

**VIRGINIA BOARD
FOR
WATERWORKS AND WASTEWATER WORKS OPERATORS
AND ONSITE SEWAGE SYSTEM PROFESSIONALS**

***Tentative* AGENDA THURSDAY, October 27, 2022
9:30 A.M. BOARD ROOM 2-- SECOND FLOOR**

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL
REGULATION PERIMETER CENTER -- 9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233**

I. CALL TO ORDER

II. EMERGENCY EVACUATION PROCEDURES

III. APPROVAL OF AGENDA

- a. Board Agenda, October 27, 2022

IV. APPROVAL OF MINUTES

- a. Board Meeting Minutes, July 14, 2022
- b. OSSP Licensing Regulatory Review Committee Meeting Minutes, October 3, 2022

V. 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.

VI. CASE FILES

- a. File Number 2022-00354, Richard Wade Malcolm
Prima Facie—(Fore)
- b. File Number 2022-01131, William Matthew Smith
Prima Facie—(Duncan)
- c. File number 2022-01133, Larry Woodford Madison Jr.
Consent Order—(Duncan)
- d. File Number 2022-01151, George Junior Lawson
Consent Order—(Duncan)
- e. File Number 2022-01130, William Irvin Vernon, III
Consent Order—(Brockwell)
- f. File Number 2022-00819, Alexis Emily Jones
Consent Order—(Pruett)
- g. File Number 2022-01936, Michael Lee Thomas Jr.
Consent Order—(Ewing, Pruett)
- h. File Number 2022-02062, Ramze Yaxyah Mohamed
Licensing—IFF by Jackson-Bailey
- i. File Number 2022-02613, Donald Gerald Coles
Licensing—IFF by Jackson-Bailey

- j. File Number 2020-02614, Theodore Jason Lynch
Licensing—IFF by Jackson-Bailey

VII. REGULATORY ACTIONS

- a. Regulatory Action Update
- b. Update on OSSP Licensing Regulatory Review Committee
- c. Discussion on General Review of WWO Licensing Regulations
 - i. Consider Authorizing Formation of Regulatory Review Committee
 - ii. Consider Authorizing Notice of Intended Regulatory Action to Initiate Regulatory Review Process

VIII. OTHER BUSINESS

- a. Update on Board Guidance from the Board for Contractors Regarding Well Abandonment
- b. Overview of Regulatory Review Process
 - i. Overview of DPOR's Unified Regulatory Plan
- c. WWO 2022 CPE Audit Report
- d. OSSP 2022 CPE Audit Report
- e. Examination updates
 - i. Examination Statistics Report
- f. VAMWA and VMDWA Correspondence
- g. Update on Education and Training Committee
 - i. University of FL Training, Research and Education for Environmental Occupations
 - 1. Wastewater Treatment Plant Operations C&B Training Course
- h. Board Financial Statement
- i. Update on Outreach Opportunities
- j. Election of Officers
- k. Report from the 2022 Board Member Training Conference
- l. Other Business

IX. FUTURE MEETING DATES

- a. January 26, 2023
- b. April 20, 2023
- c. July 27, 2023
- d. October 19, 2023

X. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

XI. ADJOURN

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 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

** Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the *Code of Virginia*.

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**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 14, 2022, 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
Dwayne Roadcap
D. Wayne Staples
Caleb Taylor

Board members Rosa-Lee Cooke and Don Riggelman were not present at the meeting.

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

Demetrios J. Melis, Director
Kishore Thota, Chief Deputy Director
Trisha L. Lindsey, Executive Director
Shannon Webster, Director of Examinations
Tanya M. Pettus, Board Administrator
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Breanne Henshaw, Administrative Coordinator

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. Pettus advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Ms. Pettus corrected the Board agenda date from April 21, 2022 to July 14, 2022. Mr. Fore moved to approve the agenda as amended. Mr. Staples seconded the motion, which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, Staples, and Taylor.

Approval of Agenda

Mr. Fore moved to approve the minutes of the April 21, 2022, Board meeting and the June 29, 2022, OSSP Licensing Regulatory Review Committee meeting as presented. Mr. Evans seconded the motion, which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, Staples, and Taylor.

Approval of Minutes

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

Public Comment Period

Ms. Pettus introduced Jennifer Sayegh, DPOR's new Policy and Legislative Affairs Manager, and Breanne Henshaw, Administrative Coordinator. Ms. Pettus informed the Board that Ms. Lindsey and Mr. Melis would be arriving at the meeting later.

Introduction of Staff

Mr. Ewing recused himself from the meeting for discussion and deliberation of File Number 2022-01145.

Recusal of Board Member

In the matter of **File Number 2022-01145, Richard Sheldon Gibson**, the Board members reviewed the Consent Order. Mr. Gibson admits to a violation of 18VAC160-40-470.3 as outlined in Count 1, and consents to the imposition of Board costs of \$150.00. In addition, Mr. Gibson agrees to revocation of his Master Conventional Onsite Sewage System Installer license. Mr. Fore moved to approve the Consent Order as presented. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Fore, Pruett, Roadcap, Staples, and Taylor.

File Number 2022-01145, Richard Sheldon Gibson

Mr. Ewing returned to the meeting.

Return of Board Member

In the matter of **File Number 2022-01197, Curtis James Corns**, 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. Evans moved to accept the recommendation of the Presiding Officer and approve Mr. Corns' application for a Class 2 Waterworks Operator license. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, Staples, and Taylor.

File Number 2022-01197, Curtis James Corns

Mr. Corns was present at the Board meeting and thanked the Board.

In the matter of **File Number 2022-01455, Adam Girard Messier**, 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. Messier's application for a Class 4 Wastewater Operator license. Mr. Taylor seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, Staples, and Taylor.

