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SENATE BILL NO. 1270

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on February 15, 2007)

(Patron Prior to Substitute—Senator Herring)

A BILL to amend and reenact §§ 10.1-2117, 15.2-2157, 32.1-163, 32.1-164, 54.1-300, 54.1-2300, 54.1-2301 and 54.1-2302 of the Code of Virginia, relating to the certification of certain onsite sewage system maintenance workers.

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-2117, 15.2-2157, 32.1-163, 32.1-164, 54.1-300, 54.1-2300, 54.1-2301, and 54.1-2302 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-2117. Definitions.

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

"Biological nutrient removal technology" means technology that will typically achieve at least an 8 mg/L total nitrogen concentration or at least a 1 mg/L total phosphorus concentration in effluent discharges.

"Chesapeake Bay Agreement" means the Chesapeake Bay Agreement of 2000 and any amendments thereto.

"Eligible nonsignificant discharger" means any publicly owned treatment works that is not a significant discharger but due to expansion or new construction is subject to a technology-based standard under § 62.1-44.19:15 or 62.1-44.19:16.

"Fund" means the Virginia Water Quality Improvement Fund established by Article 4 (§ 10.1-2128 et seq.) of this chapter.

"Individual" means any corporation, foundation, association or partnership or one or more natural persons.

"Institutions of higher education" means any educational institution meeting the requirements of § 60.2-220.

"Local government" means any county, city, town, municipal corporation, authority, district, commission or political subdivision of the Commonwealth.

"Nonpoint source pollution" means pollution of state waters washed from the land surface in a diffuse manner and not resulting from a discernible, defined or discrete conveyance.

"Nutrient removal technology" means state-of-the-art nutrient removal technology, biological nutrient removal technology, or other nutrient removal technology.

"Point source pollution" means pollution of state waters resulting from any discernible, defined or discrete conveyances.

"Publicly owned treatment works" means a publicly owned sewage collection system consisting of pipelines or conduits, pumping stations and force mains, and all other construction, devices, and appliances appurtenant thereto, or any equipment, plant, treatment works, structure, machinery, apparatus, interest in land, or any combination of these, not including an onsite sewage disposal system, that is used, operated, acquired, or constructed for the storage, collection, treatment, neutralization, stabilization, reduction, recycling, reclamation, separation, or disposal of wastewater, or for the final disposal of residues resulting from the treatment of sewage, including but not limited to: treatment or disposal plants; outfall sewers, interceptor sewers, and collector sewers; pumping and ventilating stations, facilities, and works; and other real or personal property and appurtenances incident to their development, use, or operation.

"Reasonable sewer costs" means the amount expended per household for sewer service in relation to the median household income of the service area as determined by guidelines developed and approved by the State Water Control Board for use with the Virginia Water Facilities Revolving Fund established pursuant to Chapter 22 (§ 62.1-224 et seq.) of Title 62.1.

"Significant discharger" means (i) a publicly owned treatment works discharging to the Chesapeake Bay watershed with a design capacity of 0.5 million gallons per day or greater, (ii) a publicly owned treatment works discharging to the Chesapeake Bay watershed east of the fall line with a design capacity of 0.1 million gallons per day or greater, (iii) a planned or newly expanding publicly owned treatment works discharging to the Chesapeake Bay watershed, which is expected to be in operation by 2010 with a permitted design of 0.5 million gallons per day or greater, or (iv) a planned or newly expanding publicly owned treatment works discharging to the Chesapeake Bay watershed east of the fall line with a design capacity of 0.1 million gallons per day or greater, which is expected to be in operation by 2010.

"State-of-the-art nutrient removal technology" means technology that will achieve at least a 3 mg/L

60 total nitrogen concentration or at least a 0.3 mg/L total phosphorus concentration in effluent discharges.

61 "State waters" means all waters on the surface or under the ground, wholly or partially within or
62 bordering the Commonwealth or within its jurisdictions.

