

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

MEETING MINUTES

The Virginia Board for Waterworks and Wastewater Works Operators met on Wednesday, September 14, 2005 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:

Eileen M. Leininger, P.E., Chair
Steve W. Cawthron, Vice Chair
Harold W. Walker (arrived at 8:50 a.m.)
John W. Vanderland
Frank L. Davis, Jr.

Board members Dr. Thomas J. Grizzard and Gerald W. Peaks were unable to attend.

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

Louise Fontaine Ware, Director
Brian Hannigan, Chief Deputy Director
Karen O'Neal, Deputy Director for RPD
David Dick, Executive Director
Sharon Sweet, Education & Exam Administrator
Earlyne Perkins, Legal Assistant
Kera Woodard, Legal Assistant
Marilyn Cohn, Administrative Assistant

Others who attended the meeting included:

Mark Anderson, Department of Health

Chairperson Leininger, finding a quorum of the Board present, **Call to Order** called the meeting to order at 8:45 AM.

Steve Cawthron moved to approve the agenda deferring item XI **Adopt Agenda** Board Member Training to the next meeting. Mr. Davis seconded the motion which was unanimously approved by the following members: Leininger, Cawthron, Davis and Vanderland.

Mr. Walker arrived at 8:50 A.M.

**Approval of
Minutes**

Mr. Vanderland moved that the Board approve the minutes of its

March 9, 2005 Board meeting and the August 11, 2005 Public Hearing. Mr. Cawthron seconded the motion which was unanimously approved by the following members: Leininger, Cawthron, Walker, Davis and Vanderland.

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

Public Comment
Period

Mr. Cawthron recused himself and did not participate in the discussion or vote.

File Number
2005-00130

In the matter of **File Number 2004-03871, Timothy Headley**, the Board reviewed the Consent Order which was offered to the Respondent, Timothy Headley. Mr. Headley was not present at the Board meeting. Mr. Vanderland moved that the Board accept the Consent Order. Mr. Walker seconded the motion which was approved by the following members: Leininger, Walker, Davis and Vanderland. Mr. Cawthron recused himself and did not participate in any discussion or vote. Dr. Grizzard and Mr. Peaks were not in attendance.

David Dick provided the board with a copy of the correspondence received from Mr. Dan French regarding recent changes in the material provided to examinees concerning the materials that may be brought into the examination. The board reviewed DPOR's response from Sharon Sweet, the agency's Education & Exam Director. Sharon Sweet reviewed with the Board the background and rationale for the changes that were the subject of Mr. French's letter and agreed to review the information for clarity before it was distributed for the November examination. No action was taken by the board.

Examination
Update

Sharon Sweet discussed the details regarding the PSI Computer Examination Contract which is expected to start by March 15, 2006 with the Candidate Information Bulletin ready in January, 2006.

David Dick reviewed the procedure currently used by staff to process applications for the examinations currently given three times per year and then described the procedures that he envisions being used by DPOR staff and PSI staff under the contract.

The Board observed that certain provisions of its current regulations were designed to support a paper and pencil examination administered twice a year and is more stringent than is

Fast-Track
Regulation
Approval

necessary to support a computer examination administered on a daily basis. The Board agreed without dissent to ask staff to develop a fast-track regulation amendment proposal for their review and action at the December 7, 2005 meeting.

The Chair appointed Mr. Vanderland to assist Sharon Sweet in the development of the examination format.

Examination Update

David Dick reviewed the results of staff's continuing professional audit (CPE) compliance audits.

CPE Audit

Mr. Cawthron moved that the Board authorize DPOR staff to allow licensees that did not complete the required CPE hours up to an additional 12 months to do so. Licensees that do not document their CPE compliance or are unable to document CPE compliance after the additional 12 months that may be authorized by staff shall be referred for disciplinary action. The motion was seconded by Mr. Vanderland and unanimously approved by the following members: Leininger, Walker, Cawthron, Davis and Vanderland.

David Dick provided the Board with the public comments received during the public comment period on its proposed regulation amendments and a draft Summary of Public Comment and Agency Response. The Board reviewed the public comments and the draft Summary of Public Comment and Agency Response.

