

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

MINUTES OF MEETING

The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals met on October 27, 2016, 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
Rosa-Lee Cooke
W. Jordan Evans
John Ewing
Thomas Wayne Fore
D. Perry Greene, Chair
Drew Hammond
Kristen Lentz
D. Wayne Staples
Richard C. Wadkins

Board member Pamela M. Pruett was not present at the meeting.

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

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

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

Mr. Greene, Chair, called the meeting to order at 9:01 a.m.

Call to Order

Ms. Henshaw advised the Board of emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

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

**Approval of
Agenda**

Mr. Fore moved to approve the minutes of the July 28, 2016, Board

Approval of

meeting as presented. Mr. Wadkins seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins.

Minutes

Ms. Henshaw introduced to the Board Drew Hammond, Acting Director of the Office of Drinking Water, who will serve as the Virginia Department of Health (VDH) Designee. In addition, she introduced new staff members: Paul Saunders, the new Board Administrator, and DPOR's new Presiding Officer, Jessica Eldridge. Ms. Eldridge addressed the Board and provided an overview of her background and new responsibilities at DPOR.

**Introduction of
New Board
Member and Staff**

Ms. Henshaw also introduced Adjudication staff members Deb Schneider, Sam Thomason, and Linda Rhodenhiser, who were present to observe the meeting.

Mr. Greene opened the floor for public comment. There were no members of the public present to address the Board on matters outside of the files to be presented at the meeting.

**Public Comment
Period**

In the matter of **File Number 2016-01607, Anthony Ray Armstrong**, the Board members reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Presiding Officer's Summary and Recommendation. Mr. Fore moved to accept the recommendation of the Presiding Officer and find Mr. Armstrong in violation of 18VAC160-20-140.1 of the Board's regulations. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins. Mr. Fore then moved to accept the recommendation as to the sanction and revoke Mr. Armstrong's Class 1 Waterworks Operator license for the violation. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins.

**File Number 2016-
01607, Anthony
Ray Armstrong**

In the matter of **File Number 2017-00015, Antonio Thompson**, the Board members reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Ms. Cooke moved to accept the recommendation of the Presiding Officer and approve Mr. Thompson's application for a Class 4 Wastewater Works Operator license contingent upon completion of the Department of Corrections (DOC) Wastewater Works Operator Class 4 Apprenticeship Program, meeting all entry requirements contained in the Board's regulations, and passing the applicable examination. Ms. Lentz seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore,

**File Number 2017-
00015, Antonio
Thompson**

Greene, Hammond, Lentz, Staples, and Wadkins.

In the matter of **File Number 2017-00028, James Edwards**, 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. Wadkins moved to accept the recommendation of the Presiding Officer and approve Mr. Edwards' application for a Class 4 Wastewater Works Operator license contingent upon completion of the DOC Wastewater Works Operator Class 4 Apprenticeship Program, meeting all entry requirements contained in the Board's regulations, and passing the applicable examination. Ms. Lentz seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins.

File Number 2017-00028, James Edwards

Ms. Cooke recused herself from the meeting for the discussion and deliberation regarding File Number 2017-00250.

Recusal of Board Member

In the matter of **File Number 2017-00250, Jeffrey Kip Morgan**, 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. Morgan's application for a Class 4 Waterworks Operator license. Mr. Fore seconded the motion which was approved by: Brockwell, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins.

File Number 2017-00250, Jeffrey Kip Morgan

Ms. Cooke returned to the meeting.

Return of Board Member

In the matter of **File Number 2017-00251, Chris Pugh**, 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 2017-00251, Chris Pugh

Mr. Pugh was present to address the Board and thanked them for their time and consideration. Mr. Pugh shared his work history with the Board, and asked them to consider approving his application.

Mr. Staples moved to accept the recommendation of the Presiding Officer and approve Mr. Pugh's application for a Conventional Onsite Sewage System Operator license. Mr. Brockwell seconded

the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins.

In the matter of **File Number 2017-00610, