

**VIRGINIA BOARD
FOR
WATERWORKS AND WASTEWATER WORKS OPERATORS
AND ONSITE SEWAGE SYSTEM PROFESSIONALS**

***Tentative* AGENDA THURSDAY, APRIL 21, 2022
9:30 A.M. BOARD ROOM 4-- SECOND FLOOR**

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL
REGULATION PERIMETER CENTER -- 9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233**

I. CALL TO ORDER

II. EMERGENCY EVACUATION PROCEDURES

III. APPROVAL OF AGENDA

- a. Board Agenda, April 21, 2022

IV. APPROVAL OF MINUTES

- a. Board Meeting Minutes, October 28, 2021
- b. Education and Training Committee Meeting Minutes, October 28, 2021
- c. OSSP Licensing Regulatory Review Committee Meeting Minutes, March 28, 2022

V. INTRODUCTION OF STAFF

VI. PUBLIC COMMENT PERIOD – Five-minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files.

VII. CASE FILES**

- a. File Number 2021-02147, Trevor Bryant Lee
Licensing—IFF by Eldridge
- b. File Number 2021-02148, Kenneth Michael Moore, Jr.
Licensing—IFF by Eldridge
- c. File Number 2021-02784, Victor Salas Fischer
Licensing—IFF by Eldridge
- d. File Number 2021-02785, Victor Salas Fischer
Licensing—IFF by Eldridge
- e. File Number 2022-00615, Aaron Scott Atwood
Licensing—IFF by Eldridge

VIII. REGULATORY ACTIONS

- a. Regulatory Action Update
- b. Update on OSSP Licensing Regulatory Review Committee
- c. Consider and Adopt Draft Proposed Amendments to Adjust Fees

IX. OTHER BUSINESS

- a. OSSP 2021 CPE Audit Report
- b. Examination Updates
 - i. Examination Statistics Report
- c. Consider Guidance Document Regarding Licensing Requirements for Operators of Small Facilities
- d. 2022 Legislative Update
- e. Consider 2023 Meeting Dates

- f. Board Financial Statements
- g. Update on Outreach Opportunities
- h. Other Business

X. FUTURE MEETING DATES

- a. July 14, 2022

XI. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

XII. ADJOURN

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

** Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the *Code of Virginia*.

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**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 28, 2021, 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
W. Jordan Evans
John Ewing
Thomas Wayne Fore, Vice-Chair
Pamela M. Pruett, Chair
Don Riggleman
D. Wayne Staples
Caleb Taylor

Board members Rosa-Lee Cooke and Dwayne Roadcap were not present at the meeting.

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

Mary Broz-Vaughan, Director
R. Thomas Payne, Deputy Director
Trisha L. Lindsey, Executive Director
Shannon Webster, Director of Examinations
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Tanya M. Pettus, Board Administrator

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 meeting to order at 9:30 a.m. **Call to Order**

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

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

Mr. Fore moved to approve the minutes of the July 8, 2021, Board meeting as presented. Mr. Evans seconded the motion which was **Approval of Minutes**

unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

The Board members reviewed a letter signed by Mike Kahle, Mike Ward, Mark Estes, Alan Johnson, Michael Adkina, Terry Harris, and Robert Cornett, all representatives of waterworks and wastewater works treatment facilities. The letter relayed their concerns with delays in scheduling water and wastewater exams at PSI facilities, and the costs and travel times associated with traveling to PSI facilities, particularly for those in the southern and southwest regions of the Commonwealth. The representatives also asked that the Board consider using Virginia's community colleges throughout the Commonwealth as testing sites.

Public Comment Period

Mike Ward of Henry County was present to address the Board. Mr. Ward reiterated the concerns addressed in the letter, and also expressed his concerns with complications accessing application forms on the DPOR website. Mr. Ward again asked the Board to consider applicants in rural areas who travel long distances to reach PSI testing sites, and to consider offering exams at community colleges in order to increase accessibility to exams required for licensure.

Ms. Lindsey and Ms. Broz-Vaughan advised that the topic would be addressed under an agenda item to be discussed later in the meeting.

Mr. Brockwell, Mr. Ewing, and Ms. Pruett recused themselves from the meeting for discussion and deliberation of File Number 2020-02898. Mr. Fore, Vice-Chair, assumed chair of the Board.

Recusal of Board Members

In the matter of **File Number 2020-02898, Michael Anderson Cook**, the Board members reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference.

File Number 2020-02898, Michael Anderson Cook

Jonathan Arthur, Counsel for Mr. Cook, was present to address the Board. Mr. Arthur stated that his client has taken responsibility for his mistakes and that Mr. Cook's actions were not intentional. Mr. Arthur asked the Board to accept the Presiding Officer's recommendation and agrees that completion of continuing professional education (CPE) will ensure the protection of Virginia's citizens and ensure that Mr. Cook will not repeat his mistakes.

Mr. Cook was present to address the Board and stated he understands the importance of education and will take it more seriously in the future. Mr. Cook further stated that he took care of his customers,

and that his employer did not, and that false accusations against him were meant to destroy his reputation and the business he is trying to create for himself.

Mr. Evans moved to accept the recommendation of the Presiding Officer and find Mr. Cook in violation of 18 VAC 160-40-470.3 as outlined in Count 1, 18 VAC 160-40-470.9 as outlined in Count 2, 18 VAC 160-40-470.15 as outlined in Count 3, and accept the finding of no violation in Count 4 as outlined in the Summary. Mr. Riggleman seconded the motion which was unanimously approved by: Duncan, Evans, Fore, Riggleman, Staples, and Taylor.

Mr. Taylor then moved to accept the recommended sanctions as presented in the Summary, which imposed a monetary penalty of \$150.00 for violation of Count 1, no sanction for violation of Count 2, and a monetary penalty of \$400.00 for violation of Count 3. In addition, for violation of Count 1, Mr. Cook's master alternative onsite operator license will be placed on probation of a period of six (6) months, and Mr. Cook must complete five (5) classroom hours of Board-approved CPE on laws and regulations applicable to the profession, and provide proof of successful completion of the course within six (6) months of the effective date of the Order. For violation of Count 3, Mr. Cook's master alternative onsite operator license will be placed on probation of a period of six (6) months, and Mr. Cook must complete five (5) classroom hours of Board-approved CPE on ethics, and provide proof of successful completion of the course within six (6) months of the effective date of the Order. The above referenced CPE hours will not count toward any CPE requirements, if applicable, for renewal, reinstatement, or activation of a license. Mr. Staples seconded the motion. Mr. Haughwout advised the Board that Mr. Cook was previously subject to disciplinary action for failing to inform the Board of a criminal conviction, and that all sanctions in that matter were satisfied as ordered. After discussion, the motion was unanimously approved by: Duncan, Evans, Fore, Riggleman, Staples, and Taylor.

