

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

**MINUTES OF MEETING**

The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals met on July 28, 2016, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 3, Richmond, Virginia 23233.

The following members of the Board were present:

John Aulbach, II  
James N. Brockwell  
W. Jordan Evans  
John Ewing  
Thomas Wayne Fore  
D. Perry Greene, Chair  
Kristen Lentz  
Pamela M. Pruett  
D. Wayne Staples  
Richard C. Wadkins

Board member Rosa-Lee Cooke was not present at the meeting.

DPOR staff present for all or part of the meeting included:

Jay W. DeBoer, Director  
Nick Christner, Deputy Director  
Trisha L. Henshaw, Executive Director  
Kristin M. Clay, Board Administrator  
Shannon Webster, Director of Examinations  
Tanya M. Pettus, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Mr. Greene, Chair, called the meeting to order at 9:03 a.m.

**Call to Order**

Ms. Henshaw advised the Board of emergency evacuation procedures.

**Emergency  
Evacuation  
Procedures**

Ms. Henshaw advised the Board of amendments to the agenda. Mr. Staples moved to approve the agenda as amended. Ms. Lentz seconded the motion which was unanimously approved by: Aulbach, Brockwell, Evans, Ewing, Fore, Greene, Lentz, Staples, and Wadkins.

**Approval of  
Agenda**

Mr. Wadkins moved to approve the minutes of the April 21, 2016 Board meeting as presented. Mr. Staples seconded the motion which was unanimously approved by: Aulbach, Brockwell, Evans, Ewing, Fore, Greene, Lentz, Staples, and Wadkins.

**Approval of Minutes**

Ms. Henshaw opened the floor for public comment. There were three members of the public present to address the Board regarding File Number 2016-02331. Ms. Henshaw advised the individuals that the Board would hear those comments when the file was presented.

**Public Comment Period**

In the matter of **File Number 2016-02331, Phillip L. Strouth**, the Board members reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

**File Number 2016-01424, Marcus C. Black**

Mr. Strouth was present to address the Board, and thanked the Board for its time and attention to his application. Mr. Strouth asked the Board to consider approving his application for a Class 4 Wastewater Works Operator license.

Mr. Mark S. Hollyfield, Executive Director of Coeburn-Norton-Wise Regional Wastewater Treatment Authority (CNW), addressed the Board in support of Mr. Strouth. Mr. Hollyfield stated he agrees with the recommendation of the Presiding Officer, and asked the Board to accept the recommendation and approve Mr. Strouth's application. Mr. Hollyfield thanked the Board and DPOR for their efforts in regulating the wastewater industry.

Mr. Mark J. Smith with CNW was present to address the Board in support of Mr. Strouth. Mr. Smith asked the Board to consider approving Mr. Strouth's application and allow him to take the exam for a Class 4 Wastewater Works Operator license.

Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Stouth's application for a Class 4 Wastewater Works Operator license. Mr. Staples seconded the motion which was unanimously approved by: Aulbach, Brockwell, Evans, Ewing, Fore, Greene, Lentz, Staples, and Wadkins.

Ms. Henshaw advised the Board of the status of the Board's regulatory actions that are in process. Board approved amendments to the regulations made pursuant to the Board's general review have been submitted for executive branch review. The final text is currently with the office of the Secretary of Commerce and Trade, and will then be submitted to the Governor's office. Following

**Update on Regulatory Review Processes**

Governor approval, a final 30 day public comment period will be held prior to the amended regulations becoming effective.

Per Mr. Fore's request, Ms. Henshaw advised she would notify the Board when the amended regulations have been submitted to the Governor's office.

Ms. Henshaw advised the Board of an amendment to the Administrative Process Act granting the right to counsel in rule-making proceedings, requiring an amendment to the language in Board Regulation 18VAC160-11-50. Ms. Henshaw advised that because this is a statutory change, the amendment may be made through the fast-track process. Mr. Aulbach moved to authorize staff to move forward with the fast-track process in order to make the necessary amendment to the regulation. Mr. Fore seconded the motion which was unanimously approved by: Aulbach, Brockwell, Evans, Ewing, Fore, Greene, Lentz, Staples, and Wadkins.

**Consider Fast-Track Regulatory Action to Amend Public Participation Guidelines**

Ms. Pruettt arrived at 9:17 a.m.

**Arrival of Board Member**

Ms. Henshaw provided the Board a copy of the quarterly examination statistics report for informational purposes.

