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



**ONSITE SEWAGE SYSTEM  
PROFESSIONALS LICENSING  
REGULATIONS**

Last Updated September 19, 2018

STATUTES  
Title 54.1, Chapter 23



Department of Professional and Occupational Regulation

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**NOTICE  
SUMMARY OF SIGNIFICANT CHANGES**

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

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

This document is a complete, edited (unofficial) copy of the Onsite Sewage System Professionals Regulations (18 VAC 160-40). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://law.lis.virginia.gov/admincode>.

The following is a brief summary of a significant revision to the regulations effective September 19, 2018, but may not include all changes that were made to the Onsite Sewage System Professionals Licensing Regulations:

- The definition of “maintenance” in 18 VAC 160-40-10 was amended to conform to a change in the statutory definition of “maintenance” in § 32.1-163 of the Code of Virginia, relating to onsite sewage systems, that became effective on July 1, 2018. The definition of maintenance is expanded to include in-kind replacement of sewer lines, conveyance lines, distribution boxes, and header lines that do not require a construction permit for adjustment and replacement, unless local ordinance provides otherwise. In addition, the revised definition clarifies that—notwithstanding any local ordinance—onsite system maintenance does not include replacement of tanks, drainfield piping, subsurface drainfields, or work requiring a construction permit and installer. Further, the definition clarifies that unless prohibited by local ordinance, a licensed installer (conventional or alternative) may perform maintenance work limited to in-kind replacement of light bulbs, fuses, filters, pumps, sewer lines, conveyance lines, distribution boxes, and header lines.

## STATEMENT OF PURPOSE

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

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

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

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

## TABLE OF CONTENTS

### REGULATIONS:

#### **Part I Definitions**

18VAC160-40-10. Definitions .....	1
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#### **Part II Entry**

18VAC160-40-20. Application Procedures .....	5
18VAC160-40-30. General Fee Requirements .....	6
18VAC160-40-40. Fee Schedule.....	6
18VAC160-40-50. Examination Fee.....	6
18VAC160-40-60. General Requirements for Licensure .....	7
18VAC160-40-70. Education and Training for Experience .....	8
18VAC160-40-80. Examination Procedures and Conduct .....	8
18VAC160-40-90. Individuals Certified of Licensed in Another Jurisdiction.....	9
18VAC160-40-100. Full-Time Experience or Equivalent.....	9
18VAC160-40-105. Master Licenses; Conversion of Licenses on April 1, 2017 .....	9

#### **Part III Onsite Sewage System Installers**

18VAC160-40-110. License Required.....	11
18VAC160-40-120. Qualifications for Journeyman Conventional Onsite Sewage System Installer Licenses.....	12
18VAC160-40-130. Qualifications for Master Conventional Onsite Sewage System Installer Licenses.....	12
18VAC160-40-140. (Reserved).....	14
18VAC160-40-150. Qualifications for Journeyman Alternative Onsite Sewage System Installer Licenses.....	14

18VAC160-40-160. Qualifications for Master Alternative Onsite Sewage System Installer Licenses .....	15
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**Part IV Onsite Sewage System Operators**

18VAC160-40-170. License Required .....	17
18VAC160-40-180. Qualifications for Journeyman Conventional Onsite Sewage System Operator Licenses.....	18
18VAC160-40-190. Qualifications for Master Conventional Onsite Sewage System Operator Licenses.....	18
18VAC160-40-200. Qualification for Exemption from Examination for Master Conventional Onsite Sewage System Operator Applicants .....	19
18VAC160-40-210. Qualifications for Journeyman Alternative Onsite Sewage System Operator Licenses .....	20
18VAC160-40-220. Qualifications for Master Alternative Onsite Sewage System Operator Licenses.....	21

**Part V Onsite Soil Evaluator**

18VAC160-40-230. License Required .....	23
18VAC160-40-240. Qualifications for Journeyman Conventional Onsite Soil Evaluator Licenses .....	24
18VAC160-40-250. Qualifications for Master Conventional Onsite Soil Evaluator Licenses .....	25
18VAC160-40-260. Qualifications for Journeyman Alternative Onsite Soil Evaluator Licenses .....	26
18VAC160-40-270. Qualifications for Master Alternative Onsite Soil Evaluator Licenses .....	28
18VAC160-40-275. Verification of Experience by Authorized Onsite Soil Evaluators.....	29
18VAC160-40-280. Acceptable Degree Programs and Verification Procedures.....	29

**Part VI Renewal and Reinstatement**

18VAC160-40-290. Expiration and Renewal ..... 31

18VAC160-40-300. Reinstatement ..... 31

18VAC160-40-310. Status of License During Period Prior to Reinstatement ..... 32

18VAC160-40-320. Board Discretion to Deny Renewal or Reinstatement ..... 32

**Part VII Continuing Professional Education**

18VAC160-40-330. Continuing Professional Education..... 33

18VAC160-40-340. CPE Subject Matter for Onsite Sewage System Installers ..... 34

18VAC160-40-350. CPE Subject Matter for Onsite Sewage System Operators ..... 34

18VAC160-40-360. CPE Subject Matter for Onsite Soil Evaluators ..... 35

18VAC160-40-370. Use of Training Credits and Formal Education for CPE Credit ..... 36

