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 October 26, 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 Rosa-Lee Cooke W. Jordan Evans, Chair John Ewing Thomas Wayne Fore D. Perry Greene Kristen Lentz James W. Moore, III Pamela M. Pruett D. Wayne Staples, Vice-Chair Richard C. Wadkins

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

Jay W. DeBoer, Director Trisha L. Henshaw, Executive Director Paul G. Saunders, Board Administrator Joseph C. Haughwout, Jr, Board and Regulatory Administrator Shannon Webster, Director of Examinations 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 9:30 a.m.

Call to Order

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

Evacuation Procedures

Mr. Fore moved to approve the agenda as presented. Mr. Ewing Approval of seconded the motion which was unanimously approved by: Agenda Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

Mr. Staples moved to approve the minutes of the July 27, 2017, Approval of Education and Training Committee meeting as presented. Mr. Minutes

Greene seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

Ms. Lentz moved to approve the minutes of the July 27, 2017, Board meeting as presented. Ms. Pruett seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

There were no members of the public present to address the Board Public Comment on matters other than case files to be presented.

Period

Ms. Henshaw presented the Board with a public comment received at the Board office via email from Dennis R. Wanless regarding the transition to ABC as the water and wastewater exam provider. The Board thanked Mr. Wanless for his comments and agreed by consensus to have staff extend the Board's thanks to Mr. Wanless.

Mr. Ewing recused himself from the meeting for the discussions and deliberations regarding File Number 2017-02431.

Recusal of Board Member

In the matter of File Number 2017-02431, Terrence Schrum, the Board members reviewed the Consent Order, which imposed a monetary penalty of \$500.00, and Board costs of \$150.00. Mr. Fore moved to accept the terms of the Consent Order as presented. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

File Number 2017-02431, Terrence Schrum

Mr. Ewing returned to the meeting.

Return of Board Member

Mr. Greene recused himself from the meeting for the discussions and deliberations regarding File Number 2017-03094, File Number 2016-00725, and File Number 2016-01791.

Recusal of Board Member

In the matter of **File Number 2017-03094, David C. Gleaton**, the Board members reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Presiding Officer's Summary and Recommendation. Mr. Fore moved to accept the recommendation of the Presiding Officer and find David C. Gleaton in violation of Board regulation 18VAC 160-30-350.D. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Lentz, Moore, Pruett, Staples, and Wadkins.

File Number 2017-03094, David C. Gleaton

Mr. Fore then moved to accept the recommendation as to the sanctions and revoke David C. Gleaton's Class 3 Waterworks Operator license. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Lentz, Moore, Pruett, Staples, and Wadkins.

Mr. Fore recused himself from the meeting for the discussions and deliberations regarding File Number 2016-00725, and File Number 2016-01791.

Recusal of Board Member

In the matter of **File Number 2016-00725**, **Christopher Brumfield**, the Board members reviewed the record which consisted of the transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number 2016-00725, Christopher Brumfield

David Shreve, Esq., legal counsel for Christopher Brumfield, was present to address the Board. Mr. Shreve asked the Board to consider rejecting the monetary penalty assessed against Mr. Brumfield in the recommendation. Mr. Shreve asked the Board to consider the fact that though Mr. Brumfield recorded chemical levels inaccurately because he was told to do so, Mr. Brumfield did bring the matter to the attention of management at the Altavista Water Treatment Plant. Mr. Shreve also stated that though Mr. Brumfield was trained to do as he was told and did so to keep his job, Mr. Brumfield takes responsibility for his actions and is willing to complete continuing education courses as recommended.

Ms. Pruett moved to accept the recommendation of the Presiding Officer and find Christopher Brumfield in violation of Board regulation 18VAC 160-20-140-3. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Lentz, Moore, Pruett, Staples, and Wadkins. After discussion, Mr. Staples moved to amend the sanctions recommended by removing the monetary penalty and requiring Mr. Brumfield to complete two hours of Continuing Professional Education (CPE) in ethics within sixty days from the date of the

Final Order. Ms. Pruett seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Lentz, Moore, Pruett, Staples, and Wadkins.

