

**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 met on July 8, 2021, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

James N. Brockwell
Erica Duncan
W. Jordan Evans
John Ewing
Thomas Wayne Fore, Vice-Chair
Pamela M. Pruett, Chair
Don Riggleman
D. Wayne Staples
Caleb Taylor

Board members Rosa-Lee Cooke and Dwayne Roadcap were not present at the meeting.

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

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

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

Ms. Pruett, Chair, finding a quorum of the Board present, called the meeting to order at 9:30 a.m. **Call to Order**

Ms. Lindsey advised the Board of emergency evacuation procedures. **Emergency Evacuation Procedures**

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

Mr. Fore moved to approve the minutes of the April 29, 2021, Board meeting as presented. Mr. Riggleman seconded the motion which **Approval of Minutes**

was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

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

**Public Comment
Period**

In the matter of **File Number 2021-00646, Avis Kaye Purrington**, 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. Fore moved to accept the recommendation of the Presiding Officer and approve Ms. Purrington's application for a Class 1 Waterworks Operator license, and the request for waiver of the examination requirement. Mr. Staples seconded the motion. After discussion, the motion was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

**File Number 2021-
00646, Avis Kaye
Purrington**

In the matter of **File Number 2021-00698, Tywan Eugene Turner, 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. Mr. Staples moved to accept the recommendation of the Presiding Officer and approve Mr. Turner's application for a Class 4 Waterworks Operator license. Mr. Evans seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

**File Number 2021-
00698, Tywan
Eugene Turner**

In the matter of **File Number 2021-00783, Matthew Gene Cox**, 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. Ewing moved to accept the recommendation of the Presiding Officer and approve Mr. Cox's application for a Conventional Onsite Sewage System Operator Journeyman license. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

**File Number 2021-
00783, Matthew
Gene Cox**

In the matter of **File Number 2021-01070, Sabrina Latasha Pertilla**, 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. Fore moved to accept the recommendation of the Presiding Officer and approve Ms. Pertilla's application for a Class 4 Wastewater Works Operator license. Mr. Riggleman seconded the motion which was unanimously approved by:

**File Number 2021,
01070, Sabrina
Latasha Pertilla**

Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Riggleman, Staples, and Taylor.

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

Regulatory Action Update

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.

The guidance document regarding WWOSSP licensees earning continuing professional education (CPE) credit for attending WWOSSP Board meetings adopted by the Board on April 29, 2021, became effective on June 24, 2021, following the required public comment period. No comments were received.

Ms. Pettus provided an update on the 2021 waterworks operator CPE audit. The audit began on June 1, 2021, based on a random selection of 5% of current licensees.

WVO 2021 CPE Audit Report

Discussion was held on the percentage of licensees audited, as well as whether completion of CPE is correlated to minimum competency.

Ms. Lindsey provided the Board with waterworks and wastewater works examination statistics from January 1, 2017, through June 24, 2021, and onsite examination statistics from January 1, 2017, to June 24, 2021, for informational purposes.

Examination Statistics Report

Discussion was held on the differences between Class 4 waterworks operator statistics and Class 4 wastewater works statistics.

Ms. Lindsey provided the Board with information on the composition of various DPOR regulatory boards to aid in the discussion regarding adding seats to the Board in order to offer more representation of the various license types within the Onsite Sewage Systems Professionals (OSSP) industry, and to provide expertise

Discussion of Legislative Proposal to Add OSSP Representation to the Board.

during the Board's consideration of disciplinary matters involving OSSP licensees. Board members in OSSP seats are often unavailable to assist the Board in considering or voting on these disciplinary matters because they are often recused from these matters based on their participation in the technical review and informal fact-finding stages of the complaint process. Because the OSSP licensure program began in 2008, there are very few former Board members who could participate in IFFs or technical review.

Discussion was held on possible categories of representation to add to the Board. After discussion, Mr. Ewing moved to authorize staff to propose a legislative item, to be considered during the 2022 General Assembly session, which would add a seat to the Board for a local or regional representative of Virginia Department of Health (VDH), and a professional engineer seat to the Board. Mr. Staples seconded the motion. After lengthy discussion, Mr. Ewing withdrew the motion. Mr. Staples withdrew the second.