18VAC160-40-380. Maintenance of CPE..... 36

**Part VIII Training Course Approval**

18VAC160-40-390. Approval of Training Courses..... 37

18VAC160-40-400. Application for Training Course Approval..... 38

18VAC160-40-410. Maintenance of Training Course Approval ..... 39

18VAC160-40-420. Withdrawal of Approval..... 40

18VAC160-40-430. Training Courses Offered by Certain Entities, Board  
Approval Not Required..... 40

**Part IX Standards of Practice and Conduct**

18VAC160-40-440. Grounds for Disciplinary Action..... 42

18VAC160-40-450. Maintenance of License..... 42

18VAC160-40-460. Notice of Adverse Action..... 42

18VAC160-40-470. Prohibited Acts ..... 43

18VAC160-40-480. Conflicts of Interest ..... 45

18VAC160-40-490. Licensee Responsibility ..... 45

18VAC160-40-500. Response to Inquiry and Provision of Records ..... 46

18VAC160-40-510. Master Licensee’s Professional Responsibilities ..... 47

**EXCERPTS FROM THE *CODE OF VIRGINIA*:**

Chapter 23 of Title 54.1 (§§ 54.1-2300 through 54.1-2302)..... 48

**PART I.**  
**DEFINITIONS**

**18VAC160-40-10. Definitions.**

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

"Board"

"Onsite sewage system"

"Operator"

"Wastewater works"

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

"Alternative onsite sewage system" means a treatment works that is not a conventional onsite sewage system and does not result in a point source discharge.

"Alternative onsite sewage system installer" means an individual licensed by the board to construct, install, and repair conventional and alternative onsite sewage systems.

"Alternative onsite sewage system operator" means an individual licensed by the board to operate and maintain conventional and alternative onsite sewage systems.

"Alternative onsite soil evaluator" means an individual licensed by the board to evaluate soils and soil properties in relationship to the effect of these properties on the use and management of these soils as the locations for conventional and alternative onsite sewage systems, to certify in accordance with applicable state regulations and local ordinances that sites are suitable for conventional and alternative onsite sewage systems, and to design conventional and alternative onsite sewage systems suitable for the soils.

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

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



"Authorized onsite soil evaluator" means an individual holding an authorized onsite soil evaluator certification issued by the Virginia Department of Health that was valid on June 30, 2009.

"Category" means journeyman or master as applicable to the professionals under the board's purview.

"Class" means conventional or alternative as applicable to the professionals under the board's purview.

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

"Conventional onsite sewage system" means a treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

"Conventional onsite sewage system installer" means an individual licensed by the board to construct, install, and repair conventional onsite sewage systems.

"Conventional onsite sewage system operator" means an individual licensed by the board to operate and maintain conventional onsite sewage systems.

"Conventional onsite soil evaluator" means an individual licensed by the board to evaluate soils and soil properties in relationship to the effects of these properties on the use and management of these soils as the locations for conventional and alternative onsite sewage systems, to certify in accordance with applicable state regulations and local ordinances that sites are suitable for conventional and alternative onsite sewage systems, and to design conventional onsite sewage systems suitable for the soils.

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

"Direct supervision" means being immediately available and fully responsible for the provision of onsite sewage system services regulated pursuant to Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 and this chapter.

"Interim license" refers to the initial issuance of professional licenses during the implementation of the onsite sewage system professionals licensure program. Such licenses were limited to four years and not renewable.

"Journeyman" means an individual who possesses the minimum skills and competency to install or maintain onsite sewage systems or assist in the evaluation of soil sites as suitable for conventional and alternative onsite sewage systems and to design onsite sewage systems under the direct supervision of a master licensee.

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

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

"Maintenance" or "maintain" means, unless otherwise provided in local ordinance, (i) performing adjustments to equipment and controls or (ii) in-kind replacement of normal wear and tear parts that do not require a construction permit for adjustment or replacement of the component, such as light bulbs, fuses, filters, pumps, motors, sewer lines, conveyance lines, distribution boxes, header lines, or other like components. Maintenance includes pumping the tanks or cleaning the building sewer on a periodic basis. Notwithstanding any local ordinance, "maintenance" does not include replacement of tanks, drainfield piping, subsurface drainfields, or work requiring a construction permit and a licensed onsite sewage system installer. Unless otherwise prohibited by local ordinance, a conventional onsite sewage system installer or an alternative onsite sewage system installer may perform maintenance work limited to in-kind replacement of light bulbs, fuses, filters, pumps, sewer lines, conveyance lines, distribution boxes, and header lines.

"Master" means an individual who possesses the minimum skills and competency to install or maintain onsite sewage systems or evaluate soil sites as suitable for conventional and alternative onsite sewage systems and to design conventional and alternative onsite sewage systems.

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

"Profession" means the practice of onsite soil evaluation, onsite sewage system installation, and onsite sewage system operation.

"Professional" means an onsite sewage system installer, onsite sewage system operator, or onsite soil evaluator who is licensed pursuant to the provisions of this chapter and is in good standing with the board to practice his profession in this Commonwealth.

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

"Sewage" means water-carried and nonwater-carried human excrement or kitchen, laundry, shower, bath, or lavatory wastes separately or together with such underground, surface, storm, or other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments, or other places.

