

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

MEETING MINUTES

The Virginia Board for Waterworks and Wastewater Works Operators met on Tuesday, December 9, 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:

Dan E. French, Chairperson
Steve W. Cawthron, Vice Chairperson
Mark Haley
Dr. Thomas J. Grizzard, Jr.
Gerald W. Peaks, PE
Eileen Leininger
Larry Lawson

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
David Dick, Executive Director
Sharon Sweet, Examinations Director
Joseph Kossan, Board Administrator
Chris Olson, Licensing Specialist

Others who attended the meeting included:

Jack Vanderland, Department of
Environmental Quality
Mark Anderson, Department of Health
Rachel Pustilnik, Department of Health
Allen Hammer, Virginia Section of the American
Waterworks Association
Herbert Fisher, Respondent
Larry Slattery, Arlington County

Chairperson French, finding a quorum of the Board present, called Call to Order the meeting to order at 8:32 AM.

Chairperson French introduced and welcomed new Board Member Gerald Peaks.

Introduction of
New Board
Member

Mr. Haley moved that the Board approve the agenda as prepared by staff. Mr. Cawthron seconded the motion, which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger). The agenda is attached.

Adopt Agenda

Mr. Cawthron moved that the Board approve the minutes of the September 9, 2003 meeting as prepared by staff. Dr. Grizzard seconded the motion, which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger).

Approval of
Minutes

Mr. Haley moved that the Board approve the minutes of the November 10, 2003 Informal Fact Finding as prepared by staff. Dr. Grizzard seconded the motion, which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger).

Chairperson French opened the floor for public comment. No member of the public present expressed a desire to address the Board.

Public Comment
Period

In the matter of File Number 2004-01567, **Board v. Herbert Garrison Fisher**, 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. Herbert Garrison Fisher (Respondent) was present and addressed the Board. Larry Slattery also addressed the Board on behalf of Mr. Fisher. Upon a motion by Mr. Lawson and seconded by Mr. Haley, the Board adopted the summary and recommendation, and approved the application to sit for the Class IV Wastewater Works Operator Examination for Herbert Garrison Fisher. The motion passed unanimously. Members voting "YES" were Messrs. French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger. The presiding Board member, Mr. Cawthron, left the room and did not participate in the discussion or vote.

File Number
2004-01567

Sharon Sweet, DPOR's Examinations Director, presented the Board with the examination candidate information bulletin. The bulletin will be given to Class VI candidates to help them prepare for the examination. Ms. Sweet recommended that the Board offer

Examinations
Update

a contract extension to ABC to continue administering the Board Examination. Ms. Sweet also recommended selecting two Board Members to serve on a Proposal Evaluation Panel.

Mr. Cawthron moved that the Board offer a contract extension to ABC for one year and appoint two members of the Board to serve on a committee to help with the extension and the drafting of an RFP if necessary. Ms. Leininger seconded the motion, which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger). Chairperson French appointed Mr. Cawthron and Ms. Leininger to the committee.

Mr. Kossan updated the Board on the status of the Notice of Intended Regulatory Action (NOIRA) to allow experience gained at a non-classified facility to be used to satisfy the requirements to sit for the examination. The NOIRA has been approved and will be published for public comment.

NOIRA Update

Mr. Dick updated the Board on the status of the CPE Audit. The Board took no action.

CPE Audit for
Waterworks
Operators

The Board discussed the response letter dated October 24, 2003 from Penn State concerning the training courses that were previously submitted for approval. The Board determined that the letter did not establish compliance with the regulations.

Response Letter
from Penn State

The Board agreed without dissent to have staff draft a letter to Penn State explaining the Board's concern that as the size of a class increases, the validity of the method Penn State described in its October 24, 2003 letter decreases. Further, the letter shall request statistics from Penn State's courses (i.e., class size, pass-fail ratio) so that the Board may further evaluate the effectiveness of Penn State's method, and request that Penn State identify in the syllabus for each course the point at which the group discussions used for evaluations will occur.

The Board considered the applications for training course approval from Penn State Conferences and Institutes and from Peter LaMontagne.

Application for
Training Course
Approval

Dr. Grizzard indicated that additional information was needed concerning compliance with regulation *18 VAC 160-20-160 B5* before approval could be granted for the Penn State Conferences and Institutes training courses. The Board agreed without dissent

to defer the Penn State courses until the next Board meeting pending receipt additional information.

