

**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 24, 2019, 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
Thomas Wayne Fore
Douglas Perry Greene
Kristin Lentz
Pamela M. Pruett
Don Riggleman
D. Wayne Staples, Vice-Chair

Board members John Ewing and Dwayne Roadcap were not present at the meeting.

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

Mary Broz-Vaughan, Acting Director
Trisha L. Henshaw, Executive Director
Paul G. Saunders, Board 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 9:30 a.m.

Call to Order

Ms. Henshaw advised the Board of emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Greene moved to approve the agenda as presented. Ms. Pruett seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Greene, Pruett, Riggleman, and Staples.

**Approval of
Agenda**

Mr. Fore moved to approve the minutes of the July 25, 2019, Education and Training Committee meeting as presented. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Greene, Pruett, Riggleman, and

**Approval of
Minutes**

Staples.

Ms. Lentz arrived at 9:31 a.m.

**Arrival of Board
Member**

Mr. Staples moved to approve the minutes of the July 25, 2019, Board meeting as presented. Ms. Pruitt seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

**Approval of
Minutes**

Ronnie Bowles, an applicant eligible to sit for an onsite sewage system installer license exam was present to address the Board regarding the difficulty of passing the exam required for licensure. Mr. Bowles also expressed his concern about the online candidate booklet available from PSI possibly missing material or having contents in the incorrect order. Discussion was held on training programs available to licensing applicants as well as the diagnostic scores provided to exam takers at the completion of the exam. Staff advised Mr. Bowles that his diagnostic scores would be requested from the exam vendor and, if provided, would be forwarded to him for review.

**Public Comment
Period**

Trapper Davis of VOWRA was present to address the Board. Mr. Davis thanked the Board members and staff for their support of VOWRA and its 22nd Annual Conference held in 2019. Mr. Davis advised the Board that many attendees of the conference were happy with the electronic credentialing service DPOR has offered through Merit, and that very few licensees present at the conference stated they still rely heavily on paper to track their CPE credits.

In the matter of **File Number 2019-02160, Robert Charles Archer**, the Board members reviewed the Consent Order which imposes Board costs of \$150.00 for violation of 18 VAC 160-30-320.3 as outlined in Count 1. In addition, Mr. Archer agrees to complete at least eight (8) contact hours of continuing professional education (CPE) and provide proof of attendance and successful completion within ninety (90) days of the effective date of the Consent Order. These CPE hours are in addition to the CPE hours needed for the current license renewal period. Ms. Lentz moved to accept the Consent Order as presented. Mr. Riggleman seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

**File Number 2019-
02160, Robert
Charles Archer**

In the matter of **File Number 2019-02018, David Christopher Pruitt, Sr**, the Board members reviewed the Consent Order which imposes Board costs of \$150.00 for violation of 18 VAC 160-30-320.3 as outlined in Count 1. In addition, Mr. Archer agrees to

**File Number 2019-
02018, David
Christopher Pruitt,
Sr.**

complete at least twenty (20) contact hours of CPE and provide proof of attendance and successful completion by the time of license renewal or by February 29, 2020. After discussion, Mr. Fore moved to reject the Consent Order as presented and offer an alternative Consent Order as outlined below.

Alternative consent order offer:

Count 1:	18VAC160-30-320.3	\$0
Board Costs:		\$150
Total:		\$150

In addition, for violation of Count 1, Pruitt agrees to complete at least 12 contact hours of continuing professional education (CPE) and provide proof of attendance and successful completion within ninety (90) days of the effective date of this Consent Order. If Pruitt fails to comply with this condition, then license revocation will be automatically imposed. These CPE hours are in addition to the CPE hours needed for the current license period.

If Pruitt does not agree to these terms within 30 days, File Number 2019-02018 will be referred for an Informal Fact-Finding Conference.

After further discussion Ms. Pruett seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

In the matter of **File Number 2020-00049, Clarence Orlando Claiborne**, 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. Riggleman moved to accept the recommendation of the Presiding Officer and approve Mr. Claiborne's application for a Class 1 Wastewater Works Operator license. Mr. Greene seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

File Number 2020-00049, Clarence Orlando Claiborne

Mr. Greene recused himself from the meeting for the discussion and deliberation of File Number 2020-00250

Recusal of Board Member

In the matter of **File Number 2020-00250, Edward L. Creecy**, the Board members reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference (IFF), and the Presiding Officer's Summary and Recommendation. After discussion, Ms. Pruett moved to accept the recommendation of the Presiding Officer and deny Mr. Creecy's application for a Class 3 Waterworks Operator license.

