#### 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 October 25, 2018, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, 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 Don Riggleman D. Wayne Staples, Vice-Chair

Board member Dwayne Roadcap was not present at the meeting.

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

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

Elizabeth Peay from the Office of the Attorney General was present.

Mr. Evans, Chair, called the meeting to order at 9:33 a.m.

Call to Order

Ms. Henshaw advised the Board of emergency evacuation Emergency procedures.

Evacuation **Procedures** 

Ms. Henshaw introduced to the Board newly appointed Board member Don Riggleman, who will serve as a representative of a wastewater works owner.

Introduction of New **Board Member** 

Mr. Fore moved to approve the agenda as presented. Mr. Staples Approval of seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett,

Agenda

Riggleman, and Staples.

Mr. Fore moved to approve the minutes of the July 26, 2018, Education and Training Committee meeting as presented. Ms. Pruett seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples. Mr. Fore then moved to approve the minutes of the July 26, 2018 Board meeting as presented. Ms. Pruett seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

Approval of Minutes

There were no members of the public present to address the Board on matters other than the case files to be presented.

Public Comment Period

In the matter of **File Number 2018-01361**, **Jeffery Allen Neff**, the Board members reviewed the Consent Order, which imposed a monetary penalty of \$100.00, and Board costs of \$150.00. In addition, the monetary penalty of \$100.00 is waived upon Mr. Neff agreeing to revocation of his license. 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, Riggleman, and Staples.

File Number 2018-01361, Jeffery Allen Neff

Mr. Ewing recused himself from the meeting for discussion and deliberation of File Number 2018-01382.

Recusal of Board Member

In the matter of **File Number 2018-01382**, **Burgess Lee Cubbage**, the Board members reviewed the Consent Order, which imposed a monetary penalty of \$100.00, and Board costs of \$150.00. In addition, the monetary penalty of \$100.00 and Board costs of \$150.00 are waived upon Mr. Cubbage agreeing to the voluntary surrender of his license. Mr. Fore moved to accept the terms of the Consent Order as presented. Ms. Pruett seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

File Number 2018-01382, Burgess Lee Cubbage

Mr. Ewing returned to the meeting.

Return of Board Member

In the matter of File Number 2018-03089, Jose Rolando Noriega, 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.

File Number 2018-03089 Jose Rolando Noriega

Mr. Noriega was present to answer any questions from the Board.

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

In the matter of File Number 2018-03109, Michael Christopher Thompson, 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.

File Number 2018-03109 Michael Christopher Thompson

Mr. Thompson was present to address the Board and asked the Board to allow him the opportunity to better himself and his family. Mr. Thompson stated he is not the same person he used to be and has learned a lot from his years of work experience.

Sandra Gentry of Chesterfield, VA was present to address the Board. Ms. Gentry stated that Mr. Thompson began working for her husband in 2005, and that Mr. Thompson learned strict ethical and procedural standards from her husband. In addition, Ms. Gentry stated that Mr. Thompson has been her tenant for seven years and has taken very good care of her and her property. Ms. Gentry relayed that she trusts Mr. Thompson implicitly.

Mr. Thompson's spouse, Karianne Thompson, was also present to address the Board. Mrs. Thompson stated that Mr. Thompson has always wanted to work as a sewage system professional and that he is happiest when doing this type of work. Mrs. Thompson asked the Board to allow Mr. Thompson the opportunity to pursue his dream of one day owning his own business.

Ms. Pruett moved to accept the recommendation of the Presiding Officer and approve Mr. Thompson's application for an Alternative Onsite Sewage System Installer license. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

In the matter of File Number 2018-03297, Aaron Wesley Darden, 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. Darden'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

File Number 2018-03297, Aaron Wesley Darden

requirements contained in the Board's regulations, and passing the applicable examination. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

In the matter of **File Number 2018-03298, Landon Neil Motley**, 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. Motley'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, Riggleman, and Staples.

File Number 2018-03298, Landon Neil Motley

In the matter of **File Number 2019-00098**, **James Stanley Walls**, **Jr.**, 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. Walls' application for a Master Conventional Onsite Sewage System Operator license. Mr. Greene seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

File Number 2019-00098, James Stanley Walls, Jr.

