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SENATE BILL NO. 1270

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 19, 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

with flows less than or equal to 1,000 gallons per day.

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

"Authorized onsite soil evaluator" means a person possessing the qualifications specified by the Board who has successfully completed the course and testing to be authorized 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 traditional onsite sewage disposal systems.

"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.

"Licensed onsite soil evaluator" means a person who is licensed under Chapter 23 (§ 54.1-2300 *et seq.*) of Title 54.1 as an onsite soil evaluator. A licensed onsite soil evaluator is authorized 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 onsite sewage systems.

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

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

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

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

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

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

"Transportation" means the vehicular conveyance of sewage.

"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 but not limited to 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 process or (ii) used for ultimate disposal of residues or effluents resulting from such treatment.

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

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

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

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

1. A requirement that the owner obtain a permit from the Commissioner prior to the construction,

183 installation, modification or operation of a sewerage system or treatment works except in those instances
184 where a permit is required pursuant to Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1.

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

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

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

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

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

191 (b) Lakes and other impounded waters,

192 (c) Streams and rivers,

193 (d) Shellfish waters,

194 (e) Ground waters,

195 (f) Areas and places of human habitation,

196 (g) Property lines.

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

198 7. Standards governing the transportation of sewage.

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

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

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

206 11. Standards for inspections of and requirements for maintenance contracts for alternative
207 discharging sewage systems.

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

211 13. Criteria for granting, denying, and revoking of permits for alternative discharging sewage
212 systems.

213 14. Procedures for issuing letters recognizing onsite sewage sites in lieu of issuing onsite sewage
214 system permits.

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

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

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

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

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

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

238 E. Further a fee of \$75 shall be charged for such installation and monitoring inspections of
239 alternative discharging sewage systems as may be required by the Board. The funds received in payment
240 of such fees shall be credited to a special fund to be appropriated by the General Assembly, as it deems
241 necessary, to the Department for the purpose of carrying out the provisions of this section. However,
242 \$10 of each fee shall be credited to the Onsite Sewage Indemnification Fund established pursuant to
243 § 32.1-164.1:01.

244 The Board, in its regulations, shall establish a procedure for the waiver of fees for persons whose

incomes are below the federal poverty guidelines established by the United States Department of Health and Human Services.

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

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

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

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

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

§ 54.1-300. Definitions.

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

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

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

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

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

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

"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 a license.

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

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

313 § 54.1-2300. Definitions.

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

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

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

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

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

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

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

338 § 54.1-2301. Board for Waterworks and Wastewater Works Operators and Onsite Sewage System
339 Professionals; membership; terms; duties.

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

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

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

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

365 § 54.1-2302. License required.

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

368 2. That of the appointments made to the Board for Waterworks and Wastewater Works Operator
369 and Onsite Sewage System Professionals pursuant to this act, the Governor shall appoint the
370 additional members for the following terms: one shall serve a two-year term, two shall serve a
371 three-year term, and one shall serve a four-year term. Thereafter, all such appointments shall be
372 for terms of four years, except that appointment to fill vacancies shall be for the unexpired term.
373 3. That the appointments made to the Board for Waterworks and Wastewater Works Operator
374 and Onsite Sewage System Professionals pursuant to this act shall not vote on any matters before
375 the Board, except matters related to alternative onsite sewage systems, until July 1, 2009.
376 4. That the provisions of this act shall become effective on July 1, 2009, except the provisions of
377 § 54.1-2301, which shall become effective in due course.