

**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 April 29, 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. Pruett, Chair  
Dwayne Roadcap  
D. Wayne Staples

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

Mary Broz-Vaughan, Director  
Trisha L. Lindsey, Executive Director  
Johnathan Darden, Director of Investigations  
Shannon Webster, Director of Examinations  
Joseph C. Haughwout, Jr., Board and Regulatory Administrator  
Lisa Robinson, Licensing Operations Administrator  
Tanya M. Pettus, Administrative Assistant

Joshua Laws from the Office of the Attorney General was present at the meeting.

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

**Call to Order**

Ms. Lindsey took roll of Board members and advised those in attendance at the meeting of staff present.

**Roll Call**

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, Roadcap, and Staples.

**Approval of  
Agenda**

Ms. Lindsey advised those in attendance of procedures in place for conducting the meeting virtually. **Announcements**

Mr. Staples moved to approve the minutes of the January 14, 2021, Board meeting as presented. Mr. Evans seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, and Staples. **Approval of Minutes**

Mr. Ewing moved to approve the minutes of the March 30, 2021, Onsite Sewage System Professionals (OSSP) Committee meeting as presented. Mr. Brockwell seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, and Staples.

One member of the public, Bob Dietrich, was present but did not wish to address the Board. **Public Comment Period**

Ms. Pruett recused herself from the meeting for discussion and deliberation on File Number 2020-02557. **Recusal of Board Member**

Mr. Fore, Vice-Chair, assumed Chair of the Board.

In the matter of **File Number 2020-02557, Richard Tyrone Richardson**, the Board members reviewed the Consent Order. Mr. Richardson admits to a violation of 18VAC 160-40-470.14 as outlined in Count 1, and consents to the imposition of a monetary penalty of \$400.00, and (ii) Board costs of \$150.00. In addition, Mr. Richardson agrees to complete at least three (3) hours of education pertaining to laws and regulations within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. Ms. Cooke moved to approve the Consent Order as presented. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Roadcap, and Staples. **File Number 2020-02557, Richard Tyrone Richardson**

Ms. Pruett returned to the meeting and resumed Chair of the Board. **Return of Board Member**

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, during which one public comment was received. The Board voted to retain the regulations as written at its January 14, 2021, 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, during which one public comment was received. The Board voted to retain the regulations as written at its January 14, 2021, meeting.

A Notice of Intended Regulatory Action (NOIRA) was filed on February 2, 2021, in order to amend Waterworks and Wastewater Works Operators Licensing Regulations to adjust current licensing fees in order to remain in compliance with the Callahan Act. The NOIRA is currently undergoing executive branch review, after which a 30-day public comment period will be held.

A NOIRA was filed on February 2, 2021, in order to amend Onsite Sewage System Professionals Licensing Regulations to adjust current licensing fees in order to remain in compliance with the Callahan Act. The NOIRA is currently undergoing executive branch review, after which a 30-day public comment period will be held.

Ms. Lindsey provided the Board with waterworks and wastewater works examination statistics from January 1, 2017 through March 31, 2021, as well as an overview of pass rates for waterworks and wastewater works exams from 2010 through March 31, 2021.

### **Examination Updates**

Ms. Lindsey provided the Board with onsite examination statistics from January 1, 2017 to March 31, 2021, and July 1, 2018 to March 31, 2021.

Ms. Lindsey briefly shared an email from Bob Dietrich, Water Operations Manager at the Bedford Regional Water Authority. Mr. Dietrich is concerned that his employees are having trouble passing the waterworks exam, and he has been told that there are ambiguous questions that may have more than one correct answer. Discussion was held on ways in which operators can train and learn the material through practice tests and repetition.

Ms. Cooke shared her concern that operators who are attempting to re-take a failed exam are unable to schedule a new exam time online, and must call PSI for scheduling. Ms. Cooke stated there have been issues with reaching customer service over the phone. Ms. Webster stated she would follow-up with ABC regarding Ms. Cooke's concerns.

Ms. Webster advised the Board that she is working on finalizing Mountain Empire Community College's approval to proctor the ABC exam for waterworks and wastewater works applicants.

Discussion was held on PSI exam facilities in Johnson City, TN and Salisbury, MD, both of which accept exam candidates from neighboring areas in Virginia.

Ms. Lindsey and Mr. Ewing updated the Board on topics discussed at the March 30, 2021, OSSP Committee meeting. The Board formed the Committee to review current staff procedures for processing applications for licensure and ensuring licensee compliance with the Board's regulations.

**Updates from OSSP  
Committee**

Discussion was held regarding outreach and, particularly, opportunities to work with regional and local health department staff as well as staff at VDH headquarters.

Discussion was held on adding seats to the Board in order to offer more representation of the OSSP industry, as it is currently difficult for Board members in OSSP seats to consider or vote on disciplinary matters because they are often required to recuse themselves based on their participation in the technical review and informal fact finding stages of the complaint or licensing review process. Because the OSSP licensure program began in 2008, there are very few former Board members who could participate in IFFs or technical review as is sometimes the case with other Boards. Ms. Lindsey and Ms. Broz-Vaughan advised that adding OSSP seats to the Board would require a legislative change and that, in order to move forward for consideration by the administration, the matter would require a Board vote.

