

**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 20, 2017, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members of the Board were present:

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

Board member James N. Brockwell was 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
Paul Saunders, Board 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 9:01 a.m.

Call to Order

Ms. Henshaw introduced James Moore, who will serve as the interim Virginia Department of Health designee on the Board.

**Introduction of
Board Member**

Ms. Henshaw advised the Board of emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

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

**Approval of
Agenda**

Wadkins.

Mr. Fore moved to approve the minutes of the January 18, 2017, Education and Training Committee meeting, and the January 19, 2017, Board meeting. Mr. Greene seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

**Approval of
Minutes**

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

**Public Comment
Period**

Mr. Fore and Mr. Greene recused themselves from the meeting for the discussions and deliberations regarding File Number 2016-00456 and File Number 2016-01793.

**Recusal of Board
Members**

In the matter of **File Number 2016-00456, Pauline Rae Brown**, the Board members reviewed the record which consisted of the Report of Findings, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

**File Number 2016-
00456, Pauline Rae
Brown**

Ms. Brown was present to address the Board. Ms. Brown stated she takes full responsibility for her actions in this matter, and now has a better understanding of the regulations she is required to comply with as a waterworks operator. Ms. asked the Board to accept the Presiding Officer's recommendation as written.

After discussion, Mr. Staples moved to accept the Presiding Officer's recommendation as to whether there is a violation for Count 1, and find Ms. Brown in violation of Board Regulation 18 VAC 160-20-140.3. Further, Mr. Staples moved to accept the Presiding Officer's recommendation and find no violation for Count 2. Ms. Lentz seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Lentz, Moore, Pruett, Staples, and Wadkins. Mr. Staples then moved to accept the recommendation of the Presiding officer as to the sanction, and require Ms. Brown to complete two hours of continuing professional education (CPE) in ethics, and five hours of CPE in plant management, and impose a monetary penalty of \$250.00 for Count 1. Ms. Lentz seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Lentz, Moore, Pruett, Staples, and Wadkins.

In the matter of **File Number 2016-01793, Edward M. Callahan, Jr.**, the Board members reviewed the record which consisted of the Report of Findings, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. After discussion, Mr. Staples moved to accept the Presiding Officer's recommendation as to whether there is a violation for Counts 1 and 2, and find Mr. Callahan in violation of Board Regulation 18 VAC 160-20-140.4., and Board Regulation 18 VAC 160-20-140.7 respectively. Ms. Cooke seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Lentz, Moore, Pruett, Staples, and Wadkins.

File Number 2016-01793, Edward M. Callahan, Jr.

After further discussion, Mr. Wadkins moved to accept the Presiding Officer's recommendation as to the sanction and impose a monetary penalty of \$1, 500.00 for Count 1, a \$1, 500.00 monetary penalty for Count 2, and impose license revocation for violation of both counts. Mr. Staples seconded the motion which was approved by: Cooke, Evans, Ewing, Lentz, Moore, Staples, and Wadkins. Ms. Pruett opposed. The motion was passed by majority vote.

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

Return of Board Members

In the matter of **File Number 2017-01436, David Michael Valentine**, 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. Cooke moved to accept the recommendation of the Presiding Officer and approve Mr. Valentine'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, meeting all entry requirements contained in the Board's regulations, and passing the applicable examination. Mr. Wadkins seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

File Number 2017-01436, David Michael Valentine

In the matter of **File Number 2017-01440, Anthony Ray Clark**, 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. Clark's application for a Class 4 Wastewater Works Operator license contingent upon completion of the DOC Wastewater Works Operator Class 4

File Number 2017-01440, Anthony Ray Clark

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

In the matter of **File Number 2017-01441, Winston Doyle Douglas**, Mr. Saunders advised the Board that new material not provided by Mr. Douglas during the Informal Fact Finding Conference (IFF) was received by Board staff on April 18, 2017. Ms. Henshaw asked the Board to consider remanding the file to another IFF for consideration of the new materials received by staff. After discussion, Ms. Pruett moved to remand the file to schedule a new IFF in consideration of the material received. Mr. Ewing seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

File Number 2017-01441, Winston Doyle Douglas

In the matter of **File Number 2017-01438, Brandon Wendell Thatch**, 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. Thatch'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. Mr. Greene seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

File Number 2017-01438, Brandon Wendell Thatch

Ms. Henshaw advised the Board of the status of the Board's regulatory actions that are in process. The public comment period held on amendments to the regulations made pursuant to the Board's general review ended on February 22, 2017, and final regulations became effective April 1, 2017.

