

**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 October 10, 2013, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

John Aulbach, II  
Frank L. Davis, Jr.  
Kornell Davis, Jr., Vice-Chair  
Barry T. Dunkley (arrived 9:21 a.m.)  
D. Perry Greene  
Kristen Lentz  
Michelle Ann Magrino  
Gary Schafran  
D. Wayne Staples

Board members E. Brooke Philpy and Ronald Thomas were not present at the meeting.

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

Mark N. Courtney, Senior Director for Regulatory and Public Affairs  
Trisha L. Henshaw, Executive Director  
Doug Schroder, Director of Adjudication  
Jill Hrynciw, Board Administrator  
Kristin Clay, Legal Analyst  
Samantha Vrscak, Legal Analyst  
Betty C. Jones, Administrative Assistant

Mr. K. Davis introduced and welcomed Mr. Josh Laws, Assistant Attorney General, from the Office of the Attorney General. Mr. Laws was in attendance as Board counsel as Elizabeth Peay was unable to attend.

Finding a quorum of the Board present and in the absence of the Board Chair, Mr. Philpy, Mr. K. Davis, Vice Chair, called the meeting to order at 9:00 a.m. **Call to Order**

Mr. Staples moved to approve the revised agenda. Mr. Greene seconded the motion which was unanimously approved by: Aulbach, F. Davis, K. Davis, Greene, Lentz, Magrino, Schafran, and Staples. **Approval of Agenda**

Mr. F. Davis moved that the Board approve the minutes of the July 9, 2013, Board meeting. Ms. Lentz seconded the motion which **Approval of Minutes**

was unanimously approved by: Aulbach, F. Davis, K. Davis, Greene, Lentz, Magrino, Schafran, and Staples.

Mr. K. Davis opened the floor for public comment. No members of the public present requested to speak.

**Public Comment  
Period**

In the matter of **File Number 2014-00302, Wendy Urbina**, 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. Ms. Urbina was present and addressed the Board. She thanked the Board for giving her the opportunity to speak. She stated that she is a hard worker, cares about the environment, and wants to continue in this field. Mr. Staples moved to accept the recommendation of the Presiding Officer and approve Ms. Urbina's application for a Class 4 wastewater works operator license. Mr. Greene seconded the motion which was unanimously approved by: Aulbach, F. Davis, K. Davis, Greene, Lentz, Magrino, Schafran, and Staples.

**File Number 2014-  
00302, Wendy  
Urbina**

Mr. Dunkley arrived at 9:21 a.m.

**Arrival of Board  
Member**

Mr. Staples disclosed that he was previously a personal acquaintance of Mr. Basore but indicated he can be fair and impartial in consideration of this matter.

**File Number 2014-  
00468, Wesley  
Basore**

In the matter of **File Number 2014-00468, Wesley Basore**, 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. Mr. Basore was present and addressed the Board. Mr. Basore stated he submitted an Alternative Onsite Sewage System (AOSS) Operator Exam application and completed a AOSS Operator Exam Preparation course. Mr. Basore was informed by Board staff that the course he submitted would not meet the requirements for licensure. He then contacted Southside Community College and the Office of Environmental Health Services and was told the only place currently known to offer the AOSS course was through the Small Onsite Systems course offered through the short school by Virginia Tech and the Virginia Department of Health (VDH). He was unable to attend the course because of such short notice. He was advised that the next course offered will be August 2014, if at all. Mr. Basore said that he has been unable to find a course that meets the Board's requirements. After discussion, the Board tabled this item for consideration later in the meeting. Mr. K. Davis indicated that the AOSS Operator

Exam Prep course is not an approved training course. He expressed an interest in reviewing materials from the class, particularly Chapters 9, 10, and 11 which dealt with technology, controls and mathematics. Ms. Clay indicated she would prepare the materials for review later in the meeting.

Ms. Henshaw gave an update on the current status of the regulatory review processes for the Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals Regulations.

**Update on  
Regulatory Review  
Processes**

The standard regulatory process action amending the definitions related to supervision and entry requirements for installers is currently undergoing review by the Governor's office.

The proposed amendment to the Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals Regulations made pursuant to the Governor's Regulatory Reform Initiative is currently undergoing review by the Secretary of Commerce and Trade.

Ms. Henshaw discussed the upcoming waterworks continuing professional education (CPE) audit. The Board agreed by consensus to defer consideration of this matter to the next Board meeting.

**Discuss Upcoming  
Waterworks CPE  
Audit**

Mr. Aulbach discussed the new VDH program regarding veterans. He indicated that staff is working with personnel at Fort Lee to develop a method for tracking and documenting work experience of veterans.

**New VDH Program  
for Veterans**

Mr. K. Davis opened the floor for nominations of Chair and Vice Chair. Mr. Greene made a motion to nominate Mr. K. Davis as Chair. Mr. Staples seconded the motion which was unanimously approved by: Aulbach, F. Davis, K. Davis, Dunkley, Greene, Lentz, Magrino, Schafran, and Staples. Mr. Dunkley made a motion to close the nomination. By acclamation, Mr. K. Davis was elected Chair.

