

**THE VIRGINIA BOARD FOR
WATERWORKS AND WASTEWATER WORKS OPERATORS**

MEETING MINUTES

The Virginia Board for Waterworks and Wastewater Works Operators met on Tuesday, March 11, 2003 at the offices of the Virginia Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia 23230.

The following members of the Board were present:

Steve W. Cawthron, Chairman
Dan E. French
Thomas J. Grizzard, Jr
Larry G. Lawson
Robert B. Taylor

Board members Mark A. Haley, Vice Chairman and Eugene K. Potter were unable to attend the meeting.

The following members of DPOR staff were present during some or all of the meeting:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen O'Neal, Deputy Director for RPD
Terri Wilkins, Budget Director
David Dick, Executive Director
Joseph Kossan, Board Administrator
Earlyne Perkins, Legal Assistant

Others who attended the meeting included:

Jack Vanderland, Department of Environmental Quality
Rachel Pustilnik, Department of Health
Allen Hammer, Virginia Section of American Water Works Association

Chairman Cawthron, finding a quorum of the Board present, called **Call to Order** the meeting to order at 8:33 AM.

Mr. Lawson moved that the Board approve the agenda as prepared **Adopt Agenda** by staff and amended by the Board. Mr. Taylor seconded the motion, which was carried unanimously by five "YES" votes (Messrs. Cawthron, French, Lawson, and Taylor; and Dr. Grizzard). The agenda was as follows:

1. Call to Order
2. Approval of Agenda
3. Approval of Board Minutes of September 19, 2002.
4. Public Comment period – Five minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files.
5. Fee Adjustment – Steve Arthur, DPOR Deputy Director for Finance and Administration
6. Enforcement Cases:
 - A. File Number 2003-01553 – Scott E. Jones
 IFF by Cawthron – Licensing
 - B. File Number 2003-10554 – Stanford Keith Douglass
 IFF by Cawthron – Licensing
 - C. File Number 2003-10555 – Coy Donnell Foust
 IFF by Cawthron – Licensing
 - D. File Number 2003-01556 – Marshall Edward Williamson, III
 IFF by Cawthron – Licensing
 - E. File Number 2003-01564 – Earl Leon Johnson
 IFF by Cawthron – Licensing
7. CPE Audit – Waterworks Operators
 - A. License renewal process – David Dick and Dan French
 - B. CPE Audit process
 - C. Percentage of currently licensed Waterworks Operators to be selected for audit – Motion required
 - D. Allow CPE credit for courses used to qualify for next level of license
8. Other Business
 - Application for Training Course Approvals – Tom Grizzard and Mark Anderson
 - Electrical Troubleshooting – Maryland Center for Environmental Training
 - “Pretest” paper presented to ABC January meeting.
 - Response from ABC re which states have pretreatment programs for wastewater that require operator licensing.
 - Restricted Class VI Waterworks Operator License program
 - Examination update – Information from Sharon Sweet
 - Renewal process and the new Waterworks Operator CPE requirement – Dan French

- Unlicensed individuals sending DMRs to DEQ – Mark Haley
 - Resolution for Gene Potter
 - Board member orientation – Karen O’Neal
 - Board Meetings
 - Regulation Review
9. Confirm Meeting Date for June 19, 2003 and confirm meeting dates for the remainder of 2003:
- September 9, 2003
 - December 9, 2003
10. Complete Conflict of Interest Forms
11. Adjourn

Mr. Lawson moved that the Board approve the minutes of its September 19, 2002 meeting as prepared by staff. Mr. French seconded the motion, which was carried unanimously by five “YES” votes (Messrs. Cawthron, French, Lawson, and Taylor; and Dr. Grizzard).

Approval of Minutes

Chairman Cawthron opened the floor for public comment. Rachel M. Pustilnik of the Virginia Department of Health (VDH) introduced herself as the Federal Operator Certification Program Coordinator. Ms. Pustilnik offered her assistance to the Board with the licensing of Class VI Waterworks Operators.

Public Comment Period

Terri Wilkins, DPOR’s Budget Director, addressed the Board concerning its revenues and expenditures as they related to the Callahan Act. Ms. Wilkins presented her evaluation and recommended that the Board begin the process necessary to increase fees.