File Number 2022-01455, Adam Girard Messier

In the matter of **File Number 2022-00046, Daniel Lee Gray**, 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. Evans moved to accept the recommendation of the Presiding Officer and approve Mr. Gray's application for a Journeyman Conventional Installer license. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, Staples, and Taylor.

File Number 2022-00046, Daniel Lee Gray

In the matter of **File Number 2022-00525, Brandon Alexander Lofton**, 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 2022-00525, Brandon Alexander Lofton

Mr. Lofton was present to address the Board. Mr. Lofton indicated he would like an opportunity to practice in the profession in order to move forward with his life.

Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Lofton's application for a Class 3 Wastewater Works Operator license. Mr. Brockwell seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, Staples, and Taylor.

In the matter of **File Number 2022-00871, Louis Wayne Braxton 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. Evans moved to accept the recommendation of the Presiding Officer and approve Mr. Braxton's application for a Class 2 Wastewater Works Operator license. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, Staples, and Taylor.

File Number 2022-00871, Louis Wayne Braxton Jr.

In the matter of **File Number 2022-00999, Donald Wesley Johnston**, 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. Johnston's application

File Number 2022-00999, Donald Wesley Johnston

for a Class 4 Wastewater Works Operator license contingent upon completion of the Department of Corrections (DOC) Apprenticeship Program, meeting all entry requirements contained in the Board's regulations, and passing the applicable examination.. Mr. Taylor seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, Staples, and Taylor.

In the matter of **File Number 2022-01297, Christopher David Lugiano**, 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. Lugiano's application for a Class 4 Wastewater Works Operator license. Mr. Brockwell seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, Staples, and Taylor.

File Number 2022-01297,
Christopher David Lugiano

In the matter of **File Number 2022-00505, Adam French**, 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. French's application for a Class 4 Wastewater Works Operator license. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, Staples, and Taylor.

File Number 2022-00505, Adam French

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

Regulatory Action Update

Amendments regarding 2021 fee adjustments for Waterworks and Wastewater Works Operators Licensing Regulations and Onsite Sewage System Professionals Licensing Regulations are currently in the proposed stage as the Board reviewed and adopted the proposed amendments at the April 21, 2022, Board meeting.

Submission of the amendments for Executive Branch review is pending.

A Notice of Intended Regulatory Action (NOIRA) was filed on October 28, 2021, in order to complete a General Review of the Onsite Sewage System Professionals Licensing Regulations. The NOIRA is currently undergoing Executive Branch review, after which a 30-day public comment period will be held.

Mr. Haughwout gave an update regarding the OSSP Licensing Regulatory Review Committee. The Committee reviewed entry and examination requirements, definitions, and potential legislative proposals at its June meeting.

Update on OSSP Licensing Regulatory Review Committee

Board members who serve on the Committee shared that they are completing a line-by-line review of the regulations as they work to reduce regulations by 25% per the Governor's Executive Directive, as well as maintaining regulations

relevant to licensed professions, while also providing clarity to sections of the regulations where required.

Ms. Pettus provided a report on the 2022 waterworks operator CPE audit. The audit began on June 1, 2022 based on a random selection of 5% of current licensees.

**WWWO 2022
CPE Audit Report**

Ms. Pettus provided the Board with waterworks and wastewater works examination statistics from January 1, 2017 through June 27, 2022, and April 21, 2022 through June 27, 2022, as well as onsite examination statistics from January 1, 2021, to June 30, 2022, for informational purposes.

**Examination
Updates –
Examination
Statistics Report**

Ms. Webster advised the Board that the agency is working to offer exams in Spanish for those professions in which a need has been determined. Ms. Webster is currently working with PSI on potentially translating the six onsite examinations. Discussion was held on the costs and time requirements of implementing a Spanish language exam, as well as the parameters used to determine the need for such an exam and the potential for translations for other languages.

Discussion was also held on the possibility of offering water and wastewater exams in Spanish.

The Board discussed the feedback received in regards to the waterworks and wastewater works examinations as there are individuals who have expressed concern regarding the difficulty of the exam. Discussion was also held on the pass/fail information provided to the individuals who have taken the exam. The Board inquired as to whether it is possible to compile a report of the most common areas of weakness on the exam. Ms. Webster advised she would work with ABC to collect the data and provide an update at the next Board meeting.

The Board recessed from 10:44 a.m. to 11:19 a.m. Mr. Melis and Ms. Lindsey arrived to the meeting during the recess.

**Recess and Arrival
of Staff**

Ms. Lindsey presented the Board with six draft legislative proposals for the Board to consider putting forward as part of DPOR's 2023 legislative package.

**Discussion of
Potential
Legislative
Proposals**

Discussion was held on technical changes to definitions and licensure references, as well as changes to the Board's composition.

After lengthy discussion and review of the draft legislative proposals, Mr. Fore moved to approve the proposals for submission as amended. Mr. Ewing seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Pruett, Roadcap, Staples, and Taylor.

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

Board Financial Statements

Ms. Lindsey and Ms. Pettus advised the Board of recent and upcoming outreach opportunities.

Update on Outreach Opportunities

Ms. Pettus informed the Board of Mr. Fore's recognition from VRWA at its annual conference held in April. Mr. Fore received the Friend of Rural Water award. The Board congratulated Mr. Fore on his achievement.

Ms. Lindsey advised the Board of the upcoming Board Member Training Conference, which will occur on October 13 – October 14, 2022 in Williamsburg.

2022 Board Member Training Conference

Ms. Lindsey advised the Board that the Board for Contractors is completing regulatory review of the contractor regulations and she will keep the Board informed of any potential changes to regulations that may have an effect on the WWOOSSP Board's regulations.