63 "Tributary strategy plans" means plans that are developed by the Secretary of Natural Resources
64 pursuant to the provisions of the Chesapeake Bay Agreement for the tidal tributaries of the Chesapeake
65 Bay and the tidal creeks and embayments of the western side of the Eastern Shore of Virginia. This
66 term shall include any amendments to the tributary strategy plans initially developed by the Secretary of
67 Natural Resources pursuant to the Chesapeake Bay Agreement.

68 "Water Quality Improvement Grants" means grants available from the Fund for projects of local
69 governments, institutions of higher education, and individuals (i) to achieve nutrient reduction goals in
70 tributary strategy plans or applicable regulatory requirements or (ii) to achieve other water quality
71 restoration, protection or enhancement benefits.

72 § 15.2-2157. Onsite sewage systems when sewers not available; civil penalties.

73 A. Any locality may require the installation, maintenance and operation of, regulate and inspect
74 ~~septic tanks~~ *onsite sewage systems* or other means of disposing of sewage when sewers or sewerage
75 disposal facilities are not available; without liability to the owner thereof, may prevent the maintenance
76 and operation of ~~septic tanks~~ *onsite sewage systems* or such other means of disposing of sewage when
77 they contribute or are likely to contribute to the pollution of public or private water supplies or the
78 contraction or spread of infectious, contagious and dangerous diseases; and may regulate and inspect the
79 disposal of human excreta.

80 B. Any locality that (i) has a record of the location of ~~nonconventional~~ *alternative onsite* sewage
81 disposal systems; (ii) has notified owners of their maintenance responsibility for such systems; and (iii)
82 has a method to identify property transfer may adopt an ordinance establishing a uniform schedule of
83 civil penalties for violations of specified provisions for the operation and maintenance of
84 ~~nonconventional~~ *alternative onsite* sewage disposal systems, as defined in this section, that are not abated
85 or remedied within 30 days after receipt of notice of violation from the local health director or his
86 designee. No civil action authorized under this section shall proceed while a criminal action is pending.

87 This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty
88 for any one violation shall be a civil penalty of not more than \$100 for the initial summons and not
89 more than \$150 for each additional summons. Each day during which the violation is found to have
90 existed shall constitute a separate offense. However, specified violations arising from the same operative
91 set of facts shall not be charged more frequently than once in any 10-day period, and a series of
92 specified violations arising from the same operative set of facts shall not result in civil penalties
93 exceeding a total of \$3,000. If the violation is not abated after the imposition of the maximum fine, the
94 locality may pursue other remedies as provided by law. Designation of a particular ordinance violation
95 for a civil penalty pursuant to this section shall be in lieu of criminal penalties, except for any violation
96 that contributes to or is likely to contribute to the pollution of public or private water supplies or the
97 contraction or spread of infectious, contagious, and dangerous diseases.

98 The local health director or his designee may issue a civil summons ticket as provided by law for a
99 scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an
100 appearance in person or in writing by mail to the department of finance or the treasurer of the locality
101 prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit
102 liability, and pay the civil penalty established for the offense charged.

103 If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit
104 liability, the violation shall be tried in the general district court in the same manner and with the same
105 right of appeal as provided for by law. In any trial for a scheduled violation, the locality shall have the
106 burden of proving by a preponderance of the evidence the liability of the alleged violator. An admission
107 of liability or finding of liability under this section shall not be deemed an admission at a criminal
108 proceeding.

109 This section shall be not interpreted to allow the imposition of civil penalties for activities related to
110 land development.

111 For purposes of this section "nonconventional sewage disposal system" means any Type II or Type
112 III system, as defined in 12 VAC 5-610-250 of the Sewage Handling and Disposal Regulations, holding
113 tanks as referenced in 12 VAC 5-610-598 through 12 VAC 5-610-599.3 of the Sewage Handling and
114 Disposal Regulations, and residential discharging wastewater treatment systems as referenced in 12 VAC
115 5-640-10 et seq. of the Alternative Discharging Regulations for Single Family Homes.

