

**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 16, 2014, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

John Aulbach, II, Vice Chair
Kornell Davis, Jr., Chair
Barry T. Dunkley
Thomas Fore
D. Perry Greene
E. Brooke Philpy
Gary Schafran (arrived at 9:41 a.m.)
D. Wayne Staples
Ronald Thomas

Board members Kristen Lentz and Michelle Ann Magrino were not present at the meeting.

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

Jay W. DeBoer, Director
Trisha L. Henshaw, Executive Director
Kristin Marie Clay, Board Administrator
Martin Mooradian, Liaison to the Board
Betty C. Jones, Administrative Assistant

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

Finding a quorum of the Board present, Mr. Davis, Chair, called the meeting to order at 9:00 a.m.

Call to Order

Ms. Henshaw advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Fore moved to approve the revised agenda. Mr. Staples seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Fore, Greene, Philpy, Staples, and Thomas.

**Approval of
Agenda**

Mr. Thomas moved that the Board approve the minutes of the September 16, 2014, Board meeting as amended. Mr. Aulbach seconded the motion which was unanimously approved by:

**Approval of
Minutes**

Aulbach, Davis, Dunkley, Fore, Greene, Philpy, Staples, and Thomas.

Mr. Davis opened the floor for public comment. Mr. John Ewing, a licensed alternative soil evaluator and alternative onsite sewage system installer, was present and addressed the Board. Mr. Ewing spoke on behalf of the licensed installers and alternative onsite sewage system installers. He indicated that the completion statement, a document utilized by the Virginia Department of Health (VDH), has a place for the license number but on the installer form there is no place for the license number. He stated that VDH is hanging installers out to dry and that licensed installers cannot compete with unlicensed installers. VDH and DPOR should be on the same page. He does not know why Guidance, Memoranda & Policy does not cover installers.

**Public Comment
Period**

Ms. Henshaw introduced Martin Mooradian, a member of the Board for Professional and Occupational Regulation, as the liaison to the Board.

**Introduce
Liaison Board
Member**

Ms. Henshaw provided a memorandum to the Board requesting interpretation of regulations requiring disclosure and reporting of certain criminal convictions.

**Memorandum
Requesting
Interpretation of
Regulations
Requiring
Disclosure and
Reporting of
Certain Criminal
Convictions**

After discussion, Mr. Fore made a motion that the Board adopt a guidance document for interpretation of section 18 VAC 160-20-140(2) to disclose and report a conviction of any felony, of any misdemeanor involving lying, cheating or stealing; or for activities related to the performance of the licensee's or interim licensee's duties. Mr. Aulbach seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Fore, Greene, Philpy, Staples, and Thomas.

After discussion, Mr. Dunkley made a motion that the Board adopt a guidance document for interpretation of section 18 VAC 160-20-140(6) to disclose and report a conviction within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony including those which resulted in the harm or the threat of harm to human health or the environment, or of any misdemeanor related to the performance of the licensee's or interim licensee's duties or involving lying, cheating or stealing. Mr. Staples seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Fore, Greene, Philpy, Staples, and Thomas.

In the matter of **File Number 2015-00015, Ricky Aits**, the Board members reviewed the record which consisted of the application

**File Number 2015-
00015, Ricky Aits**

file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Aits was present and addressed the Board. Mr. Aits thanked the Board for letting him speak. He stated that he is sorry this happened and he has learned his lesson. He does not pump systems anymore, he follows the rules and regulations, and he has established a good working relationship with health officials. Mr. Staples moved to accept the recommendation of the Presiding Officer and approve Mr. Aits' application for an alternative onsite sewage system installer license. Mr. Dunkley seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Fore, Philpy, Staples, and Thomas. As the presiding Board member, Mr. Greene recused himself from the meeting and was not present during the discussion or vote.

In the matter of **File Number 2014-01075, Alex Eugene Wilson, Jr.**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Wilson. Mr. Wilson was not present. Mr. Dunkley moved to accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 160-20-140.2 (Count 1); 18 VAC 160-20-140.6 (Count 2); and 18 VAC 160-20-140.1 (Count 3). For these violations, Mr. Wilson agrees to pay the following monetary penalties: no monetary penalty for the violation contained in Count 1; \$50.00 for the violation contained in Count 2; \$50.00 for the violation contained in Count 3; and \$150.00 in Board costs, for a total of \$250.00. Mr. Greene seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Fore, Greene, Philpy, Staples, and Thomas.