The Board recessed from 10:35 a.m. to 10:45 a.m.

**Recess**

Discussion of OSSP representation on the Board continued. After lengthy discussion, Mr. Fore moved to table the discussion for a future meeting. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, and Staples. Ms. Lindsey advised the Board that should it wish to pursue a legislative amendment to add OSSP seats to the Board, the matter must be addressed at the July Board meeting in order to meet legislative submission deadlines.

**Updates from OSSP  
Committee  
Continued**

Given the topics addressed during the OSSP Committee meeting, Ms. Lindsey asked the Board to consider forming a committee for the general review of the Onsite Sewage System Professionals

Licensing Regulations. Mr. Fore moved to form a committee for the general review of the regulations, and suggested that Mr. Brockwell, Mr. Evans, Mr. Ewing, and Ms. Pruitt serve on the committee. Mr. Fore also volunteered to serve on the committee. In addition, staff will work in conjunction with the Board Chair to identify other possible members to serve on the committee. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, and Staples.

Mr. Darden provided the Board with an overview of DPOR's authority to issue cease and desist notices for unlicensed activity, and the process for issuing notices. Mr. Darden explained the differences between the higher standard of evidence needed for criminal cases involving unlicensed activity, compared to the standard required for regulatory cases involving violations of licensing regulations; and explained the considerations involved in making a decision as to whether to issue a cease and desist notice.

**Discussion on  
Statutory Authority  
and DPOR Policy  
Regarding the  
Issuing of Cease and  
Desist Orders**

Ms. Pruett and Mr. Fore thanked Mr. Darden for his time and information.

Ms. Broz Vaughan thanked Mr. Darden for his continued work on this legally complicated matter and advised that DPOR would continue to work with other agencies on ways to prevent unlicensed activity.

Ms. Lindsey asked the Board to consider a guidance document allowing licensees to receive continuing professional education (CPE) credit for attending a Board meeting. Board staff included several recommendations, including that CPE credit can be given for a maximum of seven (7) contact hours for attending a meeting, and only for one meeting per license cycle. After discussion, Mr. Fore moved to adopt a guidance document incorporating staff recommendations for allowing licensees to receive CPE credit for attending a Board meeting. After further discussion, Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, and Staples. Ms. Lindsey advised that the guidance document will be published for a 30-day public comment period, after which it will become effective.

**Discussion of CPE  
Credit for Board  
Meeting Attendance**

Ms. Lindsey reminded the Board that temporary waivers of certain regulations pursuant to Executive Order 51 in response to COVID-19 remain in place. Ms. Lindsey advised that the temporary waivers will be extended until the 30th day after the date by which

**DPOR Updates as it  
Relates to COVID-  
19 Response**

the state of emergency is lifted. Board staff is working to get notice to licensees that the 30 day extension will have a hard deadline for those who have not renewed their license during the state of emergency.

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

**Board Financial Statements**

Ms. Lindsey updated the Board on recent and upcoming outreach opportunities. Ms. Lindsey advised that the Virginia Tech Short School will be held virtually this year.

**Update on Outreach Opportunities**

Ms. Pruett shared with the Board that she had received an inquiry regarding CPE requirements from a National Guardsman who was preparing for deployment. Ms. Lindsey advised that licensing provisions for active members of the military could be found in the Code of Virginia and she would provide specific information to Ms. Pruett after the meeting.

Discussion was held on outreach and education opportunities involving VDH staff, including VDH staff that hold DPOR licenses, as well as Department of Environmental Quality staff, and other state and local agencies. The Board suggested inviting a VDH representative to present to the Board regarding permitting requirements and processes, including any practices for ensuring compliance with DPOR-related regulations as well as the coordination between local health departments and VDH headquarters. During the discussion, Mr. Roadcap referenced a VDH policy that has been in place since 2010 regarding VDH verifying licensure of DPOR regulants for work submitted to VDH.

Ms. Lindsey presented the Board with tentative Board meeting dates for 2022 for consideration. Mr. Fore moved to accept the following meeting dates:

**Consider 2022 Meeting Dates**

- January 27, 2022
- April 21, 2022
- July 14, 2022
- October 27, 2022

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

Ms. Lindsey asked the Board for guidance on 18VAC160-40-170. F. which currently states, “No individual shall act as an alternative onsite sewage system operator of an alternative onsite sewage system that exceeds 10,000 gallons per day design flow without possessing a Class 4 or higher wastewater works operator license in addition to an alternative onsite sewage system operator license.” The Board’s previous consensus was that one individual must hold both an alternative onsite sewage system operator license and a Class 4 or higher wastewater works operator license in order to operate an alternative onsite sewage system that exceeds 10,000 gallons per day, and two individuals would not meet the licensing requirement by partnering with each other. However, there are a limited number of individuals who hold both licenses, making it difficult for either alternative onsite sewage system operators or Class 4 or higher wastewater works operators to comply with this regulation. After discussion, Mr. Roadcap moved that staff draft a guidance document stipulating that a licensed alternative onsite sewage system operator and a licensed Class 4 or higher wastewater works operator may work together to operate, and be equally responsible for, an alternative onsite sewage system that exceeds 10,000 gallons per day design flow. The Board will consider the guidance document at its next meeting. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, and Staples.