116 § 32.1-163. Definitions.

117 As used in this article, unless the context clearly requires a different meaning:

118 "Alternative discharging sewage system" means any device or system which results in a point source
119 discharge of treated sewage for which the Board may issue a permit authorizing construction and
120 operation when such system is regulated by the State Water Control Board pursuant to a general
121 Virginia Pollutant Discharge Elimination System permit issued for an individual single family dwelling

122 with flows less than or equal to 1,000 gallons per day.
123 "Alternative onsite sewage system" or "alternative onsite system" means a treatment works that is not
124 a conventional onsite sewage system and does not result in a point source discharge.

125 "Authorized onsite soil evaluator" means a person possessing the qualifications specified by the
126 Board who has successfully completed the course and testing to be who is licensed under Chapter 23
127 (§ 54.1-2300 et seq.) of Title 54.1 as an authorized onsite soil evaluator. An authorized onsite soil
128 evaluator is authorized to evaluate soils and soil properties in relationship to the effects of these
129 properties on the use and management of these soils as the locations for traditional onsite sewage
130 disposal systems.

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

133 "Licensed onsite soil evaluator" means a person who is licensed under Chapter 23 (§ 54.1-2300 et
134 seq.) of Title 54.1 as an onsite soil evaluator. An authorized onsite soil evaluator is authorized to
135 evaluate soils and soil properties in relationship to the effects of these properties on the use and
136 management of these soils as the locations for traditional onsite sewage systems

137 "Owner" means the Commonwealth or any of its political subdivisions, including sanitary districts,
138 sanitation district commissions and authorities, any individual, any group of individuals acting
139 individually or as a group, or any public or private institution, corporation, company, partnership, firm
140 or association which owns or proposes to own a sewerage system or treatment works.

141 "Review Board" means the State Sewage Handling and Disposal Appeals Review Board.

142 "Regulations" means the Sewage Handling and Disposal Regulations, heretofore or hereafter enacted
143 or adopted by the State Board of Health.

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

148 "Sewerage system" means pipelines or conduits, pumping stations and force mains and all other
149 construction, devices and appliances appurtenant thereto, used for the collection and conveyance of
150 sewage to a treatment works or point of ultimate disposal.

151 "Subsurface drainfield" means a system installed within the soil and designed to accommodate treated
152 sewage from a treatment works.

153 "Transportation" means the vehicular conveyance of sewage.

154 "Treatment works" means any device or system used in the storage, treatment, disposal or
155 reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to
156 pumping, power and other equipment and appurtenances, septic tanks, and any works, including land,
157 that are or will be (i) an integral part of the treatment process or (ii) used for ultimate disposal of
158 residues or effluents resulting from such treatment.

159 § 32.1-164. Powers and duties of Board; regulations; fees; authorized onsite soil evaluators; letters in
160 lieu of permits.

161 A. The Board shall have supervision and control over the safe and sanitary collection, conveyance,
162 transportation, treatment, and disposal of sewage by onsite sewage systems and alternative discharging
163 sewage systems, and treatment works as they affect the public health and welfare. *The Board shall also*
164 *have supervision and control over the maintenance, inspection, and reuse of alternative onsite sewage*
165 *systems as they affect the public health and welfare.* In discharging the responsibility to supervise and
166 control the safe and sanitary treatment and disposal of sewage as they affect the public health and
167 welfare, the Board shall exercise due diligence to protect the quality of both surface water and ground
168 water. Upon the final adoption of a general Virginia Pollutant Discharge Elimination permit by the State
169 Water Control Board, the Board of Health shall assume the responsibility for permitting alternative
170 discharging sewage systems as defined in § 32.1-163. All such permits shall comply with the applicable
171 regulations of the State Water Control Board and be registered with the State Water Control Board.