Mr. Ewing and Ms. Pruett returned to the meeting. Ms. Pruett resumed as Chair of the Board.

Return of Board Members

Mr. Brockwell remained recused for discussion and deliberation of File Number 2021-01341.

In the matter of **File Number 2021-01341, Austin Wayne Stewart**, the Board members reviewed the Consent Order. Mr. Stewart admits to a violation of 18VAC160-40-470.3 as outlined in Count 1, 18VAC160-40-500.D as outlined in Count 2, and consents to the imposition of a monetary penalties totaling \$250.00, and Board costs

File Number 2021-01341, Austin Wayne Stewart

of \$150.00. In addition, Mr. Stewart agrees to revocation of his master alternative onsite sewage system installer license. The Board will waive the imposition of revocation if within six (6) months of the effective date of the Order, Mr. Stewart provides proof to the Board of successful completion of sixteen (16) hours of required CPE for the 2018-2020 license cycle, and the required hours for the current 2020-2022 license cycle by July 31, 2022. It is acknowledged that satisfactory completion of the above referenced continuing education hours for the 2018-2020 license cycle will not count towards any continuing education requirements, for renewal or reinstatement of license. Mr. Fore moved to approve the Consent Order as presented. Mr. Taylor seconded the motion which was unanimously approved by: Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

Mr. Brockwell returned to the meeting.

Return of Board Member

Ms. Duncan recused herself from the meeting for the discussion and deliberation of File Number 2021-00450.

Recusal of Board Member

In the matter of **File Number 2021-00450, Cleita Etter Fincher**, the Board members reviewed the Consent Order. Ms. Fincher admits to a violation of 18VAC160-30-320.3 as outlined in Count 1, and consents to the imposition of a monetary penalty of \$150.00, and Board costs of \$150.00. In addition, Ms. Fincher agrees to revocation of her Class 2 Wastewater Works Operator license. Mr. Evans moved to approve the Consent Order as presented. Mr. Riggleman seconded the motion which was unanimously approved by: Brockwell, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

File Number 2021-00450, Cleita Etter Fincher

Ms. Duncan returned to the meeting.

Return of Board Member

In the matter of **File Number 2021-01556, Jerry Wayne Greene**, 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. Greene's application for a Class 3 Wastewater Operator license. Mr. Taylor seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

File Number 2021-01556, Jerry Wayne Greene

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. The NOIRA is currently undergoing executive branch review, after which a 30-day public comment period will be held.

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. The NOIRA is currently undergoing executive branch review, after which a 30-day public comment period will be held.

Ms. Lindsey advised that the Board for Contractors has begun a regulatory action to amend the sewage system disposal (SDS) specialty requirements to align with the Board's licensing classifications. The current SDS specialty will be divided into two classifications, sewage system alternative (SSA) and sewage system conventional (SSC).

Ms. Lindsey asked the Board to consider authorizing staff to file an exempt action to amend the Board's regulations to comport with recent legislation legalizing marijuana. The amendment would exclude marijuana-related misdemeanor convictions from the disclosure and reporting requirements in the regulations. Mr. Staples moved to authorize staff to file an exempt action to amend the Board's regulations. Mr. Riggleman seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

Consider Exempt Action to Amend Regulations to Incorporate Changes Resulting from Recent Marijuana Legislation

Mr. Haughwout presented the Board with proposed topics to be addressed during a general review of the OSSP Licensing Regulations. The topics were determined by staff and the OSSP Committee, which met on March 30, 2021. After discussion, Mr. Haughwout asked to the Board to consider authorizing staff to file a NOIRA for the general review of the OSSP Licensing Regulations. Mr. Fore moved to authorize staff to file a NOIRA for the general review of the OSSP Licensing Regulations. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

Discussion on General Review of OSSP Licensing Regulations

Ms. Lindsey advised the Board that she will work to finalize the members of the general review committee and will look to schedule its first meeting in 2022.

Ms. Pettus provided an update on the 2021 waterworks operator CPE audit. The audit began on June 1, 2021, based on a random selection of 5% of current licensees and concluded on July 21, 2021.

**WWO 2021 CPE
Audit Update**

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 October 14, 2021, and onsite examination statistics from January 1, 2021, to October 15, 2021, for informational purposes.

**Examination
Updates**

Discussion was held on determining the changes in exam statistics since the last scheduled Board meeting. Going forward, staff will provide historical waterworks and wastewater works exam statistics, as well as statistics from the date of the last scheduled Board meeting until the present meeting.

Discussion was held on waterworks and wastewater works examination facilities. Currently, Mountain Empire Community College and the Virginia Tech Short School are the only educational institutes approved to proctor the ABC exam. Staff continues to explore options for schools around the Commonwealth to proctor examinations.

Ms. Webster advised the Board that she has been working with PSI to remedy inconsistencies in customer service and site availability as a result of COVID-19. Ms. Webster advised the Board that waterworks and wastewater works exam candidates now have a dedicated phone number to call for exam scheduling and information in hopes to alleviate hold times and other issues contacting PSI.

Ms. Broz-Vaughan addressed the inability to open fillable application forms on the DPOR website. Staff is exploring options to alleviate the problem which is thought to be caused by many browsers' continuous security updates. Ms. Broz-Vaughan is hopeful that the problem will be solved with the launch of new licensing system software tentatively set to launch in 2023.