Fee Adjustment

Mr. French moved that the Board publish a Notice of Intended Regulatory Action to adjust its fees. Dr. Grizzard seconded the motion, which was carried unanimously by five “YES” votes (Messrs. Cawthron, French, Lawson, and Taylor; and Dr. Grizzard).

In the matter of **File Number 2003-01553, Board v. Scott E. Jones**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding Board member’s summary and recommendation. Scott E. Jones (Respondent) was present by telephone. Mr. Taylor moved that the Board accept the summary, but rejected the recommendation, and allow Mr. Jones to sit for the examination for Class IV Wastewater Works Operator. Dr. Grizzard seconded the motion, which failed with two “YES” votes, Dr. Grizzard and Mr. Taylor and two “NO”

File Number 2003-01553

votes, Mr. French and Mr. Lawson.

Upon a motion by Mr. Lawson and seconded by Dr. Grizzard, the Board adopted the summary and recommendation, and denied Mr. Jones' application to sit for the Class IV Wastewater Works Operator examination. The motion passed unanimously. Members voting "YES" were Mr. French; Mr. Lawson; Mr. Taylor; and Dr. Grizzard. The presiding Board member, Mr. Cawthron, left the room and did not participate in the discussion or vote.

In the matter of **File Number 2003-01554, Board v. Stanford Keith Douglass**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Stanford Keith Douglass (Respondent) was present by telephone. Upon a motion by Mr. Lawson and seconded by Mr. French, the Board adopted the summary and recommendation, and denied Mr. Douglass' application to sit for the Class III Wastewater Works Operator examination. The motion passed unanimously. Members voting "YES" were Mr. French; Mr. Lawson; Mr. Taylor; and Dr. Grizzard. The presiding Board member, Mr. Cawthron, left the room and did not participate in the discussion or vote.

**File Number
2003-01554**

In the matter of **File Number 2003-01555, Board v. Coy Donnell Foust**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Coy Donnell Foust (Respondent) was present by telephone. Mr. Taylor moved that the Board accept the summary, but rejected the recommendation, and allow Mr. Foust to sit for the examination for Class IV Wastewater Works Operator. Dr. Grizzard seconded the motion, which failed with two "YES" votes, Dr. Grizzard and Mr. Taylor and two "NO" votes, Mr. French and Mr. Lawson.

**File Number
2003-01555**

Upon a motion by Mr. Lawson and seconded by Dr. Grizzard, the Board adopted the summary and recommendation, and denied Mr. Foust' application to sit for the Class IV Wastewater Works Operator examination. The motion passed unanimously. Members voting "YES" were Mr. French; Mr. Lawson; Mr. Taylor; and Dr. Grizzard. The presiding Board member, Mr. Cawthron, left the room and did not participate in the discussion or vote.

In the matter of **File Number 2003-01556, Board v. Marshall Edward Williamson III**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Marshall Edward Williamson III (Respondent) was not present. Upon a motion by Mr. Lawson and seconded by Mr. French, the

**File Number
2003-01556**

Board adopted the summary and recommendation, and denied Mr. Williamson' application to sit for the Class IV Wastewater Works Operator examination. The motion passed unanimously. Members voting "YES" were Mr. French; Mr. Lawson; Mr. Taylor and Dr. Grizzard. The presiding Board member, Mr. Cawthron, left the room and did not participate in the discussion or vote.

In the matter of **File Number 2003-01564, Board v. Earl Leon Johnson**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Earl Leon Johnson (Respondent) was present by telephone. Upon a motion by Mr. Lawson and seconded by Mr. French, the Board adopted the summary and recommendation, and denied Mr. Johnson' application to sit for the Class IV Wastewater Works Operator examination. The motion passed unanimously. Members voting "YES" were Mr. French; Mr. Lawson; Mr. Taylor; and Dr. Grizzard. The presiding Board member, Mr. Cawthron, left the room and did not participate in the discussion or vote.

**File Number
2003-01564**

The Board recessed from 10:30 AM until 10:44 AM.

Board Recess

The Board asked staff to research the Board's past experience with applicants from the Bland Correctional Center program, the Board's past communication with Mr. James Braxton of the Department of Corrections Education, and other information to open an effective channel of communication between the Board and inmate training programs.

