

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

The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals met on January 11, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Frank L. Davis, Jr.
Kornell Davis, Jr.
Barry T. Dunkley
D. Perry Greene
Dr. Wesley Kleene
Kristen Lentz
Michelle Ann Magrino
E. Brooke Philpy
Gary Schafran
Ronald Thomas

Board member D. Wayne Staples was not present for the meeting.

Staff present for all or part of the meeting:

Gordon Dixon, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
David Dick, Executive Director
Jill Hrynciw, Board Administrator
Michele Atkinson, Board Administrator
Earlyne Perkins, Legal Analyst
Cathy Clark, Administrative Assistant

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

Mr. Philpy, finding a quorum of the Board present, called the meeting to order at 9:02 a.m.

Call to Order

Mr. Dick welcomed and introduced new Board Member, Barry T. Dunkley, Director of the Division of Water and Wastewater for the City of Danville.

New Board Member

Mr. Dick noted an amendment to the agenda to include the draft minutes of the September 27, 2011, Education and Training Committee Meeting.

Approval of Agenda

Mr. Thomas moved to approve the amended agenda. Mr. F. Davis seconded the motion, which was unanimously approved by

members: F. Davis, K. Davis, Dunkley, Greene, Kleene, Lentz, Magrino, Philpy, Schafran, and Thomas.

Mr. K. Davis moved to approve the minutes for the following meetings:

Approval of Minutes

- Board Meeting Minutes – September 27, 2011;
- Education and Training Committee Meeting – September 27, 2011;
- Informal Fact-Finding Conference – October 13, 2011; and
- Informal Fact-Finding Conferences – October 26, 2011.

Dr. Kleene seconded the motion which was unanimously approved by members: F. Davis, K. Davis, Dunkley, Greene, Kleene, Lentz, Magrino, Philpy, Schafran, and Thomas.

There were no comments made to the Board.

Public Comment Period

In the matter of **File Number 2012-00447, Markham Donn Smith**, 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. Smith was present and addressed the Board. Mr. Greene moved to reject the recommendation of the Presiding Officer and approve Mr. Smith's Onsite Sewage System Operator examination application and, after passing the examination, licensure as an alternative onsite sewage system operator subject to the terms of an Agreement for Licensure wherein Mr. Smith agrees to comply with all applicable laws and regulations and, after passing the examination and becoming licensed, to be placed on probation for two years. If, after two years, Mr. Smith has had no violations of the Board's regulations, the probationary period will end. Mr. Smith's failure to sign the agreement for licensure will result in his application being denied by the Board. Mr. K. Davis seconded the motion, which was unanimously approved by members: F. Davis, K. Davis, Dunkley, Greene, Kleene, Lentz, Magrino, Philpy, Schafran, and Thomas.

File Number 2012-00447, Markham Donn Smith

In the matter of **File Number 2012-04444, Timothy Wayne Conner**, 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. Conner was present and addressed the Board. Mr. K. Davis moved to reject the recommendation of the Presiding Officer and approve Mr. Conner's Onsite Sewage System

File Number 2012-04444, Timothy Wayne Conner

Operator examination application and, after passing the examination, licensure as an alternative onsite sewage system operator subject to the terms of an Agreement for Licensure wherein Mr. Conner agrees to comply with all applicable laws and regulations and, after passing the examination and becoming licensed, to be placed on probation for two years. If, after two years, Mr. Connor has had no violations of the Board's regulations, the probationary period will end. Mr. Greene seconded the motion, which was unanimously approved by members: F. Davis, K. Davis, Dunkley, Greene, Kleene, Lentz, Magrino, Philpy, Schafran, and Thomas.

In the matter of **File Number 2012-00442, Travis Lee Baker**, 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. Baker was present and addressed the Board. Mr. F. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Baker's Class 4 Wastewater Works Operator license application. Mr. Dunkley seconded the motion, which was unanimously approved by members: F. Davis, K. Davis, Dunkley, Greene, Kleene, Lentz, Magrino, Philpy, Schafran, and Thomas.