**Examination Statistics Report**

Ms. Henshaw presented the Board with tentative Board meeting dates for 2017. Mr. Staples moved to accept the meeting dates as presented. Mr. Brockwell seconded the motion which was unanimously approved by: Aulbach, Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruettt, Staples, and Wadkins.

**Consider 2017 Future Meeting Dates**

Ms. Henshaw updated the Board on recent and upcoming outreach opportunities.

**Update on Outreach Opportunities**

Mr. Aulbach noted he has received positive feedback on the attendance of DPOR staff at the Virginia Tech Short School and commended staff on their outreach efforts. Mr. Fore concurred.

Ms. Henshaw provided the Board with an update of passed legislation affecting the Board and/or waterworks, wastewater works, and onsite sewage system professionals. Ms. Henshaw provided the Board with information on House Bill 558, which mandates that VDH develop a plan to move evaluation and design of onsite sewage systems to the private sector. Ms. Henshaw advised the Board that sub-committees have been formed to develop this plan, and that DPOR staff members have made themselves available as a resource if needed.

**2016 Legislative Update**

Ms. Henshaw advised the Board of a guidance document adopted by the APELSCIDLA Board regarding onsite sewage systems. The guidance document will aid in determining when a wastewater characterization by a professional engineer is necessary.

**Update on  
APELSCIDLA  
Board Guidance  
Document  
Regarding Onsite  
Sewage Systems**

Board members considered the following resolution for former DPOR staff member Mark Courtney:

**Consideration of  
Resolution for  
Service**

**Mark Courtney**

WHEREAS, **Mark Courtney**, did faithfully and diligently serve the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals from 1991 to 2016;

WHEREAS, **Mark Courtney**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Mark Courtney**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals this twenty-eighth day of July 2016, that **Mark Courtney** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Staples moved to adopt the resolution as presented. Mr. Aulbach seconded the motion which was unanimously approved by: Aulbach, Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruet, Staples, and Wadkins.

At 9:33 a.m., Ms. Lentz moved that the Board meeting be recessed and that the Board immediately reconvene in closed meeting for the

**Closed Meeting**

purpose of discussing the awarding of a public contract involving the expenditure of public funds as permitted by § 2.2-3711.A.29 of the *Code of Virginia*. The following non-members were in attendance to reasonably aid the consideration of the topic: Elizabeth Peay, Trisha Henshaw, Kristin M. Clay, Jay DeBoer, Nick Christner, and Shannon Webster. The motion to convene in closed meeting was with respect to the matter identified as agenda item VIII.f. Other Board Business. Mr. Fore seconded the motion which was unanimously approved by: Aulbach, Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, Staples, and Wadkins.

At 10:01 a.m., Mr. Ewing moved that the Board adjourn the closed meeting and immediately reconvene in open session. Mr. Wadkins seconded the motion which was unanimously approved by: Aulbach, Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, Staples, and Wadkins.

**Open Meeting**

### **CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712 of the *Code of Virginia* requires a certification by this Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.

### **VOTE**

AYES: Aulbach, Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, Staples, and Wadkins.

NAYS: None.

ABSENT DURING THE VOTE: Cooke

ABSENT DURING THE MEETING: Cooke

The following meeting dates have been scheduled:

- October 27, 2016

**Future Meeting  
Dates**

Board members were reminded to complete their conflict of interest forms and travel vouchers.

**Conflict of Interest  
Forms and Travel  
Vouchers**

Mr. Aulbach advised the Board that VDH is working to develop a form of recognition for advanced wastewater treatments. Mr. Aulbach stated facilities in Hampton are performing additional treatments such as deep well injection, and VDH is working to recognize professionals who are going above and beyond in the industry. A committee has been formed to determine a recognition or certification program with the Virginia Tech Short School. A pilot program is being developed at the Short School with a limited class size, and a possible focus on supervisory skills. Discussion was held on the possibility of a management certificate for water and wastewater professionals who have excelled in training, education, and experience.

**Other Board  
Business**

Mr. Aulbach also advised that this will be his last meeting with the Board, as he will be retiring from public service in September 2016. The Board congratulated Mr. Aulbach and thanked him for his service to the Board and Commonwealth.

There being no further business, the meeting was adjourned at 10:13 a.m.

**Adjourn**

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D. Perry Greene, Chair

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Jay W. DeBoer, Secretary