172 In the exercise of its duty to supervise and control the treatment and disposal of sewage, the Board
173 shall require and the Department shall conduct regular inspections of alternative discharging sewage
174 systems. The Board shall also establish requirements for maintenance contracts for alternative
175 discharging sewage systems. The Board may require, as a condition for issuing a permit to operate an
176 alternative discharging sewage system, that the applicant present an executed maintenance contract. Such
177 contract shall be maintained for the life of any general Virginia Pollutant Discharge Elimination System
178 permit issued by the State Water Control Board.

179 B. The regulations of the Board shall govern the collection, conveyance, transportation, treatment and
180 disposal of sewage by onsite sewage systems and alternative discharging sewage systems *and the*
181 *maintenance, inspection, and reuse of alternative onsite sewage systems.* Such regulations shall be
182 designed to protect the public health and promote the public welfare and may include, without

183 limitation:

184 1. A requirement that the owner obtain a permit from the Commissioner prior to the construction,
185 installation, modification or operation of a sewerage system or treatment works except in those instances
186 where a permit is required pursuant to Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1.

187 2. Criteria for the granting or denial of such permits.

188 3. Standards for the design, construction, installation, modification and operation of sewerage systems
189 and treatment works for permits issued by the Commissioner.

190 4. Standards governing disposal of sewage on or in soils.

191 5. Standards specifying the minimum distance between sewerage systems or treatment works and:

192 (a) Public and private wells supplying water for human consumption,

193 (b) Lakes and other impounded waters,

194 (c) Streams and rivers,

195 (d) Shellfish waters,

196 (e) Ground waters,

197 (f) Areas and places of human habitation,

198 (g) Property lines.

199 6. Standards as to the adequacy of an approved water supply.

200 7. Standards governing the transportation of sewage.

201 8. A prohibition against the discharge of untreated sewage onto land or into waters of the
202 Commonwealth.

203 9. A requirement that such residences, buildings, structures and other places designed for human
204 occupancy as the Board may prescribe be provided with a sewerage system or treatment works.

205 10. Criteria for determining the demonstrated ability of alternative onsite systems, which are not
206 permitted through the then current sewage handling and disposal regulations, to treat and dispose of
207 sewage as effectively as approved methods.

208 11. Standards for inspections of and requirements for maintenance contracts for alternative
209 discharging sewage systems.

210 12. Notwithstanding the provisions of subdivision 1 above and Chapter 3.1 of Title 62.1, a
211 requirement that the owner obtain a permit from the Commissioner prior to the construction, installation,
212 modification, or operation of an alternative discharging sewage system as defined in § 32.1-163.

213 13. Criteria for granting, denying, and revoking of permits for alternative discharging sewage
214 systems.

215 14. Procedures for issuing letters recognizing onsite sewage sites in lieu of issuing onsite sewage
216 system permits.

217 ~~15. Criteria for approved training courses, testing requirements, and application fees for persons
218 wishing to be authorized onsite soil evaluators.~~

219 ~~16. Procedures for listing, removing from the list, and reinstating on the list those persons who have
220 successfully qualified to be authorized onsite soil evaluators.~~

221 C. A fee of \$75 shall be charged for filing an application for an onsite sewage disposal system or an
222 alternative discharging sewage system permit with the Department. Funds received in payment of such
223 charges shall be transmitted to the Comptroller for deposit. The funds from the fees shall be credited to
224 a special fund to be appropriated by the General Assembly, as it deems necessary, to the Department for
225 the purpose of carrying out the provisions of this title. However, \$10 of each fee shall be credited to the
226 Onsite Sewage Indemnification Fund established pursuant to § 32.1-164.1:01.

227 The Board, in its regulations, shall establish a procedure for the waiver of fees for persons whose
228 incomes are below the federal poverty guidelines established by the United States Department of Health
229 and Human Services or when the application is for a pit privy or the repair of a failing onsite sewage
230 disposal system. If the Department denies the permit for land on which the applicant seeks to construct
231 his principal place of residence, then such fee shall be refunded to the applicant.

