

**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 (Board) met virtually via Google Meet on January 14, 2021, at 9:30 a.m. Board staff was present at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia 23233. The meeting was held virtually due to the current public health emergency related to COVID-19 declared by the Governor, which made it impracticable or unsafe for the Board to assemble in a single location. The purpose of meeting was to discuss or transact business statutorily required or necessary to continue operations of the Board.

The following members of the Board were present:

James N. Brockwell
Rosa-Lee Cooke
Erica Duncan
W. Jordan Evans
John Ewing
Thomas Wayne Fore, Vice-Chair
Pamela M. Pruet, Chair
Don Riggleman
Dwayne Roadcap
D. Wayne Staples
Caleb Taylor

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

Mary Broz-Vaughan, Director
Trisha L. Henshaw, Executive Director
Shannon Webster, Director of Examinations
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Tanya M. Pettus, Administrative Assistant

Elizabeth Myers from the Office of the Attorney General was present at the meeting.

Ms. Pruet, Chair, called the meeting to order at 9:30 a.m.

Call to Order

Ms. Henshaw advised the Board of procedures in place for conducting the meeting virtually.

**Virtual Board
Meeting
Announcements**

Ms. Henshaw also took roll of Board members and advised those in attendance at the meeting of staff present. Ms. Henshaw introduced Lisa Robinson, Licensing Administrator, who was present to observe the meeting.

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

**Approval of
Agenda**

Ms. Henshaw advised those in attendance of procedures in place for conducting the meeting virtually.

**Announcements
Continued**

Mr. Staples advised of a typographical error in the minutes of the October 22, 2020 meeting, and moved to approve the Board meeting minutes as amended. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Roadcap, Staples, and Taylor.

**Approval of
Minutes**

There were no members of the public present to address the Board.

**Public Comment
Period**

Mr. Haughwout provided an update on the current status of the regulatory review processes for the Board's regulatory packages:

**Regulatory Action
Update**

Notice of a periodic review of the Waterworks and Wastewater Works Operators Licensing Regulations was published in the Virginia Register on October 26, 2020. A public comment period was held from October 26, 2020 to November 16, 2020. Mr. Haughwout advised the Board that one public comment was received, and will be presented to the Board later in the meeting.

Notice of a periodic review of the Onsite Sewage System Professionals Licensing Regulations was published in the Virginia Register on October 26, 2020. A public comment period was held from October 26, 2020 to November 16, 2020. Mr. Haughwout advised the Board that one public comment was received, and will be presented to the Board later in the meeting.

Mr. Haughwout and Ms. Henshaw presented the Board with one public comment received during the public comment period of the periodic review of the Waterworks and Wastewater Works Operators Licensing Regulations, as well as a draft Board response to the public comment for consideration.

**Periodic Review of
Regulations**

After review and discussion, Mr. Fore moved to adopt the Board response to the public comment. Mr. Riggleman seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Roadcap, Staples, and Taylor.

Mr. Staples moved to retain the current Board regulations as is. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Roadcap, Staples, and Taylor.

Mr. Haughwout and Ms. Henshaw presented the Board with one public comment received during the public comment period of the periodic review of the Onsite Sewage System Professionals Licensing Regulations, as well as a draft Board response to the public comment for consideration.

Discussion was held on the Board's jurisdiction over unlicensed practitioners. Ms. Broz-Vaughan gave a brief overview of the statutory authority and the agency's policy regarding the issuing of cease and desist notices to unlicensed practitioners. Per the Board's request, Ms. Henshaw advised that an overview of the policy would be provided at the next Board meeting.

After review and discussion, Mr. Fore moved to adopt the Board response to the public comment. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Roadcap, Staples, and Taylor.

Mr. Evans moved to retain the current Board regulations as is. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Roadcap, Staples, and Taylor.

Ms. Henshaw asked the Board to consider amending current licensing fees in order to remain in compliance with the Callahan Act. After review and discussion of three options for fee amendments, Mr. Fore moved to authorize staff to decrease initial application fees and license upgrade fees from \$100.00 to \$85.00, and increase renewal fees from \$80.00 to \$105.00. In addition, reinstatement fees would increase from \$25.00 to \$35.00. Mr. Taylor seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Roadcap, Staples, and Taylor.

**Consider
Regulatory Action
to Amend Fees**

Ms. Pettus provided an update on the 2020 onsite sewage system professionals CPE audit. The audit began on October 7, 2020, based on a random selection of 5% of current licensees.

**OSSP 2020 CPE
Audit Report**

Ms. Henshaw provided the Board with waterworks and wastewater works examination statistics from January 1, 2017 through January 3, 2021, as well as onsite examination statistics from January 1,

**Examination
Updates**

2017 to December 31, 2020, and July 1, 2018 to December 31, 2020.