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

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

"VDH" means the Virginia Department of Health.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017; Volume 34, Issue 26, eff. September 19, 2018.*

## **PART II.**

### **ENTRY**

#### **18VAC160-40-20. Application procedures.**

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

#### ***Historical Notes***

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

**18VAC160-40-30. General fee requirements.**

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

*Historical Notes*

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

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

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

For licenses expiring on or after January 31, 2018, and before January 31, 2020, the renewal fee shall be \$50. For reinstatement applications received after January 31, 2018, and on or before January 31, 2020, the total reinstatement fee shall be \$75.

*Historical Notes*

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

**18VAC160-40-50. Examination fee.**

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

*Historical Notes*

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

**18VAC160-40-60. General requirements for licensure.**

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

1. The applicant shall be at least 18 years old.
2. The applicant shall disclose his mailing address. A post office box is only acceptable as a mailing address when a physical address is provided.
3. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information:
  - a. All felony convictions.
  - b. All misdemeanor convictions that occurred within three years of the date of application.

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

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

***Historical Notes***

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

**18VAC160-40-70. Education and training for experience.**

- A. Each individual applying for a license may receive credit for up to half of the required experience for:
  - 1. Satisfactory completion of postsecondary courses in wastewater, biology, chemistry, geology, hydraulics, hydrogeology, engineering, environmental science, agronomy, earth science, environmental health, or soil science at the rate of one month per semester hour or two-thirds of a month per quarter hour; or
  - 2. Satisfactory completion of board-approved onsite sewage system installer or operator or onsite soil evaluation training courses, as applicable to the license sought, at the 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, and time other than classroom, laboratory, and field trip contact time.
- B. Education used to meet the education requirements to qualify for licensure may not be substituted for experience.

***Historical Notes***

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

**18VAC160-40-80. Examination procedures and conduct.**

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

testing organization with regard to conduct at the examination shall be grounds for denial of the application, voiding of examination scores, or any combination thereof.

***Historical Notes***

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

**18VAC160-40-90. Individuals certified or licensed in another jurisdiction.**

Any applicant holding a valid license or certificate in another jurisdiction shall meet the requirements of this chapter, including having equivalent experience and education. The applicant shall pass the appropriate board-approved examination to become licensed in those instances where an examination for licensure is required.

***Historical Notes***

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

**18VAC160-40-100. Full-time experience or equivalent.**

For the purpose of this part, experience requirements are expressed in terms of calendar periods of full-time employment as an operator, installer, or onsite soil evaluator in the same class for which licensure is sought.

1. A year of full-time employment is defined as a minimum of 1,760 hours during a 12-month period or a minimum of 220 workdays in a 12-month period. A workday is defined as performing or assisting in the duties of an installer, operator, or onsite soil evaluator to the extent required for the proper installation or maintenance of onsite sewage systems or the evaluation of soil and soil properties for suitability as locations for onsite sewage systems. More than 1,760 hours or 220 workdays during a 12-month period will not be considered as more than one year of full-time employment.

2. Partial credit may be given for actual hours of work experience if the applicant works less than full time.

***Historical Notes***

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

**18VAC160-40-105. Master licenses; conversion of licenses on April 1, 2017.**

A. An individual holding a current license issued by the board that was valid on March 31, 2017, will be issued a master license in the same class and category of license, and with the same expiration date.



1. A conventional onsite sewage system installer license that is current on March 31, 2017, will be converted to a master conventional onsite sewage system installer license.

2. An alternative onsite sewage system installer license that is current on March 31, 2017, will be converted to a master alternative onsite sewage system installer license.

3. A conventional onsite sewage system operator license that is current on March 31, 2017, will be converted to a master conventional onsite sewage system operator license.

4. An alternative onsite sewage system operator license that is current on March 31, 2017, will be converted to a master alternative onsite sewage system operator license.

5. A conventional onsite soil evaluator license that is current on March 31, 2017, will be converted to a master conventional onsite soil evaluator license.

6. An alternative onsite soil evaluator license that is current on March 31, 2017, will be converted to a master alternative onsite soil evaluator license.

B. Any license issued pursuant to this section may be subject to disciplinary action in accordance with this chapter for any violation of the regulations that occurred under the license held prior to conversion in accordance with this section.

***Historical Notes***

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

### **PART III.**

#### **ONSITE SEWAGE SYSTEM INSTALLERS**

##### **18VAC160-40-110. License required.**

- A. No individual shall install a conventional or alternative onsite sewage system without a valid onsite sewage system installer license issued by the board in the appropriate class.
- B. An individual cannot simultaneously hold valid master and journeyman onsite sewage system installer licenses in the same class. Issuance of a master onsite sewage system installer license in a specific class shall void the journeyman onsite sewage system installer license in the same class.
- C. An individual cannot simultaneously hold valid conventional and alternative master onsite sewage system installer licenses or conventional and alternative journeyman onsite sewage system installer licenses. Issuance of a master alternative onsite sewage system installer license shall void the conventional onsite sewage system installer license.
- D. A journeyman onsite sewage system installer must work under the direct supervision of a licensed master onsite sewage system installer with the appropriate class of license. A master onsite sewage system installer is responsible for supervising the provision of onsite sewage system installations by any journeyman onsite sewage system installers under his direct supervision.
- E. Experience used to qualify for licensure cannot be verified by a journeyman onsite sewage system installer.

