

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

The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals met on December 9, 2010, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Charles Bott
Douglas J. Crooks
Frank L. Davis, Jr.
Eileen M. Leininger
E. Brooke Philpy
Ronald Thomas
John Vanderland
Harold W. Walker

Board members Kornell Davis, Jr., and Dr. Wesley Kleene were not present at the meeting.

Staff present for all or part of the meeting were:

Gordon Dixon, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
David Dick, Executive Director
Jill Richardson, Board Administrator
Michele Atkinson, Board Administrator
Earlyne Perkins, Legal Analyst
Michelle Gowen, Administrative Assistant

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

Mr. Crooks, finding a quorum of the Board present, called the meeting to order at 9:10 a.m.

Call to Order

Mr. Dick introduced Dan Nix, BPOR Liaison, to the Board.

Introduction

Mr. F. Davis moved to approve the agenda. Mr. Thomas seconded the motion which was unanimously approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

**Approval of
Agenda**

Mr. Walker moved to approve the minutes of the following meetings:

**Approval of
Minutes**

September 14, 2010, IFF Minutes;
September 14, 2010, Board Meeting Minutes;

September 21, 2010, IFF Minutes;
September 30, 2010, IFF Minutes;
October 14, 2010, IFF Minutes;
October 19, 2010, IFF Minutes; and
November 9, 2010, IFF Minutes.

Ms. Leininger seconded the motion which was unanimously approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

There were no comments made to the Board.

In the matter of **File Number 2011-02163, Wayne Davis, Jr.**, 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. Wayne Davis was present and addressed the Board. Mr. F. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Wayne Davis' Interim Alternative Onsite Sewage System Installer license application. Mr. Walker seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

In the matter of **File Number 2011-00878, Marion Harris**, 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. Harris was present and addressed the Board. Mr. Vanderland moved to accept the recommendation of the Presiding Officer and approve Mr. Harris' Class 4 Wastewater Works Operator license application. Ms. Leininger seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas and Vanderland. Mr. Walker was not present during the discussion or vote.

In the matter of **File Number 2011-02418, Michael Hargrave**, 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. Hargrave was present and addressed the Board. Mr. F. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Hargrave's Class 4 Waterworks Operator license application. Ms. Leininger seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

**Public Comment
Period**

**File Number 2011-
02163 – Wayne
Davis, Jr.**

**File Number 2011-
00878 – Marion
Harris**

**File Number 2011-
02418 – Michael
Hargrave**

In the matter of **File Numbers 2011-01842 and 2011-01843, Gary Groomes**, the Board members reviewed the records which consisted of the application files, transcripts and exhibits from the Informal Fact-Finding Conferences, and the Presiding Officer's Summaries and Recommendations. Mr. Groomes was present and addressed the Board. Mr. Vanderland moved to accept the recommendations of the Presiding Officer and approve Mr. Groomes' Interim Alternative Onsite Sewage System Operator and Interim Alternative Onsite Sewage System Installer license applications. Mr. Bott seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

File Numbers
2011-01842 and
2011-01843 – Gary
Groomes

In the matter of **File Number 2011-01675, Arthur Digges**, 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. Digges was present and addressed the Board. Mr. Thomas moved to accept the recommendation of the Presiding Officer and approve Mr. Digges' Interim Alternative Onsite Sewage System Installer license application. Mr. Walker seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

File Number 2011-
01675 – Arthur
Digges

In the matter of **File Number 2011-00876, Warren Lowery**, 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. Lowery was not present to address the Board. Mr. Bott moved to accept the recommendation of the Presiding Officer and approve Mr. Lowery's Interim Alternative Onsite Sewage System Installer license application. Ms. Leininger seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

File Number 2011-
00876 – Warren
Lowery

In the matter of **File Number 2011-00877, Daniel Devlin**, 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. Devlin was not present to address the Board. Mr. Walker moved to accept the recommendation of the Presiding Officer as amended and approve Mr. Devlin's Interim Alternative Onsite Sewage System Installer license application. Mr. Philpy seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and

File Number 2011-
00877 – Daniel
Devlin

Walker.