File Number 2012-00442, Travis Lee Baker

Mr. K. Davis recused himself from the meeting

Recusal of Board Member

In the matter of **File Number 2011-00639, James John Ayers**, the Board members reviewed the record which consisted of the Consent Order. Mr. Ayers was not present. By signing this Consent Order, Mr. Ayers acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings.

File Number 2012-00639, James John Ayers

Count 1:	18 VAC 160-20-140.2	\$ 0.00

SUB-TOTAL (MONETARY PENALTIES)		\$ 0.00
BOARD COSTS		\$ 150.00
TOTAL		\$ 150.00

Mr. Dunkley moved to accept the Consent Order. Mr. Schafran seconded the motion, which was unanimously approved by members: F. Davis, Dunkley, Greene, Kleene, Lentz, Magrino, Philpy, Schafran, and Thomas.

As a Board representative in this case, Mr. K. Davis was not present, did not participate in the discussion, and did not vote on

this matter.

Mr. K. Davis returned to the meeting.

**Return of Board
Member**

Mr. Dixon, Director, Department of Professional and Occupational Regulation, addressed the Board concerning the 2012 Session of the Virginia General Assembly that began the day of this meeting, January 11, 2012. He summarized anticipated legislation, the Governor's Executive Reorganization Plan, and the role Board members may be called upon to play.

Director's Report

Mr. F. Davis moved that the Board adopt the revised Guidance Document, prepared by staff to reflect the Board's decisions during the September 27, 2011, meeting. Mr. Philpy seconded the motion, which was approved by members: F. Davis, K. Davis, Dunkley, Greene, Lentz, Magrino, Philpy, Schafran, and Thomas. Dr. Kleene abstained.

**Adoption of
Updated Guidance
Document**

Mr. Dick reported to the Board that no comment had been received from the public during its Periodic and Small Business Impact Review of Regulations that ended on November 14, 2011.

**Periodic and Small
Business Impact
Review of
Regulations**

Dr. Kleene moved that because no public comment was received during the public comment period on the Board's Public Participation Guidelines regulation, or the Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals regulation, the Board will retain the Public Participation Guidelines regulation and the Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals regulation unchanged. Mr. Philpy seconded the motion, which was unanimously approved by members: F. Davis, K. Davis, Dunkley, Greene, Kleene, Lentz, Magrino, Philpy, Schafran, and Thomas.

Mr. Dick updated the Board on pending regulatory activity for the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.

**Update on Pending
Regulatory Activity**

Ms. Atkinson reported to the Board that, after the Department's computer conversion in mid-November, she was able to send CPE audit letters to 110 randomly selected waterworks operator licensees requesting evidence of their compliance with the Board's CPE requirements. Responses are coming in and being evaluated. Ms. Atkinson expects to have a report on the audit's outcome ready for the April 4, 2012, board meeting.

**Update on
Waterworks
Operators 2011
CPE Audit**

Mr. Dick addressed the Board concerning Executive Order #11 (2010), which created the Virginia Prisoner and Juvenile Offender Re-Entry Council. To reduce recidivism, offenders released from incarceration must be adequately prepared to return to their communities equipped to find employment. Toward that end, the Virginia Department of Corrections (DOC) has asked DPOR to assist with a wastewater works operator apprenticeship program that will prepare incarcerated offenders for licensure as a Class 4 wastewater works operator. Their specific request is that the Informal Fact-Finding Conference (IFF) necessary to determine each offender's suitability for licensure be conducted as soon as possible after the offender has been selected for the DOC training program to assure DOC is investing resources in viable candidates for licensure. Mr. Dick advised the Board that DPOR believes it can accommodate DOC's request and asks the Board's advice and insight. The Board discussed DOC's request and took no action.