##### ***Historical Notes***

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

**18VAC160-40-120. Qualifications for journeyman conventional onsite sewage system installer licenses.**

An applicant for licensure as a journeyman conventional onsite sewage system installer shall furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	No	No	Six months of full-time experience assisting with the installation of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2.	None	No	No	One year of full-time experience assisting with the installation of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

***Historical Notes***

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

**18VAC160-40-130. Qualifications for master conventional onsite sewage system installer licenses.**

An applicant for licensure as a master conventional onsite sewage system installer shall furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	20 hours of training approved by the board covering basic installation of conventional or alternative onsite sewage systems	One year of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	No	Two years of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
3.	Interim conventional onsite sewage system installer or journeyman onsite sewage system installer license	Yes	20 hours of training approved by the board covering basic installation of conventional or alternative onsite sewage systems	Two years of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
4.	Interim conventional onsite sewage system installer or journeyman onsite sewage system installer license	Yes	No	Three years of full-time experience installing conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

**Historical Notes**

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

**18VAC160-40-140. (Reserved.)**

***Historical Notes***

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

**18VAC160-40-150. Qualifications for journeyman alternative onsite sewage system installer licenses.**

An applicant for licensure as a journeyman alternative onsite sewage system installer shall furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	No	No	One year of full-time experience assisting with the installation of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2.	None	No	No	Two years of full-time experience assisting with the installation of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

***Historical Notes***

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

**18VAC160-40-160. Qualifications for master alternative onsite sewage system installer licenses.**

An applicant for licensure as a master alternative onsite sewage system installer shall furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	No	Two years of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
2.	Employee, owner, director, or officer of a properly licensed contractor with a sewage disposal system (SDS) specialty issued by the Virginia Board for Contractors	Yes	20 hours of training approved by the board covering the basic installation of alternative onsite sewage systems	18 months of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
3.	No	Yes	20 hours of training approved by the board covering basic installation of alternative onsite sewage systems	Three years of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator
4.	Interim alternative onsite sewage system installer or conventional onsite sewage system installer license	Yes	No	18 months of full-time experience installing alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system installer, a professional engineer, or an authorized onsite soil evaluator

***Historical Notes***

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

## PART IV.

### ONSITE SEWAGE SYSTEM OPERATORS

#### **18VAC160-40-170. License required.**

- A. No individual shall operate a conventional or alternative onsite sewage system without a valid onsite sewage system operator license issued by the board in the appropriate class.
- B. An individual cannot simultaneously hold valid master and journeyman onsite sewage system operator licenses in the same class. Issuance of a master onsite sewage system operator license in a specific class shall void the journeyman onsite sewage system operator license in the same class.
- C. An individual cannot simultaneously hold valid conventional and alternative master onsite sewage system operator licenses or conventional and alternative journeyman onsite sewage system operator licenses. Issuance of a master alternative onsite sewage system operator license shall void the conventional onsite sewage system operator license.
- D. A journeyman onsite sewage system operator must work under the direct supervision of a licensed master onsite sewage system operator with the appropriate class of license. A master onsite sewage system operator is responsible for supervising the operation of the onsite sewage system by any journeyman onsite sewage system operator under his responsibility.
- E. Experience used to qualify for licensure cannot be verified by a journeyman onsite sewage system operator.
- F. No individual shall act as an alternative onsite sewage system operator of an alternative onsite sewage system that exceeds 10,000 gallons per day design flow without possessing a Class 4 or higher wastewater works operator license in addition to an alternative onsite sewage system operator license.

#### ***Historical Notes***

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



**18VAC160-40-180. Qualifications for journeyman conventional onsite sewage system operator licenses.**

An applicant for licensure as a journeyman conventional onsite sewage system operator shall furnish acceptable documentation that the following qualification has been met:

Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
None	No	No	Six months of full-time experience assisting with the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator

**Historical Notes**

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

**18VAC160-40-190. Qualifications for master conventional onsite sewage system operator licenses.**

An applicant for licensure as a master conventional onsite sewage system operator shall furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Wastewater works operator license	Yes	No	None
2.	No	Yes	10 hours of education approved by the board covering the basics of operation and maintenance of conventional onsite sewage systems	Six months of full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
3.	No	Yes	No	One year of full-time experience in the operation and maintenance of conventional or alternative onsite sewage systems verified by one or more of the following: an onsite soil evaluator, an onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator

***Historical Notes***

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

**18VAC160-40-200. Qualification for exemption from examination for master conventional onsite sewage system operator applicants.**

Applicants seeking licensure as a master conventional onsite sewage system operator may be exempt from the examination provided the applicant:

1. Is able to satisfactorily demonstrate that he has been actively engaged in performing the duties of a conventional onsite sewage system operator for at least four years. Documentation of qualifying experience may be verified by a master conventional or alternative onsite soil evaluator, a master conventional or alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator; and
2. Meets the requirements of 18VAC160-40-60.