The Board reviewed for approval the *Disinfection, Laboratory Procedures, and Math* training course application from Office of Water Programs at Sacramento State. Mr. Staples moved to approve the course application, for a total of 4.3 training credits, and 43 contact hours, applicable to waterworks operators and wastewater works operators. Mr. Riggleman seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

**Update on
Education and
Training Committee**

The Board reviewed for approval the *Pretreatment Facility Inspection* training course application from Office of Water Programs at Sacramento State. Mr. Riggleman moved to approve the course application, for a total of 7.5 training credits, and 75 contact hours, applicable to wastewater works operators. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

The Board reviewed for approval the *Safety, Beginning Treatment, and Lagoon Systems* training course application from Office of Water Programs at Sacramento State. Mr. Fore moved to approve the course application, for a total of 4.0 training credits and 40 contact hours, applicable to wastewater works operators, and 2.0 training credits and 20 contact hours, applicable to waterworks operators. Mr. Riggleman seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

The Board reviewed for approval the *Secondary Treatment* training course application from Office of Water Programs at Sacramento State. Mr. Riggleman moved to approve the course application, for a total of 3.6 training credits, and 36 contact hours, applicable to wastewater works operators. Mr. Evans seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

The Board reviewed for approval the *Treatment of Metal Wastestreams* training course application from Office of Water Programs at Sacramento State. Mr. Staples moved to approve the course application, for a total of 2.6 training credits, and 26 contact hours, applicable to wastewater works operators, and 1.3 training credits and 13 contact hours, applicable to waterworks operators. Mr. Riggleman seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

Ms. Lindsey asked the Board for guidance on 18VAC160-40-170.F. which currently states, “No individual shall act as an alternative onsite sewage system operator of an alternative onsite sewage system that exceeds 10,000 gallons per day design flow without possessing a Class 4 or higher wastewater works operator license in addition to an alternative onsite sewage system operator license.”

Because there are only 45 licensees who hold both a wastewater works operator license, and an alternative onsite sewage system operator license, Ms. Lindsey asked the Board to consider whether a licensed alternative onsite sewage system operator who partners with a licensed Class 4 or higher wastewater works operator to operate an alternative onsite sewage system that exceeds 10,000 gallons per day would meet the licensing requirement. After discussion, Mr. Fore moved to adopt a guidance document stating the following:

“An alternative onsite sewage system that exceeds 10,000 gallons per day design flow is required to have operations and maintenance performed by either (i) an individual who is licensed as both an alternative onsite sewage system operator and a Class 4 or higher wastewater works operator, or (ii) an individual who is licensed as an alternative onsite sewage system operator and an individual who is licensed as a Class 4 or higher wastewater works operator who are working together pursuant to an employment relationship, contract, or other written agreement.”

Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Rigglesman, Staples, and Taylor. Ms. Lindsey advised the guidance document will be published for a 30-day comment period, after which time it will become effective.

Discussion was held on individuals qualified to verify experience for onsite system professional applicants, particularly for out-of-state applicants wherein job titles and descriptions within state or government entities may differ from Virginia. The Board agreed by consensus that staff will compile a list of possible qualified individuals to present to the Board for review at its next meeting.

Ms. Webster advised the Board of the Virginia Federal Bonding Program, a program that essentially insures an employer against any loss due to larceny, theft, embezzling, or forgery for \$5,000.00 and six months at no cost to the employer when that employer chooses to hire an individual with a criminal history. The program aims to ensure reentry into the job market for individuals who have prior criminal convictions.

After discussion, Mr. Rigglesman moved to endorse the Virginia

**Consider Adoption
of Guidance
Document
Regarding
18VAC160-40-170.F**

**Discussion on
Individuals
Qualified to Verify
OSSP Experience**

**Discussion on
Virginia Federal
Bonding Program**

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

The Board recessed from 11:13 a.m. to 11:25 a.m.

Recess

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 advised the Board of the upcoming ABC conference to be held both virtually, and in-person in Albuquerque, NM in January 2022. Ms. Pruett and Mr. Staples expressed interest in attending the conference.

Ms. Pruett advised the Board that she will be conducting presentations, primarily to designers, on limitations on individual licensure as well as ethics.

Ms. Lindsey opened the floor for annual nominations of the Board Chair. Mr. Riggleman moved to nominate Ms. Pruett as Board Chair, and Mr. Fore as Board Vice-Chair. Mr. Brockwell seconded the motion. Ms. Pruett and Mr. Fore accepted the respective nominations. Mr. Staples moved to close the nominations. Mr. Taylor seconded the motion, which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor. By acclamation, Ms. Pruett was named Board Chair, and Mr. Fore was named Board Vice-Chair.

Election of Officers

Ms. Lindsey advised the Board that onsite sewage system professionals experience verification forms have been updated per the recommendation of the Onsite Sewage System Professionals Committee that met earlier this year, and are expected to be published within the week.

Other Business

Mr. Staples presented the Board with a Department of Environmental Quality (DEQ) guidance document dated February 3, 1999 which addresses permitting and operator license requirements for small facilities. Mr. Staples suggested that new guidance indicates that a small wastewater treatment facility (less than 1,000 gallons per day) would require a Class 4 Wastewater Works Operator license. Discussion was held on the need for updated DEQ guidance to address this issue.

Board members completed biennial Board member conflict of interest training as required by the Virginia Conflict of Interest and Ethics Advisory Council. **Biennial Conflict of Interest Training**

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 12:13 p.m. **Adjourn**

Pamela M. Pruett, Chair

Demetrios J. Melis, Secretary

**VIRGINIA BOARD FOR
WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE
SEWAGE SYSTEM PROFESSIONALS
EDUCATION AND TRAINING COMMITTEE MEETING MINUTES**

The Education and Training Committee of the Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (Board) met on October 28, 2021, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia 23233.

The following members of the Committee were present:

John Ewing, Chair
Thomas Wayne Fore
Barry Matthews
D. Wayne Staples

Committee member Rosa-Lee Cooke was not present at the meeting.

The following staff members were present for all or part of the meeting:

Trisha L. Lindsey, Executive Director
Tanya M. Pettus, Board Administrator

Mr. Ewing called the meeting to order at 9:07 a.m.

Call to Order

Ms. Lindsey advised the Committee of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Fore moved to approve the agenda as presented. Mr. Staples seconded the motion which was unanimously approved by: Ewing, Fore, Staples, and Matthews.

Approval of Agenda

There were no members of the public present for comment.