File Number 2020-00250, Edward L. Creecy

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

Mr. Greene returned to the meeting.

Return of Board Member

Ms. Henshaw advised the Board that the temporary reduction in renewal and reinstatement fees effective 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, will be expiring in Spring 2020. Ms. Henshaw advised that due to legislation passed during the 2019 General Assembly session requiring the cash balance of the Board's funds to be placed in a reserve fund, there is no need to continue with the fee reduction after the expiration date. In addition, legislation was passed requiring DPOR to issue refunds to licensees beginning in July 2022, if the excess cash balance of the Board's funds exceeds \$100,000.00 or 20% of the Board's revenue. As currently projected, the Board can better maintain compliance with the Callahan Act (§ 54.1-113 of the Code of Virginia) if the fees return to the amount provided in the regulations. Ms. Henshaw asked the Board to consider allowing the temporary fee reductions to expire on their respective scheduled dates, allowing fees to return back to the amounts listed in the Board's regulations. Mr. Staples moved to allow the temporary fee reductions to expire on their respective scheduled dates, allowing fees to return back to the amounts listed in the Board's regulations. Mr. Greene seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Lentz, Pruett, Riggleman, and Staples.

Discussion of Temporary Fees

Ms. Henshaw advised that a periodic review was conducted on the Public Participation Guidelines of the Board's regulations in accordance with Executive Order 17, and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia. A public comment period was held and there were no public comments received. After discussion, Ms. Lentz moved to retain the current Board regulations as is. Mr. Brockwell seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Lentz, Pruett, Riggleman, and Staples.

Periodic Review of Public Participation Guidelines Regulations

Mr. Saunders provided an update on waterworks operators' CPE audits. The audits began on July 22, 2019, based on a random selection of 5% of current licensees.

CPE Audit Report

Ms. Henshaw provided the Board with waterworks and wastewater works examination statistics from June 1, 2018 through October 23,

Examination Statistics Report

2019, in order to provide a historical overview of exam statistics from the time the Board began using the national exam. Ms. Henshaw also provided the Board with onsite examination statistics from August 1, 2018 to October 23, 2019 for informational purposes.

Ms. Henshaw and Mr. Staples advised the Board that beginning in August 2020 Virginia Tech Short School will begin proctoring examinations for waterworks and wastewater works licensing candidates at the end of Short School as part of a pilot program to determine if offering the exam at Short School will be feasible moving forward. Prospective licensees who wish to take the exam at the Short School will have to state they will be taking the exam at the time of registration. The cost of the exam is \$40.00 and will be administered as a paper and pencil exam.

Update on ABC Examination

Ms. Henshaw advised the Board that DPOR is currently in the final stage with PSI to add the ten question post-exam survey. Such post-exam surveys could help determine ways to improve exam pass rates, and can be customized based on the information needed by the Board.

Ms. Henshaw advised the Board that the additional hour added to the time allotted to take the exam became effective September 1, 2019. Exam fees increased from \$100.00 to \$119.00 effective September 1, 2019, and will increase to \$121.00 effective January 1, 2020, per ABC's standard annual fee increase, to include the additional hour.

Mr. Staples recused himself from the meeting for discussion and deliberation of the training course application from the Department of Environmental Quality (DEQ) for a course titled *Wastewater Works Operator Licensure Review*.

Recusal of Board Member

The Board reviewed for approval the *Wastewater Works Operator Licensure Review* training course application from DEQ. After discussion, Ms. Cooke moved to approve the course for twenty-four (24) contact hours and 2.4 training credits. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Lentz, Pruett, and Riggleman.

Update on Education and Training Committee

Mr. Staples returned to the meeting.

Return of Board Member

The Board reviewed for approval the *Ethics and Documentation* training course application from Loudon Water. After discussion, Mr. Fore moved to approve the course for one (1) contact hour and

Update on Education and Training Committee

.1 training credits. Ms. Cooke seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Lentz, Pruett, Riggleman, and Staples.

Ms. Henshaw advised the Board that because the Virginia Department of Health (VDH) amended its definition of “maintenance” pursuant to amendments made to Health Code § 32.1-163 during the 2018 General Assembly Session, Board regulations were also amended effective September 19, 2018, in order to conform with the amended definition of “maintenance” in the Code of Virginia. Staff is requesting that the Board for Contractors consider adopting a guidance document that parallels the definition of “maintenance” in 18VAC160-40-10 and § 32.1-163 of the Code of Virginia as it pertains to the type of work that would not require a contractor’s license. The Board for Contractors will consider the request at its October 29, 2019, Board meeting.