**Other Business**

Ms. Lindsey reminded the Board that the next scheduled meeting date is July 8, 2021, and advised that the meeting will be tentatively planned as in-person.

**Future Meeting Dates**

Ms. Lindsey advised the Board that Board member Caleb Taylor did attempt to join the meeting but had technical difficulties.

**Other Business Continued**

Mr. Staples reiterated that VA Tech Short School will be held virtually this year, with a combination of pre-recorded and live sessions.

Mr. Roadcap shared that VDH waterworks regulations have been approved by the Governor and will be published to the Virginia Register in the coming weeks. The regulations should become effective in June.

Ms. Pruitt reminded the Board members to complete and return their electronic conflict of interest forms.

**Complete Conflict of Interest Forms**

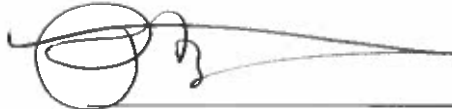
Ms. Webster advised the Board that she contacted ABC regarding issues with online exam scheduling for those re-taking the exam

**Examination Scheduling Update**

discussed earlier in the meeting. ABC stated that this was a system-wide issue that they are working to correct.

Ms. Webster also advised that the DPOR website has been updated to reflect Johnson City, TN and Salisbury, MD as PSI testing sites available for exam candidates.

There being no further business, the meeting was adjourned at 12:21 Adjourn  
p.m.



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Pamela M. Pruett, Chair



Mary Broz-Yaughan, Secretary



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

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

1. Name: James N. Brockwell  
2. Title: Board Member  
3. Agency: WWWOSSP Board  
4. Meeting/IFF Date: Board Meeting April 29, 2021

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

4/29/21  
Date

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

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

1. Name: Rosa-Lee Cooke
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 29, 2021
5. I have a personal interest in the following transaction:

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Nature of Personal Interest Affected by Transaction:

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

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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.

*Rosa-lee Cooke*

Digitally signed by Rosa-lee  
Cooke  
Date: 2021.04.29 10:02:42 -0400'

Signature

4/29/2021

Date

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

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

1. Name: Erica Duncan
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 29, 2021

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

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Nature of Personal Interest Affected by Transaction:

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

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- 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

\_\_\_\_\_  
Date

Signature:   
Erica Duncan (Apr 29, 2021 17:09 EDT)

Email: elowe17@gmail.com

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

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

1. Name: W. Jordan Evans
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 29, 2021

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

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Nature of Personal Interest Affected by Transaction:

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

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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.

*Jordan Evans*

Signature

4/29/21

Date

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

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

1. Name: John Ewing
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 29, 2021
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:

ODO, Inc ; VOWRA ; Dirt Dns LLC

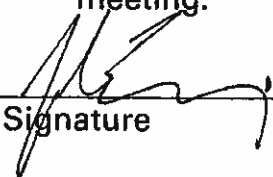
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

Signature



Date

4/29/2021

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

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

1. Name: Thomas Wayne Fore
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 29, 2021

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

\_\_\_\_\_  
Date

Signature: Thomas Fore  
Thomas Fore [Apr 29, 2021 17:02 EDT]

Email: twfore@altavistava.gov

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

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

- 1. Name: Pamela M. Pruet
- 2. Title: Board Member
- 3. Agency: WWWOSSP Board
- 4. Meeting/IFF Date: Board Meeting April 29, 2021

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.

Pamela M. Pruet  
Signature

4/29/2021  
Date

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

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

1. Name: Dwayne Roadcap
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 29, 2021
5. I have a personal interest in the following transaction:  
N/A
- 
- 

Nature of Personal Interest Affected by Transaction:  
N/A

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

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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.

Dwayne Roadcap

Signature

Digitally signed by Dwayne Roadcap  
DN: cn=Dwayne Roadcap, ou=Virginia Department of Health, ou=Office of  
Drinking Water, email=Dwayne.Roadcap@vdh.virginia.gov, c=US  
Date: 2021.04.29 10:46:33 -0400

4/29/21

Date



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

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

1. Name: Donald Wayne Staples  
2. Title: Board Member  
3. Agency: WWWOSSP Board  
4. Meeting/IFF Date: Board Meeting April 29, 2021

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

\_\_\_\_\_  
Date

Signature: Donald Wayne Staples  
Donald Wayne Staples (Apr 29, 2021 14:32 EDT)

Email: wayne.staples@deq.virginia.gov