

**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 March 24, 2010, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Douglas J. Crooks
Frank L. Davis, Jr.
Kornell Davis, Jr.
Wesley Kleene
Eileen M. Leininger
E. Brooke Philpy
John Vanderland
Harold W. Walker

Board members Charles Bott and Ronald Thomas were not present at the meeting.

Staff present for all or part of the meeting were:

Jay W. DeBoer, 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 9:07 a.m.

Call to Order

Mr. Dick introduced Jill Richardson, Board Administrator.

Introduction of Staff

Mr. K. Davis moved to approve the agenda as amended. Ms. Leininger seconded the motion which was unanimously approved by members: Crooks, F. Davis, K. Davis, Kleene, Leininger, Philpy, Vanderland and Walker.

Approval of Agenda

Ms. Leininger moved to approve the minutes of the following meetings:

Approval of Minutes

January 14, 2010, IFF Minutes;
January 21, 2010, IFF Minutes;
February 21, 2010, IFF Minutes; and
March 11, 2010, IFF Minutes.

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

There were no comments made to the Board.

In the matter of **File Number 2010-02691, James Bishop**, 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. Miles, Mr. Bishop's employer, was present and addressed the Board. Mr. Philpy moved to accept the recommendation of the Presiding Officer and approve Mr. Bishop's application to take the Class III Wastewater Operator examination. Mr. Walker seconded the motion which was approved by members: Crooks, F. Davis, K. Davis, Kleene, Leininger, Philpy, and Walker. As the reviewing Board member, Mr. Vanderland did not participate in the discussion or vote.

Mr. Crooks turned the position of Chair over to Mr. Philpy and recused himself from the meeting.

In the matter of **File Number 2010-01329, William Russell**, 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. Russell was not present at the meeting. Ms. Leininger moved to accept the recommendation of the Presiding Officer and approve Mr. Russell's Alternative Onsite Soil Evaluator license application. Mr. Kleene seconded the motion which was approved by members: F. Davis, K. Davis, Kleene, Leininger, Philpy, Vanderland and Walker. Mr. Crooks did not participate in the discussion or vote.

In the matter of **File Number 2010-02372, John Dayton**, 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. Dayton was present and addressed the

**Public Comment
Period**

**File Number 2010-
02691 – James
Bishop**

Transfer of Chair

**File Number 2010-
01329 – William
Russell**

**File Number 2010-
02372 – John
Dayton**

Board. Mr. Walker moved to accept the recommendation of the Presiding Officer and approve Mr. Dayton's Alternative Onsite Soil Evaluator license application. Mr. Vanderland seconded the motion which was approved by members: F. Davis, K. Davis, Kleene, Leininger, Philpy, Vanderland and Walker. Mr. Crooks did not participate in the discussion or vote.

Mr. Crooks returned to the meeting and resumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2010-01934, Bruce Legge**, 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. Legge was present and addressed the Board. Mr. Philpy moved to accept the recommendation of the Presiding Officer and approve Mr. Legge's Alternative Onsite Soil Evaluator license application. Mr. K. Davis seconded the motion which was approved by members: Crooks, F. Davis, K. Davis, Kleene, Leininger, Philpy, Vanderland and Walker.

File Number 2010-01934 – Bruce Legge

In the matter of **File Number 2010-02373, Robert Salg**, 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. Salg was present and addressed the Board. Ms. Leininger moved to accept the recommendation of the Presiding Officer and approve Mr. Salg's Alternative Onsite Soil Evaluator license application. Mr. Walker seconded the motion which was approved by members: Crooks, F. Davis, K. Davis, Kleene, Leininger, Philpy, Vanderland and Walker.

File Number 2010-02373 – Robert Salg

In the matter of **File Numbers 2010-02890, William Willoughby**, 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. Willoughby was present and addressed the Board. Mr. K. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Willoughby's Alternative Onsite Soil Evaluator license application. Mr. Philpy seconded the motion which was approved by members: Crooks, F. Davis, K. Davis, Kleene, Leininger, Philpy, Vanderland and Walker.

File Numbers 2010-02890 – William Willoughby

In the matter of **File Numbers 2010-02374, Theodore Coles**, 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

File Numbers 2010-02374 – Theodore Coles

Recommendation. Mr. Coles was present and addressed the Board. Mr. K. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Coles' Alternative Onsite Soil Evaluator license application. Mr. Philpy seconded the motion which was approved by members: Crooks, F. Davis, K. Davis, Kleene, Leininger, Philpy, Vanderland and Walker.

In the matter of **File Numbers 2010-01803 and 2010-01804, Lawrence Fellenz**, 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. Fellenz was not present at the meeting. Mr. Walker moved to accept the recommendations of the Presiding Officer and approve Mr. Fellenz's Alternative Onsite Sewage System Installer application as well as his Alternative Onsite Sewage System Operator application. Mr. Vanderland seconded the motion which was approved by members: F. Davis, K. Davis, Kleene, Vanderland and Walker. The following Board members voted against the motion: Crooks, Leininger and Philpy. The motion passed by a majority vote.

File Numbers
2010-01803 and
2010-01804 –
Lawrence Fellenz

In the matter of **File Number 2010-01914, Michael Whittington**, 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. Whittington was not present at the meeting. Ms. Leininger moved to accept the recommendation of the Presiding Officer and approve Mr. Whittington's Class III Waterworks Operator license application. Mr. F. Davis seconded the motion which was approved by members: Crooks, F. Davis, K. Davis, Kleene, Leininger, Philpy, Vanderland and Walker.

File Number 2010-
01914 – Michael
Whittington

Patricia Morrison and Todd Cook gave a presentation to the Board regarding the apprenticeship program at the Department of Labor and Industry and how the industry could use the program to recruit and train operators. Mr. Dick updated the Board on the status of the Continuing Professional Education audit.

Presentation from
Department of
Labor and
Industry
CPE Audit Report

The Board confirmed that pumping holding tanks at waste facilities, grease traps, portable restrooms, etc. that are not a component of an onsite sewage system does not require an operators' license.

Septic Operators
Licensing
Question

Mr. Dick informed the Board that the September 21, 2010, Board meeting conflicts with the VA-AWWA/VWEA Joint Annual Meeting (JAM) in Hampton this year. The Board agreed by consensus to change the September Board meeting to September 14,

Change in
Meeting Date

2010.

Future Board Meeting Dates:

- June 8, 2010
- September 14, 2010
- December 9, 2010

**Future Meeting
Dates**

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

**Conflict of
Interest Forms**

The Board adjourned at 10:58 a.m.

Adjournment

Douglas J. Crooks, Chairperson

Jay W. DeBoer, Secretary