

**MINUTES OF MEETING**

**BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS  
INFORMAL FACT-FINDING CONFERENCES  
JANUARY 27, 2004 (10:00 A.M.)**

The Board for Waterworks and Wastewater Works Operators convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Mark Haley, Presiding Board Member. No other Board members appeared.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD.

Disc=Disciplinary Case  
Lic=Licensing Application  
RF=Recovery Fund Claim  
Trades=Tradesmen Application

C=Complainant/Claimant  
A=Applicant  
R=Respondent/Regulant  
W=Witness

**10:00 A.M.**

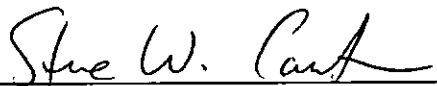
Joseph Craig Harris  
File Number 2003-03363 (Disc)

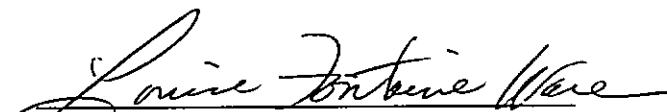
**PARTICIPANTS**

Wayne Hudson – W (By Phone)

The meeting adjourned at 10:30 a.m.

**BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS**

  
Steve W. Cawthron, Vice Chairman

  
Louise Fontaine Ware, Secretary

COPY TEST:

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Custodian of Records

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS**

**IN RE: JOSEPH CRAIG HARRIS  
LICENSE NUMBER: 1911-004442**

**FILE NUMBER: 2003-03363**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on January 27, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Joseph Craig Harris on December 16, 2003. The following individuals participated at the conference: Wayne Hudson, Chief Utility Plant Operator for the Town of South Hill, Witness (By Phone); Douglas W. Schroder, Staff Member; and Mark A. Haley, Presiding Board Member.

Joseph Harris, Respondent, did not appear in person or by any other qualified representative.

**Summation of Facts**

1. On May 30, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from D. Wayne Staples (Staples) with the Virginia Department of Environmental Quality regarding possible falsification of effluent monitoring data by Joseph Craig Harris (Harris).
2. On May 1, 2003 Wayne Hudson (Hudson), Chief Utility Plant Operator of the Town of South Hill Wastewater Works Treatment Plant, observed that Harris did not perform the first chlorine residual test as he should have. Values for chlorine were recorded by Harris.
3. On the evening of May 1, 2003 a piece of tape was placed over the cover of the switch that cuts on the chlorine sample pump by Hudson. On May 2, 2003 Hudson found the piece of tape undisturbed indicating that the first chlorine test had not been run earlier that morning.

4. On or about May 1, 2003 and May 2, 2003 Harris failed to perform the first chlorine residual tests as required at the Town of South Hill Wastewater Works Treatment Plant. The test is a back up to the automatic chlorine analyzer system. Harris failed to demonstrate reasonable care and judgment in the performance of the operating duties.
5. On or about July 1, 2003, Investigator Renee H. Popielarz, the Board's agent, made a written request to Harris at the address of record of 804 Plank Road, South Hill, Virginia 23970, requesting a written response to the complaint filed with the Board. The letter of request was returned from the United States Postal Service (USPS) on or about July 8, 2003. A message written on the envelope indicated "return not here."
6. On or about July 16, 2003, the Board's agent sent an address certification request form to the United States Postal Service regarding 804 Plank Road. On July 18, 2003, the USPS returned the form indicating that the forward order had expired for Harris at that address.
7. On December 5, 2003, the licensing records of the Board for Waterworks And Wastewater Works Operators revealed the license address of record for Joseph Craig Harris was 804 Plank Road, South Hill, Virginia 23970. Harris failed to notify the Board, in writing, within thirty (30) days of a change of address.

### **Conclusion and Recommendation**

Count 1: 18 VAC 160-20-140(3) (Effective February 15, 2001)

Harris' failure to demonstrate reasonable care and judgment in the performance of his operating duties is in violation of the Board's 2001 Regulation 18 VAC 160-20-140(3). Hudson's testimony was very clear in that Mr. Harris understood his duties and responsibilities as the early morning operator. His failure to properly sample and analyze the plant discharge is a clear act of negligence as a licensed operator. Therefore, I recommend a monetary penalty of \$200.00 be imposed, along with revocation of Harris' license.

Count 2: 18 VAC 160-20-104(A) (Effective February 15, 2001)

Harris' failure to notify the Board within 30 days of a change of address is in violation of the Board's 2001 Regulation 18 VAC 160-20-104(A). On December 16, 2003 the department mailed notices to his address of record, which is 804 Plank Road, South Hill, Virginia 23970. Based on his signature on the green receipt card, he did receive the notice. Therefore, I find the evidence insufficient to prove to the standard necessary that there is a violation, and recommend a finding of no violation.

By: \_\_\_\_\_

Mark A. Haley

Presiding IFF Board Member  
Board for Waterworks and Wastewater  
Works Operators

Date: \_\_\_\_\_

**FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 1911-004442) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.