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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>	18 VAC160-40
<b>VAC Chapter title(s)</b>	Onsite Sewage System Professionals Licensing Regulations
<b>Action title</b>	General Review of Onsite Sewage System Professionals Licensing Regulations
<b>Date this document prepared</b>	February 29, 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”) has undertaken a general regulatory review of the Onsite Sewage System Professionals Licensing Regulations. The regulation establishes (i) the entry requirements for licensure as an onsite sewage system installer, onsite sewage system operator, and onsite soil evaluator, including requirements specific to those who work with conventional and alternative types of onsite sewage systems; (ii) requirements for maintaining and renewing licenses; (iii) standards of conduct and practice; and (iv) requirements for approval of training courses.

This action proposes substantial amendments to the regulation, particularly Parts II (Entry), III (Onsite Sewage System Installers), IV (Onsite Sewage System Operators), V (Onsite Soil Evaluator), VI (Renewal and Reinstatement), VII (Continuing Professional Education), VIII (Training Course Approval), and IX (Standards of Practice and Conduct). Proposed amendments include:

1. Revision of the general entry requirements for licensure, including a provision to allow passing license examination scores to remain valid for a period of 10 years from the date of examination;
2. Revision of the entry qualifications for onsite sewage system installers to include (i) provisions allowing for individuals to qualify for master installer licenses without holding prerequisite credentials; (ii) a provision allowing for individuals with requisite training and experience to be exempt from the examination requirement for a master conventional installer license; and (iii) expanding the types of individuals who may verify experience;
3. Revision of the entry qualifications for onsite sewage system operators to include (i) a provision allowing for individuals with interim onsite alternative operator, master conventional installer, or journeyman alternative operator licenses to qualify for a master conventional operator license; (ii) a provision allowing for individuals with interim alternative operator or master conventional operator licenses to qualify for a master alternative operator license; and (iii) expanding the types of individuals who may verify experience;
4. Revision of licensure requirements for the operation and maintenance of alternative onsite sewage systems that are designed to exceed 10,000 gallons flow per day;
5. Revision of the entry qualifications for onsite soil evaluators to include (i) clarify that a master conventional soil evaluator license is a qualifying prerequisite credential for an alternative soil evaluator license; and (ii) expanding the types of acceptable degree programs that may qualify an individual for a soil evaluator license;
6. Revision to reinstatement provisions to require an individual reinstating a license to provide proof of completing required continuing professional education (CPE) in order to reinstate;
7. Revision to requirements for CPE to renew a license to include (i) provisions allowing for an individual to request additional time to meet CPE requirements; and (ii) adding electrical principles as an acceptable CPE course topic for renewal of onsite sewage system installer and onsite sewage system operator licenses;
8. Clarifying requirements for (i) application of training course approval; (ii) maintenance of training course records; (iii) reporting of changes to training courses; (iv) grounds for withdrawal of training course approval; and (v) authority of the Board to audit approved training courses;
9. Revisions to standards of conduct and practice to include (i) changes to reporting requirements for licensees; (ii) changes to standards regarding conflicts of interest; (iii) new provisions addressing the responsibilities of licensees for regulated activities performed on site; and (iv) new provisions regarding the pumping of alternative onsite sewage systems by conventional onsite sewage system operators;
10. Significant revision to the prohibited acts in the standards of conduct and practice; and
11. Addition of provisions that incorporate the Board's previous guidance regarding (i) the responsibilities of licensees for regulated activities performed on-site; and (ii) the pumping of alternative onsite sewage systems by conventional onsite sewage system operators.

## 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.

"DPOR" means Department of Professional and Occupational Regulation.

"VDH" means Virginia Department of Health.

There are no technical terms used in this form that are not also defined in the regulation.

### 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 regulatory change is not the result of a mandate.

This regulatory change is prompted by (i) feedback received by the agency from members of the public, including individuals in the onsite sewage system industry, and (ii) agency staff review of the regulation. Sources of public feedback have included formal comments received during meetings of the Board or committees of the Board, comments received during previous periodic review of the regulation, informal comments made to agency staff during public outreach events, and informal comments received by agency staff from licensees and applicants for licensure.

Both the public and agency staff have identified areas where the regulation would benefit from revision or clarification to better ensure the regulation achieves its intended purpose to protect the public welfare by ensuring only those individuals who are properly qualified engage in the profession, while also reducing or mitigating regulatory burdens on applicants seeking to obtain a license and licensees who maintain a license.

### 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 agency is the 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 the licensure program for onsite sewage system professionals. Section 54.1-2301 of the Code of Virginia states, in part:

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

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

## 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.*

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The General Assembly has charged the Board with the responsibility for regulating those who install or operate onsite sewage systems, and those who perform the duties of an onsite soil evaluator, by requiring that such individuals obtain a license in order to engage in these occupations. Residences and businesses located on properties that do not have access to public sewer systems must rely on onsite septic systems to properly and safely dispose of wastewater they produce.

According to a VDH estimate, there are at least 1,131,094<sup>1</sup> existing onsite septic systems in Virginia. Installation and operation of onsite septic systems by those who lack sufficient expertise poses a risk to the public health and welfare. Soil evaluators are responsible for testing soils to determine whether sites are appropriate for installation of a disposal system, designing such systems, and certifying that such systems comply with applicable state regulations and local ordinances. Soil evaluators who lack sufficient expertise to perform these duties may pose a risk to the public health and welfare. These risks include the potential for environmental damage and contamination of water supply. In addition, the improper installation or operation of an onsite septic system can pose a substantial risk of financial harm to property owners who will be responsible for assuming the costs to remediate damage and repair/replace defective systems.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession, as well as the minimum requirements for the provision onsite sewage system services.

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 pathways for 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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<sup>1</sup> VDH does not have a complete inventory of all septic systems in the Commonwealth. The VDH estimate is based in part on (i) information obtained from the [1990 U.S. Census](#) (707,409 septic systems); (ii) onsite sewage system permit information since 2003 (240,944 approved or completed permits); and (iii) a VDH estimate of 182,741 systems installed between 1990 and 2003, based on average permitting data.

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

1. Remove the definitions of “operator,” and “wastewater works” that are incorporated by reference from § 54.1-2300 of the Code of Virginia.
2. Add definitions for “address of record,” and “CPE.”
3. Revisions to the terms “applicant” and “profession” to make the meaning of these terms clearer.

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

1. Revise provisions in section -60 pertaining to the requirement for an applicant to provide a mailing address to clarify that the mailing address will serve as the address of record, and that a post office box is only acceptable as the address of record if a physical address is also provided.
2. Revise provisions in section -60 pertaining to the disclosure of criminal convictions. These provisions are also revised to make the regulation more consistent with the provisions of § 54.1-204 of the Code of Virginia pertaining to criminal history.
3. 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.
4. Revise provisions in section -60 to require that an applicant be in compliance with the standards of conduct and practice outlined in Part IX of the regulation at the time of application, while the application is under review, and when the license is in effect.
5. Revise provisions in section -80 to provide that passing examination scores are valid for a period of 10 years from the date of examination. 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.

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

1. Revise provisions of section -110 to clarify that a master alternative onsite sewage system installer may supervise a journeyman conventional onsite sewage system installer.
2. Add a new section (-115) that consolidates provisions regarding whom may verify qualifying experience submitted by an applicant for an onsite sewage system installer license.
3. Revise the qualifications tables in sections -120, 130, -150, and -160 to remove required education as a qualification. Under section -70, an applicant may receive credit for up to half of required experience through completion of postsecondary courses in specified subjects, or through completion of Board-approved training courses.
4. Revise the qualifications table in section -130 to allow individuals with no prerequisite to qualify for a master conventional onsite sewage system installer license. Such an individual may qualify for licensure with five (5) years of documented qualifying experience and examination. This qualifications table is also revised to clarify that an individual with an interim conventional or alternative installer license, or journeyman conventional or alternative installer license may qualify for licensure with three (3) years of documented qualifying experience.
5. Amend a reserved section (-140) to provide for individuals to qualify for an exemption from the examination requirement for a master conventional onsite sewage system installer license. Such individuals may qualify for the exemption by either (i) completing 40-hours of Board-approved training and being actively engaged in the duties of a conventional installer for at least six (6) years; or (ii) being actively engaged in the duties of a conventional installer for at least 10 years.
6. Revise the qualifications table in -160 to allow individuals with no prerequisite and no Board-approved education to qualify for a master alternative onsite sewage system installer license. Such an individual may qualify for licensure with five (5) years of documented qualifying experience and examination. This qualifications table is revised to clarify that an individual with (i) an interim alternative installer license, (ii) a master conventional installer license; or (iii) journeyman alternative installer license may qualify for licensure with 18 months of documented qualifying experience.

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

1. Revise provisions of section -170 to clarify that a master alternative onsite sewage system operator may supervise a journeyman conventional onsite sewage system operator.
2. Revise provisions of section -170 to provide that an alternative onsite sewage system that exceeds 10,000 gallons per day design flow must have its operation and maintenance performed by either (i) an individual who is licensed as an alternative onsite sewage system operator and a Class 4 or higher wastewater works operator; or (ii) an individual who is licensed as an alternative onsite sewage system operator, and an individual who is licensed as a Class 4 or higher wastewater works operator, who are working together pursuant to an employment relationship, contract, or other written agreement. This change incorporates previous Board guidance.
3. Add a new section (-175) that consolidates provisions regarding whom may verify qualifying experience submitted by an applicant for an onsite sewage system operator license.
4. Revise the qualifications tables in sections -180, 190, -210, and -220 to remove required education as a qualification. Under section -70, an applicant may receive credit for up to half of required experience through completion of postsecondary courses in specified subjects, or through completion of Board-approved training courses.
5. Revise the qualifications table in section -190 to allow individuals with (i) an interim alternative onsite sewage system operator, (ii) master conventional onsite sewage system installer; or (iii) journeyman alternative onsite sewage system operator license to qualify for licensure as a master conventional onsite sewage system operator with six (6) months of documented qualifying experience and examination.
6. Revise the qualifications table in section -220 to clarify that an individual with (i) an interim alternative operator license, or (ii) a master conventional operator license may qualify for licensure as a master alternative onsite sewage system operator with 18 months of documented qualifying experience.

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

1. Add a new section (-235) that consolidates provisions regarding whom may verify qualifying experience submitted by an applicant for an onsite soil evaluator license.
2. Revise the qualifications table in section -260 to allow individuals with no prerequisite, but who have completed a VDH onsite sewage system training program to qualify for licensure as a journeyman alternative onsite soil evaluator with one (1) year of documented qualifying experience. This qualifications table is also revised to clarify that an individual with (i) an interim alternative onsite soil evaluator license, or (ii) a master conventional onsite soil evaluator license may qualify for licensure as an alternative onsite soil evaluator with one (1) year of documented qualifying experience.
3. Revise the qualifications table in section -270 to allow individuals with no prerequisite, but who have completed a VDH onsite sewage system training program to qualify for licensure as a master alternative onsite soil evaluator with three (3) years of documented qualifying experience. This qualifications table is also revised to clarify that an individual who held or holds a master conventional onsite soil evaluator license may qualify for licensure as a master alternative onsite soil evaluator with two (2) years of documented qualifying experience.
4. Revise section -280 to allow "applied sciences" as an acceptable discipline for a bachelor's degree, master's degree, or associate's degree that may be used to qualify for licensure as a master soil evaluator.

