

**THE VIRGINIA BOARD FOR  
WATERWORKS AND WASTEWATER WORKS OPERATORS  
MEETING MINUTES**

The Virginia Board for Waterworks and Wastewater Works Operators met on Tuesday, June 22, 2004 at the offices of the Virginia Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia 23230.

The following members of the Board were present:

Dan French, Chairperson  
Steve W. Cawthron, Vice Chairperson  
Mark Haley  
Dr. Thomas Grizzard (Left at 11:45 AM)  
Gerald W. Peaks, PE  
Eileen Leininger  
Larry Lawson (Arrived at 8:35 AM)

The following members of DPOR staff were present during some or all of the meeting:

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy Director  
Karen O'Neal, Deputy Director for RPD  
David Dick, Executive Director  
Earlyne Perkins, Legal Assistant  
Chris Olson, Licensing Specialist

Others who attended the meeting included:

Mark Anderson, Department of Health  
Rachel Pustilnik, Department of Health  
Allen Hammer, Virginia Section of the American  
Waterworks Association  
Dennis Wanless, Wanless & Associates  
Norman Fisher, Smithfield Foods  
Mike Spaetzel, Smithfield Foods  
Keith Ford, Respondent

No representative of the Office of the Attorney General was present.

Chairperson French, finding a quorum of the Board present, called **Call to Order** the meeting to order at 8:35 AM.

The Board agreed without dissent to approve the agenda as prepared by staff. The agenda is attached.

Adopt Agenda

Board Member Larry Lawson arrived at 8:35 AM.

Arrival of Board Member

Mr. Cawthron moved that the Board approve the minutes of the March 4, 2004 Informal Fact Finding as prepared by staff. Ms. Leininger seconded the motion, which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger).

Approval of Minutes

Mr. Cawthron moved that the Board approve the minutes of the March 9, 2004 Board meeting as prepared by staff. Mr. Peaks seconded the motion, which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger).

Ms. Leininger moved that the Board approve the minutes of the May 12, 2004 Public Hearing. Mr. Haley seconded the motion, which was carried unanimously by which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger).

Chairperson French opened the floor for public comment.

Public Comment Period

Mr. Wanless, of Wanless & Associates, brought to the attention of the Board a number of suggestions concerning frequently asked questions for CPE's. The Board referred the questions to staff for a response.

In the matter of File Number 2004-03207, Board v. Keith Bellamy Ford, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding officer's summary, conclusion and recommendation. Keith Bellamy Ford (respondent) was not present at the time of the Boards decision. Mr. Cawthron moved that the Board adopt the summary, conclusion, and recommendation and approve Mr. Ford's application for the Class IV Wastewater Works examination. Ms. Leininger seconded the motion, which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger).

File Number 2004-03207

Mr. Ford arrived after the Board had made its decision.

Chairperson French informed Mr. Ford that the Board approved his application to sit for the Class IV Wastewater Works examination.

Rachel Pustilnik, Virginia Department of Health, briefed the Board on the progress of the Class VI Waterworks examination pilot online testing project. Ms. Pustilnik noted that through the first three examinations, 61 candidates have taken the examination and 57 have passed. Ms. Pustilnik recommended that the Board continue using the Cooperative Extension to give the Class VI Water examination for another year and also expand the program to include the Class V Water examination.

### Examinations Update

Mr. Cawthron moved that the Board approve Ms. Pustilnik's recommendation to continue the pilot program for an additional year and expand the program to include the Class V Water examination. Mr. Haley seconded the motion which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger).

The Board discussed the suggested amendments to its regulations that would allow experience gained at a non-classified facility to count towards satisfying the experience entry requirement.

### Regulatory Issues

Mr. Cawthron moved that staff draft amendments to the Board's regulations that would:

1. Allow those that meet the entry requirements in 18 VAC 160-20-90, except for having experience at a certified facility, to sit for the examination provided they can show evidence of the required amount of experience at a non-certified facility that is equivalent to the experience gained at a classified facility;
2. Allow those so qualified that do pass the examination to be licensed as an operator after they provide documentation of having completed 50% of the required experience at a certified facility.
3. Allow education substitutions in accordance with 18 VAC 160-20-90.
4. Allow those meeting the non-certified experience requirement and passing the examination to be issued a "restricted" license, which shall NOT authorize them to operate a certified facility, but shall make them subject to all of the requirements of the Board's regulations, including the requirements for Continuing Professional Education (CPE) and license renewal.

