

**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 January 19, 2017, 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:

James N. Brockwell
W. Jordan Evans, Chair
John Ewing
Thomas Wayne Fore
D. Perry Greene, Chair
Kristen Lentz
Pamela M. Pruett
D. Wayne Staples

Board members Rosa-Lee Cooke, Drew Hammond, and Richard C. Wadkins 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
Shannon Webster, Director of Examinations
Paul Saunders, Board Administrator
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Lisa T. Robinson, Licensing Operations Administrator
Tanya M. Pettus, Administrative Assistant

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

Mr. Evans, Chair, called the meeting to order at 9:06 a.m. Mr. Call to Order
Evans thanked Mr. Greene for his service as Chair of the Board,
and thanked Mr. Fore for his service as Vice-Chair of the Board.

Ms. Henshaw advised the Board of emergency evacuation Emergency
procedures. Evacuation
Procedures

Ms. Henshaw advised the Board of amendments to the agenda. Mr. Approval of
Fore moved to approve the agenda as amended. Ms. Pruett Agenda
seconded the motion which was unanimously approved by:
Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, and Staples.

Mr. Fore moved to approve the minutes of the October 27, 2016, Board meeting contingent upon the correction of a typographical error within the minutes. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, and Staples.

Approval of Minutes

Ms. Henshaw introduced to the Board new staff members Joe Haughwout, Board and Regulatory Administrator, and Lisa Robinson, Licensing Operations Administrator.

Introduction of Staff

Ms. Henshaw also introduced Adjudication staff members Jessica Eldridge and Linda Rhodenhiser, and Licensing Specialist Stacy Owens-Tutt who were present to observe the meeting.

Trapper Davis, owner of Coastal Plains Environmental Group, was present to address the Board. Mr. Davis addressed the Board regarding the pumping of alternative onsite sewage systems by conventional onsite sewage system operators. Mr. Davis is concerned that conventional onsite sewage system operators may not have the proper training or knowledge to pump or perform maintenance on alternative onsite sewage systems. Mr. Davis voiced concerns regarding liability and the party to be held responsible for any pumping of an alternative onsite sewage system by a conventional onsite sewage system operator. Mr. Davis feels a licensed alternative onsite sewage system operator should be required to be present if a conventional onsite sewage system operator pumps an alternative onsite sewage system.

Public Comment Period

In the matter of **File Number 2017-00802, Jeremiah Tew Young**, 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. Greene moved to accept the recommendation of the Presiding Officer and approve Mr. Young's application for a conventional onsite sewage system installer license. Mr. Brockwell seconded the motion which was approved by: Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, and Staples.

File Number 2017-00802, Jeremiah Tew Young

In the matter of **File Number 2017-00993, Roger L. Cokley**, 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. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Cokley's application for a Class 4 Wastewater Works Operator license contingent upon completion of the DOC Wastewater Works Operator Class 4

File Number 2017-00993, Roger L. Cokley

Apprenticeship Program, meeting all entry requirements contained in the Board's regulations, and passing the applicable examination. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, and Staples.

In the matter of **File Number 2017-01040, Alex Eugene 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. Greene moved to accept the recommendation of the Presiding Officer and deny Mr. Wilson's application for a Class 3 Wastewater Works Operator license. Mr. Fore seconded the motion which was approved by: Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, and Staples.

File Number 2017-01040, Alex Eugene Wilson

In the matter of **File Number 2017-00987, Riccardo Victor Hytower, Jr.**, 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. Staples moved to accept the recommendation of the Presiding Officer and approve Mr. Hytower's application for a Class 4 Wastewater Works Operator license contingent upon completion of the DOC Wastewater Works Operator Class 4 Apprenticeship Program, meeting all entry requirements contained in the Board's regulations, and passing the applicable examination. Ms. Lentz seconded the motion which was unanimously approved by: Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, and Staples.

File Number 2017-00987, Riccardo Victor Hytower, Jr.

Mr. Haughwout advised the Board of the status of the Board's regulatory actions that are in process. Amendments to the regulations made pursuant to the Board's general review have been approved by the Governor's office and were submitted for publication in the Virginia Register on December 22, 2016. A thirty-day public comment period will begin on January 23, 2017, and final regulations are expected to become effective April 1, 2017.

Update on Regulatory Review Processes

The public comment period for the amendment of public participation guidelines due to a statutory change ended on December 28, 2016. No public comments were received. The final regulation became effective January 12, 2017.

Discussion was held on the process for considering public comments on final stage regulations that have already been approved by the Governor's office.

Mr. Saunders provided the Board with a 2016 year-end examination statistics report for informational purposes.

**Examination
Statistics Report**

Ms. Henshaw and Ms. Webster updated the Board on the waterworks and wastewater works national examination transition.

