the Board will send, instead of mail, a renewal notice to a licensee and remove unnecessary language.
2. Revise provisions in section -160 to increase, from one year to 24 months, the timeframe in which an expired license may be reinstated and to remove unnecessary language.
3. Revise section -170 to provide clarity regarding the status of a licensee who reinstates an expired license.

**Part IV of the regulation is proposed to be amended as follows:**

1. Revise provisions in section -190 to reduce the amount of continuing education contact hours required for renewal of Class 1, 2, and 3 waterworks and wastewater works operator licenses, and renewal of Class 5 waterworks operator licensees.
2. Revise provisions of section -190 to (i) increase from two hours to four hours the amount of CPE hours a licensee may receive for the initial development or substantial updating of a CPE course; and (ii) reduce the number of hours that safety subjects can count for towards total required CPE hours.
3. Revise provisions of section -190 to clarify provisions regarding additional time that may be provided to licensees to meet CPE requirements.
4. Revise provisions of sections -200 and -210 to (i) reduce the amount of continuing education contact hours pertaining to utility management required for Class 1 and 2 operators; and (ii) provide that technology may be included in the scope of CPE training on monitoring, evaluating, and adjusting treatment processes and systems.
5. Remove language in section -220 establishing the equivalence of one quarter hour of college credit to 10 CPE credit hours.
6. Revise section -230 to provide that evidence of CPE completion includes the contact information of the sponsor, instead of a telephone number.

**Part V of the regulation, Training Course Approval, is a new Part of the regulation that includes relocated and revised provisions as follows:**

1. Part V is significantly amended to restructure the sections in the part and revise provisions related to the approval of training courses that may be used for substitution of experience required for licensure.
2. Add a new section (-235) that provides general provisions related to approval of training courses used to substitute for experience, and how training credits will be awarded.
3. Revise provisions of section -240 to replace various requirements and standards for approval of training courses with provisions pertaining to application requirements. Provisions regarding application for training course approval are relocated from section -250 to this section.

4. Repeal section -250 as these provisions have been clarified and incorporated into other sections.
5. Add a new section (-255) that requires training providers to provide participants with a certificate of completion for courses completed, to include specific details.
6. Revise provisions of section -260 to replace current provisions with new provisions pertaining to recordkeeping for training providers. The section provides for records to be maintained by training providers which must include specific details about the participant, the course, the instructors, and date of completion. The section also establishes a required retention period and provides that records be accessible for inspection by representatives of the Board.
7. Add a new section (-265) that consolidates requirements related to reporting changes in information to the Board within a specific timeframe. The timeframe in which a change must be reported to the Board is also increased from 30 days to 90 days.
8. Revise provisions of section - 270 to (i) clarify circumstances in which the Board may withdrawal approval of a training course; and (ii) to include the providing of false information by the training program contact person as a basis for withdrawal.
9. Add a new section (-275) to set apart and clarify the Board's authority to audit approved training courses.
10. Revise the catchline of section -280. Additionally, language naming a specific entity as an acceptable authority for the accreditation or approval a college or university from which training is obtained is removed to reflect the same revision made in section -140.

**Part VI of the regulation is proposed to be amended as follows:**

1. Revise provisions of section -300 to (i) reorganize the provisions of the section; (ii) increase the time, from 30 to 60 days, in which a licensee must report changes to a name or address; and (iii) remove unnecessary requirements.
2. Revise provisions of section -310 to make changes related to the reporting of disciplinary actions and criminal convictions, including reducing the scope of reportable misdemeanor convictions.
3. Prohibited acts in section -320 are significantly revised. Subdivisions outlining specific prohibited acts are reordered to group similar types of offenses together. Most existing prohibited acts are categorized under either (i) a prohibited act pertaining to actions constituting negligence, misconduct, or incompetence in the practice of the profession; or (ii) actions constituting engaging in improper, fraudulent, or dishonest conduct.
4. Revise section -320 to (i) add a prohibited act for (i) actions constituting improper, fraudulent, and dishonest conduct; (ii) prohibit reinstating a license by false or fraudulent representation; and (iii) clarify prohibited acts related to adverse actions (e.g. regulatory discipline and criminal convictions).
5. Revise section -330 to provide that (i) soliciting or accepting financial or other valuable consideration from material or equipment suppliers for specifying their products or services; and (ii) soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with a client or employer in connection with work for which the licensee is responsible are prohibited unless the circumstances are full disclosed to, and agreed to by, all interested parties in writing. Currently, these activities are strictly prohibited.
6. Revise provisions of section -340 to remove the requirement that a licensee inform the Board of another individual's potentially violating Board regulations or laws.
7. Revise provisions of sections -360 and -370, which specify the scope practice allowed for each class of waterworks or wastewater works operator license, to streamline these provisions and provide clarity.

## Issues

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

The primary advantages to the public and the regulated community are that the amendments to the regulation will:

1. Provide needed updating and clarification, including incorporating the Board’s previous interpretive guidance;
2. Reduce regulatory burdens, while still protecting the public health, safety, and welfare, to include revising entry requirements to allow for more individuals to qualify for licensure;
3. Remove requirements in the regulation that are not necessary to protect the public welfare;
4. Enhance standards of conduct and practice that will better serve to protect members of the public.

An anticipated advantage is that the regulatory change potentially increases the number of individuals who may qualify for licensure, and, therefore, be available to members of the public to provide waterworks and wastewater works services.

There are no identifiable disadvantages to the public. It is not anticipated that the regulatory change will create any substantial disadvantages to the regulated community.

The primary advantage of the regulatory change to the Commonwealth is that it will permit the agency to administer the licensure program more ably.

**Requirements More Restrictive than Federal**

*Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

There are no applicable federal requirements.

**Agencies, Localities, and Other Entities Particularly Affected**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

Other State Agencies Particularly Affected

No other state agencies are particularly affected.

Localities Particularly Affected

No localities are particularly affected.

Other Entities Particularly Affected

No other entities are particularly affected.

**Economic Impact**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.*

**Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> <li>a) fund source / fund detail;</li> <li>b) delineation of one-time versus on-going expenditures; and</li> <li>c) whether any costs or revenue loss can be absorbed within existing resources.</li> </ul>	<p>With less restrictive entry requirements for obtaining a license, the Board may see an increase in applicants, resulting in increased revenue, and possibly an increased regulant population.</p> <p>It is difficult to predict the number by which applications might increase, if at all, thus making it difficult to estimate additional revenue. Any increase in the regulant population is not likely to be significant enough to require additional staff or have a significant impact on revenue or expenditures.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There are no projected savings and no changes to costs, fees, or revenues of other state agencies resulting from this regulatory change.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>There are no projected benefits to other state agencies. The benefit to DPOR is that the Board will have better clarity as far as regulations and less expenses due to changes in licensee requirements.</p>

**Impact on Localities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.*

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>There are no anticipated costs to localities because of the regulatory changes.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>There are no anticipated benefits to localities because of the regulatory changes.</p>

**Impact on Other Entities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.*

<p>Description of the individuals, businesses, or other entities likely to be affected by the</p>	<p>The individuals affected by this regulatory change include both regulants, in the form of licensees,</p>
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<p>regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>and non-regulants, in the form of applicants, owners of waterworks and wastewater works facilities, and training providers that might seek approval of training courses.</p>
<p>Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:</p> <ul style="list-style-type: none"> <li>a) is independently owned and operated, and;</li> <li>b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</li> </ul>	<p>As of July 1, 2024, there are 2,044 licensed wastewater works operators and 2,215 waterworks operators. All regulants will be affected by the change.</p> <p>There are currently 23 Board approved Specialized Training Programs and Courses. Licenses are issued to individuals, not business entities. However, many licensed waterworks and wastewater works professionals are likely owners or employees of business entities that meet the definition of "small business" as defined in the Administrative Process Act, § 2.2-4007.1 of the Code of Virginia ("APA"). In addition, training course providers are likely business entities that meet the definition of "small business" in the APA.</p> <p>The changes would also affect an unknown number of individuals that could seek licensure and an unknown number of providers that could seek Board approval of training courses.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:</p> <ul style="list-style-type: none"> <li>a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;</li> <li>b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;</li> <li>c) fees;</li> <li>d) purchases of equipment or services; and</li> <li>e) time required to comply with the requirements.</li> </ul>	<p>There are no anticipated additional costs to individual licensees or applicants for licenses. The action could reduce costs associated with completing continuing education needed to renew licenses.</p> <p>The proposed amended regulation provides specific recordkeeping requirements for training providers, which includes maintenance of records for each participant for a period of five years. While the current regulation does require providers to maintain records, the requirements are not as specific as the revised requirements. This may create costs to training providers that are not currently maintaining records appropriately. Such costs will likely be associated with recordkeeping, specifically.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>This regulatory change creates the following benefits:</p> <ul style="list-style-type: none"> <li>1.) Provide needed updating and clarification, including incorporating the Board's previous interpretive guidance;</li> <li>2.) Reduce regulatory burdens, while still protecting the public health, safety, and welfare, to include revising entry requirements to allow for more individuals to qualify for licensure;</li> </ul>

	<p>3.) Remove requirements in the regulation that are not necessary to protect the public welfare;                  4.) Enhance standards of conduct and practice that will better serve to protect members of the public.</p> <p>The regulatory change reduces entry requirements allowing individuals to qualify for licensure sooner, which may increase the number of licensed waterworks and wastewater works operators available to provide waterworks and wastewater works services.</p>
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### Alternatives to Regulation

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

No other viable alternatives to a regulatory change have been identified. One of the objectives of the regulatory review has been to identify areas where the regulation can be changed to reduce or mitigate regulatory burdens on applicants and licensees.

Waterworks and wastewater works operator licenses are issued to individuals, and not to business entities. However, many licensed waterworks and wastewater works operators are likely owners or employees of business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia. In addition, training course providers are likely business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia. No less intrusive or less costly alternatives to achieve the regulatory change were identified.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

### Regulatory Flexibility Analysis

*Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

Waterworks and wastewater works operator licenses are issued to individuals, and not to business entities. However, many licensed waterworks and wastewater works operators are likely owners or employees of business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia. In addition, training providers are likely business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia.

As mandated by the General Assembly, the Board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession, standards to ensure continued competency, and requirements for the provision of waterworks and wastewater works services by licensees.

These proposed amendments do not pose an unreasonable administrative or financial burden. The enabling statutes establishing the licensing programs covered by this regulation provide no exemption for small businesses; therefore, there are no such exemptions contained in the proposed change.

Review of this regulation was initiated based on Executive Directive Number One (2022). Amendments to the regulation proposed under this action are intended to reduce regulatory burdens imposed upon licensees. There are no other alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the goals of this regulatory action.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

**Periodic Review and  
Small Business Impact Review Report of Findings**

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

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This action is not being used to conduct a periodic review or small business impact review.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

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No public comments were received following publication of the NOIRA.

Commenter	Comment	Agency response
N/A	N/A	N/A

## Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Cameron Parris  
 Regulatory Operations Administrator  
 9960 Mayland Drive  
 Perimeter Center, Suite 400  
 Richmond, VA 23233  
 (866) 350-5354 (fax)  
[waterwasteoper@dpor.virginia.gov](mailto:waterwasteoper@dpor.virginia.gov)

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

## Detail of Changes

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.*

*If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.*

**Table 1: Changes to Existing VAC Chapter(s)**

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
30-10	N/A	This section includes subsection A, which incorporates relevant definitions from Virginia Code	“Onsite sewage system” is removed from subsection A. This term is not necessary. The term is used in section - 130 as part of the terms “alternative

		<p>§ 54.1-2300, and subsection B, which provides for definitions used within the chapter that are necessary to make the regulation clear and understandable.</p>	<p>onsite sewage system operator” and “master alternative onsite sewage system operator.” The meaning of the term as provided in statute will be included within the definition of “master alternative onsite sewage system operator” defined in subsection B.</p> <p>“Address of record” is defined and added under subsection B. Address of record means the address designated by the licensee to receive notices and correspondence from the Board. This term is defined in other DPOR regulations.</p> <p>The definition of “Applicant” is revised for clarity and to better align with other DPOR regulations. As revised, applicant means an individual who has submitted an application for licensure.</p> <p>The definition of the terms “Maintenance” or “Maintain” are revised to better clarify the term and tasks considered to fall within the terms meaning. The changes (i) provide that cleaning of normal wear and tear parts is considered maintenance; and (ii) remove reference to maintenance including the pumping of tanks or cleaning the building sewer.</p> <p>A definition for “Master alternative onsite sewage system operator” is added. Master alternative onsite sewage system operator means an individual licensed by the Board who possess the minimum skills and competency to operate and maintain conventional or alternative onsite sewage systems.</p> <p>The definition of “Treatment works” is removed as the term is not used in the regulation.</p> <p>Minor technical revisions are made to the definitions of “Department” and “DEQ.”</p> <p>These changes do not impose new requirements and are not anticipated to have an adverse impact.</p>
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<p>30-20</p>	<p>N/A</p>	<p>This section provides for application procedures.</p> <p>The section provides that all applicants must submit an application on a Board-provided form and submit an application fee.</p> <p>By submitting the application to DPOR, the applicant certifies that the applicant has read and understands the applicable statutes and Board regulations.</p> <p>The receipt of an application and deposit of fees by the Board does not indicate approval by the Board.</p> <p>The section provides that the Board may make further inquiries and investigations with respect to an applicant's qualifications to confirm or amplify information supplied.</p> <p>The section further provides that applicants will be notified within 30 days of receipt by the Board if the application is incomplete. Applicants that fail to complete the application process with 12 months after DPOR receives the application must submit a new application and fee.</p> <p>An applicant has 12 months from approval of the application to pass the Board-approved license examination. Failure to pass the examination within 12 months will result in the applicant being required to submit a new application.</p> <p>The section further requires that an applicant immediately report all changes in the information supplied with the application prior to the issuance of the license or</p>	<p>The period of time that an applicant has to pass the Board-approved examination once an application has been approved is increased from 12 to 24 months. This change is intended to reduce the stringency of the current requirement.</p> <p>Subsection A of the section is revised to break the subsection into subdivisions.</p> <p>Minor stylistic changes are made to replace the word "shall" with "must" or "will" where appropriate.</p> <p>It is not anticipated that these revisions will have an adverse impact as no new requirements are imposed.</p>
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		expiration of the application or examination period.	
30-30	N/A	<p>This section sets forth general fee requirements.</p> <p>The section provides that all fees are nonrefundable and will not be prorated. Checks or money orders must be made payable to the Treasurer of Virginia.</p> <p>The section also provides that the date on which a fee is received by DPOR will determine whether the fee is on time.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
30-40	N/A	<p>This section establishes a fee schedule.</p> <p>The section provides application fees for (i) initial licensure; (ii) renewal of licenses; and (iii) reinstatement of licenses.</p> <p>The section also includes a temporary reduction of renewal and reinstatement fees.</p>	<p>The temporary fee reduction expired in 2020 and was not extended.</p> <p>The language regarding the reduced fees is being removed as it is outdated and no longer applicable.</p>
30-50	N/A	<p>This section addresses examination fees and sets forth policy related to such fees.</p> <p>The section provides that fees for examination are subject to charges to DPOR by an outside vendor based on a contract entered into in compliance with the Virginia Public Procurement Act.</p> <p>The section further provides that fees may be adjusted and charged to a candidate in accordance with the contract.</p>	<p>Minor stylistic changes are made to provide clarity to the section.</p>
30-60	N/A	<p>This section provides for general requirements for licensure, which include:</p>	<p>The provision related to an applicant providing an address has been revised to clarify that the mailing address provided will serve as the address of record and if a post office box is to</p>

		<ul style="list-style-type: none"> <li>• The applicant being at least 18 years old;</li> <li>• The applicant providing a mailing address, which may also include a post office box so long as a physical address is also provided;</li> <li>• The requirement that an applicant disclose previous criminal convictions, to include (i) all felony convictions and (ii) all misdemeanor convictions, except marijuana convictions, during three (3) years preceding application.</li> </ul> <p>This section also provides that any plea of <i>nolo contendere</i> or finding of guilt regardless of adjudication or deferred adjudication is considered a conviction and any record of such is considered evidence of guilt.</p> <p>Subsection B provides for the Board’s authority to exercise discretion in denying licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.</p> <p>Subsection C provides for the requirement that an applicant report any suspension, revocation, or surrender of a license, certification, or registration in connection with a disciplinary action taken in any jurisdiction and provides the Board’s authority to deny a license application based on such action.</p>	<p>serve as the address of record, a physical address must also be provided.</p> <p>The requirement that applicants disclose all felony convictions has been reduced so that applicants are required to disclose only those felony convictions having occurred within 20 years of the date of application.</p> <p>The requirement that applicants disclose all misdemeanor convictions, except marijuana convictions, having occurred within three (3) years of the date of application has been revised to specify that only misdemeanor convictions, having occurred within three (3) years of the date of application and involve lying, cheating, and stealing, except marijuana convictions, must be disclosed.</p> <p>Changes to disclosure regarding criminal convictions are made in order to reduce overly burdensome requirements placed on applicants. Applicants with older criminal histories would be able to qualify for licensure without having their applications to be reviewed and considered by the Board.</p> <p>The provision referring to any plea of <i>nolo contendere</i> or finding of guilt regardless of adjudication or deferred adjudication being considered a conviction is removed. Records of such pleas or findings are no longer considered as evidence of guilt by the Board.</p> <p>Provisions regarding <i>nolo contendere</i> pleas and certified record of conviction as being prima facie evidence of guilt appear to be contrary to the provisions of § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of a regulant must be considered in accordance with § 54.1-204 of the Code of Virginia.</p> <p>This change is made to remove unnecessary and overly burdensome requirements placed on applicants and to align the provision with other DPOR regulations.</p>
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			<p>Provisions regarding disclosure of prior regulatory discipline are revised to provide that an applicant must disclose any action taken by a board or administrative body against a professional or occupational license, certificate, or registration issued to the applicant, and specify that disciplinary action includes (i) suspension; (ii) revocation; (iii) surrender; (iv) imposition of monetary penalty; (v) requirement for remedial education; or (vi) requirement for other remedial action. These provisions were also revised to provide that the Board may deny licensure based on any prior disciplinary action taken by any board or administrative body.</p> <p>This change is made to clarify these provisions of the section and provide applicants with a clear understanding of reporting requirements and the Board's authority to deny a license application based on prior disciplinary action.</p> <p>Provisions are added to the section notifying an applicant of the applicant's right to request further review, pursuant to the APA, should the Board consider denial of license application.</p> <p>These changes are made to provide further notice to an applicant of an applicant's rights in pursuit of a license and to align the provisions of the section with other DPOR regulations.</p> <p>Subsection F is added to make the general licensure requirements consistent with similar provisions in other DPOR regulations and provides that an applicant must be in compliance with the standards of practice and conduct set forth in this regulation at the time of application, while the application is under review, and while the license is in effect.</p> <p>This provision helps to protect the public welfare by making applicants subject to the practice and conduct standards licensees are required to follow while a license application is pending. An individual who engages in prohibited conduct while engaged in the</p>
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			<p>regulated activity may pose a risk to the public welfare. This provision creates a mechanism for the Board to potentially deny licensure or license renewal to such an individual.</p> <p>Minor stylistic changes have been made to replace the word “shall” with “must” and to organize the section to adhere to style requirements.</p>
<p>30-70</p>	<p>N/A</p>	<p>This section includes provisions related to examination procedures and conduct.</p> <p>The section provides that upon approval of the application, the Board will notify the applicant of the applicant’s eligibility to take the applicable license examination. A license will not be issued prior to receipt of a passing score.</p> <p>An applicant has one year from the date of approval to sit for the license examination to receive a passing score. If the applicant does not receive a passing score in that timeframe, the applicant must submit a new application and meet entry requirements in effect at the time the new application is submitted.</p> <p>The section provides that an applicant must follow all rules established by the Board regarding examination conduct. This includes all written instructions communicated prior to the examination date and all instructions communicated at the examination site on the date of examination. An applicant’s failure to comply with all rules established by the Board and the testing organization may be grounds for denial of the application or voiding of examination scores.</p>	<p>The provision specifying that a license will not be issued prior to receipt of a passing examination score is being removed from subsection A as it is not necessary since all applicants must pass an examination.</p> <p>The time in which an applicant has to pass the examination after approval of an application is increased from one year to 24 months.</p> <p>This change is made to make the provision less stringent.</p> <p>Subsection D is added and provides that an examination score received by an applicant is valid for a period of 10 years from the date of the examination.</p> <p>This provision is added to mitigate a barrier to entry for individuals who were previously licensed, but allowed their license to expire and lapse. Under the current regulation, such individuals must re-take the license examination.</p> <p>A similar provision has been proposed in the Board’s Onsite Sewage System Professionals Licensing Regulations.</p> <p>Minor stylistic changes are also made, including replacing the word “shall” with “must.”</p>

30-80	N/A	<p>This section addresses individuals certified or licensed in another jurisdiction.</p> <p>The section provides that an applicant holding a valid license or certificate in another jurisdiction that meets the requirements of the regulation, including having equivalent experience and education, must pass the Board-approved examination to become licensed.</p>	<p>Minor stylistic changes are made to replace the term “valid” and to replace the word “shall” with “must.” A minor change is made for purposes of clarity.</p>
30-90	N/A	<p>This section provides the requirement of a license for individuals operating a waterworks or wastewater works.</p> <p>Subsection A prohibits an individual from operating a waterworks or wastewater works without possessing a valid category of license issued by the Board in a classification equal or greater than the classification of the applicable waterworks or wastewater works.</p> <p>For example, a Class 4 waterworks may only be operated by an individual with a Class 4 waterworks operator license or a license of a higher classification (e.g. Class 3, Class 2, or Class 1.)</p> <p>Subsection B prohibits an individual from simultaneously holding two licenses of different classifications. For example, a Class 3 licensee cannot also hold a Class 4 license.</p> <p>Subsection C provides that experience used to qualify for licensure must be obtained under the direct supervision of an operator that holds a license of the same category and of a classification equal to or higher than the</p>	<p>The provisions in subsection B are removed as the language is unnecessary.</p> <p>Administratively, the issuing of a higher classification of license supersedes a lower classification of a license that was previously issued to an individual. For example, an individual who holds a Class 4 waterworks license, and has qualified and passed the examination for a Class 3 waterworks license is considered licensed as a Class 3 waterworks operator.</p> <p>The provisions of subsections C, D, and E are relocated to a new section -95.</p> <p>Clarifying wordsmithing changes are made to subsection A and current subsection F. Minor stylistic changes, including to replace the word “shall” with “will,” are made.</p>

		<p>classification of the waterworks or wastewater works where the experience was gained.</p> <p>Subsection D specifies that operating and maintenance experience for water distribution systems will only be considered for Class 5 or Class 6 waterworks operator license applicants.</p> <p>Subsection E provides that experience related solely to nonoperating duties such as operation and maintenance of wastewater collection systems, laboratory work, and plant maintenance, are not counted toward experience as an operator or operator-in-training.</p> <p>Subsection F provides that provisional licensure alone will not authorize an individual to serve as the operator of a classified waterworks or wastewater works facility.</p>	
N/A	30-95	N/A – No current requirements.	<p>The addition of section -95, which is titled, "Qualifying experience," better organizes the regulation by relocating provisions related to qualifying experience from other sections into one, all-inclusive section.</p> <p>Subsection A contains the current provisions from subsection C of section -90.</p> <p>Subsection B contains the current provisions from subsection B of section -110 and provides that a direct supervisor must certify an applicant's experience as accurate and relevant to the classification and category for which an applicant is seeking licensure.</p> <p>Subsections C and D contain the provisions from subsections D and E of section -90. Language is removed relating to specific nonoperating duties as such duties are adequately</p>

			<p>encompassed using the term “nonoperating duties.”</p> <p>Subsection E provides for experience that is obtained in an unclassified wastewater treatment facility. The Board will accept an applicant’s experience obtained in a previously unclassified wastewater treatment facility that is classified as requiring a Class 4 or Class 3 operator provided that (i) the application includes verification from the appropriate DEQ regional office that the operator license is a new requirement; and (ii) the applicant’s experience is verified by the owner of the facility.</p> <p>Subsection E incorporates the provisions of <a href="#">Guidance Document 7210</a>, which the Board adopted on April 21, 2022.</p>
30-100	N/A	<p>This section identifies the meaning of full-time experience and addresses how partial credit may be given.</p> <p>The section provides that experience requirements are expressed in terms of calendar periods of full-time employment as an operator or operator-in-training at a waterworks or wastewater works in the same category (i.e. waterworks or wastewater works) for which licensure is sought.</p> <p>Full-time employment is defined as a minimum of either (i) 1,760 hours during a 12-month period; or (ii) 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. Hours or workdays in excess of the minimum will not be considered as more than one year of full-time employment.</p>	<p>A minor stylistic change is made to this section. No substantiative changes are made to this section.</p>

		<p>If an applicant works as an operator or operator-in-training less than full time, partial credit may be given for actual hours of work experience.</p>	
<p>30-110</p>	<p>N/A</p>	<p>This section provides for qualifications for examination approval for each of the classifications of waterworks and wastewater works operator licenses.</p> <p>Subsection A details the required (i) education; (ii) prerequisite license; (iii) minimum experience; and allowable experience substitutions in a tabular format.</p> <p>An applicant must provide acceptable documentation of meeting one of the qualifications established in subsection A in order to qualify for the license examination for the applicable license.</p> <p>Class 6 and Class 5 licenses are issued to waterworks operators only. Class 4 and higher licenses are issued to both waterworks and wastewater works operators. The classification of license authorized the license holder to work a facility of the same or lesser classification. For example, an individual licensed to work in a Class 4 waterworks facility is also qualified to work in a Class 5 or Class 6 waterworks facility.</p> <p>For Class 6 waterworks applicants the qualifications are:</p> <ul style="list-style-type: none"> <li>• A minimum of six (6) months of experience in a Class 6 or higher facility if the applicant has a high school diploma or GED; or</li> </ul>	<p>The provisions in subsection B are relocated to new section -95.</p> <p>The qualifications for the classifications of waterworks and wastewater works operator licenses are significantly revised as follows:</p> <p>For Class 6 waterworks applicants the experience requirements are reduced by 50%. The revised qualifications are:</p> <ul style="list-style-type: none"> <li>• A minimum of three (3) months of experience in a Class 6 or higher facility if the applicant has a high school diploma or GED.</li> <li>• A minimum of six (6) months of experience in a Class 6 or higher facility if the applicant does not have high school diploma or GED.</li> </ul> <p>For Class 5 waterworks applicants the experience requirements are reduced by 50%. The revised qualifications are:</p> <ul style="list-style-type: none"> <li>• A minimum of three (3) months of experience in a Class 5 or higher facility if the applicant has a high school diploma or GED.</li> <li>• A minimum of six (6) months of experience in a Class 5 or higher facility if the applicant does not have high school diploma or GED.</li> </ul> <p>For Class 4 waterworks or wastewater works applicants that do not have a high school diploma or equivalent, an applicant may substitute for up to six months of required experience.</p> <p>For Class 3 waterworks or wastewater works applicants:</p> <ul style="list-style-type: none"> <li>• An applicant with a master's, bachelor's, or associate's degree may qualify with six (6) months of experience in a Class 4 or higher facility. Board-approved training may be substituted for up to three</li> </ul>

		<ul style="list-style-type: none"> <li>• A minimum of one (1) year of experience in a Class 6 or higher facility if the applicant does not have high school diploma or GED.</li> </ul> <p>For Class 5 waterworks applicants the qualifications are:</p> <ul style="list-style-type: none"> <li>• A minimum of six (6) months of experience in a Class 5 or higher facility if the applicant has a high school diploma or GED; or</li> <li>• A minimum of one (1) year of experience in a Class 5 or higher facility if the applicant does not have high school diploma or GED.</li> </ul> <p>For Class 4 waterworks or wastewater works applicants the qualifications are:</p> <ul style="list-style-type: none"> <li>• A minimum of six (6) months of experience in a Class 4 or higher facility if the applicant has a high school diploma or GED; or</li> <li>• A minimum of one (1) year of experience in a Class 4 or higher facility if the applicant does not have high school diploma or GED.</li> </ul> <p>For Class 3 waterworks or wastewater works applicants the qualifications are:</p> <ul style="list-style-type: none"> <li>• A minimum of six (6) months of experience in a Class 4 or higher facility if the applicant has a bachelor's or master's degree;</li> <li>• A minimum of nine (9) months of experience in a Class 4 or higher facility if the applicant</li> </ul>	<p>months of required experience. This change reduces the required experience for an associate's degree holder by 33%.</p> <ul style="list-style-type: none"> <li>• An applicant without a high school diploma or equivalent may qualify with one and one-half (1.5) years of experience in a Class 4 or higher facility and would no longer be required to hold a Class 4 license as a prerequisite. Board-approved training may be substituted for up to nine months of required experience. This change reduces the required experience by 50% and allows for experience to be gained in a Class 4 facility or higher facility instead of a Class 3 or higher facility.</li> </ul> <p>For Class 2 waterworks or wastewater works applicants:</p> <ul style="list-style-type: none"> <li>• An applicant with a master's, bachelor's, or associate's degree may qualify with one (1) year of experience in a Class 3 or higher facility. Board-approved training may be substituted for up to six months of required experience. This change reduces the required experience for an associate's degree holder by 33%.</li> <li>• An applicant without a high school diploma or equivalent may qualify with three (3) years of experience in a Class 3 or higher facility. Board-approved training may be substituted for up to one and one-half years of required experience. This change reduces the required experience by 50% and allows for experience to be gained in a Class 3 facility or higher facility instead of a Class 2 or higher facility.</li> </ul> <p>For Class 1 waterworks or wastewater works applicants:</p> <ul style="list-style-type: none"> <li>• An applicant with a master's, bachelor's, or associate's degree who holds a Class 2 license may qualify with one and one-half (1.5) years of experience in a Class 2</li> </ul>
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		<p>has an associate’s degree;</p> <ul style="list-style-type: none"> <li>• A minimum of one (1) year of experience in a Class 4 or higher facility if the applicant has a high school diploma or GED; or</li> <li>• A minimum of three (3) years of experience in a Class 3 or higher facility if the applicant does not have high school diploma or GED.</li> </ul> <p>For Class 2 waterworks or wastewater works applicants the qualifications are:</p> <ul style="list-style-type: none"> <li>• A minimum of one (1) year of experience in a Class 3 or higher facility if the applicant has a bachelor’s or master’s degree;</li> <li>• A minimum of eighteen (18) months of experience in a Class 3 or higher facility if the applicant has an associate’s degree;</li> <li>• A minimum of two (2) years of experience in a Class 3 or higher facility if the applicant has a high school diploma or GED; or</li> <li>• A minimum of five (5) years of experience in a Class 2 or higher facility if the applicant does not have high school diploma or GED and holds a Class 3 license.</li> </ul> <p>For Class 1 waterworks or wastewater works applicants the qualifications are:</p> <ul style="list-style-type: none"> <li>• A minimum of two (2) years of experience in a Class 2 or higher facility if the applicant has a bachelor’s or master’s</li> </ul>	<p>or higher facility. Board-approved training may be substituted for up to nine months of required experience. This change reduces the required experience for an associate’s degree holder by 50% and reduces the required experience for a master’s or bachelor’s degree holder by 25%.</p> <ul style="list-style-type: none"> <li>• An applicant with a high school diploma or equivalent who holds a Class 2 license may qualify with three (3) years of experience in a Class 2 or higher facility. Board-approved training may be substituted for up to one and one-half years of required experience. This change reduces the required experience by 25%.</li> <li>• An applicant without a high school diploma or equivalent who holds a Class 2 license may qualify with four (4) years of experience in a Class 2 or higher facility. Board-approved training may be substituted for up to two years of required experience. This change reduces the required experience by 56%.</li> </ul> <p>The section is revised to provide for a high school diploma or equivalent as an education credential to qualify for licensure. This terminology is consistent with other DPOR regulations.</p>
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		<p>degree and holds a Class 2 license;</p> <ul style="list-style-type: none"> <li>• A minimum of three (3) years of experience in a Class 2 or higher facility if the applicant has an associate’s degree and a Class 2 license;</li> <li>• A minimum of four (4) years of experience in a Class 2 or higher facility if the applicant has a high school diploma or GED and a Class 2 license; or</li> <li>• A minimum of nine (9) years of experience in a Class 2 or higher facility if the applicant does not have high school diploma or GED and holds a Class 2 license.</li> </ul> <p>For Class 3, Class 2, and Class 1 licenses, an applicant may substitute certain education, training, and experience to meet a portion of the experience. Allowable substitutions are described in section -130.</p> <p>Subsection B provides that the experience reported on an applicant’s application must be verified as accurate by a direct supervisor and, if a direct supervisor is not available, a representative of the facility owner with firsthand knowledge may verify the experience.</p>	
30-120	N/A	<p>This section establishes requirements for applicants seeking a provisional license for nonclassified facility operation.</p> <p>The section provides that an applicant for licensure as a provisional waterworks or wastewater works operator must meet the qualifications specified in section -110 but may meet the experience</p>	<p>Language is removed relating to specific nonoperating duties as such duties are adequately encompassed using the term “nonoperating duties.”</p> <p>Minor stylistic changes are made to replace “shall” with “must.”</p>

	<p>requirements for licensure through experience gained as an operator or operator-in-training of a nonclassified facility.</p> <p>Experience must meet the following conditions:</p> <ul style="list-style-type: none"> <li>• The experience is obtained at a nonclassified facility that is comparable in size and in treatment processes as described in the regulation for each class of waterworks or wastewater works.</li> <li>• The experience is obtained while performing nonclassified facility operation duties that provide comparable to that obtained at a classified facility.             <ul style="list-style-type: none"> <li>○ Experience operating and maintaining water distribution systems will only be considered for a Class 5 or Class 6 provisional waterworks operator license.</li> <li>○ Experience limited to nonoperating duties, such as operation and maintenance of wastewater collection system, laboratory work, and plant maintenance are not counted toward experience as an provisional operator or operator-in-training.</li> </ul> </li> <li>• Any individual holding a provisional license may apply for licensure by submitting evidence of having met 50% of the required experience and submitting the appropriate application.</li> </ul>	
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<p>30-130</p>	<p>N/A</p>	<p>This section addresses allowable experience substitutions.</p> <p>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.</p> <p>Experience gained in either waterworks or wastewater works operations may be substituted for up to one-half of the required experience so long as the experience was gained in an equivalent or higher class of facility.</p> <p>Education may substitute for part of the required experience 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.</p> <ul style="list-style-type: none"> <li>• College credit must be from a college or university accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, a regional or national accreditation association, or an accreditation agency recognized by the U.S. Secretary of Education.</li> </ul> <p>Board-approved waterworks or wastewater works operator training courses may be substituted for experience at a rate of one month experience for each training credit approved by the Board.</p>	<p>No substantiative changes are made to this section.</p> <p>Language specifying the Commission on Colleges of the Southern Association of Colleges and Schools as an acceptable accrediting organization has been removed as it is not necessary.</p>
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<p>30-140</p>	<p>N/A</p>	<p>This section addresses education and provides for the applicability of educational credentials in qualifying for examination approval.</p> <p>Subsection A sets forth the requirement that an applicant seeking qualification for examination approval through completion of a degree program (associate’s, bachelor’s, or master’s) must submit an official transcript from the school where the degree program was completed. Completion of a degree program must have occurred through a college or university that is accredited or approved by the Commission on Colleges of the Southern Association of Colleges and Schools, a regional or national accreditation association, or an accreditation agency recognized by the U.S. Secretary of Education.</p> <p>Subsection A also provides that formal education used to meet a specific education requirement for license entry cannot also be used as a training credit for experience substitution.</p> <p>Subsection B provides for degrees that are considered acceptable for qualification of examination approval. Degrees included are:</p> <ol style="list-style-type: none"> <li>1) Bachelor’s or master’s degree in engineering or engineering technology in a related physical, biological, environmental, or chemical science;</li> <li>2) Bachelor’s degree in a related physical, biological,</li> </ol>	<p>Subsection A is revised to remove language identifying the Commission on Colleges of the Southern Association of Colleges and Schools as an authority for accrediting or approving a college or university from which a degree was obtained. This language is not necessary.</p> <p>Subsection A is further revised to relocate language, which specifies that a degree used to meet education requirements cannot also be used as a training credit for experience substitution to subsection C.</p> <p>Subsection B is revised to reduce the minimum number of semester credit hours of science and math required for individuals seeking to qualify with certain degrees.</p> <ul style="list-style-type: none"> <li>• The minimum number of credit hours is reduced from 40 to 32 for those with a bachelor’s degree in a related physical, biological, environmental, or chemical science.</li> <li>• The minimum number of credit hours is reduced from 40 to 32 for those with a master’s degree in a related physical, biological, environmental, or chemical science and a bachelor’s degree in any major.</li> <li>• The minimum number of credit hours is reduced from 20 to 16 for those with an associate’s degree in waterworks, wastewater works, or in a related physical, biological, environmental, or chemical science.</li> </ul> <p>These changes reduce the minimum amount of qualifying math and science credit hours by 20%</p> <p>Changes to this subsection are made in order to reduce requirements that are overly burdensome to applicants that have obtained a degree and are seeking to use that degree to satisfy the</p>

		<p>environmental, or chemical science that includes a minimum 40 semester credit hours in any combination of science and math;                  3) Master’ 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 degree in waterworks, 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.</p>	<p>education aspect when qualifying for examination approval.</p> <p>Minor stylistic changes are made to replace “shall” with “will” or “must” and to remove unnecessary language.</p>
30-150	N/A	<p>This section sets forth terms for the expiration and renewal of licenses.</p> <p>Subsection A establishes that licenses for waterworks operators expire on the last day of February of each odd-numbered year. Licenses for wastewater works operators expire on the last day of February of each even-numbered year.</p> <p>Subsection B provides that the Board will mail a renewal notice to the licensee’s address of record prior to expiration of a license. The licensee is required to return the notice with the renewal fee. The subsection further provides that failure to receive the renewal notice does not relieve the licensee of the obligation to renew and, in the event a licensee does not receive the notice, a copy of the license may be submitted with the required fee.</p> <p>Subsection C iterates that submission of a renewal or</p>	<p>Subsection B is revised to provide that the Board will send, instead of mail, the renewal notice to the licensee. This change is made to allow for other forms of delivery of renewal notice, including by email.</p> <p>Provisions in subsection B regarding the failure to receive a renewal notice are removed as these are unnecessary.</p> <p>Minor stylistic changes, including replacing “shall” with “will” or “must” throughout the section, are made.</p>

		<p>reinstatement fee serves as certification from the licensee that the licensee continues to comply with the Standards of Practice and Conduct in Part VI of the regulation and is in compliance with the continuing professional education requirements.</p>	
30-160	N/A	<p>This section provides requirements and procedures for reinstatement of a license.</p> <p>Subsection A provides that if all requirements for renewal are not completed within 30 days of the license expiration date, a reinstatement fee is required.</p> <p>Subsection B provides that a license may be reinstated for up to one (1) year following expiration of the license. If a license is not reinstated within the one-year period following expiration, an individual must apply for a new license and meet the entry requirements in place at the time of application. The individual will be deemed eligible to sit for the examination for the same category and classification of license as the expired license.</p> <p>Subsection C establishes that any regulated activity conducted subsequent to expiration of the license may constitute unlicensed activity.</p>	<p>The reinstatement period for licenses is increased to 24 months. This change is intended to reduce regulatory burdens and allow regulants additional time to reinstate an expired license.</p> <p>Language related to an individual that fails to reinstate a license during the 24-month period after expiration being deemed eligible to sit for the examination for the same category and classification as an expired license is removed. This provision is no longer necessary because of the proposed change in section -70 that allows for examination scores to be valid for 10 years.</p> <p>Minor stylistic changes are made to replace “shall” with “is” and “must.”</p>
30-170	N/A	<p>This section establishes the status of a license during the period prior to reinstatement.</p> <p>A licensee that applies for reinstatement will be subject to all laws and regulations as if the licensee had been continuously licensed. The licensee remains under and subject to the disciplinary authority of the Board during this period.</p>	<p>This section has been revised to clarify that a licensee who reinstates a license will be regarded as having been continuously licensed without interruption; and the licensee will remain under and be subject to the disciplinary authority of the Board during the entire period.</p> <p>This change is made to clarify that an individual who successfully reinstates a license (i.e. meets all requirements for reinstatement), not just simply applies</p>

			<p>for reinstatement, will be treated as if continuously licensed. An individual who applies for reinstatement, but has not met all requirements for reinstatement, is still an unlicensed individual and outside the Board's regulatory authority.</p> <p>Minor stylistic changes, replacing the word "shall" with "will" are made.</p>
30-180	N/A	<p>This section identifies the Board's authority to deny renewal or reinstatement of a license under specified circumstances.</p> <p>The Board may deny renewal or reinstatement of a license for the same reasons as it may refuse initial licensure or discipline a licensee.</p> <p>The Board may also deny renewal or reinstatement of a license if the licensee has been subject to a disciplinary proceeding and has not met the term of an agreement for licensure, has not satisfied all sanctions, or has not fully imposed monetary penalties and costs imposed by the Board.</p> <p>A licensee has the right to request further review of any action to deny renewal or reinstatement by the Board under the APA.</p>	<p>No substantiative changes are made to this section. The section has been divided into subsections A and B for better organization.</p>
30-190	N/A	<p>This section addresses continuing professional education.</p> <p>Subsection A provides that a licensee must complete a required number of CPE contact hours during each renewal cycle. These provisions do not apply for the renewal of a license that was held for less than two years on the date of expiration.</p> <ul style="list-style-type: none"> <li>• Class 1, 2, and 3 waterworks and</li> </ul>	<p>The minimum CPE contact hours required for Class 1, 2, and 3 waterworks and wastewater works operators are being reduced from 20 to 18. This is a 10% reduction in the CPE requirement for these licenses.</p> <p>The minimum CPE contact hours required for Class 5 waterworks operators is reduced from eight (8) to six (6). This is a 25% reduction in the CPE requirement for this license.</p> <p>The reduction in CPE hours for license renewal for these licenses is intended to</p>

		<p>wastewater works operators must complete a minimum of 20 contact hours.</p> <ul style="list-style-type: none"> <li>• Class 4 waterworks and wastewater works operators must complete a minimum of 16 contact hours.</li> <li>• Class 5 waterworks operators must complete a minimum of eight contact hours.</li> <li>• Class 6 waterworks operators must complete a minimum of four contact hours.</li> </ul> <p>Subsection B establishes that CPE contact hours completed during a license period immediately prior to the expiration date of a license are acceptable in order to renew the license. CPE hours completed during a current cycle that are used to satisfy a preceding license renewal cycle are valid only for the preceding license renewal cycle and are not valid for subsequent renewal cycles.</p> <p>Subsection C provides that a licensee will not receive CPE credit for completing the same continuing education course with the same content more than once during a license period.</p> <p>Subsection D allows a licensee to receive CPE for teaching a course that meets established requirements in the regulation but does not allow additional credit for subsequent offerings of a course or activity with the same content within the same licensing cycle. Additionally, a licensee may receive two hours of CPE no more than once during a single licensing cycle for the initial</p>	<p>reduce the burden of the continuing education requirement.</p> <p>Subsection B is revised to clarify that a licensee may request additional time to meet the CPE requirement for renewal. However, CPE courses completed during a current renewal cycle to satisfy the CPE requirements of the preceding cycle will be valid only for the preceding cycle and will not be accepted for subsequent renewal cycles. The granting of any request for additional time to meet the CPE requirement is at the discretion of the Board.</p> <p>Subsection D is amended to increase the amount of CPE hours a licensee may receive for the initial development or substantial updating of a CPE course from two (2) to four (4). This change is intended to provide flexibility to licensees who develop CPE courses in meeting the continuing education requirement.</p> <p>Subsection E is amended to reduce the amount of hours, from one-half to one-quarter, that safety subjects can count for towards total required CPE hours. This change is made in conjunction with the reduction in the number of CPE contact hours for most licenses and is intended to ensure an appropriate balance in the number of CPE hours for license renewal that may be in safety subjects.</p> <p>Throughout the section, the term “license” or “licensing period” has been changed to “license renewal cycle” or “renewal cycle.”</p> <p>Minor stylistic changes are made to this section, including replacing “shall” with “must.”</p>
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		<p>development or substantial updating of a CPE course.</p> <p>Subsection E provides that safety subjects will not count for more than one half of the total required CPE hours.</p>	
30-200	N/A	<p>This section covers CPE subject matter for waterworks operators.</p> <p>Subsection A establishes the course topics that are acceptable for CPE credit for waterworks operators:</p> <ol style="list-style-type: none"> <li>1. Waterworks operations;</li> <li>2. Monitoring, evaluating, and adjusting treatment processes and systems;</li> <li>3. Operating and maintaining equipment;</li> <li>4. Security and safety procedures;</li> <li>5. General science and mathematical principles;</li> <li>6. Administrative processes and procedures applicable to licensure; and</li> <li>7. Laws and regulations applicable to the profession.</li> </ol> <p>Subsection B provides that for Class 1 and Class 2 waterworks operators a minimum of five (5) contact hours of the total 20 CPE hours required must pertain to utility management.</p>	<p>In subsection B, the minimum number of required contact hours pertaining to utility management has been reduced from five (5) to four (4). This change is made in conjunction with the reduction of the total number of CPE hours required for renewal of Class 1 and Class 2 waterworks operator licenses.</p> <p>The training topic for monitoring, evaluating, and adjusting treatment processes and systems is revised to provide that such training may include technology in the scope of the topic.</p>
30-210	N/A	<p>This section covers CPE subject matter for wastewater works operators.</p> <p>Subsection A establishes the course topics that are acceptable for CPE credit for wastewater works operators:</p> <ol style="list-style-type: none"> <li>1. Wastewater works operations;</li> <li>2. Monitoring, evaluating, and adjusting treatment processes and systems;</li> </ol>	<p>In subsection B the minimum number of required contact hours pertaining to utility management has been reduced from five (5) to four (4). This change is made in conjunction with the reduction of the total number of CPE hours required for renewal of Class 1 and Class 2 wastewater works operator licenses.</p> <p>The training topic for monitoring, evaluating, and adjusting treatment processes and systems is revised to provide that such training may include technology in the scope of the topic.</p>

		<p>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.</p> <p>Subsection B provides that for Class 1 and Class 2 wastewater works operators a minimum of five (5) contact hours of the total 20 CPE hours required must pertain to utility management.</p>	
30-220	N/A	<p>This section provides for the use of training credits and formal education for CPE credit and establishes that any course approved by the Board for substitution as training credits or formal education semester hours will also be acceptable on an hour-for-hour basis for CPE contact hours. One semester hour of college credit equals 15 CPE contact hours and one-quarter hour of college credit equals 10 CPE credit hours.</p>	<p>Language is removed establishing that one-quarter hour of college credit is equal to 10 CPE credit hours.</p> <p>Minor stylistic changes are made to include replacing the word “shall” with “will.”</p>
30-230	N/A	<p>This section addresses the maintenance of CPE.</p> <p>Subsection A provides that licensees maintain evidence to document completion of required CPE hours for at least two (2) years following the end of the license renewal cycle for which the CPE was taken.</p> <p>Evidence must document:</p> <ul style="list-style-type: none"> <li>• Completion of a structured training activity, and include the name, address, and telephone number of the sponsor;</li> </ul>	<p>Subsection A is revised to provide that evidence of CPE completion include the contact information of the sponsor, instead of a telephone number. This change is intended to provide flexibility to licenses to allow for contact information other than a telephone number.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must.”</p>

		<ul style="list-style-type: none"> <li>• The dates the licensee participated in the training;</li> <li>• Description of the subject matter presented; and</li> <li>• A statement from the sponsor verifying the number of hours completed.</li> </ul> <p>Subsection B provides that the Board may conduct an audit of its licensees to ensure compliance with applicable CPE requirements. Licensees selected for audit must provide the documentation stipulated in the section.</p>	
N/A	30-235	N/A – No current requirements.	<p>This is a new section that provides general provisions related to training courses that may be approved by the Board to substitute for required experience to obtain a license.</p> <p>Several provisions contained in this section have been relocated from section -240.</p> <p>The section provides that, in accordance with section -110, training courses approved by the Board may be substituted for experience.</p> <p>Additionally, the section establishes that (i) all training courses must be approved by the Board; (ii) training courses may be delivered using distance, virtual, or online education technology; (iii) training courses may be approved retroactively; and (iv) no credit will be given for training courses until such course has been approved by the Board.</p> <p>One training credit will be awarded for each 10 hours of classroom contact time or for each 20 hours of laboratory exercises and field trip contact time. One awarded training credit is equal to one month of experience.</p> <p>Training courses that meet the requirements of section -280 may be</p>

			accepted for substitution of experience without approval by the Board.
30-240	N/A	<p>This section establishes procedures and requirements for approval of training courses.</p> <p>Subsection A provides that training courses may be substituted for experience</p> <p>Subsection A provides that training courses may be substituted for experience. With exception to those training courses provided for in section -280, such training courses must be approved by the Board prior to commencing.</p> <p>Subsection B provides that a training provider must submit an application for approval on a form provided by the Board.</p> <p>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.</p> <p>Subsection B also provides that a training program must meet the following standards:</p> <ul style="list-style-type: none"> <li>• The training provider must be an identifiable organization with a mission statement outlining its functions, structure, process, and philosophy.</li> <li>• The training provider must have a staff of one or more persons with the authority to administer and coordinate the training course.</li> <li>• The training provider must maintain records for all participants for a minimum of seven (7) years; and must have a</li> </ul>	<p>The section is significantly revised. Current provisions are removed and replaced with new provisions pertaining to application requirements.</p> <p>The provisions currently in subsection A that provide that training courses may be used to substitute for required experience and that such courses must be approved by the Board are relocated to new section -235. However, the requirement that a training course be approved by the Board prior to commencing is replaced with a less restrictive provision that credit for a course will not be awarded until a course is approved by the Board.</p> <p>The section requires a training provider seeking approval of a training course submit an application on a Board-approved form. The application must include the following:</p> <ul style="list-style-type: none"> <li>• Name of the training provider;</li> <li>• Contact information: contact person, address, email address, and telephone number;</li> <li>• Training course title;</li> <li>• Identification of the profession, category, and class of license to which the course is applicable;</li> <li>• Method of course delivery (i.e. classroom, virtual, online);</li> <li>• Detailed course schedule, including begin and end times, and list of planned breaks;</li> <li>• Instructor qualifications, including name, license number (if applicable), and list of trade-appropriate designations;</li> <li>• Instructor resume with summary of teaching experience, subject matter knowledge, and qualifications acceptable to the Board;</li> <li>• Training course syllabus or outline;</li> <li>• Materials to be provided to course participants;</li> <li>• A description of the means that will be used to assess the</li> </ul>

		<p>written policy on retention and release of records.</p> <ul style="list-style-type: none"> <li>• The training program must have personnel who have demonstrated competency in the subject being taught, an understanding of the learning objective, and knowledge of the learning process to be used.</li> <li>• The training program must have a series of stated objectives pertinent to the tasks performed by the licensee; the training course content must be consistent with those objectives.</li> <li>• Training course participants must attend 90% or more of the class contact time; and must demonstrate learning through written examinations, completion of a project, oral examination, or other similar assessment techniques.</li> </ul>	<p>learning of each participant and successful completion of the course, such as examinations, projects, personal evaluations by instructor, or other recognized evaluation techniques.</p> <p>Application requirements, currently contained in section -250, are being relocated to this section, revised, and reorganized.</p> <p>The change is made, in part, to reduce regulatory requirements, and to make the requirements in the regulation clearer.</p> <p>The change also makes the requirements of the regulation similar to other DPOR regulations that have Board-approved education provisions.</p>
30-250	N/A	<p>This section provides application requirements for training course approval.</p> <p>The training course provider or instructor must submit application information on forms provided by the Board.</p> <p>Required course information:</p> <ul style="list-style-type: none"> <li>• Course title;</li> <li>• Planned audience;</li> <li>• Name of provider;</li> <li>• Name, physical address, email address, and phone number of contact person;</li> <li>• Scheduled presentation dates;</li> <li>• Detailed, hour-by-hour course schedule, including begin and end times;</li> </ul>	<p>Section -250 is being repealed. The application requirements contained in section -250 are being revised, better organized, and relocated to section - 240.</p> <p>The change is made, in part, to reduce regulatory requirements, and to make the requirements in the regulation clearer.</p> <p>The change also makes the requirements of the regulation similar to other DPOR regulations that have Board-approved education provisions.</p>

	<ul style="list-style-type: none"> <li>• List of planned breaks;</li> <li>• Scheduled presentation location;</li> <li>• Identification of the profession, category, and class of license to which the course is applicable, and relevancy to the license type.</li> </ul> <p>Required instructor qualifications:</p> <ul style="list-style-type: none"> <li>• Name of instructor;</li> <li>• Title;</li> <li>• Employer;</li> <li>• Board license number (if applicable)</li> <li>• Summary of qualifications to teach the course.</li> </ul> <p>Training material requirements:</p> <ul style="list-style-type: none"> <li>• A listing of the course objectives stated in terms of skills and knowledge the participant will be able to demonstrate as a result of the training.</li> <li>• A detailed course outline showing the planned activities that will occur during the training course, including major topics, planned presentation sequence, laboratory and field activities, audio visual presentations, and other major activities.</li> <li>• A list of the name, publisher, and publication date for commercially available publications.</li> <li>• A copy of the reference for materials developed by the course provider or available exclusively through the course.</li> <li>• A listing of any commercially available audiovisual support material that will be used in the program.</li> <li>• A brief description of any provider or instructor</li> </ul>	
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	<p>generated audiovisual material that will be used.</p> <ul style="list-style-type: none"> <li>• Identification of all commercially available handout materials that will be used; copies of other planned handouts.</li> </ul> <p>Requirements for determination of successful completion.</p> <ul style="list-style-type: none"> <li>• A description of the means that will be used to assess the learning of each participant to determine successful completion of the program, such as examinations, projects, personal evaluations by the instructor, or other recognized evaluation techniques.</li> <li>• Correspondence and other distance learning course must include appropriate testing procedures to verify completion of the course.</li> </ul> <p>The section also addresses recurring programs and allows the Board to approve the overall program rather than individual presentations.</p> <p>The section provides that if the course provider will provide the same training at multiple locations, the Board may approve the overall program rather than individual presentations, if the provider requests. The Board will consider the information applicable to training programs, except those items related to specific offerings of the course. Board approval will only apply to those specific offerings certified by the provider as having been conducted by instructors meeting the established criteria and in accordance with Board-approved course outlines and objectives.</p>	
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<p>N/A</p>	<p>30-255</p>	<p>N/A – No current requirements.</p>	<p>This is a new section that establishes required documentation related to training courses and provides that training course providers must provide each participant with a certificate of completion or similar documentation that may be used as proof of completion. The documentation must contain the number of hours completed; the date of training; and the training course identification number assigned by the Board.</p> <p>This new section complements provisions in the regulation that allow an individual to substitute Board-approved training for experience required to qualify for licensure. Requiring these standards for proof of course completion will allow the Board to timely and efficiently review and process applications.</p> <p>The change also makes the requirements of the regulation similar to other DPOR regulations that have Board-approved education provisions.</p>
<p>30-260</p>	<p>N/A</p>	<p>This section provides for the maintenance of training approval.</p> <p>Subsection A establishes the Board’s ability to require that course providers, at any time and upon request, provide the Board with evidence that the provider continues to comply with all requirements in the regulation. Failure to do so may result in the Board withdrawing approval.</p> <p>Subsection B requires that substantial modifications or changes to the information provided in section -240 and section -250 be reported to the Board within 30 days of such change. Failure to report as required may result in the withdrawal of approval by the Board.</p> <p>Subsection C requires a training provider to report a</p>	<p>The section is significantly revised. Current provisions are removed and replaced with new provisions pertaining to recordkeeping.</p> <p>The section caption is changed to “Maintenance of records.”</p> <p>The provisions of the section require that all providers of approved training courses establish and maintain a record for each participant. The record must include (i) the participant’s name and address, (ii) the course name and hours attended, (iii) the course syllabus and outline, (iv) the names of the instructors, (v) the date of successful completion, and (vi) the Board’s approved training course identification number.</p> <p>Records must be available for inspection during normal business hours by authorized representatives of the board. Records must be maintained for a minimum of five (5) years.</p> <p>The change makes the requirements of the regulation similar to other DPOR</p>