Update on Regulatory Review Processes

Ms. Henshaw advised the Board that pursuant to the amended regulations, master licenses have been issued to all licensees who were licensed as of April 1, 2017. Ms. Henshaw also advised that Board staff has begun receiving journeyman license applications.

Ms. Henshaw provided the Board with examination statistics through April 4, 2017 for informational purposes.

Examination Statistics Report

Ms. Henshaw also asked the Board to provide clarification on the

ten day waiting period required before an exam candidate may retake an exam. The exam provider, PSI, requested explanation as to whether this ten day period should be counted in business or calendar days. The Board agreed by consensus that the ten day waiting period required before an exam candidate may retake an exam is to be counted in calendar days.

Discussion was held on items appearing on the exam versus information supplied in the exam vendor study guides, and the process for challenging the validity of items appearing on the exam.

Discussion was also held on exam site locations in Virginia.

Mr. Saunders provided an update on waterworks operator 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.

**Waterworks
Operator CPE
Audit Report**

Mr. Saunders provided an update on onsite sewage system professionals CPE audits. The audits were conducted from February 8, 2017 to March 31, 2017, on a random group of individuals making up 5% of the regulant population.

**Update on OSSP
CPE Audits**

Mr. Saunders presented the Board with a training course application from Allen Baturay, P.E. for a course titled *Sludge Incineration*. After discussion, Mr. Staples moved to accept the Education and Training Committee's recommendation and approve the course application, retroactive to November 15, 2016, for a total of two (2) training credits, contingent upon changing the name of the course to *Multiple Hearth Incineration*. Mr. Perry seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

**Update on
Education and
Training
Committee**

Discussion was held on the training credits allotted to previously approved training courses. The Board agreed by consensus that that one (1) training credit is equal to ten (10) hours of training.

**Discussion of
License Types and
Training Credits
for Previously
Approved Training
Courses**

At its January 18, 2017 meeting, the Education and Training Committee began reviewing all currently approved courses to determine the specific license types to which they were applicable. Based on feedback from the Committee Members, staff presented the approved course list with the applicable license type denoted for each course to the Board. Discussion was held on whether certain water works and wastewater works training credits could be applied toward onsite sewage system professional training requirements for initial onsite licensure. The Board agreed by consensus that math, mechanical, and maintenance training credits could count toward

training requirements for initial licensure for both water and wastewater works licenses, and onsite licenses.

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

**Update on
Outreach
Opportunities**

Mr. Saunders asked the Board to consider staff recommendations for amendments to guidance documents currently in effect, as some have been affected by regulatory amendments made during the general regulatory review. After review and discussion, Mr. Fore moved to accept staff recommendations for amendments to guidance documents currently in effect as amended. Mr. Staples seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

**Consider Board
Guidance
Documents
Currently in Effect**

Ms. Henshaw asked the Board to consider amending the guidance document for alternative onsite sewage systems adopted on January 19, 2017, to include a recommendation for best practice stating that a licensed alternative operator should be present during the pumping of the alternative onsite sewage system, or should inspect the system as soon as possible after pumping to ensure the proper continued operation of the alternative onsite sewage system in accordance with applicable regulations and manufacturer's instructions.

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

After discussion, Mr. Fore moved to adopt the amendment to the guidance document for alternative onsite sewage systems adopted on January 19, 2017, as presented. Ms. Pruett seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

Ms. Henshaw advised the Board that staff has received several inquiries from licensees regarding CPE requirements pertaining to utility management. As new CPE requirements became effective April 1, 2017, some licensees have already completed their CPE for the current license cycle.

**Discussion of Topic
Areas for CPE**

After discussion, Mr. Fore moved to not require Class 1 and 2 waterworks and wastewater works operators to complete CPE pertaining to utilities management until the next license cycle, beginning March 1, 2018 for wastewater works operators, and March 1, 2019 for waterworks operators. However, if a Class 1 or 2 waterworks or wastewater works operator does complete a minimum of five hours of CPE in utilities management during the current license cycle, it will be acceptable toward the licensee

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

Discussion was held on management training and CPE requirements for onsite sewage system professionals. The Board agreed by consensus that general businesses courses may include, but are not limited to, subject matter pertaining to:

- Risk prevention,
- Administrative knowledge,
- Liability

After discussion, Mr. Ewing moved to allow management credits for a master level licensee to be obtained by completing general business courses. Mr. Greene seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

Ms. Henshaw presented the Board with tentative Board meeting dates for 2018. Ms. Pruett moved to accept the meeting dates as presented. Mr. Staples seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

