

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

Tentative **AGENDA THURSDAY, OCTOBER 19, 2023
9:30 A.M.**

**DPOR, PERIMETER CENTER
9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233
BOARD ROOM 2, SECOND FLOOR**

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. APPROVAL OF AGENDA**
- a. Board Agenda, October 19, 2023
- IV. INTRODUCTION OF NEW BOARD MEMBER**
- V. DPOR STAFF UPDATES**
- VI. APPROVAL OF MINUTES**
- a. Education and Training Committee Minutes, July 27, 2023
 - b. Board Meeting Minutes, July 27, 2023
- VII. 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.**
- VIII. CASE FILES**
- a. File Number 2020-02742, Raymond Kent Kendall
Disciplinary—IFF by Duncan
 - b. File Number 2023-02476, Colette Althea Battle
Consent Order (Fore)
 - c. File Number 2023-03052, Scott Bryan Smedley
Licensing— IFF by Fore
 - d. File Number 2024-00176, Artie Winn Seamster
Licensing—IFF by Jackson-Bailey
 - e. File Number 2023-02941, Alan Gilmer Trimble
Licensing—IFF by Jackson-Bailey
 - f. File Number 2023-02942, Rafael Alex Osmon
Licensing—IFF by Jackson-Bailey
- IX. REGULATORY ACTIONS**
- a. Regulatory Action Update

X. OTHER BUSINESS

- a. Periodic Review of Board Regulations
- b. Examination Updates
 - i. Examination Statistics Reports
 - ii. Virginia Tech Short School Exam Administration
- c. Board Financial Statement
- d. Update on Outreach Opportunities
- e. Election of Officers
- f. Other Business

XI. FUTURE MEETING DATES

- a. January 25, 2024

XII. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

XIII. 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*.

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

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.

INTRODUCTION OF **NEW BOARD MEMBER**

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DPOR STAFF UPDATES

*DRAFT AGENDA
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**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 July 27, 2023, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia 23233.

The following members of the Committee were present:

D. Wayne Staples
Barry Matthews

Committee member Rosa-Lee Cooke, John Ewing, and Thomas Wayne Fore were not present at the meeting.

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

Tanya M. Pettus, Board Administrator
Breanne Henshaw, Licensing Operations Administrator
Ecila Williams, Administrative Coordinator

Mr. Staples, acting as Chair, called the meeting to order at 9:00 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

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

Approval of Agenda

Mark Estes of Halifax County Service Authority addressed the Committee to state he would like the Board and the Department to continue working with local waterworks operators and wastewater operators on passing the national examination. Mr. Estes also asked for the Board to consider reciprocity as he lives near the Virginia/North Carolina border and sees the need for out-of-state licensees to be licensed in Virginia.

**Public Comment
Period**

Bryan Hawkins, Supervisor at Alex Renew, addressed the Board regarding education and training. Mr. Hawkins stated he feels the examination resources provided by the WPI and Board websites are too broad and would like to see the study materials narrowed down.

**Review of Office of
Water Programs at
Sacramento State
Course Applications**

The Committee reviewed for approval the *Industrial Waste Treatment Vol. A: Introduction, Safety, Waste Monitoring, Preliminary Treatment* training course application from the Office of Water Programs at Sacramento State. After review and discussion, the Committee recommended by consensus Board-approval of the course application, for a total of 50.32 contact hours, and 5.3 training credits applicable to wastewater works operators, and 25.16 contact hours and 2.5 training credits applicable to waterworks operators.

The Committee reviewed for approval the *Industrial Waste Treatment Vol. B: Physical and Physical/Chemical Treatment Processes* training course application from Office of Water Programs at Sacramento State. After review and discussion, the Committee recommended by consensus Board-approval of the course application, for a total of 45.72 contact hours and 4.5 training credits applicable to wastewater works operators, and 22.86 contact hours and 2.2 training credits applicable to waterworks operators.

The Committee reviewed for approval the *Industrial Waste Treatment Vol. C: Instrumentation and Control and Facility Maintenance* training course application from Office of Water Programs at Sacramento State. After review and discussion, the Committee recommended by consensus Board-approval of the course application, for a total of 39.5 contact hours and 3.9 training credits applicable to wastewater works operators, and 19.75 contact hours and 1.9 training credits applicable to waterworks operators.