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

1. Add a new section (-295) that provides for procedures for renewal of licenses. These provisions are currently in section -290.
2. Revise section -300 to require that a licensee must reinstate a license by submitting a reinstatement application that includes (i) payment of a reinstatement fee; and (ii) proof of completing required CPE for license renewal. Provisions that allow for an individual who applies to reinstate a license to be deemed eligible for the license examination are removed because of a

change in section -80 that allows for examination scores to be valid for 10 years from the date of examination.

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

1. Revise section -330 to clarify that a licensee may request additional time to meet the CPE requirement for renewal of a license. 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.
2. Revise sections -340 and -350 to allow for “electrical principles” as an acceptable topic for CPE for renewal of onsite sewage system installer and onsite sewage system operator licenses.

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

1. Significantly revise the part to reduce regulatory requirements applicable to training course approval and to make provisions clearer.
2. Add a new section (-385) which provides for general requirements applicable to training courses that may be used to substitute for required experience to qualify an applicant for licensure. The section provides that training courses approved by the Board may be substituted for experience, and such courses must be approved by the Board. Training courses may be delivered using distance, virtual, or online education technology. Training courses may be approved retroactively, but no applicant will receive credit for a training course until approval is granted by the Board. The section incorporates existing provisions in section -70 pertaining to the awarding of credit are relocated to this new section.
3. Revise section -390 to provide for the application requirements for approval of a training course to include the information and supporting documents that must be submitted with an application.
4. Add a new section (-405) which requires a training course provider to provide each course participant with a certificate of course completion or other proof of completion the participant may use as proof of training course completion. The new section specifies the minimum information to be provided in such documentation.
5. Revise section -410 to clearly require a training course provider to establish and maintain a record for each course participant for a minimum of five years. The section specifies the minimum information that each record must contain. The section requires records to be available for inspection during normal business hours by the Board’s representatives.
6. Add a new section (-415) that provides a training course provider report any changes to the information provided in the application for course approval within 30 days of the change.
7. Revise section -420 to provide that (i) a change which results in non-compliance with Part VIII of the regulation; and (ii) failure to comply with the reporting requirements of section -415 are causes for withdrawal of course approval by the Board.
8. Add a new section (-425) that provides the Board may conduct an audit of any approved training course provider to ensure compliance with the regulation.

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

1. Revise section -450 to more clearly provide that a licensee must report a change of name or change of address in writing within 30 days of the change. A licensee reporting a name change must provide acceptable documentation to the Board that verifies the name change.
2. Revise section -460 to provide that a licensee must notify the Board if the licensee is convicted of any non-marijuana misdemeanor. Currently, a licensee is required to notify the Board of any misdemeanor involving lying, cheating, stealing, sexual offense, non-marijuana drug distribution, physical injury, or relating to the practice of the profession. These provisions are also revised to make the regulation more consistent with the provisions of § 54.1-204 of the Code of Virginia.
3. Prohibited acts in section -470 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 -470 to add prohibited acts for (i) failure to comply with the maintenance of license provisions in section -450; (ii) failure to comply with the conflicts of interest standards in section -480; and (iii) failure to comply with response to inquiry and provision of records requirements in section -500.
  5. Revise section -480 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. Add a new section (-515) to provides for a licensee's responsibilities for regulated activities performed on site. The decision-maker on site must be a licensee of the appropriate class (conventional or alternative). In addition, a journeyman or master of the appropriate class must be on site where regulated activities are performed. This new section incorporates previous Board guidance regarding the licensing of individuals who are engaged in the provision of regulated activities.
  7. Add a new section (-520) to provide for the pumping of alternative onsite sewage systems by conventional onsite sewage system operators. A conventional onsite sewage system operator with the appropriate sewage handling permit issued by VDH or a local independent health department may pump an alternative onsite sewage system without an alternative onsite sewage system operator present, provided the conventional operator performs the pumping at the request and direction of the alternative operator. The conventional operator is only permitted to pump the tank, and is not authorized to perform any other functions associated with the operation and maintenance of the alternative onsite sewage system. This new section incorporates previous Board guidance regarding the pumping of alternative onsite sewage systems by conventional operators.

## 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 pathways for 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 onsite sewage system 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 more ably administer the licensure program.

### 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.*

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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.*

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Other State Agencies Particularly Affected

No other state agencies are particularly affected by the regulatory change.

Localities Particularly Affected

No localities are particularly affected by the regulatory change.

Other Entities Particularly Affected

No other entities are particularly affected by the regulatory change.

### 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.*

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#### Summary:

This action proposes substantial amendments to the regulation, particularly Parts II (Entry), III (Onsite Sewage System Installers), IV (Onsite Sewage System Operators), V (Onsite Soil Evaluator), VI

(Renewal and Reinstatement), VII (Continuing Professional Education), VIII (Training Course Approval), and IX (Standards of Practice and Conduct). Proposed amendments include:

1. Addition of two new definitions, and revisions to some existing definitions
2. Revision of the general entry requirements for licensure, including a provision to allow passing license examination scores to remain valid for a period of 10 years from the date of examination.
3. Revision of the entry qualifications for onsite sewage system installers to include (i) provisions allowing for individuals to qualify for master installer licenses without holding prerequisite credentials; (ii) a provision allowing for individuals with requisite training and experience to be exempt from the examination requirement for a master conventional installer license; and (iii) expanding the types of individuals who may verify experience.
4. Revision of the entry qualifications for onsite sewage system operators to include (i) a provision allowing for individuals with interim onsite alternative operator, master conventional installer, or journeyman alternative operator licenses to qualify for a master conventional operator license; (ii) a provision allowing for individuals with interim alternative operator or master conventional operator licenses to qualify for a master alternative operator license; and expanding the types of individuals who may verify experience.
5. Revision of licensure requirements for the operation and maintenance of alternative onsite sewage systems that are designed to exceed 10,000 gallons flow per day.
6. Revision of the entry qualifications for onsite soil evaluators to include (i) clarify that a master conventional soil evaluator license is a qualifying prerequisite credential for an alternative soil evaluator license; and (ii) expanding the types of acceptable degree programs that may qualify an individual for a soil evaluator license.
7. Revision to reinstatement provisions to require an individual reinstating a license to provide proof of completing required continuing professional education (CPE) in order to reinstate.
8. Revision to requirements for CPE to renew a license to include (i) provisions allowing for an individual to request additional time to meet CPE requirements; and (ii) adding electrical principles as an acceptable CPE course topic for renewal of onsite sewage system installer and onsite sewage system operator licenses.
9. Clarifying requirements for (i) application of training course approval; (ii) maintenance of training course records; (iii) reporting of changes to training courses; (iv) grounds for withdrawal of training course approval; and (v) authority of the Board to audit approved training courses.
10. Revisions to standards of conduct and practice to include (i) changes to reporting requirements for licensees; (ii) changes to standards regarding conflicts of interest; (iii) new provisions addressing the responsibilities of licensees for regulated activities performed on site; and (iv) new provisions regarding the pumping of alternative onsite sewage systems by conventional onsite sewage system operators.
11. Significant revision to the prohibited acts in the standards of conduct and practice.
12. Addition of provisions that incorporate the Board's previous guidance regarding (i) the responsibilities of licensees for regulated activities performed on-site; and (ii) the pumping of alternative onsite sewage systems by conventional onsite sewage system operators.

There is no direct economic or fiscal impact to other state agencies or businesses.

### **Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:</p> <p>a) fund source / fund detail;</p> <p>b) delineation of one-time versus on-going expenditures; and</p> <p>c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>There are no savings and no changes to costs, fees, or revenues of DPOR resulting from this regulatory change.</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 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 is no benefit 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>None.</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 regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>The regulatory change will affect all Virginia licensed onsite sewage system installers, onsite sewage system operators, and onsite soil evaluators. It will also affect those seeking to obtain an onsite sewage system professional license as well as business entities that offer services for installation of onsite sewage systems, operation and maintenance of such systems, or soil evaluation and design of onsite sewage systems, which are likely to be owned by and employ licensed professionals.</p> <p>Those who are not licensed as onsite sewage system professionals but may seek to become licensed would be affected by the change.</p> <p>Consumers who make use of the services provided by onsite sewage system professionals and the businesses that provide these services may be affected by the change.</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</p>	<p>There are 1,618 individuals who hold an active license as an onsite sewage system installer,</p>

<p>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>onsite sewage system operator, or onsite soil evaluator.</p> <p>Onsite sewage system professional licenses are issued to individuals, and not to business entities. However, many licensed onsite sewage system professionals 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.</p> <p>There are 18 training providers of approved training courses that may be used by license applicants to substitute for experience requirements. Many of these training providers are likely business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia.</p> <p>The change would also affect an undetermined number of unlicensed individuals who might seek an onsite sewage system professional license.</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>Costs for Onsite Sewage System Professional Licensees</p> <p>Applicants for licensure are required to pay an application fee, and, where applicable, a fee to take the license examination. This action does not affect these costs.</p> <p>Licensees are required to pay a fee to renew a license, and, if applicable, a reinstatement fee to reinstate an expired license. This action does not affect these costs.</p> <p>Licensees are required to complete continuing education as a condition of license renewal. These would include costs to take and complete the requisite continuing education hours. This action does not affect these requirements.</p> <p>Applicants and licensees assume time and administrative costs to apply for initial licensure and to renew or reinstate a license. This action would likely increase such costs for individuals who apply for reinstatement of an expired license, as such individuals will be required to provide to the Board proof of completing continuing education in order to reinstate a license.</p> <p>Currently, individuals who fail to reinstate a license must reapply for licensure and re-take any required license examination. This action would allow examination scores to remain valid for 10 years from the date of examination. Individuals who must reapply for licensure would</p>

	<p>not be required to re-take the license examination under such circumstance.</p> <p>Licensees are required to maintain proof of completing continuing education. This action does not affect these recordkeeping costs.</p> <p>There are no regular reporting requirements for licensees. Licensees are required to adhere to certain reporting requirements to maintain a license. These include notifying the Board of a change in name or address; or reporting adverse actions (e.g. criminal conviction or disciplinary action). This action would affect these requirements. Licensees would be required to provide documentation of any name change. In addition, licensees would be required to report any misdemeanor conviction, excluding marijuana convictions.</p> <p>Master licensees are required to maintain records related to the employment of journeyman licensees under their direct supervision. This action does not affect these recordkeeping costs.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>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 home inspection services. This may be of particular benefit to members of the public located in more rural areas of the Commonwealth where there are fewer licensed home inspectors whose services are available.</p> <p>The primary advantage of the regulatory change to the Commonwealth is that it will permit the agency to more ably administer the licensure program, including the process for renewal of licenses; and will permit the agency to more effectively address issues that are the subject of complaints from the public against licensees.</p>

**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.*

Prior to undertaking this regulatory action, the Board has attempted to address some of the concerns brought to its attention through issuing interpretive guidance. However, these efforts are insufficient to adequately address these concerns on a long-term basis, as interpretive guidance cannot be a substitute for amending a regulation. 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.