In the matter of **File Numbers 2011-00875 and 2011-00874, Jimmie Saunders**, the Board members reviewed the records which consisted of the application files, transcripts and exhibits from the Informal Fact-Finding Conferences, and the Presiding Officer's Summaries and Recommendations. Mr. Saunders was not present to address the Board. Mr. F. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Saunders' Interim Alternative Onsite Sewage System Operator and Interim Alternative Onsite Sewage System Installer license applications. Mr. Vanderland seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

File Numbers
2011-00875 and
2011-00874-
Jimmie Saunders

In the matter of **File Numbers 2011-00002 and 2011-00003, Ronnie Flowers**, the Board members reviewed the records which consisted of the application files, transcripts and exhibits from the Informal Fact-Finding Conferences, and the Presiding Officer's Summaries and Recommendations. Mr. Flowers was not present to address the Board. Mr. Vanderland moved to accept the recommendations of the Presiding Officer and approve Mr. Flowers' Interim Conventional Onsite Sewage System Installer and Interim Conventional Onsite Sewage System Operator license applications. Mr. Walker seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

File Numbers
2011-00002 and
2011-00003,
Ronnie Flowers

In the matter of **File Number 2011-01683, Theron Constantino**, 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. Constantino was not present to address the Board. Mr. Walker moved to accept the recommendation of the Presiding Officer as amended and approve Mr. Constantino's Interim Alternative Onsite Sewage System Installer license application. Mr. F. Davis seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

File Number 2011-
01683 – Theron
Constantino

In the matter of **File Number 2010-05456, Stacy Vanover**, 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. Vanover was not present to address the Board. Mr. Vanderland moved to accept the recommendation of the Presiding Officer as amended and approve Mr. Vanover's Calss 3

File Number 2011-
00877 – Daniel
Devlin

Waterworks Operator license application. Ms. Leininger seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

Ms. Leininger moved to reconsider the previous motion made at the September 14, 2010, Board meeting regarding the issuance of temporary licenses as authorized by § 54.1-201.1 of the Code of Virginia. Mr. Walker seconded the motion which was unanimously approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

**Reconsider and
Withdraw
Emergency
Regulation
Revision**

Ms. Leininger moved to withdraw the emergency regulation amendment which was the subject of the motion made at the September 14, 2010, Board meeting. Mr. Thomas seconded the motion which was unanimously approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker.

After review and discussion of request for interpretation on flow diversion valves, Ms. Leininger moved that the Board interpret its regulation as follows:

Improper operation of or failure to operate the flow diversion valve at the required time can adversely affect the operation of a conventional onsite sewage system. For this reason, a licensed conventional onsite sewage system operator is necessary to assure that a flow control valve is properly operated.

**Discussion of
Diversion Flow
Valves Operation
– Request for
Board
Interpretation**

Mr. Philpy seconded the motion which was approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas and Vanderland. Mr. Walker voted in opposition of the motion. The motion passed by majority vote.

The Board was asked to interpret its regulation by letter from Mr. Mark E. Holt, III, regarding a septic truck driver being required to hold a conventional onsite sewage system operator license in order to drive and/or pump out septic trucks. After review and discussion Ms. Leininger moved to interpret the Board's regulation as follows:

**Discussion of
Licensing
Requirement to
Pump Out Septic
Trucks - Request
for Board
Interpretation**

In response to Mr. Holt's request, Conventional septic tanks must have a licensed conventional onsite sewage system operator responsible for the actions of the individual or individuals pumping out the septic tank. The licensed conventional onsite sewage system operator is not required to be present when the septic tank is pumped out, but is responsible for the actions of the unlicensed individual who pumped out the septic tank. The individual actually pumping out the septic tank need not be a licensed conventional onsite sewage system operator but must be working under the supervision of a licensed conventional onsite sewage system operator who shall be responsible for the unlicensed person's actions.

Mr. Thomas seconded the motion which was unanimously approved by members: Bott, Crooks, F. Davis, Leininger, Philpy, Thomas, Vanderland and Walker

Mr. Dick informed the Board of all pending regulatory activity for the Board for Waterworks and Wastewater Works and Onsite Sewage System Professionals.

**Update on
Pending
Regulatory
Actions
Future Meeting
Dates**

Future Board Meeting Dates:

- March 30, 2011
- June 21, 2011
- September 27, 2011
- December 13, 2011

The Board members completed their conflict of interest forms and travel vouchers.

**Conflict of
Interest Forms**

The Board adjourned at 10:41 a.m.

Adjournment

Douglas J. Crooks, Chair

Gordon Dixon, Secretary