Dr. Grizzard moved that the Board tentatively approve the Peter LaMontagne course entitled "Cost Effective Centrifugation" for 0.6 training credits (TCs) pending receipt of two quizzes and a revised syllabus showing when the quizzes will be given. Mr. French seconded the motion, which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger).

Karen O'Neal recommended that the Board permit DPOR's new staff attorney and former Board members to serve as presiding officers during IFFs. DPOR staff would be appropriate in cases where no industry expertise is required and former Board members would be appropriate where industry expertise is needed.

**Delegation of
DPOR Staff and
Former Board
Members to
Preside at IFFs**

Mr. Haley moved that the Board approve DPOR Staff Members to preside only at IFFs that concern application and criminal issues not requiring industry expertise. Mr. Cawthron seconded the motion, which was carried unanimously by seven "YES" votes (Messrs. Cawthron, French, Haley, Peaks, and Lawson, Dr. Grizzard, and Ms. Leininger).

The Board discussed the ABC 17th Annual Conference scheduled for January 20-23, 2004 in Norfolk, Virginia. No action was taken by the Board.

**ABC 17th Annual
Conference**

David Dick discussed with the Board a letter received by staff suggesting the Board issue a "restricted" license for retired license holders, relieving them of the CPE requirement and allowing them to be called upon in times of disaster. The Board confirmed that unlicensed individuals can work under the supervision of a currently licensed operator in a disaster situation. The Board took no action.

**Restricted License
for Retired
Regulants**

This item was addressed during the Board's discussion of ABC's job analysis under the agenda item "Examinations Update."

**Security Related
Questions on
Examinations**

The Board received a report from Mark Anderson and Jack Vanderland concerning the evaluation of distance education forms created by ABC. The evaluation method was deemed favorable as a tool that the Board would consider using in the future. The Board took no action.

**Evaluation of
Distance
Education**

The Board confirmed the following meeting dates for 2004:

Set Meeting Dates

- Tuesday, March 9, 2004
- Tuesday, June 22, 2004
- Tuesday, September 14, 2004
- Wednesday, December 8, 2004

Board members completed their conflict of interest forms and travel vouchers.

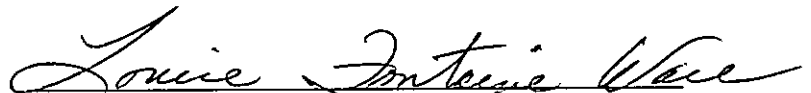
Conflict of Interest Forms

The Board adjourned at 11:15 AM.

Adjournment



Steve W. Cawthron, Vice Chairperson



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records

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

Draft AGENDA

BOARD MEETING

TUESDAY, DECEMBER 9, 2003

8:30 A.M., CONFERENCE ROOM 4 WEST

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230**

- I. CALL TO ORDER**
- II. APPROVAL OF AGENDA**
 1. Board Agenda, December 9, 2003
- III. APPROVAL OF MINUTES**
 2. Board Meeting Minutes, September 9, 2003
 3. IFF Minutes, November 10, 2003
- IV. 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.**
- V. ENFORCEMENT CASES**
 4. File Number 2004-01567- Herbert Garrison Fisher (will attend)
IFF by Cawthron- Licensing
- VI. EXAMINATION ISSUES – Sharon Sweet**
- VII. UPDATE ON NOIRA**
- VIII. CPE AUDIT – WATERWORKS OPERATORS**
- IX. RESPONSE LETTER**
 5. Penn State letter concerning evaluation of satisfactory completion

X. OTHER BUSINESS

- A. Application for Training Course Approvals
- Cost Effective Centrifugation - Peter LaMontagne – Dr. Grizzard
 - Biological Nutrient Removal - Penn State Conferences and Institutes – Dr. Grizzard
 - Advanced Microscopy Workshop - Penn State Conferences and Institutes
- B. Delegate DPOR staff and former Board Members to preside at IFF's- Karen O'Neal
- C. ABC 17th Annual Conference – Norfolk – January 20-23, 2004
- D. Restricted License for Retired Regulants
- E. Security Related questions on examination.- Larry Lawson
6. Evaluation of distance education - Mark Anderson and Jack Vanderland

X. CONFIRM AND SET NEXT MEETING DATES

- March 9, 2004
- June 22, 2004
- September 14, 2004
- December 8, 2004

XI. COMPLETE CONFLICT OF INTEREST FORMS

XII. ADJOURN

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8595 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.