***Historical Notes***

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

**18VAC160-40-210. Qualifications for journeyman alternative onsite sewage system operator licenses.**

An applicant for licensure as a journeyman alternative onsite sewage operator shall furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	None	No	20 hours of education approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	One year of full-time experience assisting with the operation and maintenance of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative sewage system operator, a professional engineer, or an authorized onsite soil evaluator
2.	None	No	None	Two years of full-time experience assisting with the operation and maintenance of alternative onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative sewage system operator, a professional engineer, or an authorized onsite soil evaluator

***Historical Notes***

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

**18VAC160-40-220. Qualifications for master alternative onsite sewage system operator licenses.**

An applicant for licensure as a master alternative onsite sewage system operator shall furnish acceptable documentation that one of the following has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	Held or holds a conventional onsite sewage system operator license	Yes	10 hours of training approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	One year of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
2.	Held or holds a conventional onsite sewage system operator license	Yes	No	18 months of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
3.	None	Yes	20 hours of training approved by the board covering the basics of operation and maintenance of alternative onsite sewage systems	Two years of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
4.	Wastewater works operator license	Yes	No	Six months of full-time experience in the operation and maintenance of onsite sewage systems verified by one or more of the following: an alternative onsite soil evaluator, an alternative onsite sewage system operator, a professional engineer, or an authorized onsite soil evaluator
5.	Wastewater works operator license	Yes	20 hours of training approved by the board in basics of operation and maintenance of alternative onsite sewage systems	No

***Historical Notes***

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

**PART V.**

**ONSITE SOIL EVALUATOR**

**18VAC160-40-230. License required.**

- A. Notwithstanding the provisions of Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia, no individual shall perform the duties of an onsite soil evaluator without possessing a valid license issued by the board.
- B. An individual cannot simultaneously hold master and journeyman onsite soil evaluator licenses in the same class. Issuance of a master onsite soil evaluator license in a specific class shall void the journeyman onsite soil evaluator license in the same class.
- C. An individual cannot simultaneously hold valid conventional and alternative master onsite soil evaluator licenses or conventional and alternative journeyman onsite soil evaluator licenses. Issuance of an alternative master onsite soil evaluator license shall void the conventional onsite soil evaluator license.
- D. A journeyman onsite soil evaluator must work under the direct supervision of a master onsite soil evaluator with the appropriate class of license. A master onsite soil evaluator of an equal or greater class is responsible for supervising the provision of onsite soil evaluations and designs by any journeyman onsite soil evaluator under his responsibility.
- E. Experience to qualify for licensure cannot be verified by a journeyman onsite soil evaluator.

***Historical Notes***

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

**18VAC160-40-240. Qualifications for journeyman conventional onsite soil evaluator licenses.**

An applicant for licensure as a journeyman conventional onsite soil evaluator shall furnish acceptable documentation that one of the following has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	Virginia professional soil scientist license	No	No	No
2.	No	No	No	One and one-half years of full-time experience assisting in the evaluation of site and soil conditions and design of conventional onsite sewage systems verified by one or more of the following: an authorized soil evaluator, a professional engineer, or an onsite soil evaluator
3.	No	No	VDH onsite sewage system training program	One year of full-time experience assisting in the evaluation of site and soil conditions and design of conventional onsite sewage systems verified by one or more of the following: an authorized soil evaluator, a professional engineer, or an onsite soil evaluator

***Historical Notes***

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

**18VAC160-40-250. Qualifications for master conventional onsite soil evaluator licenses.**

An applicant for licensure as a master conventional onsite soil evaluator shall furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	No	Yes	Master's or bachelor's degree	Two years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator a professional engineer, or an onsite soil evaluator
2.	No	Yes	Associate's degree	Three years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator
3.	No	Yes	VDH onsite sewage system training program	Two years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator
4.	Journeyman or interim conventional onsite soil evaluator	Yes	No	Three years of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator
	Prerequisites	Exam	Education	Documented Qualifying



		Required	Required	Experience
5.	Virginia professional soil scientist license	Yes	No	One year of full-time experience evaluating site and soil conditions and designing conventional onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an onsite soil evaluator.

**Historical Notes**

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

**18VAC160-40-260. Qualifications for journeyman alternative onsite soil evaluator licenses.**

An applicant for licensure as a journeyman alternative onsite soil evaluator shall furnish acceptable documentation that one of the following qualifications has been met:

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
1.	Virginia professional soil scientist license	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative soil evaluator
2.	Possess or held either a valid interim alternative onsite soil evaluator license or a conventional onsite soil evaluator license	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator a professional engineer, or an alternative soil evaluator

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
3.	An authorized onsite soil evaluator	No	No	One year of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative soil evaluator
4.	No	No	No	Two years of full-time experience assisting in the evaluation of site and soil conditions and design of alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative soil evaluator

***Historical Notes***

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

**18VAC160-40-270. Qualifications for master alternative onsite soil evaluator licenses.**

An applicant for licensure as a master alternative onsite soil evaluator shall furnish acceptable documentation that one of the following qualifications has been met:

Prerequisites		Exam Required	Education Required	Documented Qualifying Experience
1.	No	Yes	Master's or bachelor's degree	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator
2.	No	Yes	Associate's degree	Three years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator
3.	Held or holds a conventional onsite soil evaluator license, interim alternative onsite soil evaluator license, journeyman alternative onsite soil evaluator license, or authorized onsite soil evaluator license	Yes	No	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator

	Prerequisites	Exam Required	Education Required	Documented Qualifying Experience
4.	No	Yes	No	Four years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator
5.	Virginia licensed professional soil scientist	Yes	No	Two years of full-time experience evaluating site and soil conditions and designing alternative onsite sewage systems verified by one or more of the following: an authorized onsite soil evaluator, a professional engineer, or an alternative onsite soil evaluator

***Historical Notes***

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

**18VAC160-40-275. Verification of experience by authorized onsite soil evaluators.**

An authorized onsite soil evaluator who is verifying experience pursuant to Part II of this chapter and who holds no other license listed as qualified to verify experience may only verify experience obtained before July 1, 2009.

