

**THE VIRGINIA BOARD FOR
WATERWORKS AND WASTEWATER WORKS OPERATORS**

MEETING MINUTES

The Virginia Board for Waterworks and Wastewater Works Operators met on Tuesday, March 9, 2004 at the offices of the Virginia Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia 23230.

The following members of the Board were present:

Steve W. Cawthron, Vice Chairperson
Mark Haley
Gerald W. Peaks, PE
Eileen Leininger
Larry Lawson

Board Members Dan French and Dr. Thomas Grizzard were unable to attend the meeting.

The following members of DPOR staff were present during some or all of the meeting:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen O'Neal, Deputy Director for RPD
David Dick, Executive Director
Sharon Sweet, Examinations Director
Victoria Traylor, Legal Assistant
Chris Olson, Licensing Specialist

Others who attended the meeting included:

Jack Vanderland, Department of
Environmental Quality
Rachel Pustilnik, Department of Health

Vice Chairperson Cawthron, finding a quorum of the Board present, called the meeting to order at 8:39 AM. Call to Order

Mr. Haley moved that the Board approve the agenda as prepared by staff. Ms. Leininger seconded the motion, which was carried unanimously by five "YES" votes (Messrs. Cawthron, Haley, Peaks, and Lawson, and Ms. Leininger). The agenda is attached. Adopt Agenda

Ms. Leininger moved that the Board approve the minutes of the December 9, 2003 meeting as prepared by staff. Mr. Peaks seconded the motion, which was carried unanimously by five "YES" votes (Messrs. Cawthron, Haley, Peaks, and Lawson, and Ms. Leininger).

Approval of Minutes

Mr. Lawson moved that the Board approve the minutes of the January 27, 2004 Informal Fact Finding as prepared by staff. Ms. Leininger seconded the motion, which was carried unanimously by five "YES" votes (Messrs. Cawthron, Haley, Peaks, and Lawson, and Ms. Leininger).

Vice Chairperson Cawthron opened the floor for public comment. No member of the public present expressed a desire to address the Board.

Public Comment Period

In the matter of **File Number 2003-03363, Board v. Joseph Craig Harris**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Joseph Craig Harris (Respondent) was not present.

File Number 2003-03363

Upon a motion by Ms. Leininger and seconded by Mr. Peaks, the Board adopted the summary and the conclusion that Mr. Harris violated § 18 VAC 160-20-140 (3) and § 18 VAC 160-20-104 (A) of the Board's 2001 Regulations. The motion passed unanimously. Members voting "YES" were Messrs. Cawthron, Peaks, and Lawson, and Ms. Leininger. Mr. Haley, presiding Board Member, left the room and did not participate in the discussion or vote.

Upon a motion by Mr. Peaks and seconded by Ms. Leininger, the Board adopted the recommendation to revoke Mr. Harris' Class III Wastewater License (1911-004442) and amended the recommendation to delete the \$200 monetary penalty. The motion passed unanimously. Members voting "YES" were Messrs. Cawthron, Peaks, and Lawson, and Ms. Leininger. Mr. Haley, presiding Board Member, left the room and did not participate in the discussion or vote.

Rachel Pustilnik, Virginia Department of Health, briefed the Board on the progress of the Class VI Waterworks examination pilot online testing project. Ms. Pustilnik noted that nine candidates tested on the first examination date. A survey was offered at the end of the examination. A total of seven candidates chose to take the survey and six stated that they were pleased with the online

Examinations Update

examination.

Sharon Sweet, DPOR's Examinations Director, spoke with the Board concerning ABC's contract extension. DPOR and ABC signed a contract extension which extends the contract through December 31, 2005. Ms. Sweet stated that one additional extension remains. ABC is currently conducting a job analysis survey. A total of 514 letters were sent to waterworks operators requesting their participation in an online job analysis survey. ABC is currently working on a survey for wastewater works operators. Once the survey is complete, the examinations review committee, consisting of Mr. Cawthron, Ms. Leininger, and Ms. Sweet, will review the results.

The Board took no action.

Mr. Dick updated the Board on the status of the Notice of Intended Regulatory Action (NOIRA) to allow experience gained at a non-classified facility to be used to satisfy the requirements to sit for the examination. A total of 24 comment letters were received before the deadline. Overall, the comments endorse the consideration of non-classified facility experience.

NOIRA Update

The Board agreed without dissent to have staff draft proposed language to allow experience gained at a non-classified facility to count towards satisfying the experience entry requirement and determine, to the extent possible, how other states addressed this issue.

Mr. Dick updated the Board on the status of the, Waterworks Operators CPE Audit. The Board took no action.