**Public Comment
Period**

The Committee reviewed for approval the *Disinfection, Laboratory Procedures, and Math* training course application from Office of Water Programs at Sacramento State. After discussion, Mr. Staples moved to recommend Board-approval of the course application, for a total of 4.3 training credits, and 43 contact hours, applicable to waterworks operators and wastewater works operators. Mr. Fore seconded the motion which was unanimously approved by: Ewing, Fore, Matthews, and Staples.

**Review of Office of
Water Programs at
Sacramento State
Course Titled
Disinfection,
Laboratory
Procedures, and
Math**

The Committee reviewed for approval the *Pretreatment Facility Inspection* training course application from Office of Water Programs

**Review of Office of
Water Programs at**

at Sacramento State. After discussion, Mr. Fore moved to recommend Board-approval of the course application, for a total of 7.5 training credits, and 75 contact hours, applicable to wastewater works operators. Mr. Staples seconded the motion which was unanimously approved by: Ewing, Fore, Matthews, and Staples.

Sacramento State
Course Titled
Pretreatment Facility
Inspection

The Committee reviewed for approval the *Safety, Beginning Treatment, and Lagoon Systems* training course application from Office of Water Programs at Sacramento State. After discussion, Mr. Fore moved to recommend Board-approval of the course application, for a total of 4.0 training credits and 40 contact hours, applicable to wastewater works operators, and 2.0 training credits and 20 contact hours, applicable to waterworks operators. Mr. Staples seconded the motion which was unanimously approved by: Ewing, Fore, Matthews, and Staples.

Review of Office of
Water Programs at
Sacramento State
Course Titled Safety,
Beginning Treatment,
and Lagoon Systems

The Committee reviewed for approval the *Secondary Treatment* training course application from Office of Water Programs at Sacramento State. After discussion, Mr. Fore moved to recommend Board-approval of the course application, for a total of 3.6 training credits, and 36 contact hours, applicable to wastewater works operators. Mr. Staples seconded the motion which was unanimously approved by: Ewing, Fore, Matthews, and Staples.

Review of Office of
Water Programs at
Sacramento State
Course Titled
Secondary Treatment

The Committee reviewed for approval the *Treatment of Metal Wastestreams* training course application from Office of Water Programs at Sacramento State. After discussion, Mr. Fore moved to recommend Board-approval of the course application, for a total of 2.6 training credits, and 26 contact hours, applicable to wastewater works operators, and 1.3 training credits and 13 contact hours, applicable to waterworks operators. Mr. Staples seconded the motion which was unanimously approved by: Ewing, Fore, Matthews, and Staples.

Review of Office of
Water Programs at
Sacramento State
Course Titled
Treatment of Metal
Wastestreams

There being no further business, the meeting was adjourned at 9:22 a.m.

Adjourn

Demetrios J. Melis, Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position
DRAFT AGENDA

DRAFT

ONSITE SEWAGE SYSTEM PROFESSIONALS LICENSING REGULATORY
REVIEW COMMITTEE
OF THE
BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS AND
ONSITE SEWAGE SYSTEM PROFESSIONALS

MINUTES OF MEETING

The OSSP Licensing Regulatory Review Committee of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (Board) met on March 28, 2022, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia 23233.

The following members were present:

Bryan Allen
James Brockwell
John Ewing
W. Jordan Evans, Chair
Thomas Fore
Pamela Pruett, Ex-officio
Ronnie Thomas

Committee member Adrian Joye was not present at the meeting.

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

Trisha L. Lindsey, Executive Director
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Tanya M. Pettus, Board Administrator
Lisa Robinson, Licensing Administrator
Raven Custer, Administrative Coordinator

Mr. Evans, Chair, called the meeting to order at 10:05 a.m.

Call to Order

Ms. Lindsey advised the Committee of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Members of the Committee and Board staff introduced themselves.

**Introduction of
Committee**

Ms. Lindsey advised the Board that Committee member Adrian Joye of the Fairfax County Health Department was unable to attend the meeting.

**Members and Board
Staff**

Mr. Fore moved to approve the agenda as presented. Ms. Pruett seconded the motion which was unanimously approved by: Allen, Brockwell, Ewing, Evans, Fore, Pruett, and Thomas.

Approval of Agenda

There were no members of the public present who wished to address the Committee.

Public Comment Period

Ms. Lindsey provided an overview of the responsibilities before the Committee.

Overview

Ms. Lindsey provided the Committee with an overview of the regulatory review process and timeline.

The Committee was provided with current versions of applicable laws and regulations, as well as onsite sewage system licensing requirements from other states for informational purposes.

Resources and Information

Ms. Lindsey presented the Committee with an overview of the regulatory review process, as well as guidelines for drafting regulations.

Overview of Regulatory Review Process

The Committee recessed from 11:15 a.m. to 11:26 a.m.

Recess

Mr. Haughwout presented the Committee with proposed regulatory review topics.

Regulatory Review Topics

Discussion was held on entry requirements, barriers to licensure, and master and journeyman classifications.

Consider Necessary Regulatory Changes

The Committee agreed by consensus to begin to review Parts I-V of the regulations, to include definitions and entry requirements, at its next meeting.

Ms. Lindsey advised the Committee that staff will provide dates for consideration by Committee members for the next meeting, which is tentatively planned for June. The Committee will be notified of the date when it has been confirmed.

Set Next Meeting Date

Mr. Evans reminded the Committee members to complete 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 12:30

Adjourn

p.m.

Pamela M. Pruett, Chair

Demetrios J. Melis, Secretary

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Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
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INTRODUCTION OF STAFF

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PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

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DRAFT AGENDA

Board for Waterworks and Wastewater Works Operators and Onsite Sewage Systems Professionals

Update on Regulatory Actions

(as of March 25, 2022)

Action: Waterworks and Wastewater Works Operators Licensing Regulations – 2021 Fee Adjustment

Current Stage: NOIRA

- Board authorized filing of NOIRA on 1/14/21.
- NOIRA filed on 2/2/21.
- Executive Branch review completed on 12/29/21.
- Published in Virginia Register on 1/31/22.
- Public comment period concluded on 3/2/22. No comments received.

Next Step: Proposed Stage

- Board reviews and adopts proposed amendment.
- Submission of proposed amended regulation for Executive Branch review.
- Submission to Registrar upon completion of Executive Branch review.
- Publication in the Virginia Register and 60-day public comment period, to include public hearing.

