



Board for Waterworks and Wastewater Works Operators and
Onsite Sewage System Professionals

Guidance Document

**Waiver of Examination for Conventional
Onsite Sewage System Operators in
Limited Circumstances**

Adopted July 24, 2014

I. Background

The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (Board) considered the necessity for an examination for conventional onsite sewage system operators, especially in light of legislative exceptions that have been made for conventional onsite sewage system installers.

Specifically, the 2012 Session of the General Assembly resulted in the passage of House Bill 1262 and Senate Bill 662, which amended § 54.1-2301 of the Code of Virginia until June 30, 2016. This amendment allows a conventional installer to qualify for licensure without examination upon demonstrating to the Board that the applicant has been actively engaged in performing the duties of a conventional installer for at least eight of the preceding 12 years. No similar exceptions have been made for conventional operators both appear to be similarly situated.

Governor McAuliffe issued Executive Order 17 on July 1, 2014. This gubernatorial directive provides the policies and procedures to be utilized by state agencies and

policy boards for the establishment and revision of regulations. Specifically, EO 17 states, in part, that “all regulatory activity should be undertaken with the least possible intrusion into the lives of the citizens of the Commonwealth and be necessary to protect the public health, safety, and welfare.”

Potential and current applicants, some legislators, and other members of the public have raised questions about whether an examination is reasonable and justified for conventional onsite sewage system operators, specifically those whose primary responsibility is pumping out conventional onsite sewage systems. When establishing the regulatory program and creating the Board, the General Assembly did not include a statutory provision in Chapter 23 of Title 54.1 of the Code requiring an examination for licensure; all examinations required for initial licensure are established by the Board’s regulations.

II. Applicable Board Regulations

18 VAC 160-20-76.E.

Each applicant for a license shall have passed the appropriate board-approved examination.

18 VAC 160-20-98.C.1

Conventional onsite sewage system operator. Each individual applying for an initial conventional onsite sewage system operator license shall pass a board-approved examination and shall meet one of the following requirements:

- a. Have at least one year of full-time experience as a sewage handler;
- b. Have one year of full-time experience working under the direct supervision of either an interim conventional, interim alternative, conventional, or alternative onsite sewage system operator licensee; or
- c. Possess a valid wastewater works operator license.

III. Policy

The Board waives the examination required pursuant to 18 VAC 160-20-76.E.1 and 18 VAC 160-20-98.C.1 of the Board's regulations for conventional onsite sewage system operator applicants contingent on the following requirements being met:

1. The applicant was issued an interim conventional or alternative onsite sewage system operator license;
2. The applicant submits and the Board receives an application for conventional onsite sewage system operator by examination waiver and the applicable fee to the Board office;
3. The applicant provides documentation of having met the continuing education requirements of 18 VAC 160-20-98.B and 18 VAC 160-20-109 of the Board's regulations.
4. The applicant provides acceptable documentation of having been actively engaged in the operation and maintenance of conventional and/or alternative onsite sewage systems for four and one-half (4 ½) years. Such experience must be verified by one or more of the following:
 - a. VDH Authorized Onsite Soil Evaluator (AOSE) for work performed prior to July 1, 2009;
 - b. Licensed (interim or non-interim) conventional or alternative onsite soil evaluator;
 - c. Licensed (interim or non-interim) conventional or alternative onsite sewage system operator; or
 - d. Virginia licensed professional engineer;
5. The applicant meets all other requirements of the Board's regulations.

An applicant who does not meet the requirements of this policy is not eligible for waiver of the conventional onsite sewage system operator examination.