In the matter of File Number 2016-01791, John Russell Jacobs, the Board members reviewed the record which consisted of the transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number 2016-01791, John Russell Jacobs

David Shreve, Esq., legal counsel for John Russell Jacobs, was present to address the Board. Mr. Shreve asked the Board to consider that although it was due to poor management and training, Mr. Jacobs takes responsibility for recording inaccurate lab results as he was directed. Mr. Shreve also stated that Mr. Jacobs suffered significant health problems due to the stressful work environment at the Altavista Water Treatment Plant. Mr. Shreve stated that Mr. Jacobs is now doing well as a Class 1 Waterworks Operator in another locality and does take responsibility for his past actions in Altavista.

Ms. Pruett moved to accept the recommendation of the Presiding Officer and find John Russell Jacobs in violation of Board regulation 18VAC 160-20-140-3. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Lentz, Moore, Pruett, Staples, and Wadkins. After discussion, Mr. Wadkins moved to accept the sanction and require Mr. Jacobs to complete two hours of CPE in ethics within sixty days from the date of the Final Order. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Lentz, Moore, Pruett, Staples, and Wadkins.

Mr. Fore and Mr. Greene returned to the meeting.

In the matter of File Number 2018-00390, Isail Antonio Marquez, 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.

Ms. Henshaw advised the Board that Mr. Marquez was present to answer any question from the Board. In addition, his supervisor, Mark Burns, was also present.

Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Marquez's application for a Conventional Onsite Sewage System Operator license. Ms. Lentz seconded the

Return of Board Members

File Number 2018-00390, Isail Antonio Marquez

motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

In the matter of File Number 2018-00124, Steve F. Pean, 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.

File Number 2018-00124, Steve F. Pean

Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Pean's application for a Class 4 Wastewater Works Operator license. Mr. Greene seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

Ms. Lentz recused herself from the meeting for the discussions and deliberations regarding File Number 2017-03169.

Recusal of Board Member

In the matter of **File Number 2017-03169, Daniel Webster Causey**, 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.

File Number 2017-03169, Daniel Webster Causey

Mr. Wadkins moved to accept the recommendation of the Presiding Officer and approve Mr. Causey's application for a Class 3 Waterworks Operator license. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Moore, Pruett, Staples, and Wadkins.

Discussion was held on disciplinary actions against new applicants as compared to current licensees.

Ms. Lentz returned to the meeting.

Return of Board Member

Ms. Henshaw asked the Board to consider approving a temporary reduction in renewal and reinstatement fees beginning January 31, 2018 until January 31, 2020, for onsite sewage system professionals' licenses, and wastewater works operators and waterworks operator licenses expiring February 28, 2018 and February 28, 2019 respectively, in order to come into compliance with the Callahan Act, as there is currently an excess cash balance in the Board's funds. After discussion, Mr. Fore moved to authorize staff to proceed with filing an exempt action to apply a temporary

Consider Exempt Action for Fee Adjustment

fee for licensing renewals and reinstatements as recommended by staff. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

Ms. Henshaw provided the Board with examination statistics through October 3, 2017 for informational purposes. In addition, Ms. Henshaw provided examination statistics from 2010 to October 2017 for waterworks and wastewater works examinations to provide historical perspective.

Examination **Statistics Report**

Discussion was held on the reasons for lower pass rates since the transition to exam provider ABC.

Discussion was held on the contents of the formula sheets provided at the exam sites. Ms. Webster stated she would discuss the contents of the formula sheets with the exam provider, ABC.

Mr. Saunders provided an update on onsite sewage system Update on OSSP professionals CPE audits. The audits were conducted from CPE Audits February 8, 2017 to March 31, 2017, based on random selection of 5% of current licensees.