Action: Onsite Sewage System Professionals Licensing Regulations – 2021 Fee Adjustment

Current Stage: NOIRA

- Board authorized filing of NOIRA on 1/14/21.
- NOIRA filed on 2/2/21.
- Executive Branch review completed on 12/29/21.
- Published in Virginia Register on 1/31/22.
- Public comment period concluded on 3/2/22. No comments received.

Next Step: Proposed Stage

- Board reviews and adopts proposed amendment.
- Submission of proposed amended regulation for Executive Branch review.
- Submission to Registrar upon completion of Executive Branch review.
- Publication in the Virginia Register and 60-day public comment period, to include public hearing.

Board for Waterworks and Wastewater Works Operators and Onsite Sewage Systems Professionals

Action: Onsite Sewage System Professionals Licensing Regulations – 2022 General Review

Current Stage: NOIRA

- Board authorized formation of regulatory review committee on 4/29/21.
- Board authorized filing of NOIRA on 10/28/21.
- Regulatory review committee formed. First meeting held on 3/28/22.
- NOIRA in development.

Next Step: Executive Branch Review/Public Comment

- Submission of NOIRA for Executive Branch review.
- Following completion of Executive Branch review, NOIRA to be submitted for publication in Virginia Register and open for 30-day public comment.

UPDATE ON OSSP LICENSING **REGULATORY COMMITTEE**

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DRAFT AGENDA

1 **Board For Waterworks And Wastewater Works Operators And Onsite Sewage System**

2 **Professionals**

3 **2021 Fee Adjustment**

4 Chapter 30

5 Waterworks and Wastewater Works Operators Licensing Regulations

6 **18VAC160-30-40. Fee schedule.**

Fee Type	Fee Amount	When Due
Initial application (for each profession, class, and category of license)	\$100 <u>\$85</u>	With application
Renewal (for each profession, class, and category of license)	\$80 <u>\$105</u>	With renewal application
Reinstatement (for each profession, class, and category of license)	\$105 <u>\$140</u> (renewal fee + \$25 <u>\$35</u> reinstatement fee)	With reinstatement application

7 ~~For wastewater works operator licenses expiring on February 28, 2018, and waterworks~~
8 ~~operator licenses expiring on February 28, 2019, the renewal fee shall be \$50. For reinstatement~~
9 ~~applications received after February 28, 2018, and on or before February 29, 2020, the total~~
10 ~~reinstatement fee shall be \$75.~~

12 Chapter 40

13 Onsite Sewage System Professionals Licensing Regulations

14 **18VAC160-40-40. Fee schedule.**

Fee Type	Fee Amount	When Due
Initial application (for each profession, class, and category of license)	\$100 <u>\$85</u>	With application
Renewal (for each profession, class, and category of license)	\$80 <u>\$105</u>	With renewal application
Reinstatement (for each profession, class, and category of license)	\$105 <u>\$140</u> (renewal fee + \$25 <u>\$35</u> reinstatement fee)	With reinstatement application

15 ~~For licenses expiring on or after January 31, 2018, and before January 31, 2020, the renewal~~
16 ~~fee shall be \$50. For reinstatement applications received after January 31, 2018, and on or before~~
17 ~~January 31, 2020, the total reinstatement fee shall be \$75.~~

18

Virginia Administrative Code
 Title 18. Professional And Occupational Licensing
 Agency 160. Board For Waterworks And Wastewater Works Operators And Onsite Sewage System Professionals
 Chapter 30. Waterworks and Wastewater Works Operators Licensing Regulations

18VAC160-30-40. Fee schedule.

Fee Type	Fee Amount	When Due
Initial application (for each profession, class, and category of license)	\$100	With application
Renewal (for each profession, class, and category of license)	\$80	With renewal application
Reinstatement (for each profession, class, and category of license)	\$105 (renewal fee + \$25 reinstatement fee)	With reinstatement application

For wastewater works operator licenses expiring on February 28, 2018, and waterworks operator licenses expiring on February 28, 2019, the renewal fee shall be \$50. For reinstatement applications received after February 28, 2018, and on or before February 29, 2020, the total reinstatement fee shall be \$75.

Statutory Authority

§§ [54.1-113](#) and [54.1-201](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017; amended, Virginia Register [Volume 34, Issue 7](#), eff. January 1, 2018.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

Virginia Administrative Code
 Title 18. Professional And Occupational Licensing
 Agency 160. Board For Waterworks And Wastewater Works Operators And Onsite Sewage System Professionals
 Chapter 40. Onsite Sewage System Professionals Licensing Regulations

18VAC160-40-40. Fee schedule.

Fee Type	Fee Amount	When Due
Initial application (for each profession, class, and category of license)	\$100	With application
Renewal (for each profession, class, and category of license)	\$80	With renewal application
Reinstatement (for each profession, class, and category of license)	\$105 (renewal fee + \$25 reinstatement fee)	With reinstatement application

For licenses expiring on or after January 31, 2018, and before January 31, 2020, the renewal fee shall be \$50. For reinstatement applications received after January 31, 2018, and on or before January 31, 2020, the total reinstatement fee shall be \$75.

Statutory Authority

§§ [54.1-201](#) and [54.1-2301](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 33, Issue 11](#), eff. April 1, 2017; amended, Virginia Register [Volume 34, Issue 7](#), eff. January 1, 2018.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

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**2021 ONSITE SEWAGE SYSTEM
PROFESSIONALS
CPE Audit Report**

Memo

To: WWWOOSP Board Members
From: Tanya M. Pettus, Board Administrator
Date: April 21, 2022
Re: 2021 OSSP CPE Audit Report

This memo provides information regarding the 2021 Onsite Sewage System Professionals CPE Audit Report.

September 15, 2021: The regulant population of waterworks operators eligible for audit totaled 633 in Eagles. As previously directed by the Board, five percent (5%) of the eligible regulant population was randomly selected, resulting in 31 regulants selected for audit. Note: Regulants licensed less than two years were manually excluded.

September 15, 2021: Initial letter and CPE audit form mailed to regulants selected for audit.

October 15, 2021: Due date of CPE audit form and required documentation.

October 22, 2021: Final notices mailed to non-responsive auditees.

November 15, 2021: Final due date of CPE audit form and required documentation.