Onsite sewage system professional licenses are issued to individuals, and not to business entities. However, many licensed onsite sewage system professionals 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.*

Onsite sewage system professional licenses are issued to individuals, and not to business entities. However, many licensed onsite sewage system professionals 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 welfare, in part, by establishing through regulation the minimum requirements for the provision onsite sewage system services by licensees.

The Board considered the potential adverse effects of the proposed amendments on applicants and licensees during the development process. The Board determined the compliance and reporting requirements in the proposed amendments are necessary to protect the public health, safety, and welfare. These amendments do not pose an unreasonable administrative or financial burden. The enabling statute establishing the onsite sewage system professionals licensing program provides no exemption for small business; therefore there are no such exemptions contained in the proposed change.

*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.*

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

The Board last conducted a periodic review in 2021, which included a 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.*

No comments were received during the public comment period following publication of the previous stage.

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 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, (iii) the potential impacts of the regulation, and (iv) the agency’s regulatory flexibility analysis stated in that section of this background document.

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:

Tanya Pettus  
 Associate Director  
 9960 Mayland Drive, Suite 400  
 Richmond, VA 23233  
[WaterWasteOper@dpor.virginia.gov](mailto:WaterWasteOper@dpor.virginia.gov)  
 (866) 350-5354 (fax)

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

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
40-10	N/A	Incorporates by reference applicable definitions from § 54.1-2300 of the Code of Virginia. Adds definitions that are necessary to make the regulation clear and understandable, and provides definitions for other specific terms used throughout the regulation.	<p>Removes the terms “operator” and “wastewater works” from statutory terms that are incorporated by reference. The meanings of these terms in § 54.-2300 of the Code of Virginia are not applicable to onsite sewage system professionals.</p> <p>Adds the term “address of record” to refer to the mailing address designated by a licensee to receive notices and correspondence from the Board. This change will make the regulation consistent with other DPOR regulations.</p> <p>Adds the term “CPE” to mean continuing professional education.</p> <p>The definition of “applicant” is revised to make the meaning of the term clearer.</p> <p>The definition of “profession” is revised to clarify that maintenance of onsite sewage systems is part of the regulated activity.</p>



			<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Other minor changes are made for purposes of clarity or style.</p>
40-20	N/A	<p>This section establishes the basic procedures for submission and review of an application for licensure. The section provides that applications must be completed in accordance with application instructions and that an application is not complete until all required documents are received by the Board. The section further provides that applications will be reviewed within 30 days of receipt, and that an applicant has 12 months to complete the application process.</p>	<p>Subsection A is revised to clarify that applications will be made on forms provided by the Board or its agent.</p> <p>Subsection A is revised to create subdivision #1 and #2. Subdivision #1 provides for the current requirement that submission of an application constitutes the applicant’s certification that the applicant has read and understands the applicable statutes and board regulations.</p> <p>Subdivision #2 provides for the current requirement that receipt of an application and deposit of fees by the board does not constitute approval of the application.</p> <p>Subdivision A 1 is revised to clarify that by submitting the application form and fee to the Department, the applicant certifies that the applicant has read and understands the applicable statutes and regulations.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Other minor changes are made for purposes of clarity or style.</p>
40-30	N/A	<p>This section provides for general requirements applicable to fees received on behalf of the Board. Fees are non-refundable and the date on which a fee is received determines whether the fee was received on time.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-40	N/A	<p>This section outlines the application fees for an initial license, renewal of a license, and reinstatement of a license.</p> <p>The section contains provisions for a temporary reduction of license renewal and reinstatement fees that was effective between</p>	<p>The provisions pertaining to the temporary fee reduction are removed, as these are no longer applicable. This change is also reflected in the Board’s concurrent fee adjustment action (<a href="#">Action 5684</a>).</p>

		January 31, 2018, and January 31, 2020.	
40-50	N/A	This section provides that the fee for the license examination is subject to a contract between the Department and an outside vendor entered into in compliance with the Virginia Public Procurement Act; and that fees may adjusted and charged to examination candidates based on that contract.	Minor changes are made for purposes of style.
40-60	N/A	<p>This section establishes the general requirements for licensure. An applicant is required to be at least 18 years of age, disclose a mailing address, disclose prior criminal convictions, and report prior administrative discipline.</p> <p>An applicant is required to disclose all felony convictions and all misdemeanor convictions that occurred within three years of the date of application, excluding marijuana convictions. The Board has the discretion to deny licensure for a criminal conviction in accordance with § 54.1-204 of the Code of Virginia.</p> <p>An applicant is required to report prior any prior disciplinary action taken against a license, certification, or registration held by the applicant. The Board has the discretion to deny licensure based on prior suspension, revocation, or surrender of licenses based on disciplinary action taken.</p>	<p>The section is reorganized into new subsections.</p> <p>Subsection A provides for the current requirement that an applicant must meet the requirements provided in the section.</p> <p>Subsection B provides for the current requirement that an applicant be 18 years of age.</p> <p>Subsection C provides for the current requirement that an applicant provide a mailing address. This requirement is revised to clarify that the mailing address will serve as the address of record, and that a post office box is only acceptable as the address of record if a physical address is also provided.</p> <p>Subsection D provides for the current requirement for disclosure of criminal history. This requirement is revised to remove provisions that (i) provided that a plea of <i>nolo contendere</i> is considered a conviction; and (ii) a certified record of conviction is <i>prima facie</i> evidence of guilt of a criminal conviction.</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>Subsection D is also revised to incorporate the current provision regarding the Board’s authority to deny licensure for a criminal conviction. This provision is amended to include language stipulating that the applicant has the right to request further review of any such action by the Board under the APA. This change is made to make the regulation consistent with other DPOR regulations.</p> <p>Subsection E provides for the requirement for an applicant to disclose prior regulatory discipline.</p> <p>This requirement is 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. The subsection was also revised to clarify the Board may deny licensure based on any prior disciplinary action taken by any board or administrative body.</p> <p>The revisions to subsection E make the regulation clearer as to what disciplinary matters an applicant is required to report to the Board, and make clearer the scope of the Board’s authority to deny an application based on prior disciplinary action taken against a professional or occupational license issued to an applicant.</p> <p>Subsection E is further revised to include language stipulating that the applicant has the right to request further review of any such action by the Board under the APA. This change is made to make the regulation consistent with other DPOR regulations.</p> <p>Subsection F provides for a requirement that an applicant must be in compliance with the standards of conduct and practice outlined in Part IX of the regulation at the time of application,</p>
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			<p>while the application is under review, and when 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 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 are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-70	N/A	<p>This section permits an applicant to substitute training or education to satisfy experience requirements for licensure outlined in Parts III, IV, and V of the regulation. Applicants may receive credit for up to half of required experience.</p> <p>Applicants may receive credit for completion of postsecondary courses in:</p> <ul style="list-style-type: none"> <li>• Wastewater;</li> <li>• Biology;</li> <li>• Chemistry;</li> <li>• Geology;</li> <li>• Hydraulics;</li> <li>• Hydrogeology;</li> <li>• Engineering;</li> <li>• Environmental science;</li> <li>• Agronomy;</li> <li>• Earth science;</li> <li>• Environmental health; or</li> <li>• Soil science.</li> </ul> <p>Credit for postsecondary courses is awarded at the rate of one month per semester hour, or two-thirds of a month per quarter hour.</p>	<p>The provisions in subdivision A 2 pertaining to the awarding of credit for completion of Board-approved training courses are removed. These provisions are relocated to a new section (40-385).</p> <p>A minor change is made in subdivision A 2 to clarify that operator training is for onsite sewage system operation.</p>

		<p>Applicants may also receive credit for completion of Board-approved onsite sewage system installer, operator, or onsite soil evaluation training courses.</p> <p>Credit for courses is awarded at a rate of one month for each training credit earned. Up to one training credit is awarded for each 10 hours of classroom contact time or for each 20 hours of laboratory exercises and field trip contact time. Training credit is not earned for breaks, meals, receptions, or time other than classroom, laboratory, and field trip contact time.</p> <p>The section further provides that education used to meet education requirements to qualify for licensure may not also be substituted for experience.</p>	
40-80	N/A	<p>This section provides for the requirements for examination procedures and conduct at the examination.</p> <p>The Board will notify the applicant of the applicant’s eligibility to take the license examination once the application is approved. A license will not be issued prior to receipt of a passing score for the examination.</p> <p>An applicant that does not receive a passing score on the examination within one year of approval by the Board must reapply as a new applicant and meet entry requirements in effect at that time.</p> <p>An applicant is required to follow all rules regarding conduct at the examination. These include written</p>	<p>Subsection D is added to the section. The subsection provides that a passing examination score is valid for a period of 10 years from the date of 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>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Other minor changes are made for purposes of clarity or style.</p>

		instructions communicated prior to the examination date and instructions communicated at the examination site on the date of examination. Failure to comply with the rules regarding conduct at the examination are grounds for denial of the application or voiding of examination scores.	
40-90	N/A	Provides that an applicant who holds a valid license or certificate in another jurisdiction must meet the entry requirements of the regulation, including having equivalent experience and education. The applicant must also pass the appropriate license examination, when an examination is required.	Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Other minor changes are made for purposes of clarity or style.
40-100	N/A	Provides for the calculation of time periods for full-time experience need to qualify for licensure.  Experience requirements are expressed in terms of calendar periods of full-time employment. A year of full-time employment is defined as a minimum of 1,760 hours during a 12-month period, or a maximum of 220 workdays in a 12-month period. Experience that exceeds the minimum number of hours or workdays during a 12-month period will not be considered more than one year of full-time employment.  The section outlines the activities that are considered a “workday.”  If the applicant works less than full-time, partial credit will be given for the applicant’s actual hours of work experience.	A minor change is made for purposes of clarity.