**Update on
Examination
Transition**

Ms. Henshaw advised the Board that there was no need for a delay of the Class 6 Waterworks Operator license exam as previously discussed. All waterworks and wastewater works operator examinations became available on January 2, 2017.

Ms. Henshaw asked the Board to consider the timeframe in which a candidate who does not pass the exam may reschedule due to the size of the exam question item banks. After discussion, Mr. Fore moved to accept staff recommendation and implement a 10-day waiting period from the day the examination is taken before allowing a candidate to reschedule the exam for Waterworks and Wastewater Works Operators classes 1 through 4, and a 30-day waiting period for Class 5 and 6 Waterworks Operators. Mr. Greene seconded the motion which was unanimously approved by: Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, and Staples.

Discussion was held on licensing reciprocity with other states and exam locations, as well as the teaching and reference materials provided by course providers in other states.

Discussion was held on current Virginia licensees who wish to take the national exam in order to receive reciprocity in other states, and the possibility of implementing a system in which to record the completion of the exams and offer letters of good standing for these licensees. Mr. Fore recommended that the Board discuss this in more detail at the October Board meeting. The Board agreed by consensus.

Ms. Henshaw and Ms. Webster updated the Board on onsite licensing examination options. Onsite licensing examinations will continue as state-specific examinations to be administered by the national vendor. These examinations will become available on February 1, 2017. Ms. Webster advised the Board that DPOR staff member Jennifer Kazzie has been instrumental in the onsite examination vendor transition.

Discussion was held on the exam questions in the item bank for onsite license examinations. Mr. Ewing and Ms. Pruett raised concerns that some of these questions may be based on policies that are no longer applicable. Ms. Webster advised the Board of the exam review process, and the incorporation of changes from the

2016 exam review.

Mr. Saunders provided an update on waterworks operator continuing professional education (CPE) audits. The audits were conducted from September 2, 2016 to October 17, 2016, on a random group of individuals making up 5% of the regulant population.

**2016 Waterworks
Operator CPE
Report**

Mr. Saunders advised the Board that he is currently developing a process to conduct CPE audits on Onsite Sewage System Professionals as approved by the Board on April 21, 2016. Audits are expected to begin in the first quarter of 2017.

**Update on OSSP
CPE Audits**

Ms. Henshaw advised the Board that the Education and Training Committee held its first meeting on January 18, 2017. Upon consultation with the Board Chair, the Committee membership is comprised of a representative of the Department of Environmental Quality (DEQ), a representative of the Virginia Department of Health (VDH), a waterworks and wastewater works representative, and an onsite sewage system professional representative. Ms. Henshaw advised the Board that Wayne Staples, Ike Eisenhart, Tom Fore, and John Ewing agreed to serve as Committee members in these positions, respectively. Ms. Lentz moved to approve Mr. Staples, Mr. Eisenhart, Mr. Fore, and Mr. Ewing to serve as members of the Committee. Mr. Greene seconded the motion which was unanimously approved by: Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, and Staples.

**Update on
Education and
Training
Committee**

Ms. Henshaw advised the Board that Mr. Ewing was elected Chair of the Committee at its January 18, 2017 meeting.

Mr. Saunders presented the Board with a training course application from H & V Consulting, LLC for a course titled *Monogram Foods Anaerobic Digestion/Aerobic Treatment System*. After review of the application, Mr. Fore moved to accept the recommendation of the Education and Training Committee and approve the course application for a total of 2.8 training credits, contingent upon the correction of grammatical errors found within the course materials. Mr. Greene seconded the motion which was unanimously approved by: Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, and Staples.

Mr. Saunders presented the Board with a training course application from U.S. Poultry & Egg Association for a course titled *Poultry Wastewater Operators Training Course* that took place on December 6, 2016. After review of the application, Mr. Staples moved to accept the recommendation of the Education and

Training Committee and approve the course application, retroactive to December 6, 2016, for a total of 1.5 training credits. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, and Staples.

Ms. Henshaw advised the Board that discussion was held on a method of determining the applicability of training courses to the licenses issued by the Board at the Committee meeting. The Committee agreed by consensus that staff will develop a spreadsheet/checklist of Board-approved training courses for the Committee to review for applicability to licensure when necessary.

Ms. Henshaw updated the Board on recent and upcoming outreach opportunities.

**Update on
Outreach
Opportunities**

Ms. Henshaw advised the Board that the 2017 General Assembly session began on January 11, 2017. Ms. Henshaw advised that Board staff is currently monitoring several bills that the Board is not actively involved with, but are related to the Board and/or its programs.

**2017 Legislative
Update**

Ms. Henshaw advised the Board that inquiries have been received from legislators regarding the pumping of alternative onsite sewage systems by conventional onsite sewage system operators. Ms. Henshaw presented for consideration a draft guidance document that would clarify under what circumstances a conventional onsite sewage system operator may pump an alternative onsite sewage system to the Board.