**Discussion of
Request for
Guidance from the
Board for
Contractors**

Ms. Henshaw provided the Board with the most recent financial statements for review.

**Board Financial
Statements**

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

**Update on Outreach
Opportunities**

Ms. Henshaw advised the Board of the upcoming ABC conference to be held in Mobile, AL in January 2020. Ms. Henshaw advised that she has submitted a budget request to fund two Board members to attend the 2020 ABC conference. The Board agreed by consensus to authorize Board members to attend the conference along with Board staff contingent on approval by the Secretary. Mr. Staples and Mr. Fore volunteered to attend.

Ms. Henshaw opened the floor for annual nominations of the Board Chair. Mr. Greene moved to nominate Ms. Pruett. Ms. Pruett accepted the nomination. Mr. Fore moved to close the nominations. Mr. Riggleman seconded the motion, which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Lentz, Riggleman, and Staples. Ms. Pruett abstained. By acclamation, Ms. Pruett was named Board Chair.

Election of Officers

Mr. Evans opened the floor for annual nominations of Board Vice-Chair. Mr. Greene moved to nominate Mr. Fore. Mr. Fore accepted the nomination. Mr. Riggleman moved to close the nominations. Ms. Cooke seconded the motion, which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Lentz, Pruett, Riggleman, and Staples. By acclamation, Mr. Fore was named Board Vice-Chair.

Ms. Henshaw advised the Board that Mary Broz-Vaughan was **Other Business** officially named Director of DPOR in September 2019.


The Board discussed the applicability of license requirements for repairs to onsite sewage systems. Repairs are defined in 12VAC5-620-10 as “the construction or replacement of all or parts of a sewage disposal system or private well to correct a failing, damaged, or improperly functioning system or well when such construction or replacement is required by the board’s [Virginia Board of Health} regulations”. In addition, the Virginia Department of Health requires a construction permit for repair in order to construct or replace all or parts of the sewage disposal system in accordance with the above definition. Ms. Henshaw advised that the word “repair” is not in Title 54.1, Chapter 23 of the Code of Virginia. However, the definitions for conventional and alternative onsite sewage system installer in 18VAC160-40-10 of the Board’s regulations include that it is an individual licensed to “construct, install, and repair” onsite sewage systems. The Board members agreed by consensus that an installer license is required to repair an onsite sewage system, which is supported by the language in the Board’s regulations. In addition, Board counsel advised that is an appropriate interpretation. The Board promulgated regulations that require licensure to “construct, install, and repair” onsite sewage systems. The regulations do not appear to conflict with state law per review by the Office of the Attorney General.

Mr. Evans reminded the Board members to complete and return their conflict of interest forms and travel vouchers, and to take note of future meeting dates.

**Complete Conflict
of Interest Forms
and Travel
Vouchers**

There being no further business, the meeting was adjourned at 11:08 a.m.

Adjourn



Pamela M. Pruett, Chair



Mary Broz-Vaughan, 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: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting October 24, 2019

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

10/24/19

Date

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

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

1. Name: Rosa-Lee Cooke
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting October 24, 2019

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.

Rosa-Lee Cooke
Signature

10/24/19
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: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting October 24, 2019
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

10/24/2019

**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 October 24, 2019

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

Nature of Personal Interest Affected by Transaction:

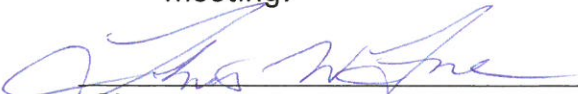
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

Oct 24/2019
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: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting October 24, 2019

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 P. Greene
Signature

10-24-19
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 October 24, 2019

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.

Kristen M Lentz
Signature

10/24/19
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 October 24, 2019

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

10/24/19
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Don Riggleman
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting October 24, 2019

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

n/a

Nature of Personal Interest Affected by Transaction:

n/a

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

n/a

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.

Don Riggleman
Signature

10/24/19
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 October 24, 2019

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

Va DEQ Wastewater works operator Licensure Review
Workshop Approval

Nature of Personal Interest Affected by Transaction:

I helped develop and teach this workshop
through my position at DEQ

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

10/24/19
Date