<p>40-105</p>	<p>N/A</p>	<p>This section provides for the “grandfathering” of individuals who were licensed by the Board as of March 31, 2017, under the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals Regulations (18VAC160-20).</p> <p>Under the previous regulation, there were no license categories (journeyman and master). All licenses were issued according to profession (operator, installer, soil evaluator) and class (conventional or alternative).</p> <p>The licenses of such individuals were converted to master licenses in the applicable class when the current regulation became effective on April 1, 2017.</p>	<p>This section is repealed as it is no longer necessary.</p>
<p>40-110</p>	<p>N/A</p>	<p>This section establishes for general provisions applicable to entry for onsite sewage system installers.</p> <p>This section provides that an individual is prohibited from installing a conventional or alternative onsite sewage system without the requisite license issued by the Board.</p> <p>The section also provides that an individual cannot hold both a master and journeyman license installer license in the same class. The issuance of a master license in a class voids the journeyman license.</p> <p>The section further provides that an individual cannot hold both a conventional and alternative installer license, or conventional and</p>	<p>A subdivision is added to subsection D to clarify that a master alternative installer may supervise a journeyman conventional installer.</p> <p>Under the licensure scheme created by the Board, a master alternative installer is the highest class of license for installers. Under the current regulation, it was not clear whether a master alternative installer could supervise a journeyman in the conventional class.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>

		<p>alternative journeyman installer license. Issuance of a master alternative installer license voids a conventional installer license.</p> <p>Under the licensure scheme created by the Board, an alternative installer license is a higher class of license than a conventional installer license.</p> <p>The section further provides that a journeyman installer must work under the direct supervision of a licensed master installer with the appropriate class of license. A master installer is responsible for supervising the provision of onsite sewage system installations by a journeyman under the master’s direct supervision.</p> <p>The section also provides that experience used to qualify for licensure as an installer may not be verified by a journeyman installer.</p>	
N/A	40-115	N/A – No current requirements.	<p>This new section provides for whom may provide verification of experience for an applicant seeking licensure as an installer.</p> <p>Experience may be verified by a:</p> <ul style="list-style-type: none"> <li>• Master conventional or alternative onsite soil evaluator;</li> <li>• Master conventional or alternative onsite sewage system installer;</li> <li>• Master conventional or alternative onsite sewage system operator; or</li> <li>• Professional engineer.</li> </ul> <p>Experience gained outside of Virginia may be verified by individual with an equivalent credential to these licenses.</p> <p>The section incorporates provisions that are currently in sections -120, -130, -150, and -160.</p>



			Verification from an authorized onsite soil evaluator would no longer be accepted, as the credential is no longer valid.
40-120	N/A	<p>This section establishes the qualifications for journeyman conventional onsite sewage system installer licenses.</p> <p>An individual who is an employee, owner, director, or officer of a properly licensed contractor with the sewage disposal system (SDS) license specialty issued by the Virginia Board for Contractors may qualify for licensure with six (6) months of documented qualifying experience.</p> <p>An individual with no prerequisite may qualify for licensure with one (1) year of documented qualifying experience.</p> <p>Qualifying experience is full-time experience assisting with the installation of conventional or alternative onsite sewage systems.</p> <p>No education is required.</p> <p>No examination is required.</p> <p>The section provides for whom may verify required experience.</p>	<p>The section is revised to replace the reference to the SDS specialty with the conventional sewage disposal system contracting (CDS) or alternative sewage disposal system contracting (ADS) specialty.</p> <p>This change is made to comport the regulation with changes made to the Board for Contractors Regulations (18VAC50-22) that became effective on March 1, 2022.</p> <p>The provisions pertaining to required education are removed. Provisions for qualifying education to substitute for required experience are addressed in section -70.</p> <p>Provisions addressing whom may verify experience are removed. These provisions are relocated to new section -115.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-130	N/A	<p>This section establishes the qualifications for master conventional onsite sewage system installer licenses.</p> <p>An individual who is an employee, owner, director, or officer of a properly licensed contractor with the sewage disposal system (SDS) license specialty issued by the Virginia Board for Contractors may qualify for licensure with (i) 20 hours of</p>	<p>The qualifications table is revised to create a qualification for individuals with no prerequisite. Such an individual may qualify for licensure with five (5) years of documented qualifying experience and examination.</p> <p>The qualifications table is revised to clarify that an individual with an interim conventional or alternative installer license, or journeyman conventional or alternative installer license may qualify for licensure with three (3) years of documented qualifying experience.</p>

		<p>board-approved training covering the basics of installation of conventional or alternative onsite sewage systems; and (ii) one (1) year of documented qualifying experience.</p> <p>An individual who is an employee, owner, director, or officer of a properly licensed contractor with the sewage disposal system (SDS) license specialty issued by the Virginia Board for Contractors with no board-approved education may qualify for licensure with two (2) years of documented qualifying experience.</p> <p>An individual with an interim conventional onsite sewage system installer license or journeyman alternative onsite sewage system installer license may qualify for licensure with (i) 20 hours of board-approved training covering the basics of installation of conventional or alternative onsite sewage systems; and (ii) two (2) years of documented qualifying experience.</p> <p>An individual with an interim conventional onsite sewage system installer license or journeyman alternative onsite sewage system installer license with no board-approved education may qualify for licensure with three (3) years of documented qualifying experience.</p> <p>Qualifying experience is full-time experience installing conventional or alternative onsite sewage systems.</p> <p>An examination is required.</p>	<p>The section is revised to replace the reference to the SDS specialty with the conventional sewage disposal system contracting (CDS) or alternative sewage disposal system contracting (ADS) specialty.</p> <p>This change is made to comport the regulation with changes made to the Board for Contractors Regulations (18VAC50-22) that became effective on March 1, 2022.</p> <p>The provisions pertaining to required education are removed. Provisions for qualifying education to substitute for required experience are addressed in section -70. As a result of this change, rows #1 and #3 in the qualifications table are removed.</p> <p>Provisions addressing whom may verify experience are removed. These provisions are relocated to new section -115.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
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		<p>The section provides for whom may verify required experience.</p>	
<p>40-140</p>	<p>N/A</p>	<p>This section is reserved in the current regulation.</p> <p>There are no requirements.</p>	<p>The section is revised to create an exemption from examination as a master conventional onsite sewage system installer.</p> <p>An applicant seeking licensure as a master conventional onsite sewage system installer may be exempt from the license examination if the applicant meets the general requirements for licensure in -60; and provides acceptable documentation that the applicant has either:</p> <ul style="list-style-type: none"> <li>• Completed a minimum of 40 hours of Board-approved training, and been actively engaged in performing the duties of a conventional onsite sewage system installer for at least six (6) years; or</li> <li>• Been actively engaged in performing the duties of conventional onsite sewage system installer for at least 10 years.</li> </ul> <p>The section provides that qualifying experience may be verified by a:</p> <ul style="list-style-type: none"> <li>• Master conventional or alternative onsite soil evaluator;</li> <li>• Master conventional or alternative onsite sewage system installer;</li> <li>• Master or conventional onsite sewage system operator;</li> <li>• Professional engineer; or</li> <li>• Authorized onsite soil evaluator.</li> </ul> <p>Experience gained outside of Virginia may be verified by individual with an equivalent credential to these licenses.</p> <p>This change is made to allow for less stringent requirements for individuals who have been engaged in the profession as conventional installers for a long period of time to qualify as a master licensee without the need to take and pass the license examination.</p>

			<p>This provisions in this section are like the existing provisions in -200 for master onsite sewage system operator applicants.</p>
40-150	N/A	<p>This section establishes the qualifications for journeyman alternative onsite sewage system installer licenses.</p> <p>An individual who is an employee, owner, director, or officer of a properly licensed contractor with the sewage disposal system (SDS) license specialty issued by the Virginia Board for Contractors may qualify for licensure with one (1) year of documented qualifying experience.</p> <p>An individual with no prerequisite may qualify for licensure with two (2) years of documented qualifying experience.</p> <p>Qualifying experience is full-time experience assisting with the installation of alternative onsite sewage systems.</p> <p>No education is required.</p> <p>No examination is required.</p> <p>The section provides for whom may verify required experience.</p>	<p>The section is revised to replace the reference to the SDS specialty with the alternative sewage disposal system contracting (ADS) specialty.</p> <p>This change is made to comport the regulation with changes made to the Board for Contractors Regulations (18VAC50-22) that became effective on March 1, 2022.</p> <p>The provisions pertaining to required education are removed. Provisions for qualifying education to substitute for required experience are addressed in section -70.</p> <p>Provisions addressing whom may verify experience are removed. These provisions are relocated to new section -115.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-160	N/A	<p>This section establishes the qualifications for master alternative onsite sewage system installer licenses.</p> <p>An individual who is an employee, owner, director, or officer of a properly licensed contractor with the sewage disposal system (SDS) license specialty issued by the Virginia Board for Contractors with no board-approved education may</p>	<p>The qualifications table is revised to create a qualification for individuals with no prerequisite and no Board-approved education. Such an individual may qualify for licensure with five (5) years of documented qualifying experience and examination.</p> <p>The qualifications table is revised to clarify that an individual with (i) an interim alternative installer license, (ii) a master conventional installer license; or (iii) journeyman alternative installer license</p>

		<p>qualify for licensure with two (2) years of documented qualifying experience.</p> <p>An individual who is an employee, owner, director, or officer of a properly licensed contractor with the sewage disposal system (SDS) license specialty issued by the Virginia Board for Contractors may qualify for licensure with (i) 20 hours of board-approved training covering the basics of installation of alternative onsite sewage systems; and (ii) 18 months of documented qualifying experience.</p> <p>An individual with no prerequisite may qualify for licensure with (i) 20 hours of board-approved training covering the basics of installation of alternative onsite sewage systems; and (ii) three (3) years of documented qualifying experience.</p> <p>An individual with an interim alternative onsite sewage system installer license or conventional onsite sewage system installer license with no board-approved education may qualify for licensure with 18 months of documented qualifying experience.</p> <p>Qualifying experience is full-time experience installing alternative onsite sewage systems.</p> <p>An examination is required.</p> <p>The section provides for whom may verify required experience.</p>	<p>may qualify for licensure with 18 months of documented qualifying experience.</p> <p>The section is revised to replace the reference to the SDS specialty with the alternative sewage disposal system contracting (ADS) specialty.</p> <p>This change is made to comport the regulation with changes made to the Board for Contractors Regulations (18VAC50-22) that became effective on March 1, 2022.</p> <p>The provisions pertaining to required education are removed. Provisions for qualifying education to substitute for required experience are addressed in section -70. As a result of this change, rows #2 and #3 in the qualifications table are removed.</p> <p>Provisions addressing whom may verify experience are removed. These provisions are relocated to new section - 115.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-170	N/A	<p>This section establishes for general provisions applicable to entry for onsite sewage system operators.</p>	<p>Subsection A is revised to clarify that an individual is prohibited from operating and maintaining an onsite sewage system without a license in the</p>