**Election of Officers**

Mr. Greene made a motion to nominate Mr. Aulbach as Vice Chair. Mr. Dunkley seconded the motion which was unanimously approved by: Aulbach, F. Davis, K. Davis, Dunkley, Greene, Lentz, Magrino, Schafran, and Staples. Mr. Staples made a motion to close the nomination. By acclamation, Mr. Aulbach was elected Vice Chair.

Ms. Henshaw provided an update on applications for sewage disposal system (SDS) contractors. The Board for Contractors

**Update on  
Applications:**

notified all contractors that held the SDS specialty that their qualified individuals would be required to obtain an installer's license from the Board or the SDS specialty would be removed from their license. There are approximately 1,400 SDS contractors with active licenses, 107 with expired licenses that are eligible for renewal/reinstatement that hold the SDS specialty, and approximately 400-600 contractors who do not have a licensed installer as a qualified individual. In the next couple of months, the Contractor's Board will be sending a final notice that SDS will be dropped as a specialty if a licensed installer is not listed as the qualified individual. If SDS is the only specialty and a licensed installer is not listed as the qualified individual, then the contractor license will be terminated.

### **SDS Contractor Licenses**

Ms. Henshaw provided background information on a proposed change to the WWOOSSP application review process to have staff review applications for examination instead of PSI. Currently only Waterworks Operators and Wastewater Works Operators exam applications are sent to PSI for review and approval. Board staff is contacted by PSI with questions during the review process. PSI notifies the applicant if approved for the exam. If the application is not approved, then the application is returned along with a letter indicating the deficiencies. Once the applicant passes the exam, PSI gives the applicant a License Fee Notice. Then the Applicant sends the License Fee Notice to DPOR and a license is issued. Most of the calls and complaints staff receive are from WWOOSSP related applicants who are frustrated with the review process as it is unclear who is responsible for the application at any given time - Board staff or PSI.

### **Application Processes**

After considering comments and concerns received from applicants regarding the review process and reviewing the exam process for other license programs within DPOR, Ms. Henshaw proposes changing the review process as follows:

- Board staff will receive and review applications for exam.
- If approved, Board staff will send an approval letter to the applicant and have a mechanism for notifying the exam vendor of the approval.
- If not approved, Board staff will advise the applicant of any deficiencies. The applicant will have one year from date of receipt of the application to provide the additional information needed to make the application complete.
- Once the applicant passes the exam, the vendor will notify

DPOR and the license will be issued.

If the Board agrees, Ms. Henshaw plans to implement the proposed change to the application review process effective January 1, 2014. The Board agreed by consensus and commented that this is a necessary and welcome change.

The Board recessed for a break at 9:50 a.m. and reconvened at 10:00 a.m.

**Break**

Mr. Schroder provided an overview of the regulatory complaint process for review of prima facie cases. Previously, approximately 50% of IFFs were not attended by the respondent, resulting in time, money, and resources being wasted. As of July 1<sup>st</sup> this year, the Adjudication section has a new tool to review prima facie cases. Prima facie cases are those matters for which the evidence is sufficient to support a finding of a violation of the Board's regulations or statutes. As a result of a legislative change, these disciplinary cases will now go to the Board without an Informal Fact Finding Conference (IFF) unless the respondent requests an IFF within 30 days. Mr. Schroder indicated this process will keep costs down and reduce the time and resources to conduct IFFs without the respondent present.

**Overview of Prima  
Facie Cases**

The Board recessed for a break at 10:15 a.m. and reconvened at 10:23 a.m.

**Break**

The Board continued its review in the matter of **File Number 2014-00468, Wesley Basore**. The Board members were provided excerpts of materials from the class including Chapters 9, 10, and 11 of the course completed by Mr. Basore. After much discussion and consideration, Mr. K. Davis indicated that the course does not substitute for experience as it does not address common technologies that exist today, and lacks the specific information necessary to practice as an alternative onsite sewage system operator. Ms. Lentz moved to accept the recommendation of the Presiding Officer and deny Mr. Basore's request for waiver of the educational requirements and deny his request to sit for the alternative onsite sewage system operator examination. Mr. Aulbach seconded the motion which was unanimously approved by: Aulbach, F. Davis, K. Davis, Dunkley, Greene, Lentz, Magrino, Schafran, and Staples.

**File Number 2014-  
00468, Wesley  
Basore**

The following meeting dates have been scheduled:

**Future Meeting  
Dates**

- Thursday, January 16, 2014
- Thursday, April 10, 2014

- Thursday, July 24, 2014
- Thursday, October 16, 2014

The Board members were reminded to complete their conflict of interest forms and travel vouchers. **Conflict of Interest Forms and Travel Vouchers**

There being no further business, the meeting was adjourned at **Adjourn** 10:40 a.m.

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Kornell R. Davis, Jr., Chair

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Gordon Dixon, Secretary

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