DOC
Environmental
Services Unit –
Wastewater
Treatment Plant
Operators
Apprenticeship
Program for
Offenders

The Board will meet on:

Wednesday, April 4, 2012
Tuesday, July 10, 2012
Wednesday, October 3, 2012

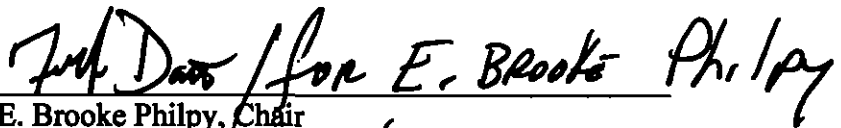
Future Board
Meeting Dates

The Board members completed their conflict of interest forms and travel vouchers.

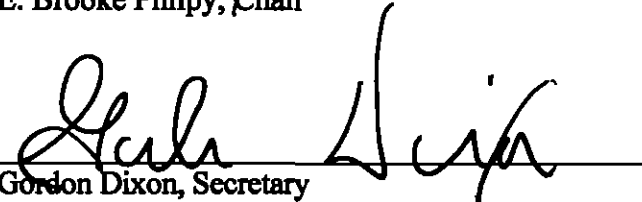
Conflict of Interest
Forms

The Board adjourned at 10:10 a.m.

Adjournment



E. Brooke Philpy, Chair



Gordon Dixon, Secretary

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

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

1. Name: Frank L. Davis, Jr.
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 11, 2012
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:


I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

1-11-12
Date

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

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

1. **Name:** Kornell R. Davis, Jr.
2. **Title:** Board Member
3. **Agency:** WWWOOSSP Board
4. **Meeting/IFF Date:** Board Meeting January 11, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

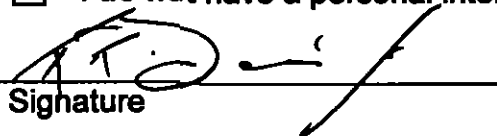
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

01-11-12
Date

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

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

1. Name: Barry T. Dunkley
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting January 11, 2012
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

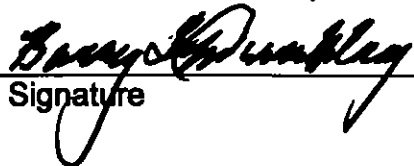
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

1-11-12
Date

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

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

1. Name: Douglas Perry Greene
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 11, 2012
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Douglas Perry Greene
Signature

1-11-12
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: J. Wesley Kleene
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 11, 2012

5. I have a personal interest in the following transaction:

~~VDH proposed language adopted by the Board per K~~

Nature of Personal Interest Affected by Transaction:

~~VDH Employee - Office of Drinking Water per K~~

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

~~VDH - Director, OFFICE OF DRINKING WATER -
Approval of Guidance Document language~~

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

J Wesley Kleene
Signature

1-11-2012
Date

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

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

1. Name: Kristen Lentz
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 11, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature

Kristen Lentz

Date

1/20/12

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

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

1. Name: Michelle Ann Magrino
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting January 11, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Michelle Ann Magrino
Signature

1/11/2012
Date

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

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

1. Name: E. Brooke Philpy
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 11, 2012
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

- I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VA Onsite Waste Water Recycling Assoc. (VOWRA); VA Association of Professional Soil Scientists (VAPSS)

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

E. Brooke Philpy
Signature

1/11/12
Date

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

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

1. Name: Gary Schafran
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 11, 2012
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

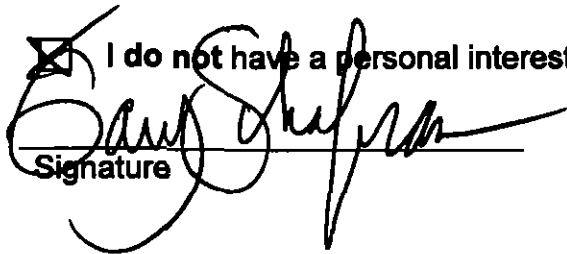
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

1-11-12
Date

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

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

1. Name: Ronald R. Thomas
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting January 11, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Ronald R. Thomas
Signature

1/11/12
Date