The Committee reviewed for approval the *Operation of Wastewater Treatment Plants Vol. 3A: Treatment Plants, Effluent Discharge* training course application from Office of Water Programs at Sacramento State. After review and discussion, the Committee recommended by consensus Board-approval of the course application, for a total of 28.18 contact hours and 2.8 training credits applicable to wastewater works operators, and 14.09 contact hours and 1.4 training credits applicable to waterworks operators and onsite sewage system operators. The approval is retroactive to June 29, 2023.

The Committee reviewed for approval the *Operation of Wastewater Treatment Plants Vol. 3B: Instrumentation and Control* training course application from Office of Water Programs at Sacramento State. After review and discussion, the Committee recommended by consensus Board-approval of the course application, for a total of 41.64 contact hours and 4.1 training credits applicable to wastewater works and waterworks operators, and 20.82 contact hours and 2.0 training credits

applicable to onsite sewage system operators and onsite sewage system installers. The approval is retroactive to June 29, 2023.

Ms. Pettus presented to the Committee proposed updates to the Board-Approved Specialized Training Programs/ Courses list as recommended by the Education and Training Committee at its meeting on May 16, 2023. After review, the Committee agreed by consensus to recommend Board-approval of the proposed updates.

**Review Updates to
Board-Approved
Training Course List**

Ms. Pettus informed the Committee that as Ms. Cooke is no longer serving on the Board, she will be taking a step back from the Committee but would like to be considered for participation in other Board committees as needed in the future. Ms. Pettus advised she will ask the Board to consider whether Ms. Cooke's seat on the Education and Training Committee should be replaced with a new Committee member.

Other Business

Ms. Pettus informed the Committee that Raven Custer, former Administrative Coordinator, is no longer with the Agency, and introduced Ms. Williams and Ms. Henshaw, who assisted with administrative duties at the meeting.

There being no further business, the meeting was adjourned at 9:20 a.m.

Adjourn

Pamela M. Pruett, Chair

Demetrios J. Melis, Secretary

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

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

MINUTES OF MEETING

The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals met on July 27, 2023, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia 23233.

The following members of the Board were present:

James N. Brockwell
Erica Duncan
W. Jordan Evans
Pamela M. Pruett, Chair
Don Riggleman
Dwayne Roadcap
D. Wayne Staples

Board members John Ewing, Thomas Wayne Fore, and Caleb Taylor were not present at the meeting.

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

Stephen Kirschner, Licensing and Regulatory Programs Division Deputy Director
Tanya M. Pettus, Board Administrator
Breanne Henshaw, Licensing Operations Administrator
Ecila Williams, Administrative Coordinator

Joshua Laws, Assistant Attorney General with the Office of the Attorney General, was present.

Ms. Pruett, Chair, finding a quorum of the Board present, called the meeting to order at 10:02 a.m.

Call to Order

Ms. Pettus advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

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

**Approval of
Agenda**

Ms. Pettus advised the Board of the departure of Executive Director, Trisha Lindsey, and Administrative Coordinator, Raven Custer, from the agency, and reminded the Board of Joe Haughwout's change in position within the agency from Regulatory Operations Administrator to Regulatory Affairs Manager. Ms. Pettus also introduced Breanne Henshaw, Licensing Operations Administrator, and Ecila Williams, Administrative Coordinator, who were assisting during the meeting. Ms. Pettus advised that she and Mr. Kirschner are currently sharing Executive Director duties while the position is vacant. Ms. Pettus informed the Board that Examinations Director, Greg Emerson, began his position in early June.

Staff Updates

Mr. Evans moved to approve all the following meeting minutes:

- Education and Training Committee Minutes, April 20, 2023,
- Board Meeting Minutes, April 20, 2023,
- WWW Regulatory Review Committee Minutes, May 15, 2023,
- Education and Training Committee Minutes, May 16, 2023, and
- WWW Exam Task Force Minutes, June 26, 2023.

Approval of Minutes

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

Brian Hawkins, Supervisor at Alex Renew, addressed the Board regarding study and training resources available for the WPI/ABC exam. Mr. Hawkins stated his operators are having difficulties narrowing down the study materials as they relate to the topics covered in the examination. He also expressed concern over reports that the formula sheets provided at testing centers differ from those found on the DPOR and WPI websites.