		<p>This section provides that an individual is prohibited from operating a conventional or alternative onsite sewage system without the requisite license issued by the Board.</p> <p>The section also provides that an individual cannot hold both a master and journeyman license operator license in the same class. The issuance of a master license in a class voids the journeyman license.</p> <p>The section further provides that an individual cannot hold both a conventional and alternative master operator license, or conventional and alternative journeyman installer license. Issuance of a master alternative operator license voids a conventional operator license.</p> <p>Under the licensure scheme created by the Board, an alternative operator license is a higher class of license than a conventional operator license.</p> <p>The section further provides that a journeyman operator must work under the direct supervision of a licensed master operator with the appropriate class of license. A master operator is responsible for supervising the operation of the onsite sewage system by a journeyman under the master's responsibility.</p> <p>The section also provides that experience used to qualify for licensure as an operator may not be verified by a journeyman operator.</p> <p>The section further prohibits an individual from acting as</p>	<p>appropriate class. Similarly, subsection D is revised to clarify that a master operator is responsible for supervising the operation and maintenance of the onsite sewage system by a journeyman under the master's responsibility.</p> <p>Under the regulation, the regulated activity for licensed operators includes both the operation and the maintenance of onsite sewage systems.</p> <p>A subdivision is added to subsection D to clarify that a master alternative operator may supervise a journeyman conventional operator.</p> <p>Under the licensure scheme created by the Board, a master alternative operator is the highest class of license for operators. Under the current regulation, it was not clear whether a master alternative operator could supervise a journeyman in the conventional class.</p> <p>Subsection F is revised to provide that an alternative onsite sewage system that exceeds 10,000 gallons per day design flow must have its operation and maintenance performed by either (i) an individual who is licensed as an alternative onsite sewage system operator and a Class 4 or higher wastewater works operator; or (ii) an individual who is licensed as an alternative onsite sewage system operator, and an individual who is licensed as a Class 4 or higher wastewater works operator, who are working together pursuant to an employment relationship, contract, or other written agreement.</p> <p>The change incorporates previous Board <a href="#">guidance</a>. This change is made to make the existing requirement less burdensome. According to the Board's license records, there are fewer than 50 individuals who hold both a wastewater works operator license (of any class) and an alternative onsite sewage system operator license. Allowing for two individuals who are properly licensed to operate such systems provides for flexibility for the owners of such systems,</p>
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		<p>an alternative operator of an alternative onsite sewage system that exceeds 10,000 gallons per day design flow without also possessing a Class 4 or higher wastewater works operator license, in addition to an alternative onsite sewage system operator license.</p>	<p>while still protecting 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>
N/A	40-175	N/A – No current requirements.	<p>This new section provides for whom may provide verification of experience for an applicant seeking licensure as an operator.</p> <p>Experience may be verified by a:</p> <ul style="list-style-type: none"> <li>• Master conventional or alternative onsite soil evaluator;</li> <li>• Master conventional or alternative onsite sewage system operator;</li> <li>• Master conventional or alternative onsite sewage system installer; or</li> <li>• Professional engineer.</li> </ul> <p>Experience gained outside of Virginia may be verified by individual with an equivalent credential to these licenses.</p> <p>The section incorporates provisions that are currently in sections -180, -190, -210, and -220.</p> <p>Verification from an authorized onsite soil evaluator would no longer be accepted, as the credential is no longer valid.</p>
40-180	N/A	<p>This section establishes the qualifications for journeyman conventional onsite sewage system operator licenses.</p> <p>An individual may qualify for licensure with six (6) months of documented qualifying experience.</p> <p>Qualifying experience is full-time experience assisting with the operation and maintenance of conventional or alternative onsite sewage systems.</p>	<p>The provisions pertaining to required education are removed. Provisions for qualifying education to substitute for required experience are addressed in section -70.</p> <p>Provisions addressing whom may verify experience are removed. These provisions are relocated to new section -175.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. A minor correction is made.</p>

		<p>No education is required.</p> <p>No examination is required.</p> <p>The section provides for whom may verify required experience.</p>	
40-190	N/A	<p>This section establishes the qualifications for master conventional onsite sewage system operator licenses.</p> <p>An individual with a wastewater works operator license may qualify for licensure without required education or experience.</p> <p>An individual with no prerequisite may qualify for licensure with (i) 10 hours of Board-approved education covering the basics of operation and maintenance of conventional onsite sewage systems; and (ii) six (6) months of documented qualifying experience.</p> <p>An individual with no prerequisite and no Board-approved education may qualify for licensure with one (1) year of documented qualifying experience.</p> <p>Qualifying experience is full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems.</p> <p>An examination is required.</p> <p>The section provides for whom may verify required experience.</p>	<p>The qualifications table is revised to create a qualification for individuals with (i) an interim alternative onsite sewage system operator, (ii) master conventional onsite sewage system installer; or (iii) journeyman alternative onsite sewage system operator license. Such individuals may qualify for licensure with six (6) months of documented qualifying experience and examination.</p> <p>The provisions pertaining to required education are removed. Provisions for qualifying education to substitute for required experience are addressed in section -70. As a result of this change, row #2 in the qualifications table is removed.</p> <p>Provisions addressing whom may verify experience are removed. These provisions are relocated to new section -175.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-200	N/A	<p>The section provides for exemption from examination for a master conventional onsite sewage system operator license.</p>	<p>The section is revised to allow for experience to verified by a master conventional or alternative onsite sewage installer.</p>



		<p>An applicant seeking licensure as a master conventional onsite sewage system operator may be exempt from the license examination if the applicant meets the general requirements for licensure in -60; and provides acceptable documentation that the applicant has been actively engaged in performing the duties of conventional onsite sewage system operator for at least four (4) years.</p> <p>The section provides that qualifying experience may be verified by a:</p> <ul style="list-style-type: none"> <li>• Master conventional or alternative onsite soil evaluator;</li> <li>• Master or conventional onsite sewage system operator;</li> <li>• Professional engineer; or</li> <li>• Authorized onsite soil evaluator.</li> </ul>	<p>The section is also revised to provide that experience gained outside of Virginia may be verified by individual with an equivalent credential to the licenses specified in the section.</p> <p>A minor change is made for purposes of style.</p>
40-210	N/A	<p>This section establishes the qualifications for journeyman alternative onsite sewage system operator licenses.</p> <p>An individual with no prerequisite may qualify for licensure with (i) 20 hours of Board-approved education covering the basics of operation and maintenance of alternative onsite sewage systems; and (ii) one (1) year of documented qualifying experience.</p> <p>An individual with no prerequisite and no Board-approved education may qualify for licensure with two (2) years of documented qualifying experience.</p>	<p>The provisions pertaining to required education are removed. Provisions for qualifying education to substitute for required experience are addressed in section -70. As a result of this change, row #1 in the qualifications table is removed.</p> <p>Provisions addressing whom may verify experience are removed. These provisions are relocated to new section -175.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>

		<p>Qualifying experience is full-time experience assisting with the operation and maintenance of alternative onsite sewage systems.</p> <p>No examination is required.</p> <p>The section provides for whom may verify required experience.</p>	
40-220	N/A	<p>This section establishes the qualifications for master alternative onsite sewage system operator licenses.</p> <p>An individual who holds or has held a conventional operator license may qualify for licensure with (i) 10 hours of Board-approved education covering the basics of operation and maintenance of alternative onsite sewage systems; and (ii) one (1) year of documented qualifying experience.</p> <p>An individual who holds or has held a conventional operator license with no Board-approved education may qualify for licensure with 18 months of documented qualifying experience.</p> <p>An individual with no prerequisite may qualify for licensure with (i) 20 hours of Board-approved education covering the basics of operation and maintenance of alternative onsite sewage systems; and (ii) two (2) years of documented qualifying experience.</p> <p>An individual with a wastewater works operator license and no Board-approved education may qualify for licensure with six (6) months of documented qualifying experience.</p>	<p>The qualifications table is revised to remove the provision that an individual with no prerequisite may qualify for licensure with (i) 20 hours of Board-approved education covering the basics of operation and maintenance of alternative onsite sewage systems; and (ii) two (2) years of documented qualifying experience. Individuals covered by this provision may be able to qualify for licensure sooner by obtaining an interim alternative operator license.</p> <p>The qualifications table is revised to provide that an individual with (i) an interim alternative operator license, or (ii) a master conventional operator license may qualify for licensure with 18 months of documented qualifying experience.</p> <p>The qualifications table is also revised to clarify that applicable experience is in the operation and maintenance of alternative onsite sewage systems.</p> <p>The provisions pertaining to required education are removed. Provisions for qualifying education to substitute for required experience are addressed in section -70. As a result of this change, rows #1, #3, and #5 in the qualifications table are removed.</p> <p>Provisions addressing whom may verify experience are removed. These provisions are relocated to new section -175.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>

		<p>An individual with a wastewater works operator license and no additional experience may qualify for licensure with 20 hours of Board-approved education covering the basics of operation and maintenance of alternative onsite sewage systems.</p> <p>Qualifying experience is full-time experience in the operation and maintenance of onsite sewage systems.</p> <p>An examination is required.</p> <p>The section provides for whom may verify required experience.</p>	
40-230	N/A	<p>This section establishes for general provisions applicable to entry for onsite soil evaluators.</p> <p>This section provides that an individual is prohibited from performing the duties of an onsite soil evaluator without the requisite license issued by the Board.</p> <p>The section also provides that an individual cannot hold both a master and journeyman soil evaluator license in the same class. The issuance of a master license in a class voids the journeyman license.</p> <p>The section further provides that an individual cannot hold both a conventional and alternative master soil evaluator license, or conventional and alternative journeyman soil evaluator license. Issuance of a master alternative soil evaluator license voids a conventional soil evaluator license.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>

		<p>Under the licensure scheme created by the Board, an alternative soil evaluator license is a higher class of license than a conventional soil evaluator license.</p> <p>The section further provides that a journeyman soil evaluator must work under the direct supervision of a licensed master soil evaluator with the appropriate class of license. A master operator of an equal or greater class is responsible for supervising the provision of onsite soil evaluations and designs by a under the master’s responsibility.</p> <p>The section also provides that experience used to qualify for licensure as a soil evaluator may not be verified by a journeyman soil evaluator.</p>	
N/A	40-235	N/A – No current requirements.	<p>This new section provides for whom may provide verification of experience for an applicant seeking licensure as a soil evaluator.</p> <p>Experience may be verified by a:</p> <ul style="list-style-type: none"> <li>• Master conventional or alternative onsite soil evaluator; or</li> <li>• Professional engineer.</li> </ul> <p>Experience gained outside of Virginia may be verified by individual with an equivalent credential to these licenses.</p> <p>The section incorporates provisions that are currently in sections -240, -250, -260, and -270.</p> <p>Verification from an authorized onsite soil evaluator would no longer be accepted, as the credential is no longer valid.</p>
40-240	N/A	This section establishes the qualifications for journeyman conventional onsite sewage soil evaluator licenses.	Provisions addressing whom may verify experience are removed. These provisions are relocated to new section - 235.