In the matter of File Number 2019-00099, James Stanley Walls, Jr., 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. Walls' application for a Master Conventional Onsite Sewage System Installer license. Mr. Brockwell seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

File Number 2019-00099, James Stanley Walls, Jr.

In the matter of **File Number 2019-00261, David Thomas Bittner**, 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.

File Number 2019-00261, David Thomas Bittner

Mr. Bittner was present to answer any questions from the Board.

Mr. Fore moved to accept the recommendation of the Presiding

Officer and approve Mr. Bittner'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, Riggleman, and Staples.

In the matter of **File Number 2019-00527**, **Alex Eugene Wilson**, **Jr.**, 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.

File Number 2019-00527, Alex Eugene Wilson, Jr.

Mr. Staples disclosed to the Board that he knew Mr. Wilson, as Mr. Wilson has attended classes at the Department of Environmental Quality (DEQ). Mr. Staples stated that he was able to vote fairly on the application file and would not have to recuse himself.

Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Wilsons's application for a Class 3 Wastewater Works Operator license. Ms. Lentz seconded the motion. After discussion the motion was approved by: Brockwell, Cooke, Evans, Fore, Greene, Riggleman, and Staples. Ewing, Lentz, and Pruett voted in opposition of the motion. The motion passed by majority vote.

In the matter of **File Number 2019-00571, Andrew Jovi Scott**, 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. Scott's application for a Class 4 Wastewater Works Operator license contingent upon completion of the 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, Riggleman, and Staples.

File Number 2019-00571, Andrew Jovi Scott

In the matter of File Number 2018-02382, Jamie Lee Shifflett, 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. Ms. Pruett moved to accept the recommendation of the Presiding Officer and approve Mr. Shifflett's application for a Class 3 Wastewater Works Operator license contingent upon completion of the DOC Wastewater Works Operator Class 3 Apprenticeship Program, meeting all entry requirements contained

File Number 2018-02382, Jamie Lee Shifflett

in the Board's regulations, and passing the applicable examination. Ms. Cooke seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

Mr. Brockwell recused himself from the meeting for discussion and deliberation of File Number 2019-00134.

Recusal of Board Member

In the matter of **File Number 2019-00134**, **Stephen Daniel Dalton**, 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. Dalton's application for a Master Alternative Onsite Sewage System Operator license. Ms. Cooke seconded the motion which was unanimously approved by: Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

File Number 2019-00134, Stephen Daniel Dalton

Mr. Brockwell returned to the meeting.

Return of Board Meeting

Ms. Henshaw advised the Board that amendments to the Onsite Sewage System Professional (OSSP) Licensing Regulations as a result of the passage of House Bill 887, which expands the definition of maintenance to allow operators to perform some work previously only allowed by installers, became effective on September 19, 2018.

Update on Regulatory Actions

Discussion was held on the differences in localities' work and permit requirements, as allowed by HB 887, and whether complaints from localities against licensees would be under the purview of the Board.

Mr. Saunders provided an update on onsite sewage system professionals CPE audits. The audits began on June 5, 2018, based on a random selection of 5% of current licensees.

OSSP CPE Audit
Report

Ms. Henshaw provided the Board with examination statistics through October 9, 2018, for informational purposes.

**Examination Statistics Report** 

Ms. Webster advised the Board that ABC will transition to a 2019 standardized exam effective June 30, 2019, for waterworks operator applicants classes 1-6, and wastewater works operator applicants classes 5 and 6 will not be affected. After discussion, Mr. Fore moved to authorize staff to form a committee of subject matter experts (SME) to review

questions on the ABC 2019 standardized exam prior to the exam's implementation, and to delay implementation until June 2019. Ms. Pruett seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

Board members Cooke, Fore, and Staples volunteered to serve as SMEs on the committee.

Mr. Saunders presented the Board with a training course application from Virginia Western Workforce Development Services for a course titled *Using the ABC Wastewater Treatment Formula Table*. Mr. Fore moved to accept the Education and Training Committee's recommendation and approve the course application, retroactive to March 5, 2018, and going forward, for a total of 1.8 training credits. Ms. Cooke seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples.