232 From such funds as are appropriated to the Department from the special fund, the Board shall
233 apportion a share to local or district health departments to be allocated in the same ratios as provided
234 for the operation of such health departments pursuant to § 32.1-31. Such funds shall be transmitted to
235 the local or district health departments on a quarterly basis.

236 D. In addition to factors related to the Board's responsibilities for the safe and sanitary treatment and
237 disposal of sewage as they affect the public health and welfare, the Board shall, in establishing
238 standards, give due consideration to economic costs of such standards in accordance with the applicable
239 provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

240 E. Further a fee of \$75 shall be charged for such installation and monitoring inspections of
241 alternative discharging sewage systems as may be required by the Board. The funds received in payment
242 of such fees shall be credited to a special fund to be appropriated by the General Assembly, as it deems
243 necessary, to the Department for the purpose of carrying out the provisions of this section. However,
244 \$10 of each fee shall be credited to the Onsite Sewage Indemnification Fund established pursuant to

245 § 32.1-164.1:01.

246 The Board, in its regulations, shall establish a procedure for the waiver of fees for persons whose
247 incomes are below the federal poverty guidelines established by the United States Department of Health
248 and Human Services.

249 F. Any owner who violates any provision of this section or any regulation of the Board of Health or
250 the State Water Control Board relating to alternative discharging sewage systems or who fails to comply
251 with any order of the Board of Health or any special final order of the State Water Control Board shall
252 be subject to the penalties provided in §§ 32.1-27 and 62.1-44.32.

253 In the event that a county, city, or town, or its agent, is the owner, the county, city, or town, or its
254 agent may initiate a civil action against any user or users of an alternative discharging sewage system to
255 recover that portion of any civil penalty imposed against the owner which directly resulted from
256 violations by the user or users of any applicable federal, state, or local laws, regulations, or ordinances.

257 G. The Board shall establish a program for qualifying individuals as authorized onsite soil evaluators.
258 The Board's program shall include, but not be limited to, approved training courses, written and field
259 tests, application fees to cover the costs of the program, renewal fees and schedules, and procedures for
260 listing, removing from the list, and reinstating individuals as authorized onsite soil evaluators. To
261 contain costs, the Board shall use or enhance the written and field tests given to Department of Health
262 sanitarians as the testing vehicle for authorized onsite soil evaluators. Until July 1, 2001, a person
263 holding a certificate as a Virginia certified professional soil scientist from the Board of Professional Soil
264 Scientists shall be deemed to be qualified, upon application and demonstration of the knowledge, skills,
265 and abilities necessary to conduct onsite soil evaluations, as an authorized onsite soil evaluator without
266 completing the Board's training courses and taking the written and field tests. The Board shall furnish
267 the list of authorized onsite soil evaluators to all local and district health departments.

268 HG. The Board shall establish and implement procedures for issuance of letters recognizing the
269 appropriateness of onsite sewage site conditions in lieu of issuing onsite sewage system permits. Such
270 letters shall state, in language determined by the Office of the Attorney General and approved by the
271 Board, the appropriateness of the soil for a ~~traditional septic or other~~an onsite sewage system; no system
272 design shall be required for issuance of such letter. The letter may be recorded in the land records of the
273 clerk of the circuit court in the jurisdiction where all or part of the site or proposed site of the ~~septic or~~
274 ~~other~~ onsite sewage system is to be located so as to be a binding notice to the public, including
275 subsequent purchases of the land in question. Upon the sale or transfer of the land which is the subject
276 of any letter, the letter shall be transferred with the title to the property. A permit shall be issued on the
277 basis of such letter unless, from the date of the letter's issuance, there has been a substantial, intervening
278 change in the soil or site conditions where the ~~septic system or other~~ onsite sewage system is to be
279 located. The Board, Commissioner, and the Department shall accept evaluations from authorized onsite
280 soil evaluators for the issuance of such letters, if they are produced in accordance with the Board's
281 established procedures for issuance of letters. The Department shall issue such letters within 20 working
282 days of the application filing date when evaluations produced by authorized onsite soil evaluators are
283 submitted as supporting documentation. The Department shall not be required to do a field check of the
284 evaluation prior to issuing such a letter or a permit based on such letter; however, the Department may
285 conduct such field analyses as deemed necessary to protect the integrity of the Commonwealth's
286 environment. Applicants for such letters in lieu of onsite sewage system permits shall pay the fee
287 established by the Board for the letters' issuance and, upon application for a ~~septic system permit or~~
288 ~~other~~ an onsite sewage system permit, shall pay the permit application fee.