Proposed Regulation Amendments

Mr. Vanderland moved that the Board adopt the Summary of Public Comment and Agency Response as drafted by staff. The motion was seconded by Mr. Davis and unanimously approved by the following members: Leininger, Walker, Cawthron, Davis and Vanderland.

Summary of Public Comment and Agency Response Adopted

The following changes to the proposed amendments were offered by the staff:

Staff Recommendations

1. Amend the definition of "non-classified facility" (See 18 VAC 160-20-10 – page 3) to add the words "located in Virginia" after "a facility" and before "that has not been." The language proposed would allow one with experience in another state to apply for a conditional license. This would conflict with the current provisions of 18 VAC 160-20-80 that require an individual certified or licensed in another jurisdiction to hold a valid certification or license from that other jurisdiction in order to have his experience considered.

2. Amend 18 VAC 160-20-95 B to delete the phrase "and shall be issued a conditional license upon obtaining a passing score on the

examination” and replace it with “The conditional license shall not be issued until all applicable requirements have been met and satisfactorily verified.” This will conform the proposed language to the existing language in 18 VAC 160-20-90 D 1.

3. Amend the term “Conditional License” to “Provisional License.” The word provisional may more accurately connote that a requirement must be met in the future (classified facility experience) in order to qualify for a license.

Mr. Vanderland moved that the Board adopt staff’s suggested changes to its proposed regulations as presented. The motion was seconded by Mr. Walker and unanimously approved by the following members: Leininger, Walker, Cawthron, Davis and Vanderland.

**Staff
Recommendations
Adopted**

Harold Walker moved that the board adopt the proposed regulations with the staff-recommended changes as final regulation. Mr. Davis seconded the motion which was unanimously approved by the following members: Leninger, Walker, Cawthron, Davis and Vanderland.

**Adopt Final
Regulations**

Mr. Cawthron moved that the Board approve the course entitled VPDES Permit Recordkeeping and Reporting submitted by the Virginia Department of Environmental Quality and award those completing the course 0.35 Training Credits. Mr. Walker seconded the motion which was unanimously approved by the following members: Leninger, Walker, Cawthron, Davis and Vanderland.

**DEQ Application
for Training
Course Approval**

Steve Cawthron, the Board’s representative at the ABC Annual Conference, provided the Board with a sample of a flow chart on the On-Line Process of training course applications. The Board took no action.

Other Business

Board member training was deferred until the next meeting.

**Board Member
Training**

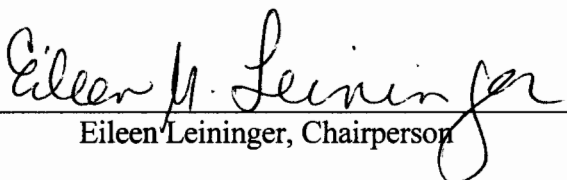
The Board confirmed the following meeting dates:

Set Meeting Dates

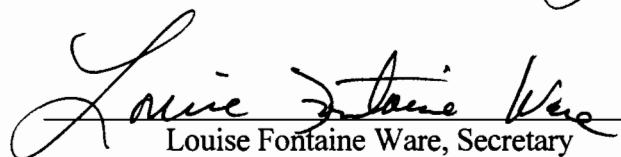
December 7, 2005
March 8, 2006
June 21, 2006
September 13, 2006
December 6, 2006

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

The Board adjourned at 12:35 PM. Adjournment



Eileen Leininger, Chairperson



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government**

1. Name: Eileen Leininger
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: none
-

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: water industry

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

Dated:

9/14/05

Signature:

Eileen M. Leininger

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government**

1. Name: Steve W. Cawthron
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Water + Wastewater
Industry

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

Dated: 9/14/05

Signature: SW Cawthron

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government**

1. Name: Harold W. Walker
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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

Dated: 9/14/05
Signature: Harold W Walker

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government**

1. Name: John W. Vanderland
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Approval of DEQ Training Program - abstained to avoid conflict.

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

Dated:

9/14/05

Signature:

John W. Vanderland

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government**

1. Name: Frank L. Davis, Jr.
2. Title: Board Member – Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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

Dated: 9-14-05

Signature: Frank L. Davis, Jr.