Other Business

Discussion was held on whether a license is required for portable toilet operators. Ms. Lindsey explained that licensure with the Board is not required, but it may be necessary for the operator to hold a permit or other credential based on other state or local requirements.

Ms. Lindsey reminded the Board that the next scheduled meeting date is October 27, 2022.

Future Meeting Dates

Ms. Pruett reminded the Board members to complete and return their conflict of interest forms and travel vouchers.

Complete Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting was adjourned at 12:24 p.m.

Adjourn

Pamela M. Pruett, Chair

Demetrios Melis, Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

DRAFT

ONSITE SEWAGE SYSTEM PROFESSIONALS LICENSING REGULATORY
REVIEW COMMITTEE
OF THE
BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS AND
ONSITE SEWAGE SYSTEM PROFESSIONALS

MINUTES OF MEETING

The Onsite Sewage System Professionals (OSSP) Licensing Regulatory Review Committee of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (Board) met on October 3, 2022, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members were present:

James Brockwell
John Ewing
Thomas Fore
Pamela Pruett, Ex-officio
Ronnie Thomas

Committee members Bryan Allen, W. Jordan Evans, and Adrian Joye were not present at the meeting.

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

Trisha L. Lindsey, Executive Director
Stephen Kirschner, Licensing and Regulatory Programs Division Deputy Director
Tanya M. Pettus, Board Administrator
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Lisa Robinson, Licensing Administrator
Raven Custer, Administrative Coordinator

Mr. Ewing called the meeting to order at 10:03 a.m.

Call to Order

Ms. Lindsey advised the Committee of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Ms. Pruett and Mr. Thomas arrived at 10:06 a.m.

**Arrival of Board
Members**

Mr. Fore moved to approve the agenda as presented. Mr. Brockwell seconded the motion which was unanimously approved by: Brockwell,

Approval of Agenda

Ewing, Fore, Pruett, and Thomas.

There were no members of the public present who wished to address the Committee.

Public Comment Period

Mr. Haughwout presented the Committee with current versions of applicable laws and regulations, licensing data, and onsite sewage system licensing requirements from other states for informational purposes.

Resources and Information

Ms. Lindsey shared a presentation with the Committee regarding the changes to the regulatory review process that took effect on August 1, 2022.

Overview of Changes to the Regulatory Review Process

Mr. Haughwout presented the Committee with draft proposed amendments to Parts VI through VIII of the Onsite Sewage System Professionals Regulations, for review and consideration.

Discussion of Regulatory Review Topics

Discussion was held on proposed amendments to current license renewal and reinstatement requirements.

The Committee discussed current continuing professional education requirements.

After discussion, Ms. Pruett moved to retain current continuing professional education requirements, as they are necessary to ensure minimal competence and integrity to engage in the profession, and to protect the health, safety and welfare of the public. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Ewing, Fore, Pruett, and Thomas

Ms. Lindsey introduced to the Board Licensing and Regulatory Programs Division Deputy Director, Stephen Kirschner.

Introduction of Staff

The Committee recessed from 11:26 a.m. to 11:49 a.m.

Recess

Discussion was held on acceptable continuing education subject matter.

Discussion of Regulatory Review Topics Continued

The Committee discussed accepting electrical training towards continuing professional education. The Committee agreed by consensus that some electrical training could be accepted toward CPE requirements

The Committee reviewed draft proposed amendments to current requirements for training providers.

Mr. Haughwout presented the Committee with revised amendments to Parts I through V as determined at the June 2022 meeting for review.

**Review Draft
Amendments**

Ms. Lindsey advised the Committee of the regulatory review topics for its next meeting, which will include standards of conduct and practice.

**Discuss Topics for
Next Meeting**

Ms. Lindsey advised the Committee that staff will provide dates for consideration by Committee members for the next meeting. The Committee will be notified of the date when it has been confirmed.

**Set Next Meeting
Date**

Mr. Ewing reminded the Committee members to complete their conflict of interest forms and travel vouchers.

**Complete Conflict
of Interest Forms
and Travel
Vouchers**

There being no further business, the meeting was adjourned at 12:50 p.m.

Adjourn

Pamela M. Pruett, Chair

Demetrios J. Melis, Secretary

PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

DRAFT AGENDA
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and are not to be construed as a question or official Board decision.
DRAFT AGENDA

Board for Waterworks and Wastewater Works Operators and Onsite Sewage Systems Professionals

Update on Regulatory Actions

(as of October 17, 2022)

Action: Waterworks and Wastewater Works Operators Licensing Regulations – 2021 Fee Adjustment

Current Stage: Proposed

- Board reviewed and adopted proposed amendment on 4/21/22.
- Submitted for Executive Branch review on 7/28/22. Currently in Executive Branch review.

Next Step: Executive Branch Review/Public Comment

- Completion of Executive Branch review.
- Publication in the Virginia Register and 60-day public comment period, to include public hearing.

Action: Onsite Sewage System Professionals Licensing Regulations – 2021 Fee Adjustment

Current Stage: Proposed

- Board reviewed and adopted proposed amendment on 4/21/22.
- Submitted for Executive Branch review on 7/28/22. Currently in Executive Branch review.

Next Step: Executive Branch Review/Public Comment

- Completion of Executive Branch review.
- Publication in the Virginia Register and 60-day public comment period, to include public hearing.

Action: Onsite Sewage System Professionals Licensing Regulations – 2022 General Review

Current Stage: NOIRA

- Board authorized formation of regulatory review committee on 4/29/21.
- Board authorized filing of NOIRA on 10/28/21.
- Regulatory review committee formed. First meeting held on 3/28/22. Second meeting held on 6/29/22. Third meeting held on 10/3/22.
- NOIRA submitted for Executive Branch review on 5/16/22. Executive Branch review completed on 10/14/22.

