

**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 April 19, 2018, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members of the Board were present:

James N. Brockwell
Rosa-Lee Cooke
W. Jordan Evans, Chair
John Ewing
Thomas Wayne Fore
D. Perry Greene
Kristen Lentz
Pamela M. Pruett
Dwayne Roadcap
D. Wayne Staples, Vice-Chair
Richard C. Wadkins

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

Jay W. DeBoer, Director
Trisha L. Henshaw, Executive Director
Paul G. Saunders, Board Administrator
Tanya M. Pettus, Administrative Assistant

Anna Birkenheier from the Office of the Attorney General was present.

Mr. Evans, Chair, called the meeting to order at 9:01 a.m.

Call to Order

Ms. Henshaw advised the Board of emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Ms. Henshaw advised the Board of amendments to the agenda. Mr. Fore moved to approve the agenda as amended. Ms. Pruett seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Roadcap, Staples, and Wadkins.

**Approval of
Agenda**

Mr. Fore moved to approve the minutes of the January 22, 2018, Education and Training Committee meeting as presented. Mr. Staples seconded the motion which was unanimously approved by:

**Approval of
Minutes**

Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Roadcap, Staples, and Wadkins.

Mr. Fore moved to approve the minutes of the January 23, 2018, Board meeting as presented. Mr. Greene seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Roadcap, Staples, and Wadkins.

Ms. Henshaw introduced to the Board Dwayne Roadcap, who is the Director of the Office of Drinking Water at the Virginia Department of Health (VDH) and, as such, serves as a member of the Board.

Introduction of New Board Member and Staff

Ms. Henshaw introduced to the Board Anna Birkenheier from the Office of the Attorney General.

Joel Pinnix, PE, AOSSO, was present to address the Board. Mr. Pinnix provided the Board with a handout containing his concerns regarding a report prepared by VDH resulting from SB 1577. Mr. Pinnix expressed his concern over the accuracy of statements contained in the report. Mr. Pinnix asked that the Board confer with VDH to adjust the language in the VDH report in order to put the findings in a proper context.

Public Comment Period

Mr. Fore recused himself from the meeting for discussion and deliberations on File Number 2017-02750 and File Number 2017-03095.

Recusal of Board Member

In the matter of **File Number 2017-02750, Jason Price Turner**, the Board members reviewed the Consent Order, which imposed monetary penalties totaling \$100.00, and Board costs of \$150.00. In addition, Mr. Turner agrees to complete at least six hours of continuing professional education (CPE) pertaining to laws and regulations applicable to wastewater works operators and provide proof of completion of the CPE within six months of the effective date of the Consent Order. Ms. Lentz moved to accept the terms of the Consent Order as presented. Ms. Pruett seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Greene, Lentz, Pruett, Roadcap, Staples, and Wadkins.

File Number 2017-02750, Jason Price Turner

In the matter of **File Number 2017-03095, John Edward Youngk**, the Board members reviewed the Consent Order, which imposed Board costs of \$150.00. In addition, Mr. Youngk agrees to complete at least sixteen contact hours of CPE limited to content covered by the Board's Class 4 Waterworks Operator examination and provide proof of completion of the CPE within 90 days of the

File Number 2017-03095, John Edward Youngk

effective date of the Consent Order. Mr. Staples moved to accept the terms of the Consent Order as presented. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Greene, Lentz, Pruett, Roadcap, Staples, and Wadkins.

Mr. Fore returned to the meeting.

Return of Board Member

Mr. Wadkins recused himself from the meeting for discussion and deliberations on File Number 2018-00353.

Recusal of Board Member

In the matter of **File Number 2018-00353, Sahng Gun Shim**, the Board members reviewed the Consent Order, which imposed Board costs of \$150.00. In addition, Mr. Shim agrees to a two year probation period of his license beginning on the effective date of the Consent Order.

File Number 2018-00353, Sahng Gun Shim

Mr. Shim's attorney, Ryan Young, was present to address the Board. Mr. Young advised the Board that he and Mr. Shim support the terms of the Consent Order and asked the Board to accept the terms of the Consent Order as presented.

Ms. Lentz moved to accept the terms of the Consent Order as presented. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Roadcap, and Staples.

Mr. Wadkins returned to the meeting.

Return of Board Member

In the matter of **File Number 2018-00788, Victor J. Wilson**, 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 Mr. Wilson's application for a Class 4 Wastewater Works Operator license contingent upon completion of the Department of Corrections (DOC) Wastewater Works Operator Class 4 Apprenticeship Program, meeting all entry requirements contained in the Board's regulations, and passing the applicable examination. Mr. Greene seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Roadcap, Staples, and Wadkins.

