

**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 March 12, 2015, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia 23233.

The following members of the Board were present:

John Aulbach, II, Chair (arrived 10:15 a.m.)
Kornell Davis, Jr.
Barry T. Dunkley
Thomas Fore
D. Perry Greene
E. Brooke Philpy
D. Wayne Staples

Board members Kristen Lentz, Michelle Ann Magrino (Vice Chair), Gary Schafran and Ronald Thomas were not present at the meeting.

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

Jay W. DeBoer, Director
Nick Christner, Deputy Director for Regulatory Programs and Compliance
Mark N. Courtney, Senior Director for Regulatory and Public Affairs
Trisha L. Henshaw, Executive Director
Kristin Marie Clay, Board Administrator
Amy Goobic, Administrative Assistant

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

Ms. Henshaw informed the Board that Mr. Aulbach, Chair, would be arriving late, and asked Mr. Greene to chair the meeting until his arrival. Finding a quorum of the Board present, Mr. Greene, called the meeting to order at 9:02 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

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

**Approval of
Agenda**

Mr. Dunkley moved that the Board approve the minutes of the November 18, 2014, Board meeting. Mr. Davis seconded the

**Approval of
Minutes**

motion which was unanimously approved by: Davis, Dunkley, Fore, Greene, Philpy and Staples.

Mr. Greene opened the floor for public comment.

**Public Comment
Period**

Bob Marshall, AOSE, was present to address the Board. Mr. Marshall stated that he was pleased the regulations would be separated into Onsite Sewage System Professionals and Waterworks and Wastewater Operators. Mr. Marshall also expressed concerns with having journeyman licenses and encouraged the Board to establish a requirement for a seal.

James Slusser, AOSE, President, Virginia Association of Alternative Onsite Soil Evaluators, was present to address the Board. Mr. Slusser also encouraged the Board to establish a requirement for a seal and stated that it adds legitimacy and accountability to the work of a licensed onsite soil evaluator. Mr. Slusser added that it is a benefit to the consumer.

Curtis Moore, PSS, AOSE, was present to address the Board. Mr. Moore stated that he agrees with the concept of a journeymen for installers and operators, however there needs to be a clear demarcation in the requirements between journeymen and master licenses. In addition, he applauded the Board's progress on the extensive, detailed review of the regulations. Mr. Moore also stated that while he is not for, or against, a seal, and will do what the Board requires, he believes there are greater priorities for the Board to address at this time.

Ms. Henshaw provided an updated timeline for developing the draft Waterworks and Wastewater Works Operators Regulations and Onsite Sewage System Professionals Regulations. The timeline will be revised throughout the review process to ensure the Board's objectives are accomplished within required timeframes. Staff must file proposed text for Executive Branch Review by June 29, 2015. Ms. Henshaw stated that an additional meeting may need to be scheduled, or incorporate the regulatory review into the regular Board meeting scheduled for April 16.

**Review of Timeline
for Regulations**

Ms. Henshaw provided the Board with a revised draft of the Waterworks and Wastewater Works Operators Regulations. The sections included:

**Review Draft
Regulations**

- Standards of Conduct
- General Entry requirements and Qualification for Licensure
- Renewal and CPE
- Training Approval

- Definitions

Ms. Henshaw provided the Board with a revised draft of the Onsite Sewage System Professionals Regulations. The sections included:

- Standards of Conduct
- General Entry Requirements (Operators and Installers)
- General Entry Requirements (Onsite Soil Evaluators)
- Renewal and CPE
- Training Approval
- Definitions

Ms. Henshaw also provided a handout indicating the Review Status of the draft regulations to ensure that all topic areas will be covered, and the status of review.

The Board began to review the draft regulations. As a reminder to the Board, Ms. Henshaw provided Board members with the summary of comments from the NOIRA stage and responses adopted by the Board at its January 29, 2015 meeting, along with an email from Jeff Walker, AOSE, that was reviewed by the Board during public comment at the January meeting and concerned the draft regulations.

**Review Draft
Regulations**

The Board recessed for a break at 10:11 a.m. and reconvened at 10:29 a.m. Mr. Aulbach joined the meeting at 10:15 a.m.

**Break & Board
Member Arrival**

The Board continued its review of the draft regulations. In addition to extensive discussion of other areas in the regulations, the Board considered regulatory provisions to mandate a seal for certain license types. While the Board members agreed that there is no prohibition on use of a seal by the Board's licensees, some individuals have requested that the Board incorporate regulations that make use of a seal mandatory and not voluntary for certain license types. After discussion, the Board agreed by consensus to not include regulatory provisions mandating a seal at this time.

**Review Draft
Regulations**

The Board recessed for lunch from 11:45 a.m. to 12:08 p.m.

Lunch

The Board finalized its review of the draft regulations as provided by staff. Staff advised that all changes made at this meeting will be incorporated into the draft document and provided at the next regulatory review Board meeting.

**Review Draft
Regulations**

The Board discussed its plan for the next Board meeting. At the next Board meeting, the Board will review the final draft

**Plan Discussion
Topics for Next**

Waterworks and Wastewater Works Operators Regulations and **Meeting**
Onsite Sewage System Professionals Regulations. Board members agreed that the April 16th Board meeting would be too soon for staff to prepare the finalized draft of the regulations. Board members agreed by consensus to schedule an additional meeting date on May 28 for review of the finalized draft of the regulations, in order to meet the filing deadline.

Ms. Henshaw stated that at the April 16th, Board meeting, there would be discussion on forming an exploratory committee to research the Association of Boards of Certification examinations.

Mr. Staples provided a brief update from the Department of Environmental Quality stating that a guidance document was recently issued for permit writers when determining the class of facility.

Reports from DEQ and VDH

Mr. Aulbach provided information regarding the Virginia Department of Health regulations. Mr. Aulbach stated that the Class 5 and 6 license information is included in a guidance document as they are not yet in the VDH regulations.

Ms. Henshaw advised the Board that member Ronald Thomas, resigned from the Board. A resolution will be prepared for consideration at the next Board meeting.

Other Board Business

The following meeting dates have been scheduled:

Future Meeting Dates

- Thursday, April 16, 2015
- Thursday, May 28, 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 12:49 p.m.

Adjourn

John Aulbach, II, Chair

Jay W. DeBoer, Secretary