Ms. Henshaw advised the Board that subject matter expert (SME) reviews of the 2019 modifications to the 2017 standardized ABC exams for waterworks operators and 2019 modifications to the 2017 standardized ABC exams for wastewater works operators were recently held. After review, the committees of SMEs recommended that the modified exams be implemented in Virginia. Ms. Webster confirmed that the updated exams are now live. Ms. Webster advised the Board that revisions suggested during the respective reviews have been forwarded to ABC for consideration.

Ms. Henshaw reminded the Board of temporary waivers of certain regulations pursuant to Executive Order 51 in response to COVID-19. During the current state of emergency, the validity of licenses, certifications, registrations, and other authorizations issued by the Board that would otherwise (i) expire during the state of emergency and (ii) be eligible for renewal or reinstatement during the state of emergency under applicable regulations, will be extended until the 30th day after the date by which the state of emergency is lifted. In addition, regulations that prohibit or limit online, electronic, or distance learning have also been waived until the 30th day after the date by which the state of emergency is lifted. Ms. Henshaw noted that the waivers do not apply to statutory requirements.

DPOR Updates as it Relates to COVID-19 Response

In addition, Ms. Henshaw advised the Board of a recent waiver that waives any regulatory requirement that a licensee be physically present at a place of business.

Ms. Henshaw advised the Board that the agency remains closed to the public and staff scheduling adjustments remain in place, including telework for those employees who are eligible.

Ms. Henshaw provided the Board with the most recent financial statements for review.

Board Financial Statements

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

Update on Outreach Opportunities

Ms. Broz-Vaughan reminded Board members to complete their annual conflict of interest and financial disclosures.

Other Business

Mr. Riggelman inquired about wall certificates for operator licensees who have upgraded in class. In the past wall certificates have stated the class of license; however, currently the wall certificates do not

list the class of license. Ms. Henshaw advised that this due to the way in which license information is stored in the agency's database that is responsible for printing the certificates. Ms. Henshaw advised that she hopes to address this issue when the database is replaced later in the year.

Ms. Henshaw advised the Board that the final report on the study being conducted to determine the need of continued regulation of various professions, including soil scientists and backflow prevention device workers, as recommended by the Joint Legislative Audit and Review Commission (JLARC) has been finalized and submitted to the General Assembly for review and consideration.

Update on JLARC Study

Ms. Henshaw reminded the Board that staff actively monitors legislation throughout General Assembly session and provides data and information regarding the Board and Department relevant to legislative proposals affecting the Board. Ms. Henshaw advised the Board that the 2021 General Assembly session began on January 13, 2021, and provided an update of legislative proposals that could affect DPOR and the Board.

Other Business, Continued

Ms. Henshaw advised the Board that public health workers are included in Phase 1C of COVID-19 vaccination efforts, and that wastewater workers are specifically mentioned in the latest iteration of vaccination phases.

Ms. Henshaw asked the Board to consider authorizing staff to develop a form for onsite sewage system professionals from other states applying for licensure in Virginia that would provide for an explanation of the out-of-state experience gained and a description of the out-of-state facility in which the applicant gained the experience. This form would be similar to the Out-of-State Facility Description & Experience Verification form currently used by water and wastewater works operator applicants. Ms. Henshaw asked the Board to consider forming a committee of SMEs to address areas specific to onsite occupations and facilities that should appear on the form, as well as other topics that Board staff may identify related to application processing and licensing. . Mr. Fore moved that Board members Brockwell, Ewing, and Pruett serve on the committee. Mr. Riggleman seconded the motion which was approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Riggleman, Roadcap, Staples, and Taylor.

Ms. Pruett lost connectivity to the meeting at 11:22 a.m. Mr. Fore, Vice-Chair, assumed Chair of the Board.

Departure of Board Member

Ms. Pruett lost connectivity to the meeting at 11:22 a.m. Mr. Fore, **Departure of Board Member**

Ms. Henshaw advised that the Board for Professional and Occupational Regulation Final Report to the General Assembly on the JLARC study discussed earlier in the meeting has been published and is available to the public.

Mr. Fore reminded the Board that the next scheduled meeting date is **Future Meeting Dates**

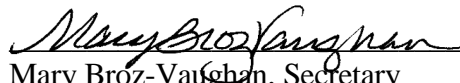
Mr. Fore reminded the Board members to complete and return their conflict of interest form. **Complete Conflict of Interest Forms**

Ms. Henshaw advised that Board members who are also state employees or otherwise in positions that require completion of the Statement of Economic Interest form need only submit one form.

There being no further business, the meeting was adjourned at 11:27 **Adjourn**
a.m.



Pamela M. Pruett, Chair



Mary Broz-Vaughan, Secretary