File Number 2018-00788, Victor J. Wilson

In the matter of **File Number 2018-01622, Karl Charles Frederick**, the Board members reviewed the record which

File Number 2018-01622, Karl Charles

consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

Frederick

Mr. Frederick's attorney, Standish Alexander, was present to address the Board. Mr. Alexander advised the Board of the losses Mr. Frederick suffered as a result of actions taken against him by an unrelated licensing Board in Maryland. Mr. Alexander stated that Mr. Frederick enjoys being a wastewater works operator and has received good evaluations from his current employer. Mr. Alexander supports the recommendation to approve Mr. Frederick's license.

Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Frederick's application for a Class 4 Wastewater Works Operator license. Mr. Greene seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Roadcap, Staples, and Wadkins.

In the matter of **File Number 2018-01626 Antoine Duron Lattimore**, 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. Lattimore's application for a Class 2 Waterworks Operator license. Mr. Brockwell seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Roadcap, Staples, and Wadkins.

File Number 2018-01626, Antoine Duron Lattimore

Discussion was held on the types of criminal offenses that would prevent the Board from approving licensure. Mr. DeBoer advised the Board of the criminal history evaluation process provided by statute.

Ms. Henshaw and Mr. DeBoer provided an update of 2018 legislation affecting the Board for informational purposes.

2018 Legislation Update

House Bill 885 would clarify that the Board of Health shall have supervision and control over the maintenance, inspection, and reuse of conventional onsite sewage systems as well as alternative onsite sewage systems. This bill has been continued to 2019.

House Bill 887 would expand the definition of maintenance to allow operators to perform some work previously only allowed by installers.

House Bill 888 would direct VDH to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department. The bill provides specific requirements and a timeline for such elimination.

House Bill 883 would establish a regulatory reform pilot program to reduce regulatory requirements by 25% over the next three years. The pilot program will focus, in part, on DPOR.

The Board recessed from 9:50 a.m. to 10:01 a.m.

Ms. Henshaw provided the Board with examination statistics through April 4, 2018 for informational purposes. Ms. Henshaw also provided the Board with yearly totals of examination statistics from 2010 to 2018.

Ms. Henshaw asked the Board to consider whether secondary degrees in appropriate subjects could be used in lieu of the required Board-approved training course hours for onsite sewage system operator and installer applicants. Because the Board has received a limited number of training course applications for approval in subjects that are specific to onsite operators and installers, applicants may have difficulty meeting the Board-approved training course requirements. After discussion, Mr. Fore moved to authorize staff to draft a guidance document stating that the Onsite Sewage System Professionals Licensing Regulations provide options for entry that include completion of 10 to 20 hours of education approved by the Board covering the basics of operation and installation, as applicable to the license being sought, of onsite sewage systems. Applicants seeking to qualify under 18VAC160-40-130.1 or 18VAC160-40-130.3 (master conventional onsite sewage system installer); 18VAC160-40-160.2 or 18VAC160-40-160.3 (master alternative onsite sewage system installer); 18VAC160-40-190.2 (master conventional onsite sewage system operator); 18VAC160-40-210.1 (journeyman alternative onsite sewage system operator); and 18VAC160-40-220.1 or 18VAC160-40-220.3 (master alternative onsite sewage system operator) may substitute the "Education Required" pursuant to the respective regulation with an acceptable degree as provided in 18VAC160-40-280.

The applicant must meet all other requirements of the Board, including appropriate documentation of qualifying experience. Board staff may request additional information from the applicant to confirm the education component has been satisfied and all eligibility criteria has been met. Mr. Brockwell seconded the motion which was unanimously approved by: Brockwell, Cooke,

Recess

**Examination
Statistics Report**

**Request for
Guidance Regarding
Qualifying for
Licensure with Post-
secondary Courses
in Lieu of Board-
approved Installer
and Operator
Training Courses**

Evans, Ewing, Fore, Greene, Lentz, Pruett, Roadcap, Staples, and Wadkins.

Ms. Henshaw asked the Board for clarification regarding use of work pursuant to 18VAC160-40-490 of the Board's onsite sewage system professionals' licensing regulations. Because information that has been filed with VDH becomes public record, Ms. Henshaw asked the Board to consider whether a licensed onsite soil evaluator (OSE) may obtain and use information from VDH that has been previously filed by another licensed OSE without written permission from the original filing OSE. After discussion, the Board agreed by consensus that information obtained from VDH does not require written permission from the original filing OSE as this information is public record; however, as stated in 18VAC160-40-490, the OSE who uses the previously filed work is ultimately held responsible for the finished work as a whole.

**Discussion of
18VAC160-40-490,
Licensee
Responsibility**

Ms. Henshaw asked the Board to consider whether the DOC Apprenticeship Program may administer exams for licenses other than the Class 4 Wastewater Works Operator license. The Memorandum of Understanding (MOU) between DOC and DPOR has recently been revised due to the Board's adoption of the ABC standardized exam. Before signing the revised MOU, DOC has requested the Board consider modifying the MOU to include all waterworks and wastewater works operator examinations, to be administered by designated DOC staff members. After discussion, Mr. Fore moved to allow DOC to administer exams for Class 1-4 wastewater works operator licenses. In addition, the completed and signed MOU will be presented to the Board for review. Ms. Cooke seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Roadcap, Staples, and Wadkins.