		<p>change of address within 30 days.</p> <p>Subsection D establishes the Board’s authority to conduct an audit of the training provider to ensure compliance.</p>	<p>regulations that have Board-approved education provisions.</p>
N/A	30-265	N/A – No current requirements.	<p>This new section requires that any change to information provided in section -240 be reported to the Board within 90 days of the change. Changes will be reviewed to ensure compliance with the provisions of the chapter.</p> <p>The requirements in this new section are substantially the same as currently in section -260. However, the reporting period requirement is revised to increase, from 30 days to 90 days, the time in which a change is to be reported to the Board.</p> <p>The change is made, in part, to reduce regulatory requirements, and to make the requirements in the regulation clearer.</p> <p>The change also makes the requirements of the regulation similar to other DPOR regulations that have Board-approved education provisions.</p>
30-270	N/A	<p>This section identifies the Board’s authority to withdraw approval of a training course and establishes reasons why approval may be withdrawn.</p> <p>The provision states the Board may withdraw approval of any provider for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The course being offered no longer meets the standards established by the Board.</li> <li>2. The provider, through an agent or otherwise, advertises its services in a fraudulent or deceptive manner.</li> <li>3. The provider, instructor, or designee of the provider falsifies any information relating to the application for</li> </ol>	<p>The section is revised to clarify that the Board may withdraw approval of the training course, as it is the training course that is approved by the Board, not the training provider.</p> <p>The section is revised to provide that a change to the training course which results in non-compliance with the regulation is a basis for withdrawal. This is substantially the same requirement currently in -260.A, but is less restrictive in its approach.</p> <p>The section is revised to provide that failure to report a change as required by new section -265 is a basis for withdrawal. This is substantially the same requirement in -260.B.</p> <p>Subdivision #3 is revised to include the providing of false information by the</p>

		<p>approval, course information, and records.                      4. The provider fails to respond to the Board or any of its agents.</p>	<p>training program contact person as a basis for withdrawal.                       Minor revisions are made to terms throughout the section to provide clarity.</p>
N/A	30-275	N/A – No current requirements.	<p>This is a new section that provides for the Board’s authority to audit approved training courses.                       Language included in this section has been relocated from subsection D of section -260 and provides that the Board may conduct an audit of any Board-approved training course provider to ensure continued compliance.</p>
30-280	N/A	<p>This section addresses training courses offered by certain entities that do not require Board approval.                       Subsection A provides that the following training courses do not require Board approval to be used for experience substitutions:</p> <ul style="list-style-type: none"> <li>- Federal, state, or local government agencies;</li> <li>- Accredited colleges or universities approved or accredited by the Commission of the Southern Association of Colleges and Schools;</li> <li>- A regional or national accreditation association;</li> <li>- An accrediting agency that is recognized by the U.S. Secretary of Education;</li> </ul> <p>The exemption is applicable if the training course information submitted to the Board includes:</p> <ol style="list-style-type: none"> <li>1). The course includes the continuing education units awarded by the entity,</li> <li>2). The course’s subject matter must be related to the license category and</li> </ol>	<p>The catchline of this section is amended to “Acceptance of training courses offered by certain entities.”                       Language specifying the Commission on Colleges of the Southern Association of Colleges and Schools as an acceptable accrediting organization has been removed as it is not necessary</p>

		<p>classification for which experience substitution is sought.</p> <p>Subsection B allows the Board to request additional information from the provider as necessary to ensure compliance with this section, without which the training course cannot be used for substitution.</p>	
30-290	N/A	<p>This section establishes grounds for disciplinary action and provides that the Board may place a licensee on probation, impose a monetary penalty, revoke, suspend, or refuse to renew a license when the licensee has been found to have violated or cooperated with others in violating any provision of applicable statute or Board regulations.</p>	<p>No substantiative changes are made to the section.</p> <p>The section is revised to clarify that the Board's authority to impose probation is in accordance with § 54.1-201(A)(7) of the Code of Virginia.</p> <p>The section is revised for organizational and clarity purposes.</p>
30-300	N/A	<p>This section sets forth provisions related to the maintenance of a license.</p> <p>Subsection A establishes that no license issued by the Board will be assigned or transferred.</p> <p>Subsection B sets forth the requirement that changes in a licensee's legal name or address must be reported to the Board in writing and must be done so within 30 days. A licensee must also return the license to the Board.</p> <p>Further, subsection B provides that a physical address is required for each license. A licensee holding more than one license must inform the Board of all licenses affected by the change(s). The Board is not responsible for a licensee's failure to receive notices or correspondence due to the licensee's failure to report a change of address.</p>	<p>The section is significantly revised.</p> <p>Subsection B is revised to better organize the provisions and require that any change to a licensee's legal name must be accompanied by documentation acceptable to the Board.</p> <p>The requirement that a physical address is required for each license, in addition to address of record, has been amended to require a physical address only when applicable.</p> <p>A new subsection C provides for the timeframe for reporting changes of name and address. The 30-day reporting requirement has been increased to 60 days to allow a licensee more time to report changes to the Board. This change reduces the stringency of the reporting requirements by 100%.</p> <p>The requirement that a licensee return a license to the Board is removed.</p> <p>The requirement for a licensee to inform the Board of all licenses, certificates, or</p>

		<p>Subsection C states that any change in any of the requirements and qualifications for licensure found in Part II (Entry) or Part III (Renewal and Reinstatement) must be reported within 30 days of the change.</p>	<p>registrations affected by an address change is removed. This requirement is unnecessary to effectively administer the licensing program.</p> <p>The provisions in current subsection C that require reporting of any change in the requirements and qualifications for licensure found in Part II and Part III of the regulation are removed.</p> <p>These provisions are removed as they are not necessary to protect the public health, safety, and welfare; or to effectively administer the program.</p> <p>Minor stylistic changes are made to include replacing the word “shall” with “will” or “must.”</p>
30-310	N/A	<p>This section addresses a licensee’s responsibility to provide the Board with notice of any adverse action.</p> <p>Subsection A requires a licensee to notify the Board of the following actions:</p> <ul style="list-style-type: none"> <li>• Disciplinary action taken by any jurisdiction, board, or administrative body, including any reprimand, license or certification revocation, suspension, or denial, monetary penalty, requirement for remedial education, or other coercive action.</li> <li>• Voluntary surrendering of a license, certificate, or registration done in connection with a disciplinary action in another jurisdiction.</li> <li>• Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred adjudication, in any jurisdiction, of misdemeanors involving lying, cheating, stealing, sexual offense, non-marijuana drug distribution, or physical injury, or relating to the practice of</li> </ul>	<p>Subsection A is revised to provide clarity.</p> <p>Subdivision A 1 is revised to clarify that a licensee must report the revocation, suspension, or denial of a license, certificate, or registration, imposition of a monetary penalty, or requirement to take remedial education or other corrective action.</p> <p>Subdivision A 2 is revised to clarify that a licensee must report the voluntary surrender of a license, certificate, or registration in connection with a disciplinary action taken by any jurisdiction, board, or administrative body.</p> <p>The requirement for misdemeanor offenses that must be reported to the Board is amended to include only misdemeanor convictions involving lying, cheating, or stealing, except for marijuana convictions.</p> <p>Changes to the notification requirement regarding misdemeanor criminal convictions are made in order to reduce overly burdensome requirements placed on regulants.</p> <p>The provision stating that any plea of <i>nolo contendere</i> being considered a conviction is removed.</p>

		<p>the profession, or felony, there being no appeal pending therefrom or the time for appeal having lapsed.</p> <p>Subsection B requires that notice be made to the Board, in writing, within 30 days of the action and a copy of the order, or other supporting documentation, must accompany the notice.</p>	<p>Language in subsection B stating that the record of conviction, finding, or case decision being considered prima facie evidence of a conviction or finding of guilt has been removed.</p> <p>Provisions regarding <i>nolo contendere</i> pleas and certified record of conviction as being prima facie evidence of guilt appear to be contrary to the provisions of § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of a regulant must be considered in accordance with § 54.1-204 of the Code of Virginia.</p> <p>Minor stylistic changes are made throughout the section.</p>
30-320	N/A	<p>This section establishes specific prohibited acts which may be grounds for disciplinary action against a licensee.</p> <p>Prohibited acts include:</p> <ul style="list-style-type: none"> <li>• Obtaining or attempting to obtain a license by false or fraudulent representation, or maintaining or renewing a license by false or fraudulent representation;</li> <li>• Not demonstrating reasonable care, judgment, or application of the required knowledge, skill, and ability in the performance of the licensee's duties;</li> <li>• Having undertaken to perform or performed a professional assignment that the licensee is not qualified to perform by education, experience, training, appropriate class or category of licensure, or any combination thereof;</li> <li>• Negligence, misconduct, or incompetence in the</li> </ul>	<p>This section is significantly revised. Among other changes noted below, the subdivisions outlining the offenses are revised to group similar types of offenses together. The general “catch all” prohibited act is provided first, followed by (i) offenses related to obtaining and maintaining licensure, and (ii) offenses related to the practice of the profession.</p> <p>The “catch all” prohibited act in subdivision #1 is revised to include the provisions of Chapter 3 of Title 54.1. This change is made to reflect agency practice regarding “catch all” prohibited acts in other DPOR regulations.</p> <p>Existing subdivision #3 is revised to include reinstating a license by false or fraudulent representation. This change is made to clarify the Board’s ability address instances where a licensee has falsely reinstated a license without meeting applicable requirements. This change makes this prohibited act more consistent with similar provisions in other DPOR regulations.</p> <p>The prohibited act in current subdivision #4 is revised to clarify the basis for disciplinary action includes being convicted or found guilty in any jurisdiction, or being disciplined by any jurisdiction, board, or administrative body. The intent of the change is to make clearer the prohibited act is</p>