Public Comment Period

Mark Estes of Halifax County Service Authority stated that he wants the Board and the Department to he would like the Board and the Department to continue working with local waterworks operators and wastewater operators on passing the national examination. Mr. Estes also asked for the Board to consider reciprocity as he lives near the Virginia/North Carolina border and sees the need for out-of-state licensees to be licensed in Virginia.

The Board reviewed a public comment sent via email from Michael Lynn. Mr. Lynn voiced concerns about unprofessional service and poor work product from unlicensed or improperly licensed individuals. Specifically, Mr. Lynn expressed concern over conventional onsite sewage system operators providing maintenance and repair services on alternative onsite sewage systems. Mr. Lynn referenced guidance adopted by the Board in April 2017, allowing conventional operators with the proper Virginia Department of Health (VDH) sewage handling permit to pump alternative systems under the direction of alternative operators. Mr. Lynn also requested that licensees be informed of significant regulatory changes be means other than the Virginia Town Hall website.

In the matter of **File Number 2023-02057, Timothy G. Paul**, 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.

File Number 2023-02057, Timothy G. Paul

Mr. Rigglesman moved to accept the recommendation of the Presiding Officer and approve Mr. Paul's application for a Master Conventional Onsite Sewage System Installer License with a waiver of the examination requirement. After discussion, Mr. Brockwell seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Pruett, Rigglesman, Roadcap, and Staples

In the matter of **File Number 2023-01803, Alex Allen Brown** 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.

File Number 2023-01803, Alex Allen Brown

Mr. Staples moved to accept the recommendation of the Presiding Officer and approve Mr. Brown's application for a Class 4 Waterworks Operator License application for a Class 4 Wastewater Works Operator license contingent upon completion of the Department of Corrections (DOC) Apprenticeship Program, meeting all entry requirements contained in the Board's regulations, and passing the applicable examination. Ms. Duncan seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Pruett, Rigglesman, Roadcap, and Staples.

In the matter of **File Number 2023-01814 Raymond Ayers Justice, Sr.**, 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.

File Number 2023-01814 Raymond Ayers Justice, Sr.

Mr. Evans moved to accept the recommendation of the Presiding Officer and approve Mr. Justice's application for a Class 4 Wastewater Works Operator License. Mr. Rigglesman seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Pruett, Rigglesman, Roadcap, and Staples.

Ms. Pettus provided an update on the Board's current regulatory actions.

Regulatory Action Update

Amendments to the Onsite Sewage System Professionals Licensing Regulations are currently in the proposed stage as the Board reviewed and adopted the proposed amendments at the April 20th, 2023, Board Meeting. Filing of the proposed amendments is in process.

The Board authorized filing a Notice of Intended Regulatory Action (NOIRA) on October 27, 2022, to initiate a General Review of the Waterworks and Wastewater Works Operators Licensing Regulations. The regulatory review committee has been formed and conducted its first meeting on May 15, 2023.

2021 fee adjustments for Waterworks and Wastewater Works Operators Licensing Regulations and Onsite Sewage System Professionals Licensing Regulations are currently in the proposed stage as the Board reviewed and adopted the proposed amendments at the April 21, 2022, Board meeting. The proposed amendments were submitted for Executive Branch review on July 28, 2022.

Ms. Pettus provided a report on the 2023 waterworks operator CPE audit. The audit began on April 12, 2023, based on a random selection of 5% of current licensees.

**2023 WWO CPE
Audit Report**

Ms. Pettus provided the Board with waterworks and wastewater works examination statistics from January 2, 2017, through July 12, 2023, and April 20, 2023, through July 12, 2023, as well as onsite examination statistics from January 1, 2023, to July 13, 2023, for informational purposes.

**Examination
Updates**

The Board was provided with waterworks operator examination passing rates broken down by subject matter, as had been previously requested by the Board and other stakeholders. Ms. Duncan made a request to add wastewater operator statistic to the report going forward.

Ms. Pettus advised the Board that as part of ABC's rebranding to WPI, the examinations website has changed to gowpi.org. Updates to the Board's website are in process as a result of the change.

Ms. Pettus presented to the Board proposed updates to the Board-Approved Specialized Training Programs/ Courses list as recommended by the Education and Training Committee at its meeting on May 16, 2023. After review, Mr. Staples moved to approve the list as presented. Mr. Riggleman seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Pruett, Riggleman, Roadcap, and Staples.