Update: Responses received as of November 29, 2021:

Total Received	24
Passed	23
Incomplete	1
Pending Review	0
Referred for Disciplinary Action	7
Surrendered	0
No Response	6

EXAMINATION UPDATES

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PFA Summary

1/1/2017 through 4/5/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Wastewater Works Operator Class 1 Examination - VAWW1

Exam Type: Virginia Wastewater Works Operator Class 1 Examination - CLASS1

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	248	40	16.1%	208	83.9%	11	4.2%	259
Repeater	386	82	21.2%	304	78.8%	12	3.0%	398
Total	634	122	19.2%	512	80.8%	23	3.5%	657

Test Program: Virginia Wastewater Works Operator Class 2 Examination - VAWW2

Exam Type: Virginia Wastewater Works Operator Class 2 Examination - CLASS2

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	417	109	26.1%	308	73.9%	8	1.9%	425
Repeater	479	108	22.5%	371	77.5%	22	4.4%	501
Total	896	217	24.2%	679	75.8%	30	3.2%	926

Test Program: Virginia Wastewater Works Operator Class 3 Examination - VAWW3

Exam Type: Virginia Wastewater Works Operator Class 3 Examination - CLASS3

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	444	143	32.2%	301	67.8%	12	2.6%	456
Repeater	466	135	29.0%	331	71.0%	8	1.7%	474
Total	910	278	30.5%	632	69.5%	20	2.2%	930

Test Program: Virginia Wastewater Works Operator Class 4 Examination - VAWW4

Exam Type: Virginia Wastewater Works Operator Class 4 Examination - CLASS4

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	462	147	31.8%	315	68.2%	12	2.5%	474
Repeater	583	139	23.8%	444	76.2%	15	2.5%	598
Total	1045	286	27.4%	759	72.6%	27	2.5%	1072

PFA Summary

1/1/2017 through 4/5/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Waterworks Operator Class 1 Examination - VAWA1

Exam Type: Virginia Waterworks Operator Class 1 Examination - CLASS1

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	236	57	24.2%	179	75.8%	1	0.4%	237
Repeater	341	77	22.6%	264	77.4%	12	3.4%	353
Total	577	134	23.2%	443	76.8%	13	2.2%	590

Test Program: Virginia Waterworks Operator Class 2 Examination - VAWA2

Exam Type: Virginia Waterworks Operator Class 2 Examination - CLASS2

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	288	143	49.7%	145	50.3%	10	3.4%	298
Repeater	338	84	24.9%	254	75.1%	11	3.2%	349
Total	626	227	36.3%	399	63.7%	21	3.2%	647

Test Program: Virginia Waterworks Operator Class 3 Examination - VAWA3

Exam Type: Virginia Waterworks Operator Class 3 Examination - CLASS3

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	325	175	53.8%	150	46.2%	14	4.1%	339
Repeater	258	96	37.2%	162	62.8%	5	1.9%	263
Total	583	271	46.5%	312	53.5%	19	3.2%	602

Test Program: Virginia Waterworks Operator Class 4 Examination - VAWA4

Exam Type: Virginia Waterworks Operator Class 4 Examination - CLASS4

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	272	161	59.2%	111	40.8%	9	3.2%	281
Repeater	142	55	38.7%	87	61.3%	2	1.4%	144
Total	414	216	52.2%	198	47.8%	11	2.6%	425

PFA Summary

1/1/2017 through 4/5/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Waterworks Operator Class 5 Examination - VAWA5

Exam Type: Virginia Waterworks Operator Class 5 Examination - CLASS5

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	105	89	84.8%	16	15.2%	3	2.8%	108
Repeater	19	8	42.1%	11	57.9%	0	0.0%	19
Total	124	97	78.2%	27	21.8%	3	2.4%	127

Test Program: Virginia Waterworks Operator Class 6 Examination - VAWA6

Exam Type: Virginia Waterworks Operator Class 6 Examination - CLASS6

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	59	36	61.0%	23	39.0%	1	1.7%	60
Repeater	29	14	48.3%	15	51.7%	2	6.5%	31
Total	88	50	56.8%	38	43.2%	3	3.3%	91

PFA Summary

10/28/2021 through 4/5/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Wastewater Works Operator Class 1 Examination - VAWW1

Exam Type: Virginia Wastewater Works Operator Class 1 Examination - CLASS1

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	20	4	20.0%	16	80.0%	1	4.8%	21
Repeater	36	6	16.7%	30	83.3%	2	5.3%	38
Total	56	10	17.9%	46	82.1%	3	5.1%	59

Test Program: Virginia Wastewater Works Operator Class 2 Examination - VAWW2

Exam Type: Virginia Wastewater Works Operator Class 2 Examination - CLASS2

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	47	9	19.1%	38	80.9%	2	4.1%	49
Repeater	69	15	21.7%	54	78.3%	6	8.0%	75
Total	116	24	20.7%	92	79.3%	8	6.5%	124

Test Program: Virginia Wastewater Works Operator Class 3 Examination - VAWW3

Exam Type: Virginia Wastewater Works Operator Class 3 Examination - CLASS3

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	57	20	35.1%	37	64.9%	1	1.7%	58
Repeater	58	15	25.9%	43	74.1%	1	1.7%	59
Total	115	35	30.4%	80	69.6%	2	1.7%	117

Test Program: Virginia Wastewater Works Operator Class 4 Examination - VAWW4

Exam Type: Virginia Wastewater Works Operator Class 4 Examination - CLASS4

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	36	9	25.0%	27	75.0%	2	5.3%	38
Repeater	39	9	23.1%	30	76.9%	2	4.9%	41
Total	75	18	24.0%	57	76.0%	4	5.1%	79

PFA Summary

10/28/2021 through 4/5/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Waterworks Operator Class 1 Examination - VAWA1

Exam Type: Virginia Waterworks Operator Class 1 Examination - CLASS1

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	33	7	21.2%	26	78.8%	0	0.0%	33
Repeater	35	11	31.4%	24	68.6%	1	2.8%	36
Total	68	18	26.5%	50	73.5%	1	1.4%	69

Test Program: Virginia Waterworks Operator Class 2 Examination - VAWA2

Exam Type: Virginia Waterworks Operator Class 2 Examination - CLASS2

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	33	17	51.5%	16	48.5%	1	2.9%	34
Repeater	43	16	37.2%	27	62.8%	0	0.0%	43
Total	76	33	43.4%	43	56.6%	1	1.3%	77