**Consideration of
Guidance
Document for
Alternative Onsite
Sewage Systems**

Mr. Ewing provided the Board with examples of various alternative onsite sewage systems for reference.

Discussion was held on the following topics:

- home owner/buyer education,
- locality enforcement of septic system maintenance policies, and
- parties who would be liable for the pumping of alternative onsite sewage systems by conventional onsite sewage system operators.

After discussion, Ms. Pruett moved that alternative onsite sewage systems may be pumped by a conventional onsite sewage system operator under the direction and/or supervision of a licensed alternative onsite sewage system operator. Mr. Fore seconded the motion.

Discussion was held on regulations in place that speak to competence of a licensee, and the definition of the terms “under direction” and “maintenance”.

After discussion, Ms. Pruett withdrew her previous motion and moved to accept staff recommendation and adopt a guidance document that allows a conventional onsite sewage system operator with the appropriate sewage handling permit issued by VDH to pump an alternative onsite sewage system without the alternative onsite sewage system operator present at the direction of the alternative onsite sewage system operator. The conventional onsite sewage system operator is only permitted to pump the tanks and is not authorized to perform any other functions associated with operation and maintenance of the alternative onsite sewage system, and such conventional operator may only pump the tank of the alternative onsite sewage system at the request of a properly licensed alternative onsite sewage system operator. If it is found that the conventional onsite sewage operator has performed any function outside of pumping the alternative onsite sewage system, or has done so independently and not at the direction of an alternative onsite sewage system operator, the conventional onsite sewage system operator may be subject to disciplinary action by the Board. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Evans, Ewing, Fore, Greene, Lentz, Pruett, and Staples.

The following meeting dates have been scheduled:

- April 20, 2017
- July 27, 2017
- October 26, 2017

**Future Meeting
Dates**

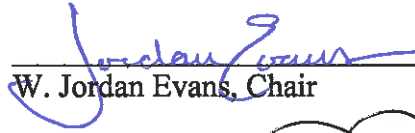
Board members were reminded to complete their conflict of interest forms and travel vouchers.

**Conflict of Interest
Forms and Travel
Vouchers**


Mr. Greene advised the Board that concerns have been raised regarding the licensing of those in executive positions who lack hands-on operational experience. Discussion was held on education and expertise, and hands-on work experience and operations. The Board agreed by consensus that work experience for the purpose of licensing should be hands-on operational experience, and anyone verifying experience should not sign an experience verification form if the individual does not have the required experience.

**Other Board
Business**

There being no further business, the meeting was adjourned at **Adjourn**
11:36 a.m.



W. Jordan Evans, Chair



Jay W. DeBoen, Secretary

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

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

1. Name: James N. Brockwell
2. Title: Board Member
3. Agency: WWOOSSP Board
4. Meeting/IFF Date: Board Meeting January 19, 2017

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

Request for guidance draft - Conventional and Alternative
onsite Sewage System operations

Nature of Personal Interest Affected by Transaction:

I have an alternative operators license and am involved
with the type of work under discussion.

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.

James N. Brockwell
Signature

1/19/17
Date

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

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

1. Name: W. Jordan Evans
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 19, 2017
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

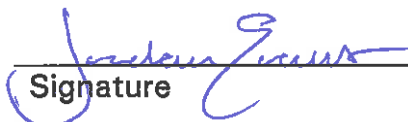
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

1/19/17
Date

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

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

1. Name: John Ewing
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 19, 2017

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:

VOWKA; Old Dominion Onsite, Inc; Art Duo LLC

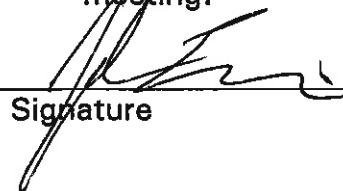
I am able to participate in this transaction fairly, objectively, and in the public interest.

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

1/19/2017

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

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

1. Name: Thomas Wayne Fore
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 19, 2017

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

1-19-2017
Date

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

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

1. Name: Douglas Perry Greene
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 19, 2017

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.

Douglas Perry Greene
Signature

1-19-17
Date

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

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

1. Name: Kristen Lentz
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 19, 2017

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:

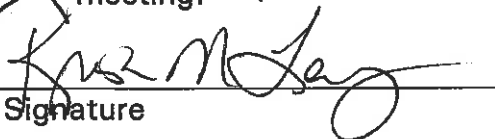
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

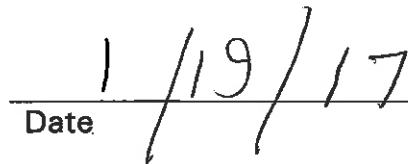
I did not participate in the transaction.

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: Pamela M. Pruett
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 19, 2017

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

na

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

01/19/17
Date

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

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

1. Name: Donald Wayne Staples
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 19, 2017

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.

Donald Wayne Staples
Signature

1/19/17
Date