**Update on
Education and
Training
Committee**

The Board reviewed for approval the *Industrial Waste Treatment Vol. A: Introduction, Safety, Waste Monitoring, Preliminary Treatment* training course application from the Office of Water Programs at Sacramento State. After review and discussion, Mr. Riggleman moved to approve the course application, for a total of 50.32 contact hours, and 5.3 training credits applicable to wastewater works operators, and 25.16 contact hours and 2.5 training credits applicable to waterworks operators. Ms. Duncan seconded the motion which was unanimously

approved by: Brockwell, Duncan, Evans, Pruett, Riggleman, Roadcap, and Staples.

The Board reviewed for approval the *Industrial Waste Treatment Vol. B: Physical and Physical/Chemical Treatment Processes* training course application from Office of Water Programs at Sacramento State. After review and discussion, Mr. Roadcap moved to approve the course application, for a total of 45.72 contact hours and 4.5 training credits applicable to wastewater works operators, and 22.86 contact hours and 2.2 training credits applicable to waterworks operators. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Pruett, Riggleman, Roadcap, and Staples.

The Board reviewed for approval the *Industrial Waste Treatment Vol. C: Instrumentation and Control and Facility Maintenance* training course application from Office of Water Programs at Sacramento State. After review and discussion, Ms. Duncan moved to approve the course application, for a total of 39.5 contact hours and 3.9 training credits applicable to wastewater works operators, and 19.75 contact hours and 1.9 training credits applicable to waterworks operators. Mr. Roadcap seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Pruett, Riggleman, Roadcap, and Staples.

The Board reviewed for approval the *Operation of Wastewater Treatment Plants Vol. 3A: Treatment Plants, Effluent Discharge* training course application from Office of Water Programs at Sacramento State. After review and discussion, Mr. Riggleman moved to approve the course application, for a total of 28.18 contact hours and 2.8 training credits applicable to wastewater works operators, and 14.09 contact hours and 1.4 training credits applicable to waterworks operators and onsite sewage system operators. The approval is retroactive to June 29, 2023. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Pruett, Riggleman, Roadcap, and Staples.

The Board reviewed for approval the *Operation of Wastewater Treatment Plants Vol. 3B: Instrumentation and Control* training course application from Office of Water Programs at Sacramento State. After review and discussion, Mr. Roadcap moved to approve the course application, for a total of 41.64 contact hours and 4.1 training credits applicable to wastewater works and waterworks operators, and 20.82 contact hours and 2.0 training credits applicable to onsite sewage system operators and onsite sewage system installers. The approval is retroactive to June 29, 2023. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Pruett, Riggleman, Roadcap, and Staples.

Ms. Pettus advised that as Rosa-Lee Cooke is no longer serving on the Board, she will be taking a step back from the Education and Training Committee but would like to be considered for participation in other Board committees as needed in the

future. Ms. Pettus asked the Board to consider appointing a new member to the Committee. After discussion, Ms. Pruett volunteered to serve on the Committee. Ms. Duncan moved to appoint Ms. Pruett to the Education and Training Committee. Mr. Riggleman seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Pruett, Riggleman, Roadcap, and Staples.

Ms. Pettus provided the Board with an update from the WWO Exam Advisory Task Force. The task force is made up of Board members as well as various stakeholders in the wastewater works and waterworks industry. The task force is working to address matters related to the workforce and examination pass rates.

**Update on
WWWO
Examination Task
Force**

Ms. Pettus advised that the next Task Force meeting will be scheduled after examination scores from the VT Short School examination pilot program have been received by staff.

Ms. Pettus informed the Board that effective July 1, 2023, the faculty member seat on the Board has been replaced by a local or regional representative of VDH seat in order to address the growing number of onsite matters coming before the Board.

**Update on 2023
Legislation**

Ms. Pettus also advised that the Universal Licensing Recognition (ULR) became effective on July 1, 2023. Mr. Kirschner informed the Board that this is not reciprocity but is an alternative method of entry to Virginia licensure for out-of-state individuals.