Next Step: Executive Branch Review/Public Comment

- NOIRA to be submitted for publication in Virginia Register and open for 30-day public comment.

UPDATE ON OSSP LICENSING
REGULATORY REVIEW
COMMITTEE

DRAFT AGENDA
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DRAFT AGENDA

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

Waterworks and Wastewater Works Operators Licensing Regulations

2023 General Regulatory Review

The following list of topics are items that have been discussed at Board meetings, presented to staff, or identified by staff review, and that the Board may wish to consider during the general review of the Waterworks and Wastewater Works Operators Licensing Regulations. This list is not inclusive of all items that the Board may present for amendment.

Overall

- Repeal provisions of the regulation that are out of date.
- Change appearances of “shall” to “must”, “will”, “may”, etc., as appropriate.
- Amend regulations to provide clarity and to align with current practices and processes.

Definitions

- Review definitions.

Entry Requirements

- Review requirements for disclosure of criminal convictions for initial licensure.
- Review requirements for disclosure of disciplinary actions for initial licensure.
- Review training and experience requirements for waterworks and wastewater works operator licenses.
- Review experience verification requirements.
- Review applicable requirements for individuals licensed in another state or jurisdiction.

Renewal and Reinstatement

- Review current requirements for continuing professional education for waterworks and wastewater works operators.

Standards of Conduct and Practice

- Review standards of conduct and practice.
- Review supervision requirements.
- Review prohibited acts outlined in 18 VAC 160-30-320.
- Review licensee responsibilities outlined in 18 VAC 160-30-340.

Training Courses

- Review current training course requirements.

UPDATE ON BOARD FOR
GUIDANCE FROM THE BOARD
FOR CONTRACTORS REGARDING
WELL ABANDONMENT

DRAFT AGENDA
Materials contained in this agenda are for informational discussion
and are not to be construed as a final decision.
DRAFT AGENDA

Office of Regulatory Management
Economic Review Form

Agency name	
Virginia Administrative Code (VAC) Chapter citation(s)	_ VAC __ - ____
VAC Chapter title(s)	
Action title	
Date this document prepared	

Cost Benefit Analysis

Table 1a must be completed for all actions. Tables 1b and 1c must be completed for actions (or portions thereof) where the agency is exercising discretion, including those where some of the changes are mandated by state or federal law or regulation. Tables 1b and 1c are not needed if **all** changes are mandated, and the agency is not exercising any discretion. In that case, enter a statement to that effect.

- (1) Direct Costs & Benefits: Identify all specific, direct economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (A direct impact is one that affects entities regulated by the agency and which directly results from the regulatory change itself, without any intervening steps or effects. For example, the direct impact of a regulatory fee change is the change in costs for these regulated entities.) When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo. One bullet has been provided, add additional bullets as needed.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of total (overall) direct costs described above.
 - (b) Enter estimated dollar value of total (overall) direct benefits described above.
 - (c) Enter the present value of the direct costs based on the worksheet.
 - (d) Enter the present value of the direct benefits based on the worksheet.
- (3) Benefits-Costs Ratio: Calculate d divided by c OR enter it from the worksheet.
- (4) Net Benefit: Calculate d minus c OR enter it from the worksheet.
- (5) Indirect Costs & Benefits: Identify all specific, indirect economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (An indirect impact is one that results from responses to the regulatory change, but which are not directly required by the regulation. Indirect impacts of a regulatory fee change on regulated entities could include a change in the prices they charge, changes in their operating procedures or employment levels, or decisions to enter or exit the regulated profession or market. Indirect impacts also include responses by other entities that have close economic ties to the regulated entities, such as suppliers or partners.) If there are no indirect costs or benefits, include a specific statement to that effect.

- (6) Information Sources: Describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (7) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct Costs & Benefits	<ul style="list-style-type: none"> Describe first proposed impactful change here. <p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <ul style="list-style-type: none"> Use additional bullets as needed 		
(2) Quantitative Factors	Estimated Dollar Amount	Present Value	
Direct Costs	(a)	(c)	
Direct Benefits	(b)	(d)	
(3) Benefits-Costs Ratio		(4) Net Benefit	
(5) Indirect Costs & Benefits			
(6) Information Sources			
(7) Optional			

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

This table addresses current requirements and the implications of not making any changes. In other words, describe the costs and benefits of maintaining the current regulatory requirements as is.

(1) Direct Costs & Benefits	<ul style="list-style-type: none"> • Describe the current requirement associated with the first proposed impactful change described in Table 1a here. <p>Direct Costs: Describe the direct cost of maintaining the current requirement</p> <p>Direct Benefits: Describe the direct benefits of maintaining the current requirement</p> <ul style="list-style-type: none"> • Use additional bullets as needed 		
(2) Quantitative Factors	Estimated Dollar Amount	Present Value	
Direct Costs	(a)	(c)	
Direct Benefits	(b)	(d)	
(3) Benefits-Costs Ratio			(4) Net Benefit
(5) Indirect Costs & Benefits			
(6) Information Sources			
(7) Optional			

Table 1c: Costs and Benefits under an Alternative Approach

This table addresses an alternative approach to accomplishing the objectives with different requirements. These alternative approaches may include the use of reasonably available alternatives in lieu of regulation, or information disclosure requirements or performance standards instead of regulatory mandates.

