

**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 September 14, 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.  
Dr. Wesley Kleene  
E. Brooke Philpy  
Eileen M. Leininger  
Harold W. Walker

Board members Charles Bott, Kornell Davis, Jr., Ronald Thomas, and John Vanderland 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  
Ann-Marie Brigil, Hearing Officer  
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 10:03 a.m.

**Call to Order**

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

**Approval of  
Agenda**

Dr. Kleene moved to approve the minutes of the following meetings:

**Approval of  
Minutes**

June 8, 2010, Board Meeting Minutes;  
June 8, 2010, Committee Meeting Minutes;  
July 1, 2010, IFF Minutes;  
July 13, 2010, IFF Minutes;

July 15, 2010, IFF Minutes;  
July 21, 2010, IFF Minutes; and  
July 22, 2010, IFF Minutes.

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

There were no comments made to the Board.

In the matter of File Number 2010-04990, Reuben Lakin, 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. Lakin was present and addressed the Board. Mr. Walker moved to accept the recommendation of the Presiding Officer as amended and approve Mr. Lakin's application to sit for the conventional onsite soil evaluator examination. Mr. F. Davis seconded the motion which was approved by members: Crooks, F. Davis, Kleene, Leininger, and Walker. Mr. Philpy was not present during the discussion or vote.

In the matter of File Number 2010-04499, Hugh Henry, 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. Henry was present and addressed the Board. Ms. Leininger moved to accept the recommendation of the Presiding Officer and approve Mr. Henry's Interim Alternative Onsite Sewage System Installer license application. Mr. Philpy seconded the motion which was approved by members: Crooks, F. Davis, Kleene, Leininger, Philpy and Walker.

In the matter of File Number 2010-04994, Timothy Cronk, 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. Cronk was present and addressed the Board. Mr. F. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Cronk's Interim Alternative Onsite Sewage System Installer license application. Mr. Walker seconded the motion which was approved by members: Crooks, F. Davis, Kleene, Leininger, Philpy and Walker.

**Public Comment  
Period**

**File Number 2010-  
04990 – Reuben  
Lakin**

**File Number 2010-  
04499 – Hugh  
Henry**

**File Number 2010-  
04994 – Timothy  
Cronk**

In the matter of **File Number 2010-05452, Charles Weaver**, 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. Weaver was present and addressed the Board. Ms. Leininger moved to accept the recommendation of the Presiding Officer and approve Mr. Weaver's Interim Conventional Onsite Sewage System Installer license application. Dr. Kleene seconded the motion which was approved by members: Crooks, F. Davis, Kleene, Leininger, Philpy and Walker.

**File Number 2010-05452 – Charles Weaver**

In the matter of **File Number 2010-05457, Donald Williams**, 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. Williams was present and addressed the Board. Mr. Walker moved to accept the recommendation of the Presiding Officer and approve Mr. Williams' Class 3 Wastewater Works Operator license application. Mr. Philpy seconded the motion which was approved by members: Crooks, F. Davis, Kleene, Leininger, Philpy and Walker.

**File Number 2010-05457 – Donald Williams**

In the matter of **File Number 2010-05454, Tony Wilson**, 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. Wilson was present and addressed the Board. Mr. Walker moved to reject the recommendation of the Presiding Officer and approve Mr. Wilson's Interim Alternative Onsite Sewage System Installer license application based on his 15 years of experience and workmanship. Ms. Leininger seconded the motion which was approved by members: Crooks, F. Davis, Kleene, Leininger, Philpy and Walker.

**File Number 2010-05454 – Tony Wilson**

In the matter of **File Number 2010-04845, Theresa King**, the Board members reviewed the record which consisted of the application file, transcripts and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Ms. King was not present to address the Board. Mr. Walker moved to accept the recommendation of the Presiding Officer as amended and approve Ms. King's Interim Onsite Soil Evaluator license application. Mr. F. Davis seconded the motion which was approved by members: Crooks, F. Davis, Leininger, and Walker. Mr. Philpy and Dr. Kleene were not present during the discussion or vote.

**File Numbers 2010-04845 – Theresa King**

In the matter of **File Number 2010-04838, Garrett Moore**, the Board members reviewed the record which consisted of the application file, transcripts and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Moore was not present to address the Board. Ms. Leininger moved to accept the recommendation of the Presiding Officer and approve Mr. Moore's Interim Alternative Onsite Sewage System Installer license application. Mr. Philpy seconded the motion which was approved by members: Crooks, F. Davis, Kleene, Leininger, Philpy and Walker.

