

**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 April 21, 2022, 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
Erica Duncan
John Ewing
Thomas Wayne Fore, Vice-Chair
Pamela M. Pruett, Chair
Don Riggleman
Dwayne Roadcap
D. Wayne Staples
Caleb Taylor

Board members Rosa-Lee Cooke and W. Jordan Evans were not present at the meeting.

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

Demetrios J. Melis, Director
Kishor Thota, Chief Deputy Director
Trisha L. Lindsey, Executive Director
Shannon Webster, Director of Examinations
Tanya M Pettus, Board Administrator
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Raven C. Custer, Administrative Coordinator

Joshua Laws from the Office of the Attorney General was present at the meeting.

Ms. Pruett, Chair, finding a quorum of the Board present, called the **Call to Order** meeting to order at 9:33 a.m.

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

Mr. Riggleman moved to approve the agenda as presented. Mr. Staples seconded the motion which was unanimously approved by: **Approval of Agenda** Brockwell, Duncan, Ewing, Fore, Pruett, Riggleman, Roadcap, Staples, and Taylor.

Mr. Fore moved to approve the minutes of the October 28, 2021, **Approval of**

Board meeting as presented. Mr. Taylor seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Pruett, Rigglesman, Roadcap, Staples, and Taylor. **Minutes**

Mr. Fore moved to approve the minutes of the October 28, 2021, Education and Training Committee meeting as presented. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Pruett, Rigglesman, Roadcap, Staples, and Taylor.

Mr. Fore moved to approve the minutes of the March 28, 2022, OSSP Licensing Regulatory Review Committee meeting as presented. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Pruett, Rigglesman, Roadcap, Staples, and Taylor.

Ms. Lindsey introduced to the Board DPOR Director, Demetrios “Mitch” Melis, Chief Deputy Director Kishore Thota, and Administrative Coordinator Raven Custer. **Introduction of Staff**

There were no members of the public present who wished to address the Board. **Public Comment Period**

In the matter of **File Number 2021-02147, Trevor Bryant Lee**, the Board members reviewed the record which consisted of the application file, transcript, 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. Lee’s application for a Class 4 Wastewater Works Operator license contingent upon completion of the Department of Corrections (DOC) Wastewater Works Operator Class 4 Apprenticeship Program. Mr. Rigglesman seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Pruett, Rigglesman, Roadcap, Staples, and Taylor. **File Number 2021-02147, Trevor Bryant Lee**

In the matter of **File Number 2021-02148, Kenneth Michael Moore, Jr.**, the Board members reviewed the record which consisted of the application file, transcript, 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. Lee’s application for a Class 4 Wastewater Works Operator license contingent upon completion of the DOC Wastewater Works Operator Class 4 Apprenticeship Program. Mr. Rigglesman seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Pruett, Rigglesman, Roadcap, **File Number 2021-02148, Kenneth Michael Moore, Jr.**

Staples, and Taylor.

In the matter of **File Number 2021-02784, Victor Salas Fischer**, the Board members reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Fore moved to reject the recommendation of the Presiding Officer and not approve Mr. Fischer's application for a Class 4 Waterworks Operator license. Ms. Pruett seconded the motion. After lengthy discussion, Mr. Fore withdrew the motion.

File Number 2021-02784, Victor Salas Fischer

After further discussion, Mr. Roadcap moved to accept the recommendation of the Presiding Officer and approve Mr. Fischer's application for a Class 4 Waterworks Operator license. Mr. Staples seconded the motion. After continued discussion, the motion was approved by: Duncan, Ewing, Riggleman, Roadcap, Staples, and Taylor. The following members voted in opposition to the motion: Brockwell, Fore, and Pruett. The motion to approve Mr. Fischer's Class 4 Waterworks Operator license passed by majority vote.

In the matter of **File Number 2021-02785, Victor Salas Fischer**, the Board members reviewed the record which consisted of the application file, transcript, 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. Fischer's application for a Class 4 Wastewater Works Operator license. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Pruett, Riggleman, Roadcap, Staples, and Taylor.