After further discussion, Ms. Pruett moved to table the topic for one year, during which time the Board will assess the need for additional OSSP representation. Mr. Riggleman seconded the motion. After additional discussion, the motion was approved by: Brockwell, Duncan, Evans, Ewing, Pruett, Riggleman, Staples, and Taylor. Mr. Fore opposed. The motion passed by majority vote.

Ms. Lindsey provided the Board with information on the recent legalization of marijuana as it relates to criminal convictions reviewed by the Board. Applicants are no longer required to disclose any marijuana-related misdemeanors; however, applicants with a record of marijuana-related felonies will continue to have their applications reviewed by the Board. Ms. Broz-Vaughan advised the Board that application forms will be amended to reflect the change.

**Discussion of
Marijuana
Legalization as it
Relates to Criminal
Convictions**

Ms. Lindsey advised the Board that the Governor's emergency declaration order (Executive Order 51) in response to COVID-19 will expired on June 30, 2021. Accordingly, all waivers authorized by the Director will also be expiring. Ms. Lindsey advised the Board of temporary waivers of certain regulations pursuant to Executive Order 51 in response to COVID-19, particularly 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 July 31, 2021. The Department has communicated these updates to those who may be impacted. In addition, the granting of an additional hour of CPE for course instructors converting in-person training to online or virtual training expired on June 30, 2021.

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

Ms. Lindsey advised the Board that in order to comply with public health emergency recommendations, the agency remains closed to the public and staff scheduling adjustments have been made; however, the agency will open to the public on August 2, 2021, and regular office and call center hours will resume.

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

Board Financial Statements

Ms. Lindsey advised the Board of recent and upcoming outreach opportunities. Ms. Lindsey advised that due to COVID-19, the pilot program allowing water and wastewater operator exam candidates to take the exam during Virginia Tech's Short School remains on hold, as the Short School will be held virtually again this year.

Update on Outreach Opportunities

Mr. Staples advised the Board that WaterJam will take place in-person in September.

Ms. Lindsey advised the Board that a general review of the Onsite Sewage System Professionals Licensing Regulations is expected to begin in the fall. Ms. Lindsey also advised the onsite sewage system professionals experience verification forms are being updated per the recommendation of the Onsite Sewage System Professionals Committee that met earlier this year.

Other Business

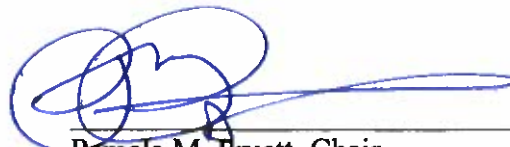
Ms. Lindsey shared with the Board that Ms. Pettus has been promoted to Board Administrator.

Ms. Pruett reminded the Board members to complete and return their conflict of interest forms and travel vouchers, and to take note of future meeting dates.

Complete Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting was adjourned at 11:31 a.m.

Adjourn



Pamela M. Pruett, Chair



Mary Broz-Vaughan, 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: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting July 8, 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:

 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

7-8-21
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 July 8, 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.

Erica M. Duncan
Signature

7-8-2021
Date

**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: WWWOOSSP Board
- 4. Meeting/IFF Date: Board Meeting July 8, 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.

W. Jordan Evans
Signature

7/8/21
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: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting July 8, 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:

VAWRA, VEHA, ODO, Inc, DirtDwell

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

7/8/21
Date

**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: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting July 8, 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.

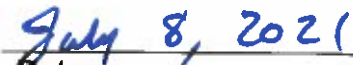
or

I did not participate in the transaction.

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



Signature



Date

**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: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting July 8, 2021

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

none

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

7/8/21
Date

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

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

1. Name: Don Riggleman
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting July 8, 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:

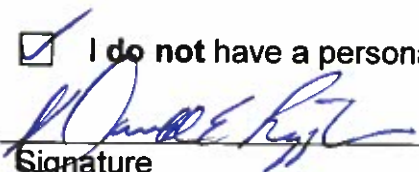
I am able to participate in this transaction fairly, objectively, and in the public interest.

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

7-8-21

**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: WWWOOSSP Board
- 4. Meeting/IFF Date: Board Meeting July 8, 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.

Donald Wayne Staples
Signature

7/8/21
Date

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

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

1. Name: Caleb Taylor
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting July 8, 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.

Caleb H. Taylor
Signature

7/8/2021
Date