**Consider 2018
Future Meeting
Dates**

Ms. Henshaw advised the Board that staff has received several inquiries regarding onsite journeyman licensing, specifically, when is a license required, and who should be licensed at a job site. After discussion, Mr. Ewing moved to authorize staff to draft a guidance document stating that A license is required if an individual is performing a regulated activity. If assisting with tasks related to the regulated activity, a license is not necessarily required. When installing onsite sewage systems, the decision-maker and person executing the installation of approved permits must be licensed as a journeyman or master for the applicable license type. In addition, a licensee (master or journeyman, with the appropriate license type) must be on the job site. For operation and maintenance and onsite soil evaluation and design, the decision-maker must have a license and a licensee must be on-site where the regulated activities are being performed (either master or journeyman, with the appropriate license type). In all cases, master licensees are responsible for providing direct supervision over journeymen licensees working under them and performing regulated activities, in accordance with the Board's regulations. Mr. Fore seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Fore, Greene, Lentz, Moore, Pruett, Staples, and Wadkins.

**Other Board
Business**

The following meeting dates have been scheduled:

Future Meeting

- July 27, 2017
- October 26, 2017


Dates

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

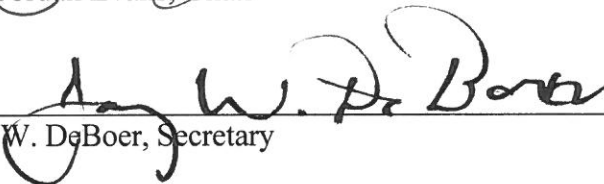
**Conflict of Interest
Forms and Travel
Vouchers**

There being no further business, the meeting was adjourned at 11:01 a.m.

Adjourn



W. Jordan Evans, Chair



Jay W. DeBoer, Secretary

**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 April 20, 2017
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

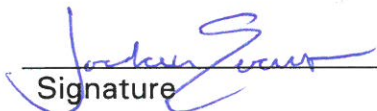
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

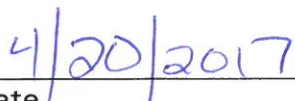
or

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: Rosa-Lee Cooke
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 20, 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.

Rosa-Lee Cooke
Signature

4/20/17
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 April 20, 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:

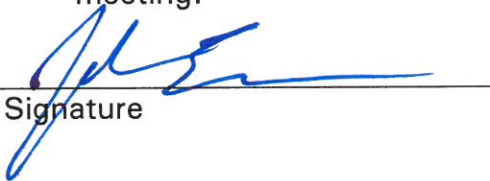
VAWRA, Old Dominion Onsite, Inc

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

4/20/2017
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: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 20, 2017

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

~~No~~ Prior Knowledge of Case 2016-01793, Edward Callahan Jr.

Nature of Personal Interest Affected by Transaction:

- I am employed by the Town of Altavista, I have advised
The Town prior to my employment

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

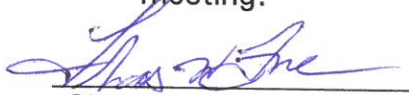
Town of Altavista, director of public utilities

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

4/20/2017
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: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 20, 2017
5. I have a personal interest in the following transaction:

File # 2016-00456 Pauline Rae Brown

Nature of Personal Interest Affected by Transaction:

She is a directly employee of mine, ALSO I have prior knowledge of this case as I have advised the town of Altavista prior to my employment with the town

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

Town of Altavista Director of Public Utilities

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.

Thomas Wayne Fore
Signature

4/20/2017
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 April 20, 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 P. Greene
Signature

4-20-17
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 April 20, 2017

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

Nature of Personal Interest Affected by Transaction:

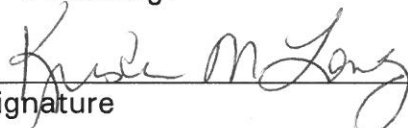
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

4 / 20 / 17
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: James Moore
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 20, 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:

VDH - Office of Drinking Water

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 Moore III
Signature

4/20/2017
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 April 20, 2017

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

NA

Nature of Personal Interest Affected by Transaction:

NA

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

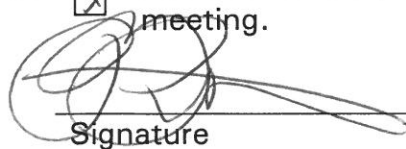
NA

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

04/20/17
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 April 20, 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

4/20/17
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Richard C. Wadkins
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 20, 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.

Richard C. Wadkins
Signature

4/20/17
Date