**CPE Audit for
Waterworks
Operators**

The Board discussed the response letter dated February 3, 2004 from Penn State concerning the training courses that were previously submitted for approval.

**Response Letter
from Penn State**

Ms. Leininger moved that the Board have staff draft a letter notifying Penn State that the material sent to the Board didn't provide enough information as to how a student would be able to document what was learned. Mr. Haley seconded the motion, which was carried unanimously by five "YES" votes (Messrs. Cawthron, Haley, Peaks, and Lawson, and Ms. Leininger).

The Board considered the application for training course approval from Millennium Science and Engineering, Inc.

**Application for
Training Course
Approval**

Mr. Lawson moved that the Board approve the Millennium Science and Engineering, Inc. course for 0.5 training credits (TCs). Mr. Haley seconded the motion, which was carried unanimously by five "YES" votes (Messrs. Cawthron, Haley, Peaks, and Lawson, and Ms. Leininger).

Mr. Haley and Ms. Leininger gave reports on the ABC 17th Annual Conference held on January 20-23, 2004 in Norfolk, Virginia. No action was taken by the Board.

**ABC 17th Annual
Conference**

Karen O'Neal, DPOR's Deputy Director for RPD, reviewed with the Board the statute that allows regulatory agencies to require any individual applying for licensure to submit to fingerprinting. Ms. O'Neal said that further details on actual procedures would follow later in the year.

**Fingerprinting of
Waterworks and
Wastewater
Works License
Applicants**

No action was taken by the Board.

The Board confirmed the following meeting dates for 2004:

Set Meeting Dates

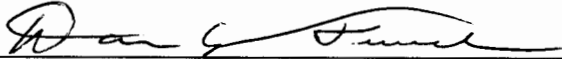
Tuesday, June 22, 2004
Tuesday, September 14, 2004
Wednesday, December 8, 2004

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

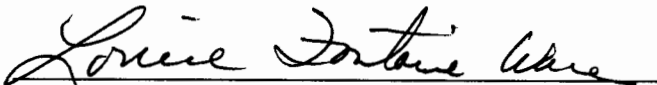
**Conflict of
Interest Forms**

The Board adjourned at 12:07 PM.

Adjournment



Dan E. French, Chairperson



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records

**VIRGINIA BOARD FOR
WATERWORKS AND WASTEWATER WORKS OPERATORS**

Draft AGENDA

BOARD MEETING

TUESDAY, MARCH 9, 2004

8:30 A.M., CONFERENCE ROOM 4 WEST

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230**

- I. CALL TO ORDER**
- II. APPROVAL OF AGENDA**
 1. Board Agenda, March 9, 2004
- III. APPROVAL OF MINUTES**
 2. Board Meeting Minutes, December 9, 2003
 3. IFF Minutes, January 27, 2004
- IV. PUBLIC COMMENT PERIOD – Five minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files.**
- V. ENFORCEMENT CASES**
 4. File Number 2003-03363- Joseph Craig Harris
IFF by Haley – Disciplinary
- VI. EXAMINATION ISSUES – Sharon Sweet**
 - **On-Line Examination Update – Rachel Pustilnik**
 - **ABC Contract Extension – Sharon Sweet**
- VII. NOIRA**
 5. Comment Letters

VIII. CPE AUDIT – WATERWORKS OPERATORS

IX. RESPONSE LETTER

6. Penn State letter concerning evaluation of satisfactory completion

X. OTHER BUSINESS

Training course application from Millennium Science and Engineering, Inc.

ABC 17th Annual Conference – Norfolk – January 20-23, 2004 – Reports by Mr. French, Mr. Haley and Ms. Leininger

Fingerprinting of Waterworks Operator License applicants – Karen O’Neal

XI. CONFIRM AND SET NEXT MEETING DATES

- June 22, 2004
- September 14, 2004
- December 8, 2004

XII. COMPLETE CONFLICT OF INTEREST FORMS

XIII. ADJOURN

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8595 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government**

1. Name: Steve W. Cawthron
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None
-

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Water + Wastewater

Industry

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 3/9/04

Signature: S

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government**

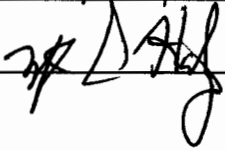
1. Name: Mark A. Haley
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 3-9-04

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government**

1. Name: Gerald W. Peaks, PE
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 3/9/04

Signature: Gerald W. Peaks

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government**

1. Name: Eileen Leininger
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: none

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

work ~~for~~ waterworks

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 3/9/04

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government**

1. Name: Larry G. Lawson
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 3/9/04

Signature: 