File Number 2021-02785, Victor Salas Fischer

In the matter of **File Number 2022-00615, Aaron Scott Atwood**, the Board members reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Ewing moved to accept the recommendation of the Presiding Officer and approve Mr. Atwood's application for a Journeyman Alternative Onsite Sewage System Installer license. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Pruett, Riggleman, Roadcap, Staples, and Taylor.

File Number 2022-00615 Aaron Scott Atwood

Mr. Haughwout provided an update on the current status of the regulatory review processes for the Board's regulatory packages:

Regulatory Action Update

A Notice of Intended Regulatory Action (NOIRA) was filed on

February 2, 2021, in order to amend Waterworks and Wastewater Works Operators Licensing Regulations to adjust current licensing fees in order to remain in compliance with the Callahan Act. Following Executive Branch review, a 30-day public comment commenced and was concluded on March 2, 2022. There were no public comments received. Mr. Haughwout advised the amended regulations will be presented to the Board for approval later in the meeting, after which the proposed, amended regulations will be submitted for final Executive Branch review and public comment period.

A NOIRA was filed on February 2, 2021, in order to amend Onsite Sewage System Professionals Licensing Regulations to adjust current licensing fees in order to remain in compliance with the Callahan Act. Following Executive Branch review, a 30-day public comment commenced and was concluded on March 2, 2022. There were no public comments received. Mr. Haughwout advised the amended regulations will be presented to the Board for approval later in the meeting, after which the proposed, amended regulations will be submitted for final Executive Branch review and public comment period.

Ms. Lindsey and Mr. Haughwout provided an update on the OSSP Licensing Regulatory Review Committee. The Committee had their first meeting on March 28, 2022, at which Committee members were provided an overview of the regulatory review process and discussed regulatory topics to be examined. The next meeting is tentatively planned for June.

**Update on OSSP
Licensing
Regulatory Review
Committee**

Mr. Haughwout presented the Board with the draft proposed amendments to adjust fees. After discussion, Mr. Fore moved to adopt the proposed amendments to adjust fees in the Waterworks and Wastewater Works Operator Licensing Regulations and the Onsite Sewage System Professionals Licensing Regulations. Mr. Taylor seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Pruett, Riggelman, Roadcap, Staples, and Taylor.

**Consider and Adopt
Draft Proposed
Amendments to
Adjust Fees**

Ms. Pettus provided a report on the 2021 onsite sewage system professionals CPE audit. The audit began on September 15, 2021, based on a random selection of 5% of current licensees.

**OSSP 2021 CPE
Audit Report**

Ms. Lindsey provided the Board with waterworks and wastewater works examination statistics from January 1, 2017, through April 5, 2022, and October 28, 2021, through April 5, 2022. Ms. Lindsey also provided onsite examination statistics from January 1, 2021, to April 1, 2022, for informational purposes.

**Examination
Updates**

Ms. Webster advised the Board that she has been working with the exam vendor to provide additional locations for examination. As new PSI locations have been approved, they will be available to applicants to select when scheduling their exams.

Ms. Pettus provided the Board with a draft guidance document to address the requirement of the Department of Environmental Quality (DEQ) for operators of small wastewater treatment facilities (less than 1,000 gallons per day) to hold a class 4 wastewater works operator license in order to meet DEQ's updated permitting requirements.

Consider Guidance Document Regarding Licensing Requirements for Operators of Small Facilities

After discussion, Mr. Staples moved to approve the guidance document, allowing experience gained at previously unclassified wastewater works facilities that have recently been classified by DEQ as needing a licensed operator to be accepted for applicants if:

- 1) The owner of the facility or other acceptable verifier completes and signs the Virginia Experience Verification form for the applicant;
- 2) The license application includes verification from the appropriate DEQ Regional Office that includes when the permit began requiring a licensed operator, and;
- 3) The experience otherwise meets all regulatory requirements and the applicant meets all other requirements for licensure.

This policy does not reduce the amount of experience required and applies only to initial applications for licensure. This policy applies only when a previously unclassified facility now requires a licensed Class 4 or Class 3 operator. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Pruett, Riggleman, Roadcap, Staples, and Taylor.