As there was an inquiry regarding a continuance of a case file that was to be considered by the Board, Ms. Pettus asked the Board to consider adopting a policy for requests for continuance of decisions for disciplinary and licensing cases. The Department suggests adopting such a policy in order to create consistency among all Boards within the agency when considering requests for continuance. Ms. Pettus advised that pursuant to the Administrative Process Act (APA), a case decision must be made within 90 days of an Informal Fact-Finding conference (IFF); however, the Code of Virginia also provides a means for respondents or their attorneys to request case decisions to be rendered later than the 90-day timeframe from the date of the IFF. After review and discussion, Mr. Riggleman moved to adopt the following policy as written:

**Consider Board
Policy on
Continuance of
Case File
Decisions**

1. All requests for a continuance of a case must be in writing.
2. Requests for a continuance of a licensing case may be granted administratively by the Board's Executive Director or designee.
3. Requests for a continuance for disciplinary cases in which the recommended sanction does not include license revocation may be granted administratively by the Board's Executive Director or designee. The

Executive Director may only grant one continuance to the next meeting for any case. Any further requests for a continuance may only be granted by vote of the Board at the next meeting in which the case is to be considered.

4. Requests for a continuance for disciplinary cases in which the recommended sanction includes license revocation may only be granted by vote of the Board at the meeting in which the case is scheduled to be considered.

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

The Board considered 2024 meeting dates for the Education and Training Committee and for the full Board meetings. After review, Ms. Duncan moved to accept the following 2024 meeting dates.

Consider 2024 Meeting Dates

- January 25, 2024
- April 11, 2024
- July 11, 2024
- October 24, 2024

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

Board members considered the following resolutions for service.

Consider Resolutions for Service

Trisha L. Lindsey

WHEREAS, **Trisha L. Lindsey** did faithfully and diligently serve the Board for Waterworks and Wastewater Works and Onsite Sewage System Professionals, since its inception, and the Department of Professional and Occupational Regulation;

WHEREAS, **Trisha L. Lindsey**, did devote generously of her time, talent, and leadership to the Board;

WHEREAS, **Trisha L. Lindsey**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals this twenty-seventh day of July 2023, that **Trisha L. Lindsey** be given all honors and respect due her for her outstanding service to this Board and the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Ms. Lindsey was present to accept her Resolution and thanked the Board for all of their work and support of DPOR staff, as well as the support of the water, wastewater, and onsite industries.

Ronald R. Thomas

WHEREAS, the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals and the broader Onsite Sewage System Professionals community lost a valued member on May 25, 2023, with the death of **Ronnie Thomas**;

WHEREAS, **Ronnie Thomas**, did devote generously of his time, talent and leadership to the Board, and countless onsite sewage system professionals;

WHEREAS, **Ronnie Thomas**, served with excellence on the Board and had a life-long commitment to bringing government to the people through his diligent effort to shape the licensure program when Onsite Sewage System Professionals were added to the Board;

WHEREAS, **Ronnie Thomas**' leadership, professionalism, and sense of humor enriched those fortunate enough to know and work with him;

NOW THEREFORE BE IT RESOLVED, the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals honors the memory of **Ronnie Thomas**, celebrates his legacy of commitment to the profession and remembers his service to the Board, as well as the community on this twenty-seventh day of July 2023; and

BE IT FURTHER RESOLVED, that this Resolution be made a part of the official minutes of the Board so that all may know the Board gratefully acknowledges his many contributions to the profession.

The Board adopted by consensus the Resolutions as written.

Ms. Pettus provided the Board with the most recent financial statements for informational purposes.

Board Financial Statements

Ms. Pruett reminded the Board that the next scheduled meeting date is October 19, 2023.

Update on Outreach Opportunities Future Meeting Dates

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

Complete Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting was adjourned at 11:51 a.m.

Adjourn

Pamela M. Pruett, Chair

Demetrios Melis, Secretary

DRAFT AGENDA
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PUBLIC COMMENT PERIOD

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

*DRAFT AGENDA
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Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

Update on Regulatory Actions

(as of October 5, 2023)

Action: Waterworks and Wastewater Works Operators Licensing Regulations – General Review

Current Stage: NOIRA

- Board authorized formation of regulatory review committee on 10/27/22.
- Board authorized filing of NOIRA on 10/27/22.
- Regulatory review committee was formed and conducted its first meeting on 5/15/23.
- NOIRA filed for Executive Branch review on 7/21/23.
- Executive Branch review completed on 8/16/23.
- NOIRA published in Virginia Register 9/11/23.

Next Step: Regulatory Review Committee

- Public comment period held 9/11/23 through 10/11/23. No comments received as of 10/5/23.
- WWWO Regulatory Review Committee will meet 11/9/23 to review regulations and recommend possible amendments.