		<p>An individual licensed as Virginia professional soil scientist may qualify for licensure with no required education or documented qualifying experience.</p> <p>An individual with no prerequisite and no Board-approved education may qualify for licensure with one and one-half (1.5) years of documented qualifying experience.</p> <p>An individual with no prerequisite, but who has completed a VDH onsite sewage system training program may qualify for licensure with one (1) year of documented qualifying experience.</p> <p>Qualifying experience is full-time experience assisting in the evaluation of site and soil conditions and design of conventional onsite sewage systems.</p> <p>No examination is required.</p> <p>The section provides for whom may verify required experience.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. A minor correction is made.</p>
40-250	N/A	<p>This section establishes the qualifications for master conventional onsite sewage soil evaluator licenses.</p> <p>An individual with no prerequisite and with a master’s degree or bachelor’s degree may qualify for licensure with two (2) years of documented qualifying experience.</p> <p>An individual with no prerequisite and with an associate’s degree may qualify for licensure with three (3) years of</p>	<p>Provisions addressing whom may verify experience are removed. These provisions are relocated to new section - 235.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Minor corrections are made.</p>

		<p>documented qualifying experience.</p> <p>An individual with no prerequisite, but who has completed a VDH onsite sewage system training program may qualify for licensure with two (2) years of documented qualifying experience.</p> <p>An individual licensed as journeyman conventional soil evaluator or interim conventional soil evaluator may qualify for licensure with no required education and three (3) years of documented qualifying experience.</p> <p>An individual licensed as Virginia professional soil scientist may qualify for licensure with no required education and one (1) year of documented qualifying experience.</p> <p>An individual with no prerequisite and no Board-approved education may qualify for licensure with one and one-half (1.5) years of documented qualifying experience.</p> <p>Qualifying experience is full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems.</p> <p>An examination is required.</p> <p>The section provides for whom may verify required experience.</p>	
50-260	N/A	This section establishes the qualifications for journeyman alternative onsite sewage soil evaluator licenses.	The qualifications table is revised to create a qualification for individuals with no prerequisite, but who have completed a VDH onsite sewage system training program. Such individuals may qualify for

		<p>An individual licensed as Virginia professional soil scientist may qualify for licensure with no required education and one (1) year of documented qualifying experience.</p> <p>An individual holds or held a valid interim alternative onsite soil evaluator license or a conventional onsite soil evaluator license may qualify for licensure with no required education and one (1) year of documented qualifying experience.</p> <p>An individual credentialed as an authorized onsite soil evaluator may qualify for licensure with no required education and one (1) year of documented qualifying experience.</p> <p>An individual with no prerequisite and no Board-approved education may qualify for licensure with two (2) years of documented qualifying experience.</p> <p>Qualifying experience is full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems.</p> <p>No examination is required.</p> <p>The section provides for whom may verify required experience.</p>	<p>licensure with one (1) year of documented qualifying experience.</p> <p>The qualifications table is revised to clarify that an individual with (i) an interim alternative onsite soil evaluator license, or (ii) a master conventional onsite soil evaluator license may qualify for licensure with one year of documented qualifying experience.</p> <p>Provisions addressing whom may verify experience are removed. These provisions are relocated to new section - 235.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Minor corrections are made.</p>
40-270	N/A	<p>This section establishes the qualifications for master alternative onsite sewage soil evaluator licenses.</p> <p>An individual with no prerequisite and with a master’s degree or bachelor’s degree may qualify for licensure with two</p>	<p>The qualifications table is revised to create a qualification for individuals with no prerequisite, but who have completed a VDH onsite sewage system training program. Such individuals may qualify for licensure with three (3) years of documented qualifying experience.</p> <p>The qualifications table is revised to clarify that an individual who held or</p>

		<p>(2) years of documented qualifying experience.</p> <p>An individual with no prerequisite and with an associate's degree may qualify for licensure with three (3) years of documented qualifying experience.</p> <p>An individual who held or holds (i) a conventional onsite soil evaluator license; (ii) an interim alternative onsite soil evaluator license; (iii) journeyman alternative onsite soil evaluator license; or (iv) authorized onsite soil evaluator license may qualify for licensure with no required education and two (2) years of documented qualifying experience.</p> <p>An individual with no prerequisite and no Board-approved education may qualify for licensure with one and four (4) years of documented qualifying experience.</p> <p>An individual licensed as Virginia professional soil scientist may qualify for licensure with no required education and two (2) years of documented qualifying experience.</p> <p>Qualifying experience is full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems.</p> <p>An examination is required.</p> <p>The section provides for whom may verify required experience.</p>	<p>holds a master conventional onsite soil evaluator license may qualify for licensure with two years of documented qualifying experience.</p> <p>Provisions addressing whom may verify experience are removed. These provisions are relocated to new section - 235.</p> <p>Minor stylistic changes are made to replace the word "shall" with "must" or "will" where appropriate. A minor correction is made.</p>
40-275	N/A	This section provides that authorized onsite soil evaluators who hold no other	This section is repealed as it is no longer necessary.



		<p>license listed in the regulation as qualified to verify experience may only verify experience obtained before July 1, 2009.</p>	
<p>40-280</p>	<p>N/A</p>	<p>This section establishes requirements for degree programs that may be used to qualify for licensure.</p> <p>The section provides that applicants seeking to qualify for licensure based on completion of a master’s, bachelor’s, or associate’s degree must submit an official transcript from the school where the degree was obtained.</p> <p>The Board will accept degrees from an accredited college or university that is approved or accredited by (i) the Commission on Colleges of the Southern Association of Colleges and Schools; (ii) a regional or national accreditation association; or (iii) by accrediting agency recognized by the U.S. Secretary of Education.</p> <p>The Board will accept degrees as follows:</p> <ul style="list-style-type: none"> <li>• Bachelor’s or master’s degree in (i) soil science; (ii) biology; (iii) chemistry; (iv) engineering; (v) environmental science; (vi) geology; (vii) agronomy; (viii) earth science; or (ix) environmental health.</li> <li>• Associate’s degree in (i) wastewater works; (ii) environmental science; or (iii) engineering technology.</li> <li>• Bachelor’s degree in a related physical, biological, environmental, or chemical science that</li> </ul>	<p>The subdivisions in subsection A are revised. The provisions of subdivision #2 are merged with subdivision #1. Subdivision #1 is revised to include the acceptable associate’s degrees.</p> <p>Subdivision #1 is revised to include the additional discipline of “applied sciences.”</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Other minor changes are made for style.</p>

		<p>includes a minimum of 40 semester credit hours in any combination of science and math.</p> <p>The section further provides that an applicant who has earned a degree from an institution outside of the U.S. must have the degree authenticated and evaluated by an education credential evaluation service. The Board reserves the right to reject any evaluation submitted by an applicant.</p>	
40-290	N/A	<p>This section provides for the expiration of licenses and procedures for renewal of licenses.</p> <p>The section provides that licenses will expire two years of the last day of the month in which the license was issued.</p> <p>The section provides that prior to the expiration date of the license, the Board will mail a renewal notice to the licensee's address of record. The licensee must return the renewal notice along with the applicable renewal fee.</p> <p>A licensee's failure to receive the renewal notice does not relieve the licensee of the obligation to renew. In such instance, a licensee may submit a copy of the license with the required fee as an application for renewal.</p> <p>The section further provides that by submitted the renewal fee, the licensee is certifying continued compliance with the Standards of Practice and Conduct (Part IX of the regulation). In addition, submission of the renewal fee constitutes the licensee's</p>	<p>The provisions in subsections B and C pertaining to renewal procedures are relocated to a new section -295.</p> <p>The caption of the section is changed to "Renewal required."</p> <p>These changes are made to make the regulation consistent with other DPOR regulations.</p> <p>Minor stylistic changes are made to replace the word "shall" with "must" or "will" where appropriate.</p>

		certification that the licensee has complied with the continuing education requirements of the regulation.	
N/A	40-295	N/A – No current requirements.	<p>This new section provides for the procedures for renewal of licenses.</p> <p>Subsection A provides for the requirement that the Board will mail a renewal notice to the licensee’s address of record prior to the expiration date of the license.</p> <p>Subsection B provides that prior to the expiration date of the license, a licensee desiring to renew a license must return the renewal notice and applicable renewal fee.</p> <p>Subsection C provides that a licensee’s failure to receive the renewal notice does not relieve the licensee of the obligation to renew. In such instance, a licensee may submit a copy of the license with the required fee as an application for renewal.</p> <p>Subsection D provides that by submitting the renewal fee, the licensee is affirming the licensee has met the continuing professional education requirements in the regulation and is continued compliance with the regulation.</p> <p>The requirements in this new section are substantially the same as the provisions in subsections B and C of -290 that are being removed. Some language has been revised to make the requirements clearer.</p>
40-300	N/A	<p>This section provides for the requirements for reinstatement of expired license.</p> <p>The section provides that if the requirements for renewal of a license are not completed within 30 days of the license expiration date, a reinstatement fee will be due.</p>	<p>The section is revised to provide that a licensee who fails to renew within 30 days of the license expiration date must reinstate the license.</p> <p>A licensee may reinstate the license by submitting a reinstatement application consisting of (i) payment of the reinstatement fee; and (ii) proof of completing required CPE.</p> <p>This change is made to ensure that individuals who have failed to renew a</p>

		<p>The section provides that a license may reinstated for up to one year following the expiration date. A licensee that fails to reinstate within this period must apply for a new license and meet the current entry requirements in effect at the time application is made. Such individual will be deemed eligible to sit for the license examination for the same profession (installer, operator, or soil evaluator), class (conventional or alternative) and category (journeyman or master) as the expired license if an examination is applicable.</p> <p>The section further provides, that by submitting a reinstatement fee, the licensee is certifying continued compliance with the Standards of Practice and Conduct (Part IX of the regulation). In addition, submission of the renewal fee constitutes the licensee's certification that the licensee has complied with the continuing education requirements of the regulation.</p> <p>The section also provides that any regulated activity conducted subsequent to the license expiration date may constitute unlicensed activity subject to prosecution under applicable statute.</p>	<p>license have completed required CPE before the license can be renewed.</p> <p>The provisions regarding failure to reinstate are revised to clarify that after one year, the license will not be reinstated under any circumstances and that the individual must apply as a new applicant and meet entry requirements current at the time of application.</p> <p>The existing provision regarding eligibility to sit for the license examination is removed. This provision is no longer necessary because of the proposed change in -80 that allows for examination scores to be valid for 10 years.</p> <p>The provisions of subsection D are removed and relocated to section -310.</p> <p>Minor stylistic changes are made to replace the word "shall" with "must" or "will" where appropriate. Other changes are made for clarity or style.</p>
40-310	N/A	<p>This section provides for the status of a license during the period prior to reinstatement.</p> <p>The section provides that a licensee who applies for reinstatement will be subject to all laws and regulations as if the regulant had been continuously licensed. The licensee remains under the</p>	<p>The section is revised into subsections.</p> <p>Subsection A provides for the current requirement regarding a regulant being subject to the Board's jurisdiction. This subsection is 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</p>