File Number 2014-01075, Alex Eugene Wilson, Jr.

In the matter of **File Number 2014-02208, Philip Helm**, 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. Helm was not present. Mr. Dunkley moved to amend the Summary of the Presiding Officer to correct the September 13, 2014 date to read September 13, 2004 and accept the recommendation of the Presiding Officer and approve Mr. Helm's application for an alternative onsite sewage system installer license. Mr. Fore seconded the motion which was unanimously approved by: Davis, Dunkley, Fore, Greene, Philpy, Staples, and Thomas. As the presiding Board member, Mr. Aulbach recused himself from the meeting and was not present during the discussion or vote.

File Number 2014-02208, Philip Helm

In the matter of **File Number 2014-03231, Brandon Hubbard**, the Board members reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-

File Number 2014-03231, Brandon Hubbard

Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Hubbard was not present. Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Hubbard's class 4 wastewater works operator application and issue Mr. Hubbard's license as a class 4 wastewater works operator contingent upon completion of the Virginia Department of Corrections (DOC) wastewater works operator class 4 Apprenticeship Program, meeting all entry requirements contained in the Board's regulations, and passing the applicable examination. Mr. Aulbach seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Fore, Greene, Philpy, Staples, and Thomas.

Ms. Henshaw gave an update on the current status of the regulatory review processes for the Board's Regulations.

**Update on
Regulatory Review
Process**

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

The proposed amendment made pursuant to the Governor's Regulatory Reform Initiative are in the final stage and currently undergoing review by the Governor's office.

The fee adjustment is in the proposed stage and currently undergoing review with the Department of Budget and Planning.

The standard regulatory process action for general review of the regulations is currently in the Notice of Intended Regulatory Action (NOIRA) stage and undergoing executive branch review.

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

**Quarterly
Examination
Statistics Report**

At the July 24, 2014, Board meeting, Ms. Henshaw provided an update on the onsite sewage system professionals exam review process. At that time a meeting was scheduled and was postponed because there needed to be adequate and qualified representation in all areas. Since that meeting, Ms. Henshaw has reached out to various industry representatives to solicit names to serve as subject matter experts for the operator and installer exams review. The list has been finalized and sent to PSI.

**Update on
WWWOSSP
Examination**

Mr. Davis opened the floor for nominations of Chair and Vice Chair. Mr. Philpy made a motion to nominate Mr. Aulbach as

Election of Officers

Chair. Mr. Dunkley seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Fore, Greene, Philpy, Staples, and Thomas. By acclamation, Mr. Aulbach was elected Chair.

Mr. Davis made a motion to nominate Ms. Magrino as Vice Chair. Mr. Staples seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Fore, Greene, Philpy, Staples, and Thomas. By acclamation, Ms. Magrino was elected Vice Chair.

Mr. Schafran arrived at 9:41 a.m.

Arrival of Board Member

Ms. Henshaw provided an update on exam vendors. Effective January 1, 2015, Ergometrics/National Testing Network (NTN) will be the new examination vendor. While there may be some changes in the process, staff will be working with the exam vendor to ensure a smooth transition. Staff will post a notice on the DPOR website indicating the new vendor.

Update on Exam Vendors

The Board agreed by consensus to set an additional Board meeting on November 18, 2014 to review the draft Regulations. The Board also agreed by consensus to begin the meeting at 9:00 a.m.

Set Next Meeting for Additional Board Meeting

Ms. Henshaw is in the process of working with various organizations such as VDH, Virginia Rural Water Association, and suppliers to help installers, operators, and onsite soil evaluators to better understand the application process. Within the next few months, application workshops will be conducted around the state. Flyers and dates will be sent to the public to keep everyone informed of the meetings. Staff will post a notice on the DPOR website.

Application Workshops

The Board discussed ways to communicate with localities on the need for licensure.

Need for Licensure

The following meeting dates have been scheduled:

Future Meeting Dates

- Thursday, January 29, 2015
- Thursday, April 16, 2015
- Thursday, July 23, 2015
- Thursday, October 15, 2015

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**
10:07 a.m.

Kornell R. Davis, Jr., Chair

Jay W. DeBoer, Secretary

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