Further, that staff submit the amendments to the members of the

Board for review by electronic mail before proceeding to mature the proposed amendments for public comment in compliance with the Virginia Administrative Process Act. Mr. Haley seconded the motion which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger).

Mr. Dick discussed the public comments received by the Board concerning the proposed fee increase.

Mr. Lawson moved that the Board adopt the summary of public comments and agency response as drafted by staff and adopt the fee structure as proposed. Mr. Grizzard seconded the motion, which carried. Members voting "YES" were Messrs. French, Haley, and Lawson, Dr. Grizzard, and Ms. Leininger. Mr. Cawthron and Mr. Peaks abstained from voting.

Ms. Leininger moved that the Board reconsider the prior question. Mr. Grizzard seconded the motion which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger).

Board Member Dr. Thomas Grizzard left at 11:45 AM.

Mr. Lawson moved that the Board adopt the summary of public comments and agency response as drafted by staff and adopt the fee structure as proposed. Mr. Haley seconded the motion which was carried unanimously by six "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, and Ms. Leininger).

The Board discussed the issue of requiring new license applicants applying to take the Waterworks or Wastewater Works examination to be subject to fingerprinting for the purpose of conducting a criminal history records check through the Virginia State Police and the FBI.

**Fingerprinting of  
Waterworks and  
Wastewater  
Works License  
Applicants**

Mr. Cawthron moved that the Board not proceed with requiring new applicants to be subject to fingerprinting. Mr. Peaks seconded the motion.

Mr. Cawthron asked to withdrawal the previous motion. Mr. Peaks agreed to the withdrawal.

Ms. Leininger moved that the Board establish a subcommittee to review the costs and benefits of performing criminal history records checks through fingerprints for license applicants. The

committee will endeavor to complete its work and provide a report to the Board at its December 8, 2004 meeting. Mr. Haley seconded the motion which was carried unanimously by six "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, and Ms. Leininger).

Chairperson French requested that Mr. Haley, Ms. Leininger, and Mark Anderson be appointed to the committee. The Board agreed without dissent to allow those individuals to serve on the committee.

The Board considered the application for training course approval from the Department of Environmental Quality (DEQ).

**Application for  
Training Course  
Approval**

Mr. Peaks moved to accept Dr. Grizzard's recommendation and approve DEQ's course entitled "*Activated Sludge Process Control, Part 2*" for 2.0 training credits (TC's). Mr. Cawthron seconded the motion which was carried unanimously by six "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, and Ms. Leininger)

The Board took note that Penn State requested to withdrawal its application for training course approval.

**Penn State  
Application  
Withdrawal**

The Board reviewed the results of the examination given on March 26, 2004.

**Examination  
Results**

The Board took no action.

Mr. Dick updated the Board on the status of the Waterworks Operators CPE Audit.

**CPE Audit for  
Waterworks  
Operators**

The Board took no action.

The Board confirmed the following meeting dates:

**Set Meeting Dates**

Tuesday, September 14, 2004  
Wednesday, December 8, 2004  
Wednesday, March 9, 2005  
Wednesday, June 22, 2005  
Wednesday, September 14, 2005  
Wednesday, December 7, 2005

Board members completed their conflict of interest forms and

**Conflict of**

travel vouchers.

Interest Forms

The Board adjourned at 12:45 PM.

Adjournment



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Dan E. French, Chairperson

  

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Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of the Records

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

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

1. Name: Dan E. French
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: N/A

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

Dated: 6/22/04

Signature: Dan E. French

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

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

1. Name: Steve W. Cawthron
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: Water + Wastewater Industry  
NO N E

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Water and Wastewater Industry

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

Dated: 6/22/04

Signature: SW Cawthron



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

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

1. Name: Mark A. Haley
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

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

Dated: June 23, 2007

Signature: 

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

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

1. Name: Dr. Thomas J. Grizzard, Jr.
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: N/A

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

Dated: 06-22-04

Signature: 

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

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

1. Name: Gerald W. Peaks, PE
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: AWWA, WEF

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

Dated: 6/22/09

Signature: Gerald W. Peaks

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

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

- 1. Name: Eileen Leininger
- 2. Title: Board Member - Waterworks and Wastewater Works Operators
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
work at Newport News Water works

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
water industry

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

Dated: 6/22/06  
Signature: Eileen Leininger

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

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

1. Name: Larry G. Lawson
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: 6/22/04

Signature: 