289 H. *The Board shall promulgate regulations governing the requirements for maintaining alternative*
290 *onsite sewage systems.*

291 § 54.1-300. Definitions.

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

293 "Board" means the Board for Professional and Occupational Regulation.

294 "Certification" means the process whereby the Department or any regulatory board issues a certificate
295 on behalf of the Commonwealth to a person certifying that he possesses the character and minimum
296 skills to engage properly in his profession or occupation.

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

298 "Director" means the Director of the Department of Professional and Occupational Regulation.

299 "Inspection" means a method of regulation whereby a state agency periodically examines the
300 activities and premises of practitioners of an occupation or profession to ascertain if the practitioner is
301 carrying out his profession or occupation in a manner consistent with the public health, safety and
302 welfare.

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

306 "Registration" means a method of regulation whereby any practitioner of a profession or occupation
307 may be required to submit information concerning the location, nature and operation of his practice.

308 "Regulatory board" means the Auctioneers Board, Board for Architects, Professional Engineers, Land
309 Surveyors, Certified Interior Designers and Landscape Architects, Board for Barbers and Cosmetology,
310 Board for Branch Pilots, Board for Contractors, Board for Geology, Board for Hearing Aid Specialists,
311 Board for Opticians, Board for Professional Soil Scientists and Wetland Professionals, Board for Waste
312 Management Facility Operators, Board for Waterworks and Wastewater Works Operators *and Onsite*
313 *Sewage System Professionals*, Cemetery Board, Real Estate Appraiser Board, Real Estate Board, Fair
314 Housing Board, and Virginia Board for Asbestos, Lead, and Home Inspectors.

315 § 54.1-2300. Definitions.

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

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

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

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

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

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

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

340 § 54.1-2301. Board for Waterworks and Wastewater Works Operators and Onsite Sewage System
341 Professionals; membership; terms; duties.

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

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

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

362 D. *The Board, in consultation with the Board of Health, shall adopt regulations for the licensure of*
363 *(i) authorized onsite soil evaluators, (ii) installers of alternative onsite sewage systems, as defined in*
364 *§ 32.1-163, and (iii) operators of alternative onsite sewage systems, as defined in § 32.1-163. Such*
365 *regulations shall include requirements for (a) minimum education and training, (b) relevant work*
366 *experience, (c) demonstrated knowledge and skill, and (d) other criteria the Board deems necessary.*

367 § 54.1-2302. License required.

368 No person shall operate a waterworks or wastewater works, *or perform the duties of an onsite soil*
369 *evaluator, onsite sewage system installer, or onsite sewage system operator*, without a valid license.

370 **2. That of the appointments made to the Board for Waterworks and Wastewater Works Operator**
371 **and Onsite Sewage System Professionals pursuant to this act, the Governor shall appoint the**
372 **additional members for the following terms: one shall serve a two-year term, two shall serve a**
373 **three-year term, and one shall serve a four-year term. Thereafter, all such appointments shall be**
374 **for terms of four years, except that appointment to fill vacancies shall be for the unexpired term.**

375 **3. That the appointments made to the Board for Waterworks and Wastewater Works Operator**
376 **and Onsite Sewage System Professionals pursuant to this act shall not vote on any matters before**
377 **the Board, except matters related to alternative onsite sewage systems, until July 1, 2009.**

378 **4. That the provisions of this act shall become effective on July 1, 2009, except the provisions of**
379 **§ 54.1-2301, which shall become effective in due course.**