(1) Direct Costs & Benefits	<ul style="list-style-type: none"> • Describe first alternative proposed impactful change here. <p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p>		
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	<ul style="list-style-type: none"> Use additional bullets as needed 	
(2) Quantitative Factors	Estimated Dollar Amount	Present Value
Direct Costs	(a)	(c)
Direct Benefits	(b)	(d)
(3) Benefits-Costs Ratio		(4) Net Benefit
(5) Indirect Costs & Benefits		
(6) Information Sources		
(7) Optional		

Impact on Local Partners

- (1) Describe the direct costs and benefits (as defined on page 1) for local partners in terms of real monetary costs and FTEs. Local partners include local or tribal governments, school divisions, or other local or regional authorities, boards, or commissions. If local partners are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of total (overall) direct costs described above.
 - (b) Enter estimated dollar value of total (overall) direct benefits described above.
- (3) Indirect Costs & Benefits: Describe any indirect benefits and costs (as defined on page 1) for local partners that are associated with all significant changes. If there are no indirect costs or benefits, include a specific statement to that effect.
- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (5) Assistance: Identify the amount and source of assistance provided for compliance in both funding and training or other technical implementation assistance.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 2: Impact on Local Partners

(1) Direct Costs & Benefits	
(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a)
Direct Benefits	(b)
(3) Indirect Costs & Benefits	
(4) Information Sources	
(5) Assistance	
(6) Optional	

Economic Impacts on Families

- (1) Describe the direct costs and benefits (as defined on page 1) to a typical family of three (average family size in Virginia according to the U. S. Census) arising from any proposed regulatory changes that would affect the costs of food, energy, housing, transportation, healthcare, and education. If families are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of direct costs.
 - (b) Enter estimated dollar value of direct benefits.
- (3) Indirect Costs & Benefits: Describe any indirect costs and benefits (as defined on page 1) to a typical family of three that are most likely to result from the proposed changes.
- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (5) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 3: Impact on Families

(1) Direct Costs & Benefits	
(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a)
Direct Benefits	(b)
(3) Indirect Costs & Benefits	
(4) Information Sources	
(5) Optional	

Impacts on Small Businesses

- (1) Describe the direct costs and benefits (as defined on page 1) for small businesses. For purposes of this analysis, “small business” means the same as that term is defined in § 2.2-4007.1. If small businesses are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of direct costs.
 - (b) Enter estimated dollar value of direct benefits.
- (3) Indirect Costs & Benefits: Describe the indirect benefits and costs (as defined on page 1) for small businesses that are most likely to result from the proposed changes.
- (4) Alternatives: Add a qualitative discussion of any equally effective alternatives that would make the regulatory burden on small business more equitable compared to other affected business sectors, and how those alternatives were identified.
- (5) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 4: Impact on Small Businesses

(1) Direct Costs & Benefits	
(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a)
Direct Benefits	(b)
(3) Indirect Costs & Benefits	
(4) Alternatives	
(5) Information Sources	
(6) Optional	

Changes to Number of Regulatory Requirements

For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed.

Table 5: Total Number of Requirements

Chapter number	Number of Requirements			
	Initial Count	Additions	Subtractions	Net Change

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

Benefit-Cost Ratio = PV of all the Expected Benefits / PV of all the Associated Costs

“Cost-Benefit Analysis” compares the benefits of a regulation with its associated costs. In other words, all the expected benefits of a regulation are placed on one side and they are compared against all of the costs that have to be incurred on the other side.

Example: A regulation to require new seat belts for shopping carts is required. The first option, requiring a plastic bubble is expected to cost grocery stores \$25,000,000 over the next ten years and save toddler hospitalizations \$5,000,000 over the next ten years. The second option, a cloth belt is expected to cost grocery stores \$1,000,000 over the next ten years and will save \$2,000,000 in toddler hospitalizations over the next ten years. The appropriate discount rate is 3%.

Option 1:

$$\text{PV of Benefits} = \sum_{n=0}^9 \frac{500,000}{(1+3\%)^n} = \$4,393,054$$

$$\text{PV of Costs} = \sum_{n=0}^9 \frac{2,500,000}{(1+3\%)^n} = \$21,965,272$$

$$\text{Benefit/Cost Ratio} = \$4,393,054 / \$21,965,272 = 0.20$$

$$\text{Net Benefit} = \$4,393,054 - \$21,965,272 = -17,572,218$$

Option 2:

$$\text{PV of Benefits} = \sum_{n=0}^9 \frac{200,000}{(1+3\%)^n} = \$1,757,222$$

$$\text{PV of Costs} = \sum_{n=0}^9 \frac{100,000}{(1+3\%)^n} = \$878,611$$

$$\text{Benefit/Cost Ratio} = \$1,757,222 / \$878,611 = 2.0$$

$$\text{Net Benefit} = \$878,611$$

The goal is for the Benefit/Cost ratio to be greater than 1, and the Net Benefit to be greater than 0, therefore Option 2 would be the preferred option. EO 19 does not require the benefits to outweigh the costs, but it does require a more complete consideration of quantitative and/or qualitative factors.

COST BENEFIT ANALYSIS WORKSHEET

INTERIM v. July 28, 2022

Discount Rate:	3%
Time horizon:	10 years

DO NOT CHANGE THIS NUMBER unless you wish to use a different discount rate

Notes:

1. Year 0 represents the current fiscal year
2. Options 1 & 2 below correspond to the two options in the grocery cart example. Option 3 below provides an alternative option.
3. Replace the values in the green cells below with the expected costs and benefits for your analysis. Insert zero for no cost or benefit.
4. The sections for options 2 and 3 must be filled out if the agency has any discretion over the proposed regulation.