Mr. Saunders presented the Board with a training course application from D.R. Wanless & Associates, LLC for a course Education and titled Aeration Principles, Applications, & Technologies. After discussion, Mr. Fore moved to accept the Education and Training Committee's recommendation and approve the course application for a total of 0.42 training credits. Mr. Brockwell seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

Update on **Training Committee**

Ms. Henshaw advised the Board that ABC has completed a complete review of the Class 1-4 waterworks and wastewater works operators' exam. Accordingly, the 2012 standardized exams are being phased-out and jurisdictions can begin implementation of the 2017 standardized exams. After discussion, Mr. Wadkins moved to authorize staff to move forward with implementing the 2017 standardized exam, contingent upon Subject Matter Expert (SME) review of the exam form to be provided by ABC. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

Discussion of ABC Standardized Exam Implementation

Ms. Henshaw asked the Board members if there was interest in acting as an SME on the Review Committee. Mr. Greene and Mr.

Wadkins stated their interest. The Board agreed by consensus to authorize staff to contact other potential SMEs to form a Committee.

After brief discussion on the maintenance of records of national exams, Mr. Fore moved to defer further discussion on the subject until the April 19, 2018 Board meeting. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

Discussion of
Maintenance of
Records of National
Exam Scores for
Those Who Re-take
for Reciprocity/
Professional
Development

Discussion was held on acceptable utility management CPE Topics. After discussion, Mr. Staples moved to authorize staff to draft a guidance document listing acceptable utility management CPE topics including but not limited to:

Discussion of
Acceptable Utility
Management CPE
Topics

- Customer service for utilities;
- Managing job performance (supervision and management);
- Conflict resolution;
- Succession planning;
- Writing standard operating procedures;
- Budgeting;
- OSHA courses;
- Contract negotiations;
- Rate analysis;
- Grant writing;
- Laboratory analysis, to include chain of custody
- Compliance reporting, to include discharge monitoring and monthly operating reports (DMR and MOR)
- Employee development;
- Operation performance indicators; and
- · Ethics.

Mr. Wadkins seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

Ms. Henshaw asked the Board to consider whether a class proposed to teach how to develop an effective continuing education program would be acceptable for CPE. During discussion, it was unclear whether the course was related to CPE-approval or a "train the trainer" type course. After discussion, the Board agreed by consensus that Ms. Henshaw will attempt to get more detailed information about this inquiry, and the Board will continue the

discussion at its next Board meeting.

Ms. Henshaw asked the Board to consider the experience necessary for the levels of licensing of Waterworks Operators. A member of the public contacted Board staff stating he did not qualify for a Class 5 Waterworks Operator license though he is currently a Class 6 Waterworks Operator. After discussion, the Board agreed by consensus that because Class 5 and Class 6 Waterworks Operators work on very small water systems, and therefore have vastly different work experience than Class 4 through Class 1 Waterworks Operators, the current experience requirements and qualifications needed to obtain the various levels of licensing should remain the same.

Discussion of Entry
Experience
Requirements

Ms. Henshaw asked the Board to consider an amendment to an onsite sewage system installers guidance documents adopted on September 27, 2011. The guidance document currently states a licensed alternative onsite sewage system installer must also be a licensed contractor or work for a licensed contractor with the SDS specialty in order to install any non-discharging onsite sewage system. In order to align the guidance document with Board for Contractors Regulations, language will be added to the guidance document stating that the Contractor licensing requirement is only necessary if it is required by Chapter 11 of Title 54.1 of the Code of Virginia.

Discussion of OSSP
Guidance Document
on Installation of
Non-Discharging
Onsite Sewage
Systems

After discussion, Mr. Fore moved to accept the amendment as presented. Ms. Pruett seconded the motion which was unanimously Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins. After adoption of the amendment Ms. Pruett and Mr. Ewing asked Board staff to research the background of the guidance document for further discussion at the January Board meeting.

Ms. Henshaw updated the Board on a memorandum to the Board for Contractors requesting consideration of a change to the Board for Contractors policy wherein a Qualified Individual (QI) of a Contractor's License with a Sewage Disposal System (SDS) specialty is required to hold a Conventional or Alternative Installer License issued by the WWWOOSSP Board. Amendments to the WWWOOSSP Board regulations effective April 1, 2017, now require a master licensee to provide direct supervision of any regulated work performed by a journeyman licensee. Therefore, a journeyman installer cannot be the individual primarily responsible for the provision of onsite sewage installation services by a licensed contractor with the SDS specialty. Ms. Henshaw stated the Board for Contractors will require the QI of a Contractor's License with

Update on Board for Contractors
Guidance Document

the SDS specialty to hold a current Master Conventional or Alternative Installer License issued by the WWWOOSSP Board effective January 1, 2018. A letter was sent to all SDS contractors regarding the new guidance document.