		<p>jurisdiction of the Board and subject to its disciplinary authority during the entire period.</p>	<p>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 for reinstatement, will be treated as if continuously licensed. An individual who applies for reinstatement, has not met all requirements for reinstatement is still an unlicensed individual and outside the Board’s regulatory authority.</p> <p>Subsection B contains the current requirement of subsection D of section - 300 that provides that any regulated activity conducted subsequent to expiration of the license may constitute unlicensed activity and be subject to prosecution under applicable statute.</p> <p>These changes are made to make the regulation similar to other DPOR regulations.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-320	N/A	<p>This section provides for the Board’s authority to deny renewal or reinstatement of a license.</p> <p>The section provides the Board may deny renewal or reinstatement of a license for the same reasons it may refuse initial licensure or discipline a licensee.</p> <p>The licensee has the right to review of such action in accordance with the APA.</p> <p>The section also provides that the Board may deny renewal or reinstatement of a license if the licensee has been subject to a disciplinary proceeding by the Board and (i) has not met the terms of an agreement for licensure, (ii) has not satisfied all sanctions; or (iii) has not fully</p>	<p>A minor change is made for the purposes of clarity.</p>

		<p>paid monetary penalties or costs imposed by the Board.</p>	
<p>40-330</p>	<p>N/A</p>	<p>This section provides for continuing education requirements for licensees to renew a license.</p> <p>A licensee must complete a minimum number of CPE contact hours during each renewal cycle (the two-year period for which a license is valid).</p> <p>Individuals who hold master licenses in the alternative class (installers, operators, and soil evaluators) must complete 16 contact hours of CPE.</p> <p>Individuals who hold a master conventional soil evaluator or installer licenses must complete 12 contact hours of CPE.</p> <p>Individuals who hold a master conventional operator, or who hold journeyman licenses in the alternative class (installers, operators, and soil evaluators) must complete eight (8) contact hours of CPE.</p> <p>Individuals who hold a journeyman license in the conventional class (installers, operators, and soil evaluators) must complete four (4) contact hours of CPE.</p> <p>The section also provides that CPE courses completed during the license period prior to the expiration date of the licensee will be acceptable to renew the license. CPE courses completed during a license renewal cycle to satisfy requirements for the</p>	<p>Subsection A is revised to make the subsection clearer and consistent with the equivalent provision in the Waterworks and Wastewater Works Operators Licensing Regulations (18VAC160-30).</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>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Other changes are made for the purposes of clarity or style.</p>

		<p>preceding cycle are valid only for that preceding cycle and cannot be accepted for a subsequent renewal.</p> <p>The section also provides that a licensee will not receive credit for completing the same CPE course with the same content more than once during a license period.</p> <p>The section provides that a licensee may receive CPE credit for teaching a course that meets the requirement of the regulation, but additional credit will not be given for subsequent offering of a course or activity with the same content within the same licensing cycle.</p> <p>A licensee may also receive two (2) hours of CPE no more than once during a single licensing cycle for the initial development or substantial updating of a CPE course.</p> <p>The section also provides that safety subjects will not count for more than one half of total required CPE hours.</p> <p>The section further provides that CPE requirements do not apply to the renewal of licenses that were held for less than two years on the date of expiration.</p>	
40-340	N/A	<p>This section outlines the course topics that are acceptable for CPE credit for renewal of onsite sewage system installer licenses.</p>	<p>The section is revised to add "electrical principles" to the list of acceptable topics.</p> <p>Provisions pertaining to the topic of "management and supervision principles" in subdivision #8 are removed and placed in a new section -365.</p>
40-350	N/A	<p>This section outlines the course topics that are acceptable for CPE credit for renewal of onsite sewage system operator licenses.</p>	<p>The section is revised to add "electrical principles" to the list of acceptable topics.</p> <p>Provisions pertaining to the topic of "management and supervision principles"</p>

			in subdivision #8 are removed and placed in a new section -365.
40-360	N/A	This section outlines the course topics that are acceptable for CPE credit for renewal of onsite soil evaluator licenses.	Provisions pertaining to the topic of “management and supervision principles” in subdivision #9 are removed and placed in a new section -365.
N/A	40-365	N/A – No current requirements.	This new section contains provisions for CPE courses related to “management and supervision principles.”  In addition to the approved topics detailed on -340, -350, and -360, a master licensee may receive a maximum credit of four (4) contact hours of CPE for completion of training in management and supervision principles.
40-370	N/A	This section provides for the use of training credits or formal education as a substitute for CPE contact hours.  The section provides that any course approved by the Board for substitution of experience requirements or formal education semester hours to qualify for licensure as an onsite soil evaluator will be acceptable on an hour-for-hour basis for CPE contact hours. The training credits or formal education must be applicable to the license for which CPE credit is sought.	Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Other changes are made for the purposes of clarity or style.
40-380	N/A	This section provides for recordkeeping requirements for licensees pertaining to CPE.  A licensee must maintain evidence of completion of CPE for two (2) years following the end of the license cycle for which the CPE was taken.  Evidence of CPE must include:	Subsection A is revised to clarify that a licensee must maintain evidence of satisfactory completion of CPE for at least two years following the end of the license cycle for which the CPE was taken; and that such documentation must be provided to the Board or its agent upon request.  The provision in subdivision A 1 requiring a licensee to maintain evidence of completing a “structured training activity” is removed, as the definition of “contact hour” in section -10 includes this term as part of the definition.



		<ul style="list-style-type: none"> <li>• Evidence of completion of a structured training activity, which includes the name, address, and telephone number of the sponsor;</li> <li>• The dates the licensee participated in 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>The section also provides the Board may conduct an audit of a licensee to ensure compliance with CPE requirements. Licensees selected for an audit must provide the documentation required to maintained.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Other changes are made for the purposes of clarity or style.</p>
N/A	40-385	N/A – No current requirements.	<p>This new section provides for the general requirements applicable to Board-approved training courses that may be used to substitute for required experience to qualify an applicant for licensure.</p> <p>The section provides that training courses approved by the Board may be substituted for experience, and such courses must be approved by the Board.</p> <p>Training courses may be delivered using distance, virtual, or online education technology.</p> <p>Training courses may be approved retroactively, but no applicant will receive credit for a training course until approval is granted by the Board.</p> <p>The current provisions of subdivision A 2 of section -70 pertaining to the awarding of credit are relocated to this new section. Up to one training credit will be awarded for each 10 hours of classroom contact time or each 20 hours of laboratory exercises and field trip contact time. Credit will not be earned for breaks, meals, or receptions.</p>

			<p>A training credit is equivalent to one month of experience.</p> <p>The section further provides that training courses that meet the requirements of section -430 may be accepted for substitution of experience without approval by the Board.</p>
40-390	N/A	<p>This section provides for the approval of training courses that may be used to substitute for required experience to qualify an applicant for licensure.</p> <p>The section provides that training courses may be substituted for experience.</p> <p>With exception to those training courses provided for in section -430, such training courses must be approved by the Board prior to commencing.</p> <p>The section 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>The section provides for standards 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</li> </ul>	<p>The section is significantly revised. Current provisions are removed and replaced with new provisions pertaining to application requirements.</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>• Fees for training course and materials;</li> <li>• A description of the means that will be used to assess the learning of each participant and successful completion of the course, such as examinations, projects, personal evaluations by instructor, or other recognized evaluation techniques.</li> </ul>

		<p>authority to administer and coordinate the training course.</p> <ul style="list-style-type: none"> <li>• The training provider must maintain records for all participants for a minimum of seven (7) years; and must have a written policy on retention and release of records.</li> <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>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>
40-400	N/A	<p>This section provides for the requirements for a training course application.</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> </ul>	<p>This section is repealed.</p> <p>Certain requirements pertaining to application for training course approval are moved to section -390.</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</p>

		<ul style="list-style-type: none"> <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> <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</li> </ul>	<p>other DPOR regulations that have Board-approved education provisions.</p>
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		<p>by the course provider or available exclusively through the course.</p> <ul style="list-style-type: none"> <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 generated audiovisual material that will be used.</li> <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 provides requirements for recurring training programs.</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</p>	
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		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.	
N/A	40-405	N/A – No current requirements.	<p>This new section provides that a training provider must provide each course participant with a certificate of training course completion or other documentation the participant may use as proof of completion.</p> <p>Documentation must contain the hours completed; date of training; and training course identification number assigned by the Board.</p> <p>This new section compliments 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>
40-410	N/A	<p>This section provides for requirements for approved training course providers to maintain the approved training course.</p> <p>The section provides that the Board may require course providers to provide evidence, in a form set by the Board, that the provider continues to comply with training course approval requirements in the regulation.</p> <p>A training provider's failure to continue to comply with the</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 section provides that a training provider must establish and maintain a record for each training course participant. The record must include the (i) participant's name and address, (ii) course name and hours attended, (iii) course syllabus or outline, (iv) names of instructors; (v) date of successful completion; and (vi) Board-approved training course identification number.</p>

		<p>Board’s requirements or respond to a request from the Board may result in the Board withdrawing its approval.</p> <p>The section provides that a training provider must report any substantial modification or change to the information it provided to the Board regarding the training course within 30 days of the change. Failure to report a change may result in the Board withdrawing its approval.</p> <p>A training provider must report any change of address within 30 days of the change.</p> <p>The section provides the Board may conduct an audit of the training provider to ensure compliance with the regulation.</p>	<p>The section also provides that records must be available for inspection during normal business hours by authorized representatives of the Board.</p> <p>Training providers are required to maintain records for a minimum of five (5) years.</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>
N/A	40-415	N/A – No current requirements.	<p>This new section provides that any change in the information provided to the Board with the training course approval application must be reported to the Board within 30 days of the change. This is substantially the same requirement as the current requirements in -410.B and -410.C.</p> <p>Any change in information that is submitted will be reviewed to ensure compliance with the provisions of the regulation.</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>
40-420	N/A	This section provides for the grounds for withdrawal of Board approval of a provider.	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>The Board may withdraw approval for the following reasons:</p> <ul style="list-style-type: none"> <li>• The course being offered no longer meets the standards established by the Board;</li> <li>• The provider advertises its services in a fraudulent or deceptive way;</li> <li>• The provider, instructor, or designee of the provider falsifies any information relating to the application for approval, course information, or student records; and</li> <li>• The provider fails to respond to the Board or its agents.</li> </ul>	<p>Subdivision #3 is revised to include the providing of false information by the training program contact person as a basis for withdrawal.</p> <p>The section is revised to provide that a change to the training course which results in non-compliance with the regulation as a basis for withdrawal. This is substantially the same requirement currently in -410.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 -415 is a basis for withdrawal. This is substantially the same requirement in -410.B.</p> <p>Other changes are made for purposes of clarity or style.</p>
N/A	40-425	N/A – No current requirements.	This new section provides that the Board may conduct an audit of any Board-approved training course provider to ensure continued compliance with the regulation. This is the current requirement in -410.D.
40-430	N/A	<p>This section provides for training courses offered by certain entities which are not required to receive approval from the Board.</p> <p>Training courses that are provided by (i) federal, state, or local government agencies; (ii) accredited colleges or universities approved by the Commission of the Southern Association of Colleges and Schools; (iii) a regional or national accreditation association; or (iv) an accrediting agency that is recognized by the U.S. Secretary of Education do not require approval from the Board to be used for experience substitution.</p> <p>The course information submitted to the Board must include the (i) continuing</p>	<p>The section caption is revised to reflect “Acceptance of training courses offered by certain entities.”</p> <p>The section is revised to clarify that training courses offered by the entities described in subsection A will be accepted for experience substitution.</p>