Year	Option 1		Option 2		Option 3	
	Cost	Benefit	Cost	Benefit	Cost	Benefit
0	2,500,000	500,000	100,000	200,000	100,000	0
1	2,500,000	500,000	100,000	200,000	50,000	0
2	2,500,000	500,000	100,000	200,000	25,000	0
3	2,500,000	500,000	100,000	200,000	0	10,000
4	2,500,000	500,000	100,000	200,000	0	25,000
5	2,500,000	500,000	100,000	200,000	15,000	45,000
6	2,500,000	500,000	100,000	200,000	0	65,000
7	2,500,000	500,000	100,000	200,000	0	75,000
8	2,500,000	500,000	100,000	200,000	0	75,000
9	2,500,000	500,000	100,000	200,000	0	75,000
TOTAL	25,000,000	5,000,000	1,000,000	2,000,000	190,000	370,000

Present Value						
Year	Option 1		Option 2		Option 3	
	Cost	Benefit	Cost	Benefit	Cost	Benefit
0	2,500,000	500,000	100,000	200,000	100,000	0
1	2,427,184	485,437	97,087	194,175	48,544	0
2	2,356,490	471,298	94,260	188,519	23,565	0
3	2,287,854	457,571	91,514	183,028	0	9,151
4	2,221,218	444,244	88,849	177,697	0	22,212
5	2,156,522	431,304	86,261	172,522	12,939	38,817
6	2,093,711	418,742	83,748	167,497	0	54,436
7	2,032,729	406,546	81,309	162,618	0	60,982
8	1,973,523	394,705	78,941	157,882	0	59,206
9	1,916,042	383,208	76,642	153,283	0	57,481
TOTAL	21,965,272	4,393,054	878,611	1,757,222	185,048	302,286

	Option 1	Option 2	Option 3
Benefit-Cost Ratio	0.20	2	1.63
Net Benefit	-17,572,218	878,611	117,239

Discount rate; if so, please make a note of this on the Economic Impact form and provide a rationale

example where costs and benefits vary from year to year.

(0) for years where no costs or benefits are expected.

any changes. Use "Option 2" for the status quo and "Option 3" for one other alternative.

DRAFT AGENDA
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and are not to be construed as minutes or official Board Position.
DRAFT AGENDA

2022 Wastewater Works Operators CPE Audit Report

Memo

To: WWWOOSP Board Members
From: Tanya M. Pettus, Board Administrator
Date: 10/27/2022
Re: 2022 Wastewater Works Operators CPE Audit Report

This memo provides information regarding the 2022 Wastewater Works Operators CPE Audit Report.

June 1, 2022: The regulant population of wastewater works operators eligible for audit totaled 1180 in Eagles. As previously directed by the Board, five percent (5%) of the eligible regulant population was randomly selected, resulting in 53 regulants selected for audit. Note: Regulants licensed less than two years were manually excluded.

Initial letter and CPE audit form mailed to regulants selected for audit.

July 5, 2022: Due date of CPE audit form and required documentation.

July 8, 2022: Final notices sent to unresponsive auditees and auditees whose audits were pending completion.

July 22, 2022: Deadline for CPE audit form and required documentation.

Update: Responses received as of close of business July 8, 2022:

Total Received	52
Passed	50
Incomplete	0
Pending Review	0
Surrendered	2
No Response	1
Forwarded for Disciplinary Action	1

PFA Summary

1/1/2017 through 10/21/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Wastewater Works Operator Class 1 Examination - VAWW1

Exam Type: Virginia Wastewater Works Operator Class 1 Examination - CLASS1

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	288	45	15.6%	243	84.4%	12	4.0%	300
Repeater	455	96	21.1%	359	78.9%	17	3.6%	472
Total	743	141	19.0%	602	81.0%	29	3.8%	772

Test Program: Virginia Wastewater Works Operator Class 2 Examination - VAWW2

Exam Type: Virginia Wastewater Works Operator Class 2 Examination - CLASS2

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	476	120	25.2%	356	74.8%	10	2.1%	486
Repeater	586	129	22.0%	457	78.0%	25	4.1%	611
Total	1062	249	23.4%	813	76.6%	35	3.2%	1097

Test Program: Virginia Wastewater Works Operator Class 3 Examination - VAWW3

Exam Type: Virginia Wastewater Works Operator Class 3 Examination - CLASS3

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	499	159	31.9%	340	68.1%	14	2.7%	513
Repeater	546	159	29.1%	387	70.9%	13	2.3%	559
Total	1045	318	30.4%	727	69.6%	27	2.5%	1072

Test Program: Virginia Wastewater Works Operator Class 4 Examination - VAWW4

Exam Type: Virginia Wastewater Works Operator Class 4 Examination - CLASS4

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	522	160	30.7%	362	69.3%	17	3.2%	539
Repeater	666	166	24.9%	500	75.1%	17	2.5%	683
Total	1188	326	27.4%	862	72.6%	34	2.8%	1222

PFA Summary

1/1/2017 through 10/21/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Waterworks Operator Class 1 Examination - VAWA1

Exam Type: Virginia Waterworks Operator Class 1 Examination - CLASS1

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	269	63	23.4%	206	76.6%	3	1.1%	272
Repeater	388	92	23.7%	296	76.3%	14	3.5%	402
Total	657	155	23.6%	502	76.4%	17	2.5%	674

Test Program: Virginia Waterworks Operator Class 2 Examination - VAWA2

Exam Type: Virginia Waterworks Operator Class 2 Examination - CLASS2

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	334	168	50.3%	166	49.7%	12	3.5%	346
Repeater	373	96	25.7%	277	74.3%	11	2.9%	384
Total	707	264	37.3%	443	62.7%	23	3.2%	730

Test Program: Virginia Waterworks Operator Class 3 Examination - VAWA3

Exam Type: Virginia Waterworks Operator Class 3 Examination - CLASS3

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	377	203	53.8%	174	46.2%	18	4.6%	395
Recredentialing	4	0	0.0%	4	100.0%	0	0.0%	4
Repeater	283	108	38.2%	175	61.8%	6	2.1%	289
Total	664	311	46.8%	353	53.2%	24	3.5%	688