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

Opportunities

Mr. Greene asked Board staff to consider conducting outreach in municipal offices. Mr. Greene stated that he feels not all municipalities are educated on the Board's regulations, particularly those that require the Board to be notified of a violation of the Board's regulations. Mr. Greene gave the Board an example of a situation in which he did not feel that municipalities are able to support licensees. After discussion, Ms. Henshaw stated that Board staff would be willing to visit municipal offices for outreach if the opportunity presented itself.

Ms. Henshaw opened the floor for annual nominations of the Board **Election of Officers** Chair. Mr. Greene nominated Mr. Evans. Ms. Pruett seconded the motion, which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins. By acclamation, Mr. Evans was named Board Chair.

Mr. Evans opened the floor for annual nominations of Board Vice-Chair. Mr. Wadkins nominated Mr. Staples. Mr. Brockwell seconded the motion, which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins. By acclamation, Mr. Staples was named Board Vice-Chair.

The following meeting dates have been scheduled:

- January 23, 2018
- April 19, 2018
- July 26, 2018
- October 25, 2018

Mr. Evans reminded Board members to complete their conflict of Conflict of Interest interest forms and travel vouchers.

Future Meeting Dates

Forms and Travel Vouchers

There being no further business, the meeting was adjourned at Adjourn 11:50 a.m.

W. Jordan Evans, Chair

Jay W. DeBoer, Secretary

1.	Name:	James N. Brockwell	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 2	26, 2017
5.	I have a personal in	terest in the following tran	saction:
			,
	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 particular public interest.		n fairly, objectively, and in the
	☐ I did not partic	ipate in the transaction.	
6.	do not have a meeting.	a personal interest in any t	ransactions taken at this
/	Signature		10 - 26 - 17 Date

1.	Name:	Rosa-Lee Cooke	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 26, 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		
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	Signature	Date	

1.	Name:	W. Jordan Evans	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
1.	Meeting/IFF Date:	Board Meeting October 26, 2017	
5.	I have a personal in	terest 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:		
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	Signature	n 10/26/2017	

1.	Name:	John Ewing	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 26, 2017	
5.	I have a personal interest in the following transaction:		
	Nature of Personal Interest Affected by Transaction:		
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1.	Name:	Thomas Wayne Fore	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 26, 2017	
5.	I have a personal interest in the following transaction:		
	Nature of Personal Interest Affected by Transaction:		
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	Signature	Date	

1.	Name:	Douglas Perry Greene	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 26, 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:		
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6.	I do not have a meeting.	personal interest in any transactions taken at this	
	Signature	Tree 10-26-17	

1.	Name:	Kristen Lentz
2.	Title:	Board Member
3.	Agency:	WWWOOSSP Board
4.	Meeting/IFF Date:	Board Meeting October 26, 2017
5.	I have a personal int	erest in the following transaction:
	File # 2017	-03/69 Daniel Webster Causey
	Nature of Personal Interest Affected by Transaction: Tan No Director of Dayle Department of Utilities I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:	
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6.	I do not have a meeting. Signature	personal interest in any transactions taken at this

1.	Name:	James Moore	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October	26, 2017
5.	I have a personal in	terest in the following tra	ansaction:
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	Signature	re III	10/36/3017 Date

1.	Name:	Pamela M. Pruett	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 26, 2017	
5.		terest 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:		
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6.	I do not have a meeting.	personal interest in any transactions taken at this	
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	Signature	Date	

1	Names	Daniel I Marine Charles	
1.	Name:	Donald Wayne Staples	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 26, 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:		
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6.	do not have a meeting.	personal interest in any transactions taken at this	
	Dome Lynes	10/26/17 Date	

1.	Name:	Richard C. Wadkins	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 26, 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 pa public interest.	articipate in this transaction fairly, objectively, and in the	
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<i>(</i> .	Kuhard Chiso Signature	10/26/2017 Date	