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

Current Stage: Proposed

- Board adopted Regulatory Review Committee recommended proposed amendments on 4/20/2023.
- Proposed stage filing in process.

Next Step: Executive Branch Review

- Submission of proposed amended regulation for Executive Branch review.

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

Current Stage: Proposed

- Board reviewed and adopted proposed amendment on 4/21/22.
- Submitted for Executive Branch review on 7/28/22. Currently in Executive Branch review.

Next Step: Executive Branch Review/Public Comment

- Completion of Executive Branch Review

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

- 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: Proposed

- Board reviewed and adopted proposed amendment on 4/21/22.
- Submitted for Executive Branch review on 7/28/22. Currently in Executive Branch review.

Next Step: Executive Branch Review/Public Comment

- Completion of Executive Branch Review.
- Publication in the Virginia Register and 60-day public comment period, to include public hearing.

DRAFT AND PROPOSED
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**BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE SEWAGE SYSTEMS
PROFESSIONALS**

**Summary of Comments for Periodic Review of Public Participation Guidelines Chapter 18VAC160-11
and
Board for Waterworks and Wastewater Works Operators Licensing Regulations Chapter 18VAC160-30**

Following is the summary of comments received during the public comment periods (PPG: August 14, 2023, to September 4, 2023; WWWO Licensing: September 11, 2023, to October 11, 2023,) regarding the Board’s periodic review of the Public Participation Guidelines for Chapter 18VAC160-11 and Board for Waterworks and Wastewater Works Operators Licensing Regulations for Chapter 18VAC160-30.

	Regulation *#	Summary of Comment(s)	Draft Board Response
	Commenter		
1	160-11	No comments received for Chapter 11: Public Participation Guidelines.	N/A
	N/A		
2	160-30	No comments received as of October 5, 2023 for Chapter 30: Waterworks and Wastewater Works Operators Licensing Regulations.	N/A
	N/A		

PFA Summary

1/2/2017 through 10/6/2023

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	360	70	19.4%	290	80.6%	16	4.3%	376
Repeater	564	130	23.0%	434	77.0%	20	3.4%	584
Total	924	200	21.6%	724	78.4%	36	3.8%	960

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	598	147	24.6%	451	75.4%	14	2.3%	612
Repeater	759	171	22.5%	588	77.5%	28	3.6%	787
Total	1357	318	23.4%	1039	76.6%	42	3.0%	1399

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	613	200	32.6%	413	67.4%	19	3.0%	632
Repeater	691	199	28.8%	492	71.2%	20	2.8%	711
Total	1304	399	30.6%	905	69.4%	39	2.9%	1343

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	633	196	31.0%	437	69.0%	21	3.2%	654
Repeater	784	196	25.0%	588	75.0%	24	3.0%	808
Total	1417	392	27.7%	1025	72.3%	45	3.1%	1462

PFA Summary

1/2/2017 through 10/6/2023

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	346	85	24.6%	261	75.4%	4	1.1%	350
Repeater	493	119	24.1%	374	75.9%	24	4.6%	517
Total	839	204	24.3%	635	75.7%	28	3.2%	867

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	414	211	51.0%	203	49.0%	17	3.9%	431
Repeater	439	123	28.0%	316	72.0%	11	2.4%	450
Total	853	334	39.2%	519	60.8%	28	3.2%	881

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	452	237	52.4%	215	47.6%	21	4.4%	473
Recredentialing	10	1	10.0%	9	90.0%	0	0.0%	10
Repeater	359	129	35.9%	230	64.1%	9	2.4%	368
Total	821	367	44.7%	454	55.3%	30	3.5%	851

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	379	217	57.3%	162	42.7%	15	3.8%	394
Repeater	223	90	40.4%	133	59.6%	5	2.2%	228
Total	602	307	51.0%	295	49.0%	20	3.2%	622

PFA Summary

1/2/2017 through 10/6/2023

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	140	120	85.7%	20	14.3%	5	3.4%	145
Repeater	26	10	38.5%	16	61.5%	1	3.7%	27
Total	166	130	78.3%	36	21.7%	6	3.5%	172

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	88	44	50.0%	44	50.0%	1	1.1%	89
Repeater	49	26	53.1%	23	46.9%	2	3.9%	51
Total	137	70	51.1%	67	48.9%	3	2.1%	140