Test Program: Virginia Waterworks Operator Class 4 Examination - VAWA4

Exam Type: Virginia Waterworks Operator Class 4 Examination - CLASS4

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	315	185	58.7%	130	41.3%	10	3.1%	325
Repeater	174	70	40.2%	104	59.8%	2	1.1%	176
Total	489	255	52.1%	234	47.9%	12	2.4%	501

PFA Summary

1/1/2017 through 10/21/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Waterworks Operator Class 5 Examination - VAWA5

Exam Type: Virginia Waterworks Operator Class 5 Examination - CLASS5

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	118	100	84.7%	18	15.3%	3	2.5%	121
Repeater	20	9	45.0%	11	55.0%	0	0.0%	20
Total	138	109	79.0%	29	21.0%	3	2.1%	141

Test Program: Virginia Waterworks Operator Class 6 Examination - VAWA6

Exam Type: Virginia Waterworks Operator Class 6 Examination - CLASS6

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	68	38	55.9%	30	44.1%	1	1.4%	69
Repeater	32	17	53.1%	15	46.9%	2	5.9%	34
Total	100	55	55.0%	45	45.0%	3	2.9%	103

PFA Summary

7/14/2022 through 10/21/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Wastewater Works Operator Class 1 Examination - VAWW1

Exam Type: Virginia Wastewater Works Operator Class 1 Examination - CLASS1

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	22	1	4.5%	21	95.5%	0	0.0%	22
Repeater	37	7	18.9%	30	81.1%	4	9.8%	41
Total	59	8	13.6%	51	86.4%	4	6.3%	63

Test Program: Virginia Wastewater Works Operator Class 2 Examination - VAWW2

Exam Type: Virginia Wastewater Works Operator Class 2 Examination - CLASS2

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	28	5	17.9%	23	82.1%	0	0.0%	28
Repeater	50	10	20.0%	40	80.0%	1	2.0%	51
Total	78	15	19.2%	63	80.8%	1	1.3%	79

Test Program: Virginia Wastewater Works Operator Class 3 Examination - VAWW3

Exam Type: Virginia Wastewater Works Operator Class 3 Examination - CLASS3

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	27	7	25.9%	20	74.1%	0	0.0%	27
Repeater	39	13	33.3%	26	66.7%	3	7.1%	42
Total	66	20	30.3%	46	69.7%	3	4.3%	69

Test Program: Virginia Wastewater Works Operator Class 4 Examination - VAWW4

Exam Type: Virginia Wastewater Works Operator Class 4 Examination - CLASS4

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	36	6	16.7%	30	83.3%	3	7.7%	39
Repeater	42	12	28.6%	30	71.4%	2	4.5%	44
Total	78	18	23.1%	60	76.9%	5	6.0%	83

PFA Summary

7/14/2022 through 10/21/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Waterworks Operator Class 1 Examination - VAWA1

Exam Type: Virginia Waterworks Operator Class 1 Examination - CLASS1

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	19	4	21.1%	15	78.9%	2	9.5%	21
Repeater	22	7	31.8%	15	68.2%	2	8.3%	24
Total	41	11	26.8%	30	73.2%	4	8.9%	45

Test Program: Virginia Waterworks Operator Class 2 Examination - VAWA2

Exam Type: Virginia Waterworks Operator Class 2 Examination - CLASS2

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	27	15	55.6%	12	44.4%	2	6.9%	29
Repeater	18	8	44.4%	10	55.6%	0	0.0%	18
Total	45	23	51.1%	22	48.9%	2	4.3%	47

Test Program: Virginia Waterworks Operator Class 3 Examination - VAWA3

Exam Type: Virginia Waterworks Operator Class 3 Examination - CLASS3

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	34	18	52.9%	16	47.1%	3	8.1%	37
Recredentialing	1	0	0.0%	1	100.0%	0	0.0%	1
Repeater	11	8	72.7%	3	27.3%	0	0.0%	11
Total	46	26	56.5%	20	43.5%	3	6.1%	49

Test Program: Virginia Waterworks Operator Class 4 Examination - VAWA4

Exam Type: Virginia Waterworks Operator Class 4 Examination - CLASS4

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	20	8	40.0%	12	60.0%	1	4.8%	21
Repeater	11	5	45.5%	6	54.5%	0	0.0%	11
Total	31	13	41.9%	18	58.1%	1	3.1%	32

PFA Summary

7/14/2022 through 10/21/2022

Delivery Method: ALL

Client: Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals(ABC-VA)

Test Program: Virginia Waterworks Operator Class 5 Examination - VAWA5

Exam Type: Virginia Waterworks Operator Class 5 Examination - CLASS5

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	8	6	75.0%	2	25.0%	0	0.0%	8
Repeater	1	1	100.0%	0	0.0%	0	0.0%	1
Total	9	7	77.8%	2	22.2%	0	0.0%	9

Test Program: Virginia Waterworks Operator Class 6 Examination - VAWA6

Exam Type: Virginia Waterworks Operator Class 6 Examination - CLASS6

	Total Tested	Pass	%	Fail	%	Absent	%	Total
First Time	3	1	33.3%	2	66.7%	0	0.0%	3
Total	3	1	33.3%	2	66.7%	0	0.0%	3



October 21, 2022

Trisha L. Lindsey
Executive Director, Board for Waterworks and Wastewater Works
Operators and Onsite Sewage System Professionals
Virginia Department of Professional and Occupational Regulation
9960 Maryland Drive, Suite 400
Richmond, VA 23233

Re: Waterworks and Wastewater Works Operator Licensing

Dear Ms. Lindsey:

On behalf of the Virginia Municipal Drinking Water Association (VMDWA) and Virginia Association of Municipal Wastewater Agencies (VAMWA), we are writing to share significant operator staffing challenges that our member agencies are encountering across the Commonwealth and to seek collaboration with the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (Board) and DPOR to help overcome these challenges.