Update on
Education and
Training Committee

Discussion was held on the status of examination statistics for onsite sewage system professionals. Ms. Webster advised the Board that the most recent report includes statistics from the OSSP exam updated on July 25, 2018, which contains content previously reviewed by SMEs. Ms. Webster stated that PSI is looking to add new content to the exam, and is planning SME review of the new content prior to implementation in early 2019.

Examination Statistics Report

Jermaine Niblett and Lyell Jett, representatives of DOC, presented the Board with information requested by the Board at its July 26, 2018, wherein Mr. Niblett and Mr. Jett asked the Board to consider authorizing a waterworks operator apprenticeship program to mirror the current DOC wastewater works operator apprenticeship program. Discussion was held on the following topics:

Review of Board
Requested
Information from
the DOC
Apprenticeship
Program

- recidivism rates throughout the Commonwealth compared to the recidivism rate of those enrolled in the program;
- statistics on removal from the program; and,
- types of crime that would disqualify a participant from the program.

The Board recessed for a fire drill from 10:30 a.m. to 10:56 a.m.

Discussion continued on authorizing a DOC waterworks operator apprenticeship program. The Board agreed by consensus that current participants are able to accumulate training credit hours; however, DOC may not administer waterworks exams until final Board approval. In order for the Board to approve the program, a completed Memorandum of Understanding (MOU) must be

#### Recess

Continue Review of
Board Requested
Information from
the DOC
Apprenticeship
Program

submitted to the Board by the DOC. After discussion, Ms. Pruett moved to recommend language for the MOU. After further discussion, Ms. Pruett withdrew the motion. The Board agreed by consensus to review the MOU at its January 29, 2019 Board meeting if the MOU is ready to submit for approval at that time.

Mr. Staples presented Mr. DeBoer with a plaque commemorating DPOR's 15 years of participation in the Wastewater Operator's Short School at Virginia Tech.

Discussion of
Participation in
Wastewater
Operator's Short
School at Virginia
Tech

Ms. Henshaw advised the Board that Jason Spicer, Training Manager with DEQ, was nominated for and named to the ABC Board of Directors representing Virginia.

News from ABC
Regarding Board of
Directors and
Awards

Ms. Henshaw provided the Board with the nomination for Dr. Gregory Boardman submitted to ABC for consideration of a national award in honor of Dr. Boardman's 35 years of commitment to the advancement of the skills of practicing and aspiring operators. The winner of the award will be announced at ABC's 2019 Innovation in Certification conference in Savannah, GA.

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

**Update on Outreach Opportunities** 

Ms. Henshaw opened the floor for annual nominations of the Board Chair. Mr. Staples moved to nominate Mr. Evans. Mr. Evans accepted the nomination. Mr. Fore seconded the motion, which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples. By acclamation, Mr. Evans was named Board Chair.

**Election of Officers** 

Mr. Evans opened the floor for annual nominations of Board Vice-Chair. Mr. Greene moved to nominate Mr. Staples. Ms. Pruett seconded the motion, which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Lentz, Pruett, Riggleman, and Staples. By acclamation, Mr. Staples was named Board Vice-Chair.

Ms. Henshaw provided the Board with the most recent financial statements and advised that financial statements will be reviewed at each Board meeting going forward.

**Other Business** 

Ms. Henshaw and Mr. DeBoer updated the Board on the status of the reduction of agency regulations by 25% as required by House

Bill 883.

Mr. Fore stated his appreciation for Ms. Henshaw and Board staff, and for the outreach and education DPOR provides to the community.

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

Forms and Travel Vouchers

There being no further business, the meeting was adjourned at Adjourn 11:29 a.m.