The Board recessed from 11:02 a.m. to 11:14 a.m.

Recess

Ms. Lindsey updated the Board on legislation affecting DPOR and the Board that was passed during the 2022 General Assembly session.

2022 Legislative Update

Ms. Lindsey presented the Board with tentative Board meeting dates in 2023 for consideration. Mr. Fore moved to accept the following meeting dates:

Consider 2023 Meeting Dates

- January 26, 2023
- April 20, 2023

- July 27, 2023
- October 19, 2023

Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Pruett, Riggleman, Roadcap, Staples, and Taylor.

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

Board Financial Statements

Ms. Lindsey advised the Board of recent and upcoming outreach opportunities.

Update on Outreach Opportunities

Ms. Lindsey provided the Board with information on the 2022 Board Member Training Conference. The conference is scheduled for October 13 and 14, 2022.

2022 Board Member Training Conference

Ms. Lindsey advised the Board that the experience verification forms for onsite applicants were updated as a result of discussions during the OSSP Committee meeting held in March 2021. The updated forms were made available on the DPOR website in November. Ms. Lindsey stated that experience is currently considered on a case-by-case basis, and that the OSSP Licensing Regulatory Review Committee will look to incorporate experience verification criteria into the regulations.

Other Business

Ms. Lindsey advised that the guidance document adopted by the Board at its October meeting regarding licensing requirements for operators of alternative onsite sewage systems that exceed 10,000 gallons per day design flow became effective on December 31, 2021. No public comments were received on the proposed guidance during the 30-day public comment period.

Ms. Lindsey advised that the Board for Contractors regulatory amendments to the sewage system disposal (SDS) specialty became effective on March 1, 2022. The Board for Contractors amended the specialty requirements to align with the Board's licensing classifications. The former SDS specialty has been divided into two classifications, sewage system alternative (SSA) and sewage system conventional (SSC).

Ms. Pruett and Ms. Pettus provided the Board with an overview of topics discussed at the 2022 ABC conference, which took place in January.

Ms. Lindsey reminded the Board that the next scheduled meeting date is July 14, 2022.


Future Meeting Dates

Ms. Pruett reminded the Board members to complete and return their conflict of interest forms and travel vouchers.

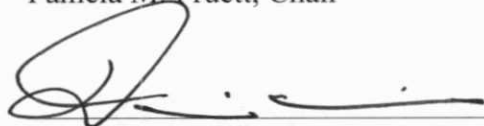
**Complete Conflict
of Interest Forms
and Travel
Vouchers**

There being no further business, the meeting was adjourned at 12:09 p.m.

Adjourn



Pamela M. Pruett, Chair



Demetrios J. Melis, Secretary

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Dwayne Roadcap
- 2. Title: Board Member
- 3. Agency: WWWOOSSP Board
- 4. Meeting/IFF Date: Board Meeting April 21, 2022
- 5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

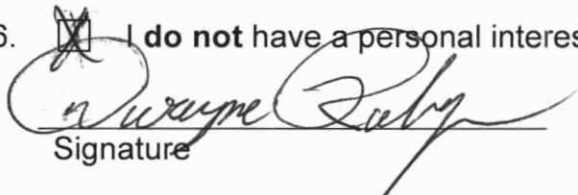
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

4/21/22
Date

**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: WWWOOSSP Board
- 4. Meeting/IFF Date: Board Meeting April 21, 2022

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

4-21-2022

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 April 21, 2022

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

4/21/22
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Erica Duncan
- 2. Title: Board Member
- 3. Agency: WWWOOSSP Board
- 4. Meeting/IFF Date: Board Meeting April 21, 2022

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.

Erica Duncan
Signature

4/21/22
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Caleb Taylor
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 21, 2022
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.

Caleb M. Taylor
Signature

4/21/2022
Date

**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: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 21, 2022

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

4-21-22

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: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 21, 2022

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

4/21/2022

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: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 21, 2022
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:

VOVRA, VEHA, ODO, Inc., Dirt Duo LLC, Women's Council of Realtors

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

4/21/22

Date