***Historical Notes***

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

**18VAC160-40-280. Acceptable degree programs and verification procedures.**

- A. Applicants seeking to qualify for licensure based on completion of an associate's, bachelor's, or master's degree shall submit an official transcript from the school where the applicable degree was obtained. Only degrees from an accredited college or university that is approved or accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education will be considered. The following degrees shall be considered to qualify in accordance with 18VAC160-40-250 and 18VAC160-40-270:

1. Bachelor's or master's degree in soil science, biology, chemistry, engineering, environmental science, geology, agronomy, earth science, or environmental health.

2. Associate's degree in wastewater works, environmental science, or engineering technology.

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

B. Any applicant who has earned a degree from an institution outside of the United States shall have the degree authenticated and evaluated by an education credential evaluation services. The board reserves the right to reject any evaluation submitted by the applicant.

***Historical Notes***

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

## PART VI.

### RENEWAL AND REINSTATEMENT

#### **18VAC160-40-290. Expiration and renewal.**

- A. A license shall expire two years from the last day of the month in which it was issued.
- B. Prior to the expiration date shown on the license, the board shall mail a renewal notice to the licensee's address of record. The licensee shall return a renewal notice and the applicable renewal fee. Failure to receive a renewal notice from the board does not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee as an application for renewal.
- C. By submitting the renewal fee, the licensee is certifying his continued compliance with the Standards of Practice and Conduct (Part IX (18VAC160-40-440 et seq.) of this chapter) as established by the board. In addition, by submitting the renewal fee, licensees are certifying compliance with the continuing professional education requirements of this chapter.

#### *Historical Notes*

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

#### **18VAC160-40-300. Reinstatement.**

- A. If all the requirements for renewal of the license as specified in 18VAC160-40-290 are not completed within 30 days of the license expiration date, a reinstatement fee shall be required as established in 18VAC160-40-40.
- B. A license may be reinstated for up to one year following the expiration date of the license. Any licensee who fails to reinstate the license within 12 months after the expiration date shall apply for a new license and meet entry requirements in effect at the time of submittal of the new application. The individual shall be deemed to be eligible to sit for the examination for the same profession, class, and category of license as the expired license, if an examination is applicable.
- C. By submitting the reinstatement fee, the licensee is certifying his continued compliance with the Standards of Practice and Conduct (Part IX (18VAC160-40-440 et seq.) of this chapter) as established by the board. In addition, by submitting the reinstatement fee, licensees are certifying compliance with the continued professional education requirements of this chapter.

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

***Historical Notes***

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

**18VAC160-40-310. Status of license during period prior to reinstatement.**

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

***Historical Notes***

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

**18VAC160-40-320. Board discretion to deny renewal or reinstatement.**

- A. The board may deny renewal or reinstatement of license for the same reasons as the board may refuse initial licensure or discipline a licensee. The licensee has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).
- B. The board may deny renewal or reinstatement of a licensee if the licensee has been subject to a disciplinary proceeding and has not met the terms of an agreement for licensure, has not satisfied all sanctions, or has not fully paid monetary penalties and costs imposed by the board.

***Historical Notes***

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

**PART VII.**

**CONTINUING PROFESSIONAL EDUCATION**

**18VAC160-40-330. Continuing professional education.**

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

License Type	CPE Contact Hours Required
1. Master alternative onsite soil evaluator	16
2. Master alternative onsite sewage system installer	16
3. Master alternative onsite sewage system operator	16
4. Master conventional onsite soil evaluator	12
5. Master conventional onsite sewage system installer	12
6. Master conventional onsite sewage system operator	8
7. Journeyman alternative onsite soil evaluator	8
8. Journeyman alternative onsite sewage system installer	8
9. Journeyman alternative onsite sewage system operator	8
10. Journeyman conventional onsite soil evaluator	4
11. Journeyman conventional onsite sewage system installer	4
12. Journeyman conventional onsite sewage system operator	4

- B. CPE courses completed during the license period immediately prior to the expiration date of the license shall be acceptable in order to renew the license. CPE courses completed during a license renewal cycle to satisfy the CPE requirements of the preceding licensing renewal cycle shall be valid only for that preceding license renewal cycle and shall not be accepted for subsequent renewal cycles.
- C. The licensee will not receive credit for completing the same CPE course with the same content more than once during a license period.
- D. A licensee may receive CPE credit for teaching a course that otherwise meets the requirements of this chapter; however, additional credit shall not be given for subsequent offering of a course or activity with the same content within the same licensing cycle. In



addition a licensee may receive two hours of CPE no more than once during a single licensing cycle for the initial development or substantial updating of a CPE course.

- E. For all licenses, safety subjects shall not count for more than one half of the total required CPE hours.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017; Errata, 33:13 VA.R. 1821 February 20, 2017.*

**18VAC160-40-340. CPE subject matter for onsite sewage system installers.**

The following course topics will be accepted for CPE credit for onsite sewage system installers:

1. Sewage system installation;
2. Operating and maintaining equipment;
3. Security and safety procedures;
4. General science and mathematical principles;
5. Administrative knowledge and procedures applicable to the profession;
6. Laws and regulations applicable to the profession;
7. Monitoring, evaluating and adjusting treatment processes (alternative onsite sewage system installers only); and
8. Management and supervision principles (master onsite sewage system installers only; maximum of four contact hours).