1.	Name:	James N. Brockwell
2.	Title:	Board Member
3.	Agency:	WWWOOSSP Board
4.	Meeting/IFF Date:	Board Meeting October 25, 2018
		terest in the following transaction:  2019-00134  Daniel Dalton
		nterest Affected by Transaction: Presiding Board Member for Mr. Dalton
		member of the following business, profession, , the members of which are affected by the transaction:
	public interest.	rticipate in this transaction fairly, objectively, and in the pate in the transaction.
6.	☐ I do not have a meeting.	personal interest in any transactions taken at this
	Ja Kbws Signature	

1.	Name:	Rosa-Lee Cooke
2.	Title:	Board Member
3.	Agency:	WWWOOSSP Board
4.	Meeting/IFF Date:	Board Meeting October 25, 2018
5.	I have a personal int	erest in the following transaction:
	Nature of Personal I	nterest 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 transactio	
	public interest.	rticipate in this transaction fairly, objectively, and in the
	☐ I did not partici	pate in the transaction.
6.	do not have a meeting.	personal interest in any transactions taken at this  10/25/18  Date

1.	Name:	W. Jordan Evans	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 25, 2018	
5.	I have a personal in	terest 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 pa	rticipate in this transaction fairly, objectively, and in the	
	or		
	☐ I did not partic	pate in the transaction.	
6.	I do not have a meeting.	personal interest in any transactions taken at this	
	Signature (Signature	10 25 2018	

1.	Name:	John Ewing	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 25, 2018	
5.	I have a personal in	terest 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:		
	l am able to pa	rticipate in this transaction fairly, objectively, and in the	
	or		
	☐ I did not partic	pate in the transaction.	
6.	do not have a meeting.  Signature	personal interest in any transactions taken at this  lo   55   8  Date	

1.	Name:	Thomas Wayne Fore
2.	Title:	Board Member
3.	Agency:	WWWOOSSP Board
4.	Meeting/IFF Date:	Board Meeting October 25, 2018
5.	I have a personal int	erest in the following transaction:
	W. H. W. H. W.	
	Nature of Personal I	nterest 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 transact	
,	public interest.	rticipate in this transaction fairly, objectively, and in the pate in the transaction.
6.	I do not have a meeting.  Signature	personal interest in any transactions taken at this    Date   Dat

1.	Name:	Douglas Perry Greene	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 25	5, 2018
ō.	I have a personal in	terest in the following trans	saction:
	Nature of Personal I	nterest Affected by Transa	ction:
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:		
	l am able to pa		fairly, objectively, and in the
	or		
	☐ I did not partic	ipate in the transaction.	
6.	do not have a meeting.	personal interest in any tra	ansactions taken at this
	Dugles Pr	True.	10-25-18 Date
	JULICIUM		

١.	Name:	Kristen Lentz	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
1.	Meeting/IFF Date:	Board Meeting October 25, 2018	
5.	I have a personal in	terest 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:		
	l am able to pa public interest.	rticipate in this transaction fairly, objectively, and in the	
	or		
	☐ I did not partic	ipate in the transaction.	
6.	I do not have a meeting.	personal interest in any transactions taken at this  Date	

1.	Name:	Pamela M. Pruett	
2.	Title:	Board Member	
3.	Agency:	WWWOOSSP Board	
4.	Meeting/IFF Date:	Board Meeting October 25, 2018	
5.	I have a personal in	terest 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 pa	articipate in this transaction fairly, objectively, and	l in the
	or		
	☐ I did not partic	ipate in the transaction.	
6.	I do not have a meeting.	a personal interest in any transactions taken at thi	s
	(H)	10/25/18	
	Signature	Date	<del></del>

1.	Name:	Don Riggleman
2.	Title:	Board Member
3.	Agency:	WWWOOSSP Board
4.	Meeting/IFF Date:	Board Meeting October 25, 2018
5.	. I have a personal interest in the following transaction:	
	Nature of Personal I	nterest 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 pa public interest.	rticipate in this transaction fairly, objectively, and in the
	☐ I did not partic	pate in the transaction.
6.	I do not have a meeting.	personal interest in any transactions taken at this  10/25/2018

1.	Name:	Donald Wayne Staples
2.	Title:	Board Member
3.	Agency:	WWWOOSSP Board
4.	Meeting/IFF Date:	Board Meeting October 25, 2018
5.		terest in the following transaction:
	Alex Wilson Springas as a s I declare that I am a	nterest Affected by Transaction:  was in a licensuse review a (see this)  Trident  member of the following business, profession,  the members of which are affected by the transaction:
	public interest.	rticipate in this transaction fairly, objectively, and in the ipate in the transaction.
6.	☐ I do not have a meeting.	personal interest in any transactions taken at this
	Dond WHY Signature	10/25/18 Date