		<p>practice of the profession;</p> <ul style="list-style-type: none"> <li>• Failing to adequately supervise and review work performed by unlicensed employees or journeyman licensees under the direct supervision of the licensee;</li> <li>• Failing to act in providing waterworks or wastewater works operator services in a manner that safeguards the interests of the public;</li> <li>• Having been convicted, found guilty of criminal offenses or disciplined in any jurisdiction; and</li> <li>• Failing to report a conviction, finding of guilt, or disciplinary action within 30 days.</li> </ul>	<p>applicable in cases where a licensee is convicted of a criminal offense outside of Virginia, or is disciplined by any regulatory body regardless of whether the regulatory body is in Virginia, or regulates professions other than onsite sewage system professionals.</p> <p>Current subdivision #5 addressing failure to report an adverse action is similarly revised.</p> <p>Virginia waterworks and wastewater works operator licensees may operate and hold licenses in other states, particularly neighboring states. In addition, licensees may hold licenses in other regulated professions. The Board has the authority to review criminal convictions and disciplinary actions taken against the individuals to evaluate whether allowing the individual to hold a license poses a risk to the public welfare.</p> <p>The provisions in current subdivisions #6, #7, #10, #11, #12, and #13 are removed and placed in different subdivisions.</p> <p>The prohibited act in current subdivision #9 is revised to proscribe actions constituting negligence, misconduct, or incompetence in the practice of the profession. The prohibited acts in current subdivisions #6, #7, #11, and #13 are included within the scope of this prohibited act. The actions that are proscribed by these subdivisions could be generally categorized as actions of negligence, misconduct, or incompetence.</p> <p>The wording of the subdivision does not preclude other conduct that in the opinion of the Board would constitute negligence, misconduct, or incompetence.</p> <p>A new prohibited act is added at subdivision #7. This prohibited act proscribes actions constituting engaging in improper, fraudulent, or dishonest conduct. The prohibited acts in current subdivisions #2, #10, and #12 are included within the scope of this</p>
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			<p>prohibited act. The actions that are proscribed by these subdivisions could be generally categorized as actions of improper, fraudulent, or dishonest.</p> <p>The wording of the subdivision does not preclude other conduct that in the opinion of the Board would constitute improper, fraudulent, or dishonest conduct.</p> <p>A minor stylistic change to replace the word “shall” with “will” is made.</p>
30-330	N/A	<p>This section identifies conflicts of interest.</p> <p>The section provides for the regulant’s responsibility to promptly and fully notify an employer or client of any business association, interest, or circumstance that might influence or persuade the regulant’s judgment or the quality of service.</p> <p>The section prohibits a regulant from accepting any type of compensation from multiple parties on or related to the same project, unless circumstances are disclosed and agreed upon, in writing, by all involved parties.</p> <p>The section further prohibits a regulant from (i) soliciting or accepting valuable consideration from suppliers for specifying their products or services; and (ii) soliciting or accepting gratuities from contractors or other parties dealing with a client or employer in connection with the work for which the regulant is responsible.</p>	<p>The prohibition on soliciting or accepting financial or other valuable consideration from material or equipment suppliers for specifying their products or services in subdivision #3 is revised to provide that such activity is prohibited unless the circumstances are full disclosed to, and agreed to by, all interested parties in writing.</p> <p>Similarly, the prohibition on soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with a client or employer in connection with work for which the licensee is responsible in subdivision #4 is revised to provide that such activity is prohibited unless the circumstances are full disclosed to, and agreed to by, all interested parties in writing.</p> <p>As the regulation is currently written, regulants are not permitted to solicit or accept valuable consideration from suppliers or otherwise accept gratuities from parties affiliated with a project the regulant is associated with. The revision no longer prohibits such actions, but establishes requirements for disclosure should the action occur.</p> <p>The changes to subdivisions #3 and #4 are made to make the regulation less restrictive than current requirements, while still ensuring the public welfare is protected.</p> <p>Minor stylistic changes are made to align the section with other DPOR regulations and to replace the word “shall” with “must.”</p>

<p>30-340</p>	<p>N/A</p>	<p>This section provides for a licensee’s professional obligations to the public.</p> <p>Subsection A identifies the primary obligation of the licensee as being to the public.</p> <p>A licensee is required to notify the licensee’s employer, client, and appropriate authorities of the potential consequences when a licensee’s judgment is overruled or not adhered to when advising appropriate parties of circumstances of a substantial threat to the public health, safety, or welfare.</p> <p>Subsection B prohibits a licensee from knowingly associating in a business venture with, or permitting use of the licensee’s name by, any person when a licensee has reason to believe that person is engaging in dishonest or fraudulent activity or violating any law or regulation of the Board.</p> <p>Subsection C requires a licensee to report another licensee when the licensee has direct knowledge that another individual may be violating the laws and regulations governing wastewater works and waterworks operators. A licensee must cooperate in furnishing any further information or assistance that is required.</p>	<p>A revision to the section catchline is made to correct a spelling error.</p> <p>Subsection C is removed as it is overly burdensome and otherwise unnecessary to protect the public health, safety, and welfare.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
<p>30-350</p>	<p>N/A</p>	<p>This section establishes the requirement for licensees to respond to inquiries made by the Board or its agent.</p> <p>A licensee is required to respond within 10 days of any request by the Board or its</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>



		<p>agents regarding any complaint filed with the DPOR.</p> <p>A licensee must produce to the Board or its agents 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 with 10 days of such request, unless otherwise specified by the Board. The Board may grant additional time to a licensee if the licensee can show extenuating circumstances.</p> <p>A licensee is prohibited from providing 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.</p> <p>The section provides that a licensee must otherwise respond to the Board within 21 days of any inquiry made by the Board or its agents.</p>	
30-360	N/A	<p>This section establishes which types of wastewater works can be operated by regulants holding a wastewater works operator license.</p> <p>Currently, each subsection provides a description of the wastewater works that can be operated under each class of license (Class 4 through Class 1). The classifications are generally based on treatment processes employed in the facility and the capacity of the facility.</p>	<p>The section is significantly revised.</p> <p>Amendments are made to each subsection removing language describing wastewater works by the treatment processes employed in the facility and capacity of the facility. These descriptions are replaced with references to the classification system established by DEQ's Sewage Collection and Treatment Regulations (9VAC25-790).</p> <p>A Class 4 wastewater works licensee may operate any wastewater works facility classified as a Class 4 treatment works under the DEQ regulation, or any other wastewater works classified by DEQ or VDH as a Class 4 wastewater works.</p> <p>A Class 3 wastewater works licensee may operate any wastewater works</p>

			<p>facility classified as a Class 3 or Class 4 treatment works under the DEQ regulation, or any other wastewater works classified by DEQ or VDH as a Class 3 or Class 4 wastewater works.</p> <p>A Class 2 wastewater works licensee may operate any wastewater works facility classified as a Class 2, Class 3, or Class 4 treatment works under the DEQ regulation, or any other wastewater works classified by DEQ or VDH as a Class 2, Class 3 or Class 4 wastewater works.</p> <p>A Class 1 wastewater works licensee may operate any wastewater works facility classified as a Class 1, Class 2, Class 3, or Class 4 treatment works under the DEQ regulation, or any other wastewater works classified by DEQ or VDH as a Class 1, Class 2, Class 3 or Class 4 wastewater works.</p> <p>The amendments streamline the regulation, provide clarity, and better organize the section.</p>
30-370	N/A	<p>This section establishes which types of waterworks can be operated by regulants holding a waterworks operator license.</p> <p>Currently, each subsection provides a description of the waterworks or treatment facility that can be operated under each class of license (Class 6 through Class 1). The classifications are generally based on treatment processes employed in the facility and the capacity of the facility.</p>	<p>The section is significantly revised.</p> <p>Amendments are made to each subsection removing language describing waterworks by the treatment processes employed in the facility and capacity of the facility. These descriptions are replaced with references to the classification system established by VDH's Waterworks Regulations (12VAC5-790).</p> <p>A Class 6 waterworks licensee may operate any waterworks classified as a Class 6 waterworks under the VDH regulation, or any waterworks classified by VDH as a Class 6 waterworks.</p> <p>A Class 5 waterworks licensee may operate any waterworks classified as a Class 5 or Class 6 waterworks under the VDH regulation, or any waterworks classified by VDH as a Class 5 or Class 6 waterworks.</p> <p>A Class 4 waterworks licensee may operate any waterworks classified as a Class 4, Class 5, or Class 6 waterworks</p>

			<p>under the VDH regulation, or any waterworks classified by VDH as a Class 4, Class 5, or Class 6 waterworks.</p> <p>A Class 3 waterworks licensee may operate any waterworks classified as a Class 3, Class 4, Class 5, or Class 6 waterworks under the VDH regulation, or any waterworks classified by VDH as a Class 3, Class 4, Class 5, or Class 6 waterworks.</p> <p>A Class 2 waterworks licensee may operate any waterworks classified as a Class 2, Class 3, Class 4, Class 5, or Class 6 waterworks under the VDH regulation, or any waterworks classified by VDH as a Class 2, Class 3, Class 4, Class 5, or Class 6 waterworks.</p> <p>A Class 1 waterworks licensee may operate any waterworks classified as a Class 1, Class 2, Class 3, Class 4, Class 5, or Class 6 waterworks under the VDH regulation, or any waterworks classified by VDH as a Class 1, Class 2, Class 3, Class 4, Class 5, or Class 6 waterworks.</p> <p>The amendments streamline the regulation, provide clarity, and better organize the section.</p>
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