***Historical Notes***

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

**18VAC160-40-350. CPE subject matter for onsite sewage system operators.**

The following course topics will be accepted for CPE credit for onsite sewage system operators:

1. Onsite system operations;

2. Monitoring, evaluating, and adjusting treatment processes;
3. Operating and maintaining equipment;
4. Security and safety procedures;
5. General science and mathematical principles;
6. Administrative knowledge applicable to the profession;
7. Laws and regulations applicable to the profession; and
8. Management and supervision principles (applicable to master onsite sewage system operators only; maximum of four contact hours).

***Historical Notes***

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

**18VAC160-40-360. CPE subject matter for onsite soil evaluators.**

The following course topics will be accepted for CPE credit for onsite soil evaluators:

1. Site and soil evaluations;
2. Security and safety procedures;
3. Mapping, cartography, and geographic information systems;
4. System design;
5. Inspections;
6. General science and mathematical principles;
7. Administrative knowledge and procedures applicable to the profession;
8. Laws and regulations applicable to the profession; and

9. Management and supervision principles (applicable to master onsite soil evaluators only; maximum of four contact hours).

***Historical Notes***

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

**18VAC160-40-370. Use of training credits and formal education for CPE credit.**

Any course approved by the board for substitution as training credits or formal education semester hours, as provided for in 18VAC160-40-70 or 18VAC160-40-280, shall also be acceptable on an hour-for-hour basis for CPE contact hours. One semester hour of college credit shall equal 15 CPE contact hours, and one-quarter hour of college credit shall equal 10 CPE hours. The training credits or formal education must be applicable to the license for which CPE credit is sought.

***Historical Notes***

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

**18VAC160-40-380. Maintenance of CPE.**

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

***Historical Notes***

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

## **PART VIII.**

### **TRAINING COURSE APPROVAL**

#### **18VAC160-40-390. Approval of training courses.**

- A. Training courses may be substituted for experience pursuant to the provisions of 18VAC160-40-70. With the exception of training courses provided pursuant to 18VAC160-40-430, training courses that may be substituted for required experience must be approved by the board prior to commencing in accordance with the provisions of this section.
- B. Each training provider seeking course approval shall submit an application for approval on a form provided by the board. Only classroom, laboratory, and field trip contact time will be used to compute training credits. No credit will be given for breaks, meals, or receptions.
1. **Organization.** The board will only approve training offered by a provider that is an identifiable organization with a mission statement outlining its functions, structure, process, and philosophy and that has a staff of one or more persons with the authority to administer and coordinate the training course.
  2. **Training course records.** The board will only approve training offered by a provider that maintains records for all participants for a minimum of seven years and that has a written policy on retention and release of records.
  3. **Instructors.** The board will only approve training conducted by 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.
  4. **Objectives.** The board will only approve courses that have a series of stated objectives that are pertinent to the tasks performed by the licensee. The training course content must be consistent with those objectives.
  5. **Course completion requirements.** For successful completion of a training course, participants must attend 90% or more of the class contact time and must demonstrate their learning through written examinations, completion of a project, oral examination, or other similar assessment techniques.

#### ***Historical Notes***

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

**18VAC160-40-400. Application for training course approval.**

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

1. Course information.

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

2. Instructor qualifications.

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

3. Training materials.

- a. Course objectives. A listing of the course objectives stated in terms of the skills and knowledge the participant will be able to demonstrate as a result of the training.
- b. Course outline. A detailed outline showing the planned activities that will occur during the training course, including major topics, planned presentation sequence, laboratory and field activities, audiovisual presentations, and other major activities.
- c. Course reference materials. A list of the name, publisher, and publication date for commercially available publications. For

reference materials developed by the course provider or available exclusively through the course, a copy of the reference.

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

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

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

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

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

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

***Historical Notes***

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

**18VAC160-40-410. Maintenance of training course approval.**

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

- B. Substantial modifications or changes to the information provided in 18VAC160-40-390 and 18VAC160-40-400 must be reported to the board within 30 days of the change. Failure to report the changes as required may result in the withdrawal of approval by the board.
- C. Any change of address of the training provider shall be reported in writing within 30 days of the change.
- D. The board may conduct an audit of the training provider to ensure continued compliance with this chapter.

***Historical Notes***

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

**18VAC160-40-420. Withdrawal of approval.**

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

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

***Historical Notes***

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

**18VAC160-40-430. Training courses offered by certain entities, board approval not required.**

- A. Training courses provided by (i) federal, state, or local government agencies; (ii) accredited colleges or universities approved or accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; (iii) a regional or national accreditation association; or (iv) an accrediting agency that is recognized by the U.S. Secretary of Education do not require board approval to be used for experience

substitution, provided the training course information submitted to the board includes the following:

1. The course must include the continuing education hours awarded by the entity.
  2. The course must be related to the profession, category, or class, if applicable, for which experience substitution is sought.
- B. The board may require additional information from the provider as necessary to ensure compliance with this section. If such assurance cannot be made by the board, the training course may not be used for experience substitution, or the provider may pursue board approval pursuant to this chapter.

***Historical Notes***

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



## PART IX.

### STANDARDS OF PRACTICE AND CONDUCT

#### **18VAC160-40-440. Grounds for disciplinary action.**

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

#### *Historical Notes*

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

#### **18VAC160-40-450. Maintenance of license.**

- A. No license issued by the board shall be assigned or otherwise transferred.
  