**Information
Request**

The Board discussed the recent waterworks license renewal process and decided to take no action unless the results of the upcoming Continuing Professional Education (CPE) audit suggested an action was in order.

**License Renewal
Process**

Mr. Dick briefed the Board on the CPE audit process planned to assess CPE compliance by waterworks operator. The Board took no action.

**CPE Audit
Process**

Mr. French moved that 25% of the currently licensed waterworks operators be randomly selected to produce documentation of their compliance with 18 VAC 160-20-109 of the Board's regulations. Mr. Lawson seconded the motion which was carried unanimously by five "YES" votes (Messrs. Cawthron, French, Lawson and Taylor; and Dr. Grizzard).

**Percentage to be
Selected for
Waterworks
Operators CPE
Compliance Audit.**

The Board agreed without dissent that its licensees may use the same training credits (TCs) to both qualify for licensure and to meet the CPE requirement of the current license renewal cycle.

**CPE Credit for
TCs**

Allen R. Hammer, former member of the Board and current Training Coordinator for the Virginia Section of the American Water Works Association, Inc., presented the Board a letter and asked for a response as to whether training provided by his organization on the subjects of counter-terrorism, water infrastructure security, and prolonged drought would qualify as CPE under 18 VAC 160-20-109 B of the Board's regulation.

**Mr. Hammer's
CPE Concerns**

Mr. French moved that staff send a letter to Mr. Hammer stating that the objective of CPE is competence to assure the public's protection; and that counter-terrorism, water infrastructure security, and prolonged drought, as they relate to the operation of waterworks and wastewater works facilities are clearly areas of instruction contemplated by 18 VAC 160-20-109B of the Board's regulations. Mr. Taylor seconded the motion, which was carried unanimously by five "YES" votes (Messrs. Cathron, French, Lawson, and Taylor; and Dr. Grizzard).

The Board took no action.

**ABC Pretest
Paper**

The Board recessed for lunch from 11:38 AM until 12:05 PM.

Board Recess

Dr. Grizzard moved that the Board approve Maryland Center for Environmental Training's course entitled Electrical Troubleshooting for 0.7 TCs. Mr. Taylor seconded the motion, which was carried unanimously by five "YES" votes (Messrs. Cawthron, French, Lawson, and Taylor; and Dr. Grizzard).

**Application for
Training Course
Approval**

Mr. Cawthron appointed a qualifying experience committee, consisting of Board members Cawthron, Haley and Potter, and Jack Vanderland from the Virginia Department of Environmental Quality, to identify the issues surrounding waterworks and wastewater works facilities that are not required to be permitted which have facilities similar to those at permitted facilities to the extent that the experience obtained at the non-permitted facility is of such a nature to qualify one for licensure by the Board. The committee was asked to report its progress at the next meeting.

**Response from
ABC concerning
Pre-treatment
Regulatory
Programs in other
States.**

Mr. Dick reported to the Board on the successful completion of the two-year Restricted Class VI Waterworks Operator program implemented with the Board's 2001 regulations and stated that a number of incomplete applications received before the February 15, 2003 deadline are still pending. Staff will contact those applicants with a deadline to make the application complete. The Board took no action.

**Restricted Class
VI Waterworks
Program**

Mr. Dick relayed information from Sharon Sweet, DPOR's Examination Director, concerning the development and implementation of the Class VI waterworks examination. Ms. Pustilnik briefed the Board on VDH's involvement with the examination development. **Examination Update**

The Board took no action.

Karen O'Neal presented a Board member orientation on Board Meetings and Regulation Review. **Board Member Orientation**

The Board requested that staff prepare a Resolution for Eugene Potter in recognition of his long service to the Board. **Resolution for Mr. Potter**

The Board confirmed June 19, 2003 for their next meeting and agreed to the following meeting dates for the remainder of the year: **Set Meeting Dates for 2003**

- Tuesday, September 9, 2003
- Tuesday, December 9, 2003

Finding no other business to conduct, Chairman Cawthron asked the Board members to complete their conflict of interest forms and travel vouchers. **Conflict of Interest Forms**

Having exhausted the Board's agenda, Chairman Cawthron adjourned the meeting at 1:37 PM. **Adjournment**

Steve W. Cawthron, Chairman

Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records