Test Program: Virginia Waterworks Operator Class 3 Examination - VAWA3

Exam Type: Virginia Waterworks Operator Class 3 Examination - CLASS3

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	26	11	42.3%	15	57.7%	3	10.3%	29
Repeater	28	10	35.7%	18	64.3%	0	0.0%	28
Total	54	21	38.9%	33	61.1%	3	5.3%	57

Test Program: Virginia Waterworks Operator Class 4 Examination - VAWA4

Exam Type: Virginia Waterworks Operator Class 4 Examination - CLASS4

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	25	10	40.0%	15	60.0%	0	0.0%	25
Repeater	16	6	37.5%	10	62.5%	0	0.0%	16
Total	41	16	39.0%	25	61.0%	0	0.0%	41

PFA Summary

10/28/2021 through 4/5/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Waterworks Operator Class 5 Examination - VAWA5

Exam Type: Virginia Waterworks Operator Class 5 Examination - CLASS5

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	10	9	90.0%	1	10.0%	1	9.1%	11
Total	10	9	90.0%	1	10.0%	1	9.1%	11

Test Program: Virginia Waterworks Operator Class 6 Examination - VAWA6

Exam Type: Virginia Waterworks Operator Class 6 Examination - CLASS6

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	5	2	40.0%	3	60.0%	0	0.0%	5
Repeater	1	1	100.0%	0	0.0%	0	0.0%	1
Total	6	3	50.0%	3	50.0%	0	0.0%	6

VA ONSITE SEWAGE SYSTEM PROFESSIONALS (OSSP)

STATISTICAL OVERALL SUMMARIES

ALTERNATIVE AND CONVENTIONAL EXAMINATIONS

January 1, 2021 to April 1, 2021

Alternative	Took	Pass	Pass Percentage
System Installer	19	06	31.57%
System Operator	09	05	55.55%
Soil Evaluator	01	01	100.00%
Overall	29	12	41.37%

Conventional	Took	Pass	Pass Percentage
System Installer	03	01	33.33%
System Operator	03	01	33.33%
Soil Evaluator	04	04	100.00%
Overall	10	06	60.00%

April 5, 2022



MEMORANDUM

TO: Members, Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

FROM: Tanya M. Pettus, Board Administrator

DATE: April 1, 2022

SUBJECT: Guidance Regarding Consideration of Certain Experience Gained at Unclassified Wastewater Works Facilities

I. Background

Board staff has been informed that new guidance from the Department of Environmental Quality (DEQ) requires 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. This scenario could be problematic for an individual who is seeking licensure because the Board's regulations require the experience to have been gained at a classified facility, and the relevant facilities in this situation were previously unclassified. Pursuant to the regulations, the individual could only qualify for a provisional license if all of the experience was gained at an unlicensed facility. Board staff has been asked to consider how experience might count for an individual working at a facility that has gone from unclassified to classified.

II. Applicable Regulations

Pursuant to 18VAC160-30-110 A of the Board's regulations an applicant must have, depending on the individual's education, six months to one year of work experience in a Class 4 facility or higher to qualify for a Class 4 wastewater works operator license.

Section 18VAC160-30-120 of the Board's regulations states,

"An applicant for licensure as a provisional waterworks or wastewater works operator shall furnish acceptable documentation of having met all of the requirements of 18VAC160-30-

110 except that the experience requirement may be met through experience gained as an operator or operator-in-training of a nonclassified facility. Such experience must be gained under the following conditions:

1. The experience is obtained at a nonclassified facility that is comparable in size and in treatment process as described in 18VAC160-30-360 and 18VAC160-30-370, as applicable.
2. The experience is obtained while performing nonclassified facility operation duties that provide experience comparable to that obtained at a classified facility. Experience operating and maintaining water distribution systems shall only be considered for a Class 5 or Class 6 provisional waterworks operator license. Experience limited solely to the operation and maintenance of wastewater collection system, laboratory work, plant maintenance, and other nonoperating duties shall not be counted as experience as a provisional operator or operator-in-training.
3. Any individual holding a provisional license may apply for licensure by submitting evidence of having met 50% of the experience required by 18VAC160-30-110 and submitting the appropriate application.”

III. Consideration of Board Policy

In accordance with Guidance Memorandum No. 99-2002, adopted by DEQ on February 3, 1999, Board staff recommends the following.

The Board agrees to accept an applicant’s experience obtained in a previously unclassified wastewater treatment facility that has recently been classified by DEQ as requiring a licensed operator 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.

M E M O R A N D U M
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION

SUBJECT: Guidance Memorandum No. 99 - 2002
Board for Waterworks and Wastewater Works Operators
Exception for Operational Experience

TO: Regional Directors

FROM: Larry G. Lawson, P.E. 

DATE: February 3, 1999

COPIES: Regional Permit Managers, Regional Water Permit Managers,
Regional Compliance and Enforcement Managers, Martin
Ferguson, Jack Vanderland

Problem

During the permit reissuance process the Region makes the decision to add a permit requirement for a Class III or IV licensed operator. The plant's current permit does not require a licensed operator.

The State Board for Waterworks and Wastewater Works Operators (Operator Board) regulation includes an operational experience requirement which can only be met by working as an operator in training under the direct supervision of an appropriately licensed operator or by working as the licensed operator at a facility one class lower than the license class applied for (experience as the licensed Class IV operator at a Class IV facility can be used to qualify as the operator for the Class III exam). This experience must be in a wastewater works defined in Section 54.1-2300 of the Virginia Code. A small (<40,000 gpd) wastewater treatment facility qualifies as a wastewater works only when its VPA or VPDES permit requires a licensed operator. Experience at a small plant which has no permit requirement for a licensed operator is not recognized as operator experience.

Thus, an existing permittee that is required to have a licensed operator where no operator was previously required may have significant problems obtaining a licensed operator under the current regulatory programs.