- B. A licensee shall report, in writing, all changes of the address of record and name to the board within 30 days of the change and shall return the license to the board. In addition to the address of record, a physical address is required for each license. If the licensee holds more than one license, the licensee shall inform the board of all licenses, certificates, and registrations affected by the name or address change. The board shall not be responsible for the licensee's failure to receive notices or correspondence due to the licensee's failure to report a change of name or address.
  
- C. Any change in any of the requirements and qualifications for licensure found in Part II (18VAC160-40-20 et seq.), III (18VAC160-40-110 et seq.), or IV (18VAC160-40-170 et seq.) of this chapter shall be reported to the board within 30 days of the change.

#### *Historical Notes*

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

#### **18VAC160-40-460. Notice of adverse action.**

- A. Licensees shall notify the board of the following actions against the licensee.
  - 1. Any disciplinary action taken by any jurisdiction, board, or administrative body of competent jurisdiction, including any reprimand, license or certificate revocation, suspension or denial, monetary penalty, requirement for remedial education, or other corrective action.

2. Any voluntary surrendering of a related license, certificate, or registration done in connection with a disciplinary action in another jurisdiction.

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

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

***Historical Notes***

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

**18VAC160-40-470. Prohibited acts.**

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

1. Violating, inducing another to violate, cooperating with another to violate, or combining or conspiring with or acting as agent, partner, or associate for another to violate any of the provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), or 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia, or any of the regulations of the board.

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

3. Obtaining or attempting to obtain a license by false or fraudulent representation, or maintaining or renewing a license by false or fraudulent representation.

4. A licensee having been convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC160-40-460. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia.

5. Failing to inform the board in writing within 30 days that the licensee was convicted or found guilty or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC160-40-460.
6. Not demonstrating reasonable care, judgment, or application of the required knowledge, skill, and ability in the performance of the licensee's duties.
7. Having undertaken to perform or performed a professional assignment that the licensee is not qualified to perform by education, experience, training, appropriate class or category of licensure, or any combination thereof.
8. Failing to report a change as required by 18VAC160-40-450.
9. Negligence, misconduct, or incompetence in the practice of the profession.
10. Making any misrepresentation or engaging in acts of fraud or deceit in advertising, soliciting, or in providing professional services.
11. Failing to adequately supervise and review work performed by unlicensed employees or journeyman licensees under the direct supervision of the master licensee.
12. Failure to obtain any permit, approval, or other document required by VDH related to the design, installation, repair, or operation of an onsite sewage system.
13. Knowingly signing plans, drawings, reports, specifications, maps, or other documents related to an onsite sewage system not prepared or reviewed and approved by the licensee.
14. Knowingly misrepresenting factual information in expressing a professional opinion.
15. Failing to act in providing professional services in a manner that safeguards the interests of the public.

***Historical Notes***

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

**18VAC160-40-480. Conflicts of interest.**

The licensee shall:

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

***Historical Notes***

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

**18VAC160-40-490. Licensee responsibility.**

- A. The primary obligation of the licensee is to the public. If the licensee's judgment is overruled and not adhered to when advising appropriate parties of circumstances of a substantial threat to the public health, safety, or welfare, the licensee shall inform the employer and client, as applicable, of the possible consequences and notify appropriate authorities.
- B. The licensee shall sign, date, and include his license number on all final work products prepared or reviewed and approved by the licensee. For work products performed by a journeyman licensee, the master licensee providing direct supervision shall sign, date, and include his license number, along with the journeyman's signature, date, and license number on the final work product. A journeyman licensee shall not submit a work project as final without the applicable master licensee's signature, date, and license number.
- C. The licensee shall not knowingly associate in a business venture with, or permit the use of the licensee's name by, any person or firm where there is reason to believe that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating any law or regulation of the board.

- D. A licensee who has direct knowledge that another individual or firm may be violating any of the provisions of this chapter or the provisions of Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia shall immediately inform the board in writing and shall cooperate in furnishing any further information or assistance that may be required.
- E. Except as provided in subsection F of this section, a licensee shall not utilize the evaluations, design, drawings, or work of another licensee without the knowledge and written consent of the licensee or organization of ownership that originated the design, drawings, or work.
- F. A licensee who relies on information in VDH files or has received permission to modify or otherwise utilize the evaluation, design, drawings, or work of another licensee pursuant to subsection E of this section or this subsection may certify that work only after a thorough review of the evaluation, design, drawings or work and after he determines that he is willing to assume full responsibility for all design, drawings, or work on which he relies for his opinion.

*Historical Notes*

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

**18VAC160-40-500. Response to inquiry and provision of records.**

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

*Historical Notes*

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

**18VAC160-40-510. Master licensee's professional responsibilities.**

- A. Any work performed by a journeyman regulated pursuant to Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia and this chapter shall be under the direct supervision of the master. Such master and journeyman shall have an employment or written contractual relationship.
  
- B. Each master shall maintain documentation of the employment or contractual relationship with each journeyman under the master's direct supervision. Such documentation shall be kept for a minimum of five years and shall include, at a minimum, the beginning and ending dates of the employment or contractual relationship.

***Historical Notes***

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

**Included in this document are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2018 session. Any changes made during the 2018 session became effective July 1, 2018 unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.**

## *Code of Virginia*

### **Title 54.1, Chapter 23**

§ 54.1-2300. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

§ 54.1-2302. License required.

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

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