PFA Summary

7/27/2023 through 10/6/2023

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	17	8	47.1%	9	52.9%	0	0.0%	17
Repeater	13	4	30.8%	9	69.2%	1	7.1%	14
Total	30	12	40.0%	18	60.0%	1	3.2%	31

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	30	10	33.3%	20	66.7%	1	3.2%	31
Repeater	38	12	31.6%	26	68.4%	0	0.0%	38
Total	68	22	32.4%	46	67.6%	1	1.4%	69

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	19	10	52.6%	9	47.4%	1	5.0%	20
Repeater	17	5	29.4%	12	70.6%	0	0.0%	17
Total	36	15	41.7%	21	58.3%	1	2.7%	37

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	27	11	40.7%	16	59.3%	2	6.9%	29
Repeater	24	5	20.8%	19	79.2%	2	7.7%	26
Total	51	16	31.4%	35	68.6%	4	7.3%	55

PFA Summary

7/27/2023 through 10/6/2023

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	11	2	18.2%	9	81.8%	1	8.3%	12
Repeater	13	4	30.8%	9	69.2%	1	7.1%	14
Total	24	6	25.0%	18	75.0%	2	7.7%	26

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	14	8	57.1%	6	42.9%	1	6.7%	15
Repeater	10	6	60.0%	4	40.0%	0	0.0%	10
Total	24	14	58.3%	10	41.7%	1	4.0%	25

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	16	7	43.8%	9	56.3%	1	5.9%	17
Repeater	11	5	45.5%	6	54.5%	0	0.0%	11
Total	27	12	44.4%	15	55.6%	1	3.6%	28

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	10	4	40.0%	6	60.0%	3	23.1%	13
Repeater	5	3	60.0%	2	40.0%	0	0.0%	5
Total	15	7	46.7%	8	53.3%	3	16.7%	18

PFA Summary

7/27/2023 through 10/6/2023

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	5	5	100.0%	0	0.0%	0	0.0%	5
Total	5	5	100.0%	0	0.0%	0	0.0%	5

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	3	1	33.3%	2	66.7%	0	0.0%	3
Repeater	2	2	100.0%	0	0.0%	0	0.0%	2
Total	5	3	60.0%	2	40.0%	0	0.0%	5

2023 SHORT COURSE EXAM STATISTICS

	# Candidates	# Pass	#Fail	% Pass
Waterworks Class 1	5	1	4	20%
Waterworks Class 2	5	1	4	20%
Waterworks Class 3	14	2	12	14%
Waterworks Class 4	11	7	4	64%
Waterworks Class 5	2	2	0	100%
Waterworks Class 6	6	2	4	33%
TOTAL	43	15	28	35%
Wastewater Works Class 1	10	5	5	50%
Wastewater Works Class 2	16	5	11	31%
Wastewater Works Class 3	16	5	11	31%
Wastewater Works Class 4	18	7	11	39%
TOTAL	60	22	38	37%
OVERALL	103	37	66	36%

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

**Board for WWOOSSP
954530**

2022-2024 Biennium

June 2023

	June 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - June 2021	July 2022 - June 2023
Cash/Revenue Balance Brought Forward			126,089
Revenues	20,520	297,596	332,942
Cumulative Revenues			459,031
Cost Categories:			
Board Expenditures	3,091	26,470	40,408
Board Administration	7,620	82,025	90,463
Administration of Exams	402	14,345	8,262
Enforcement	461	5,159	5,744
Legal Services	0	892	1,312
Information Systems	8,445	60,622	57,605
Facilities and Support Services	3,761	46,126	41,653
Agency Administration	4,867	37,644	60,930
Other / Transfers	0	0	(75)
Total Expenses	28,647	273,285	306,302
Transfer To/(From) Cash Reserves	(622)	0	(14,087)
Ending Cash/Revenue Balance			166,817

Cash Reserve Beginning Balance	85,738	0	99,203
Change in Cash Reserve	(622)	0	(14,087)
Cash Reserve Ending Balance	85,116	0	85,116

Number of Regulants

Current Month	5,846
Previous Biennium-to-Date	5,835

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UPDATE ON OUTREACH OPPORTUNITIES

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ELECTION OF OFFICERS

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OTHER BUSINESS

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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ADJOURN

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