**Discussion of
Examinations
Administered Under
the DOC
Apprenticeship
Program**

After further discussion, Mr. Fore moved to authorize staff to move forward with including stakeholders in the decision to allow DOC to provide waterworks operator exams, and requested that DOC provide thorough information regarding safety compliance within the apprenticeship program and the process by which inmates are chosen to participate in the program. Ms. Pruett seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Roadcap, Staples, and Wadkins.

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

**Update on Outreach
Opportunities**

Ms. Henshaw advised the Board that the transition to the 2017

Other Business

ABC standardized exam will begin June 1, 2018, with transition beginning on July 1, 2018, for DOC Apprenticeship Program applicants.

Ms. Henshaw reminded the Board of the newly implemented process of distributing meeting agendas via flash drive, and asked that Board members return their flash drives to staff before leaving the meeting.

The following meeting dates have been scheduled:

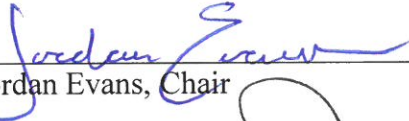
- July 26, 2018
- October 25, 2018

Future Meeting Dates

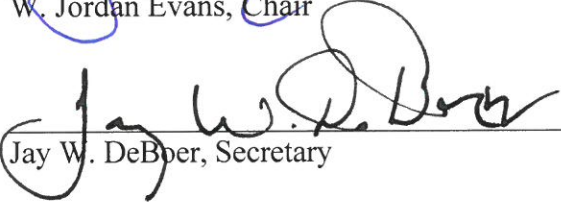
Mr. Evans reminded Board members to complete their conflict of interest forms and travel vouchers.

Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting was adjourned at **Adjourn** 11:33 a.m.



W. Jordan Evans, Chair



Jay W. DeBoer, 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 19, 2018

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

4/19/18

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 19, 2018

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.

Rosa-lee Cooke
Signature

4/19/18
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: WWWOSSP Board
- 4. Meeting/IFF Date: Board Meeting April 19, 2018

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

Nature of Personal Interest Affected by Transaction:

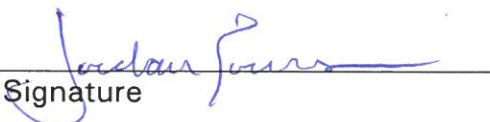
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

4/19/2018
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 19, 2018

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:

Volusia ODO, Inc.

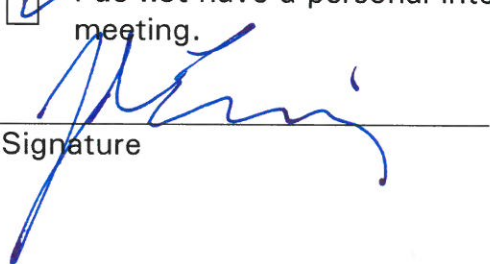
I am able to participate in this transaction fairly, objectively, and in the public interest.

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

4/19/18

**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 19, 2018

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: Douglas Perry Greene
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 19, 2018

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 P. Greene
Signature

4-19-18
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 April 19, 2018

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:

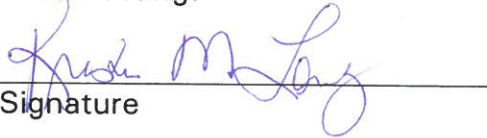
I am able to participate in this transaction fairly, objectively, and in the public interest.

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

4/19/18

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Pamela M. Pruett
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 19, 2018

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

4/19/18

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 19, 2018

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

Nature of Personal Interest Affected by Transaction:

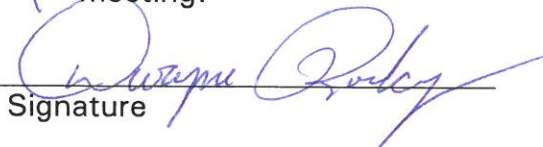
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

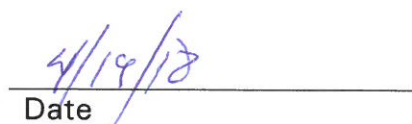
I am able to participate in this transaction fairly, objectively, and in the public interest.

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: Donald Wayne Staples
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 19, 2018

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

4/19/18
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Richard C. Wadkins
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting April 19, 2018

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

File # 2018-00353 Sapng Gun Shim

Nature of Personal Interest Affected by Transaction:

Consultation re: consent order

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.

Richard C. Wadkins
Signature

4/19/2018
Date