Operator Board Action

At its April 1998 meeting, the Operator Board recognized the above problem and agreed to make an exception to the operational experience definition. It took this action to assist the plant

owner and current operator in achieving compliance with the new permit requirement for a licensed operator. In these cases, the Operator Board agreed to accept an applicant's experience before the permit requirement was imposed as operating experience for the purpose of meeting the licensing requirements. The Operator Board's action does not reduce the amount of experience required and applies only to the initial application for licensure. The Operator Board directed the Department of Professional and Occupational Regulation (DPOR), Water and Wastewater Operator program staff to accept the experience if:

- The owner completes and signs Section B "Employment Verification" of the license application.
- The license application includes verification by the appropriate Department of Environmental Quality Regional Office that the licensed operator requirement is a new permit requirement.
- The applicant meets all the other requirements for licensure.

This applies only when a facility is moved from no license requirement to a Class IV or III license requirement. It does not apply when a facility is moved to a higher classification. The licensing regulations already address this by allowing experience gained at one classification level to be used at the next higher level.

The Operator Board action will assist a permittee in meeting a new licensed operator requirement. It only applies to the individual who was operating the facility at the time the new permit requirement went into effect. Any future applicants will have to comply with the operational experience definition in the DPOR regulation.

Recommended Action

The Operator Board noted that their action would be most beneficial if the plant owners were notified as soon as possible after the determination to include a licensed operator requirement in the permit was made. They noted that it may take 6 months or more to obtain a license, (assuming the individual can pass the license examination on the first try) so the more lead time the owner has, the more likely it is that he/she will be able to comply with the permit requirement. Therefore, as soon as you believe that a licensed operator may be required you should notify the permittee. This may be done during development of the draft permit, after receipt of the application, but before the public notice. If necessary, you could include a compliance schedule in the permit establishing a time period for the permittee to obtain a licensed operator.

Permittee Notification

Notification to the permittee could be in the form of a letter, a paragraph added into other permit reissuance correspondence or as a provision of the fact sheet. Each would provide the documentation which would have to be included with the application for operator licensure. Since the licensure program will probably be new to the permittee, a brief description of the program, contact people and sources of assistance would probably be helpful. A suggested notification and a program description are attached.

If you have any questions regarding this guidance or regarding the operator licensure program please feel free to contact Jack Vanderland (804 698-4092).

DISCLAIMER

This document provides procedural guidance to the permit staff. This document is guidance only. It does not establish or affect legal rights or obligations. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decision in any particular case will be made by applying the State Water Control Law and the implementation regulations on the basis of the site specific facts when permits are issued.

(Suggested Notification)

Your new (VPDES/VPA) permit will include a requirement for a licensed operator. The (Facility Name) currently is not required to employ a licensed operator. With the issuance of the new permit, plant operations must be under the supervision of an individual possessing a Class (IV, III) or higher Virginia wastewater operator license. To assist you in complying with this new requirement, the Virginia Board for Waterworks and Wastewater Works Operators has agreed to accept experience of the staff member currently responsible for daily activities as operational experience as defined by its regulations. He or she will still need to comply with all other requirements for licensure (i.e. amount of experience, education, and passing an examination). To receive credit for this experience your employee must attach a copy of this notification to his or her application for the operator license and you must complete and sign Section B "Employment Verification" of the application. A brief description of the operator licensing program and people to contact for additional information or assistance is attached.

(Attachment)

Licensing:

Department of Professional & Occupational Regulation (DPOR)
3600 W. Broad Street
Richmond, VA 23240
(804) 367-8505 (Licensing)
(804) 367-8572 (Examinations)
Additional information and applications are available on the
DPOR web site - <http://www.dpor.state.va.us>

Training/References:

Wastewater Treatment Program
Department of Environmental Quality
PO Box 10009
Richmond, VA 23240
(804) 698-4092 (Jack Vanderland)
e-mail - jwvanderla@deq.state.va.us

General Information:

License Categories: Waterworks
Wastewater Works

License Classes: Class I (Highest)
Class II
Class III
Class IV (lowest - wastewater)
Class V (lowest - waterworks)

Applications: Must be complete
Must be notarized
Must be received at least 60 days before
exam date

Examinations: Given three times each year
July and November - 5 locations
March - Richmond only
Open Book Examination
Length and Complexity varies with class

Fees:

Application	\$95.00
Re-examination	\$75.00
Renewal	\$55.00
Late Renewal Penalty	\$55.00

2022 LEGISLATIVE **UPDATE**

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and are not to be construed as regulation or official action.
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2023 TENTATIVE BOARD MEETING SCHEDULE

WWWOSSP BOARD	
Education & Training Committee	Board Meeting
Thursday, January 26, 2023 @ 9:00 am Board Room 1	Thursday, January 26, 2023 @ 9:30 am Board Room 1
Thursday, April 20, 2023 @ 9:00 am Board Room 3	Thursday, April 20, 2023 @ 9:30 am Board Room 3
Thursday, July 27, 2023 @ 9:00 am Board Room 2	Thursday, July 27, 2023 @ 9:30 am Board Room 2
Thursday, October 19, 2023 @ 9:00 am Board Room 2	Thursday, October 19, 2023 @ 9:30 am Board Room 2

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for WWOOSSP
954530**

2020-2022 Biennium

February 2022

	February 2022 Activity	Biennium-to-Date Comparison	
		July 2018 - February 2020	July 2020 - February 2022
Cash/Revenue Balance Brought Forward			15,919
Revenues	100,970	394,050	530,284
Cumulative Revenues			546,203
Cost Categories:			
Board Expenditures	4,894	57,074	48,163
Board Administration	6,919	151,231	143,197
Administration of Exams	2,306	29,663	33,831
Enforcement	488	8,978	9,144
Legal Services	0	1,942	2,125
Information Systems	5,560	111,866	100,536
Facilities and Support Services	4,733	65,222	76,877
Agency Administration	3,577	68,908	66,328
Other / Transfers	0	(5)	(0)
Total Expenses	28,476	494,878	480,201
Transfer To/(From) Cash Reserves	(2,591)	0	(74,659)
Ending Cash/Revenue Balance			140,661

Cash Reserve Beginning Balance	103,161	0	175,229
Change in Cash Reserve	(2,591)	0	(74,659)
Cash Reserve Ending Balance	100,570	0	100,570

Number of Regulants

Current Month	6,029
Previous Biennium-to-Date	5,978

UPDATE ON OUTREACH OPPORTUNITIES

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OTHER BUSINESS

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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ADJOURN

Please return your document folders to Raven Custer.

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