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SENATE BILL NO. 999

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on January 24, 2023)

(Patron Prior to Substitute—Senator Mason)

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

Be it enacted by the General Assembly of Virginia:

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

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

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

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

2. The Board shall, upon application by an individual, recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure in the Commonwealth if the following conditions are met:

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

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

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

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

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

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

g. The individual pays all applicable fees.

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

4. The Board shall adopt regulations establishing the procedure by which the Department shall grant licenses within 30 days of the date of application to applicants meeting the requirements for recognition of licenses or certificates issued by another state.

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

60 which shall be restricted to the design of conventional onsite sewage systems; and (f) other criteria the
61 Board deems necessary.
62 E. The Board shall permit any wastewater works operator to sit for the conventional onsite sewage
63 system operator examination.