As you may know, for more than three decades VAMWA has represented the policy interests of Virginia's public clean water agencies. VAMWA's agency membership represents over 95 percent of Virginia's population served by centralized wastewater treatment. You may be less familiar with VAMWA's newer sister organization, VMDWA, which was organized in 2021 and already consists of 39 major public drinking water agencies. Both organizations are led by boards comprised of utility directors and general managers from across Virginia.

Obviously, VAMWA, VMDWA, the Board, and DPOR have a strong common interest in the training, recruitment, and retention of competent persons to operate Virginia's publicly-owned waterworks and wastewater works, while protecting the public health, welfare, property, and water resources in Virginia.

We are reaching out to share with you that utility executives from VAMWA and VMDWA member agencies have been reporting, with a growing level of concern, their persistent and increasing difficulties in hiring and retaining licensed operators to staff their facilities.

One key aspect of the problem is the low pass rate under the national ABC licensing exam that Virginia currently uses. While this is surely a complex issue with multiple causes, our members have reported that certain unnecessary exam features contribute to high failure rates, such as the shift to a closed book exam process and inclusion of exam questions that are irrelevant to many facilities in Virginia. VAMWA and VMDWA would like to explore targeted changes to the

Trisha L. Lindsey

October 21, 2022

Page 2

examination process to improve pass rates without weakening necessary standards. We support attention to these issues and evaluation of other aspects of the examination process to increase the pass rate in appropriate ways. We would like to partner with the Board and DPOR in this regard.

We are also concerned that Virginia finds itself with a competitive disadvantage to our neighboring states such as North Carolina, South Carolina, and Maryland. Other states have streamlined regulatory approaches to granting license reciprocity to sought-after talent. In contrast, recruiting to attract out-of-state operators to meet Virginia staffing shortages is complicated by an extended licensing process with an uncertain outcome for the job applicant, and we lose recruits because of this. VAMWA and VMDWA believe that Virginia has an opportunity to significantly streamline the administrative process for granting licenses without examination. We recommend more generously and more quickly granting reciprocity through staff-level approvals to applicants based on generally comparable out-of-state licenses, which could be determined and published in advance to aid recruitment. We suggest the process specifically include rapid approvals for job applicants, so that employers and employees can make employment decisions with more certainty about schedules and reciprocity outcomes.

Thank you for the opportunity to share these concerns and recommendations. Consistent with the Governor's Executive Order 19, we would greatly appreciate the Board's and DPOR's support for improvements to help quickly address the severe staffing challenges in the public water and wastewater sectors. We will follow up with you to seek a time to discuss opportunities, and in the meantime you can reach us through Chris Pomeroy at (804) 874-1028 (c) or chris@AquaLaw.com, or directly as shown below.

Thank you for your consideration and your service to public water utilities.

Sincerely,



George B. Hayes, P.E.
VAMWA President
hayesg@chesterfield.gov
(804) 318-8372



Timothy A. Mitchell, P.E.
VMDWA President
timothy.mitchell@lynchburgva.gov
(434)455-4252

Copy by email to:

Ms. Erica Duncan – Wastewater Operator
Mr. Thomas Wayne Fore – Waterworks Operator
Mr. Don Riggleman – Wastewater Works Owner
Mr. Caleb Taylor – Waterworks Owner
VAMWA Board of Directors
VMDWA Board of Directors
Christopher D. Pomeroy, Esq.

WWWOSSP Board Training & Education Committee Application Review Summary

PROVIDER NAME:	<p style="text-align: center;">UF TREEO Center</p> <p style="text-align: center;">University of FL Training, Research and Education for Environmental Occupations</p>
TYPE OF COURSE:	<p style="text-align: center;">Wastewater Works Operator—Pre-license</p>
SUBJECT/COURSE TITLE:	<p style="text-align: center;">Wastewater Treatment Plant Operations C&B Training Course</p>
DELIVERY METHOD OF INSTRUCTION:	<p style="text-align: center;">Online</p>
PREVIOUS BOARD APPROVALS:	<p style="text-align: center;">N/A</p>
STAFF RECOMMENDATION:	<p style="text-align: center;">Approval</p> <p style="text-align: center;">Training credits to be determined by Committee (149.8 contact hours)</p>

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for WWWOSSP
954530**

2022-2024 Biennium

September 2022

	September 2022 Activity	Biennium-to-Date Comparison	
		July 2020 - September 2020	July 2022 - September 2022
Cash/Revenue Balance Brought Forward			126,089
Revenues	14,225	33,052	44,482
Cumulative Revenues			170,571
Cost Categories:			
Board Expenditures	432	2,557	3,480
Board Administration	7,415	23,955	26,073
Administration of Exams	847	4,194	2,824
Enforcement	503	1,500	1,722
Legal Services	0	223	0
Information Systems	3,727	15,571	11,551
Facilities and Support Services	3,058	11,311	8,815
Agency Administration	7,853	10,354	17,275
Other / Transfers	0	0	0
Total Expenses	23,835	69,665	71,741
Transfer To/(From) Cash Reserves	0	0	(12,349)
Ending Cash/Revenue Balance			111,179

Cash Reserve Beginning Balance	86,854	0	99,203
Change in Cash Reserve	0	0	(12,349)
Cash Reserve Ending Balance	86,854	0	86,854

Number of Regulants

Current Month	5,927
Previous Biennium-to-Date	5,809

UPDATE ON OUTREACH OPPORTUNITIES

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Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board action.
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ELECTION OF OFFICERS

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REPORT FROM THE 2022 BOARD
MEMBER TRAINING CONFERENCE

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OTHER BUSINESS

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FUTURE MEETING DATES

- January 26, 2023
- April 20, 2023
- July 27, 2023
- October 19, 2023

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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ADJOURN

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