		<p>education hours awarded by the entity; and (ii) course’s relationship to the profession, category, or class of license for which experience substitution is sought.</p> <p>The section provides the Board may require additional information from the provider as needed to ensure compliance with the requirements of the section. If such assurance cannot be made by the Board, the training course may not be used for experience substitution, or the provider may pursue approval from the Board.</p>	
40-440	N/A	<p>This section outlines the Board’s authority to impose regulatory discipline against a licensee.</p> <p>The section 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 the Board’s regulations, or the Board’s enabling statute.</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>Under the applicable section of the code, the Board may place a regulant on probation for just causes as enumerated in the Board’s regulations. Conditions of probation may include successful completion of remedial education or examination.</p>
40-450	N/A	<p>This section provides for the Board’s standards for maintaining licenses.</p> <p>The section provides that a license is not permitted to be assigned or transferred.</p> <p>The section also provides that a licensee must report, in writing, all changes of the address of record and name to the Board within 30 days of the change.</p>	<p>The requirements in subsection B are reorganized into two subsections.</p> <p>Subsection B is revised to require that any change in the licensee’s legal name must be reported to the Board in writing within 30 days of the change. The licensee must provide acceptable documentation that verifies the name change.</p> <p>Subsection C is revised to provide that any change of address, to include any change of physical address, must be reported to the Board within 30 days of the change. The Board is not responsible for the licensee’s failure to receive</p>

		<p>The section provides that a physical address is required for each license.</p> <p>A licensee reporting a name or address change must return the license to the Board.</p> <p>If the licensee holds more than one license, the licensee must inform the Board of all licenses, certificates, and registrations affected by the name or address change.</p> <p>The section provides that the Board is not responsible for the licensee's failure to receive notices and correspondence due to a failure to report a name or address change.</p> <p>The section further provides that any change in the requirements and qualifications for licensure found in Part II, Part III, or Part IV of the regulation must be reported within 30 days of the change.</p>	<p>notices, communications, and correspondence caused by the licensee's failure to report a change of address.</p> <p>These changes are made to make the requirements of the regulation similar to the requirements for other DPOR licensure programs.</p> <p>The requirement that a licensee provide a physical address for each license is removed.</p> <p>The requirement that a licensee return a license to the Board is removed.</p> <p>The requirement that a licensee inform the Board of all licenses, certifications, and registrations affected by a name or address change is removed.</p> <p>The requirement that any a licensee report any change in the requirements and qualifications for licensure found in Part II, Part III, or Part IV of the regulation is 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>A minor change is made for purposes of style.</p>
40-460	N/A	<p>The section provides for the Board's standards for notifying the Board of adverse actions taken against a licensee.</p> <p>The section requires a licensee notify the Board of the following adverse actions:</p> <ul style="list-style-type: none"> <li>• Any disciplinary action taken by any jurisdiction, board, or administrative body to include any reprimand, license/certificate revocation, suspension or denial of licensure or certification, monetary penalty, requirement for</li> </ul>	<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>Subdivision A 3 is revised to remove the provision that specified certain types of misdemeanor offenses be reported. A licensee will be required to report any</p>

		<p>remedial education, or other corrective action;</p> <ul style="list-style-type: none"> <li>• Any voluntary surrendering of a related license, certificate, or registration in connection with a disciplinary action in another jurisdiction; and</li> <li>• Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred adjudication, of any felony, or any misdemeanor involving lying, cheating, stealing, sexual offense, non-marijuana drug distribution, physical injury, or relating to the practice of the profession.</li> </ul> <p>The section provides that review of any criminal convictions will be subject to the requirements of § 54.1-204 of the Code of Virginia.</p> <p>The section further provides that notification must be made to the Board within 30 days of the action. A copy of the order or other supporting documentation must accompany the notice.</p>	<p>misdemeanor conviction, with the exception of marijuana convictions.</p> <p>This change will make the regulation easier to understand and removes the burden on a licensee with misdemeanor convictions to make a determination as to which criminal convictions should be reported, and which should not. It will also enhance the Board’s protection of the public welfare to address licensee’s fitness for licensure.</p> <p>Provisions in subdivision A 3 and subsection B that (i) provided that a plea of <i>nolo contendere</i> is considered a conviction; and (ii) a certified record of conviction is <i>prima facie</i> evidence of guilt of a criminal conviction are 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 to replace the word “shall” with “must” or “will” where appropriate. Other changes are made for the purposes of clarity or style.</p>
40-470	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</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, (ii) offenses related to the practice of the profession; and (iii) offenses related to failing to respond to inquiries of the Board.</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>of the required knowledge, skill, and ability in the performance of the licensee's duties;</p> <ul style="list-style-type: none"> <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 practice of the profession;</li> <li>• Failing to adequately supervise and review work performed by unlicensed employees or journeyman licensees under the direct supervision of the master licensee;</li> <li>• Failing to act in providing professional 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>Existing subdivision #2 is relocated to a new prohibited act addressing improper, fraudulent, and dishonest conduct.</p> <p>Existing subdivision #3 is revised to include (i) actions of reinstating a license by false or fraudulent representation; and (ii) furnishing substantially inaccurate or incomplete information to the Board in obtaining, renewing, or maintaining a license. These changes are made to clarify the Board's ability address instances where a licensee has falsely renewed a license without meeting applicable requirements. In addition, the changes allow for the Board to address instances where a licensee may not act with a fraudulent intent, but nonetheless provides inaccurate or incomplete information to the Board that induces the Board to issue or renew a license. These changes make 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 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 onsite sewage system professional 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>
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			<p>proscribed by these subdivisions could be generally categorized as actions of improper, fraudulent, or dishonest.</p> <p>A new subdivision is added to make failure to comply with the requirements of section -500 a prohibited act. This change will allow DPOR to address non-compliance with these requirements more efficiently.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-480	N/A	<p>This section provides for standards of conduct regarding conflicts of interest.</p> <p>A licensee is required to promptly and fully inform an employer or client of any interest, circumstance, or business association that may influence the licensee’s judgment or quality of service.</p> <p>A licensee is prohibited from accepting compensation from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all parties in writing.</p> <p>A licensee is prohibited from soliciting or accepting financial or other valuable consideration from material or equipment suppliers for specifying their products or services.</p> <p>A licensee is prohibited from 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.</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>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>A minor change is made to subdivision #1 to correct a typographical error.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>

<p>40-490</p>	<p>N/A</p>	<p>This section provides for a licensee’s professional obligations to the public.</p> <p>The section provides that a licensee’s primary obligation is 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 performing a home inspection or advising of circumstances that pose a substantial threat to the public health, safety, or welfare.</p> <p>A licensee is required to sign, date, and include the licensee’s license number on all final work products prepared or reviewed and approved by the licensee.</p> <p>For work products performed by a journeyman licensee, the master licensee providing direct supervision must sign, date, and include the master licensee’s license number, along with the journeyman’s signature, date, and license number on the final work product. A journeyman licensee is prohibited from submitting a work project as final without the applicable master licensee’s signature, date, and license number.</p> <p>The section also prohibits a licensee from knowingly associating in a venture or allowing the use of the licensee’s license when there is reason by the licensee to believe the person or firm is engaging in fraudulent or dishonest activity or is violating any law or regulation of the Board.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Other minor revisions are made for the purposes of clarity or style.</p>
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40-500	N/A	<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 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</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>



		<p>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>	
40-510	N/A	<p>This section provides for the responsibilities of a master licensee.</p> <p>The section requires that any work regulated by the Board that is performed by a journeyman licensee must be under the direct supervision of a master licensee. The master and journeyman must have a written contractual relationship.</p> <p>The section further provides that the master licensee must maintain documentation of the employment or contractual relationship with each journeyman under the master’s supervision. This documentation must be kept for a minimum of five (5) years, and must at least include the beginning and end dates of the relationship.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
N/A	40-515	N/A – No current requirements.	<p>This new section provides for a licensee’s responsibilities for regulated activities performed on site.</p> <p>Subsection A provides that for the installation of onsite sewage systems, the decision-maker and the individual executing the installation of approved permits must be licensed as a journeyman or master onsite sewage system installer in the appropriate class of license (conventional or alternative). A journeyman or master installer in the appropriate class must be on-site.</p> <p>Subsection B provides that for the operation and maintenance of onsite sewage systems, the decision-maker must be licensed as a journeyman or</p>

			<p>master onsite sewage system operator in the appropriate class of license (conventional or alternative). A journeyman or master operator in the appropriate class must be on-site.</p> <p>Subsection C provides that for soil evaluation and design, the decision-maker must be licensed as a journeyman or master onsite soil evaluator in the appropriate class of license (conventional or alternative). A journeyman or master onsite soil evaluator in the appropriate class must be on-site where regulated activities are performed.</p> <p>This section incorporates the Board's <a href="#">previous guidance</a> regarding the licensing of individuals who are engaged in the provision of regulated activities.</p>
N/A	40-520	N/A – No current requirements.	<p>This new section provides for the pumping of alternative onsite sewage systems by conventional onsite sewage system operators.</p> <p>The section provides that a conventional onsite sewage system operator with the appropriate sewage handling permit issued by VDH or a local independent health department may pump an alternative onsite sewage system without an alternative onsite sewage system operator present, provided the conventional operator performs the pumping at the request and direction of the alternative operator. The conventional operator is only permitted to pump the tank, and is not authorized to perform any other functions associated with the operation and maintenance of the alternative onsite sewage system.</p> <p>This section incorporates the Board's <a href="#">previous guidance</a> regarding the pumping of alternative onsite sewage systems by conventional operators.</p> <p>The change is designed to address a problem where an owner may have to pay for two licensees – an alternative operator and a conventional operator – in order to have an alternative system pumped because a conventional operator cannot perform maintenance on</p>

			an alternative system without being under the supervision of an alternative operator.
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