**File Numbers**  
**2010-04838 –**  
**Garrett Moore**

In the matter of **File Numbers 2011-00006 and 2011-00007, Raymond Leiffer**, 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. Leiffer was not present to address the Board. Dr. Kleene moved to accept the recommendations of the Presiding Officer and approve Mr. Leiffer's Interim Alternative Onsite Sewage System Operator and Interim Alternative Onsite Sewage System Installer license applications. Mr. Philpy seconded the motion which was approved by members: Crooks, F. Davis, Kleene, Leininger, Philpy and Walker.

**File Numbers**  
**2011-00006 and**  
**2011-00007,**  
**Raymond Leiffer**

Mr. Courtney introduced Ms. Becker, DPOR's new Hearing Officer, to the Board.

**Introduction of**  
**Staff**

After discussion, Mr. Walker moved that the Board continue its practice to only offer oral examinations to applicants who require special assistance under the Americans with Disabilities Act. Mr. F. Davis seconded to motion which was approved by members: Crooks, F. Davis, Kleene, Leininger, Philpy and Walker.

**Discussion of**  
**WWWOSSP**  
**Board Oral**  
**Examinations**

Dr. Kleene moved that the issuance of temporary licenses as authorized by § 54.1-201.1 of the Code of Virginia is not applicable and proposed the following language be adopted as 18VAC160-20-75 through an emergency regulation amendment: "the board shall not issue temporary licenses pursuant to § 54.1-201.1 of the Code of Virginia." Mr. Walker seconded the motion which was approved by members: Crooks, F. Davis, Kleene, Leininger, Philpy and Walker.

**Discussion and**  
**Adoption of**  
**Emergency**  
**Regulation**

After review and discussion, Mr. Walker moved to approve DEQ's application for Wastewater Math for Operators for 2 training credits for wastewater licensees. Mr. F. Davis seconded the

**Review of DEQ**  
**Training Course**  
**Application**

motion which was approved by members: Crooks, F. Davis, Kleene, Leininger, Philpy and Walker.

Mr. Dick informed the Board that the fast track amendments for the onsite sewage system professionals regulations are awaiting the Governor's approval and then will be published for a 30 day public comment period once approved.

Update on Pending Regulatory Actions

Dr. Kleene moved to adopt the following dates for the 2011 WWWOSSP Board meetings:

Review and Approval of 2011 Meeting Dates

March 30, 2011;  
June 21, 2011;  
September 27, 2011; and  
December 13, 2011.

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

Future Board Meeting Dates:

Future Meeting Dates

- December 9, 2010
- 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 11:21 a.m.

Adjournment

  
\_\_\_\_\_  
Douglas J. Crooks, Chair

  
\_\_\_\_\_  
Gordon Dixon, Secretary

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

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

1. Name: Emmett Brooke Philpy  
2. Title: Board Member  
3. Agency: WWWOSSP Board  
4. Meeting/IFF Date: Board Meeting September 14, 2010

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_

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

*VA Assoc. of Professional Soil Scientists (VAPSS); VA Onsite Wastewater Recycling Assoc. (VOWRA)*

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

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Signature

*E. Brooke Philpy*

Date

*9/14/10*

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

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

1. Name: Douglas J. Crooks  
2. Title: Board Member  
3. Agency: WWWOSSP Board  
4. Meeting/IFF Date: Board Meeting September 14, 2010

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_

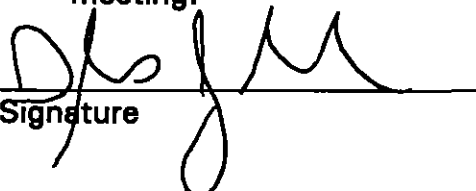
I am able to participate in this transaction fairly, objectively, and in the  
public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this  
meeting.

Signature



Date

9-14-10

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

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

1. Name: Frank L. Davis, Jr.  
2. Title: Board Member  
3. Agency: WWWOSSP Board  
4. Meeting/IFF Date: Board Meeting September 14, 2010

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_

I declare that 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.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this  
meeting.

  
Signature

9-14-2010  
Date



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

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

1. Name: Eileen M. Leininger  
2. Title: Board Member  
3. Agency: WWWOSSP Board  
4. Meeting/IFF Date: Board Meeting September 14, 2010

5. I have a personal interest in the following transaction:

none

Nature of Personal Interest Affected by Transaction:

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

water industry

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

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Eileen M. Leininger  
Signature

9/14/10  
Date

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

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

1. Name: J. Wesley Kleene
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting September 14, 2010

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_

I declare that 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.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this  
meeting.

  
Signature

  
Date

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

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

1. Name: Harold W. Walker  
2. Title: Board Member  
3. Agency: WWWOSSP Board  
4. Meeting/IFF Date: Board Meeting September 14, 2010

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_

I declare that 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.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this  
meeting.

  
\_\_\_\_\_  
Signature

9/14/10  
\_\_\_\_\_  
Date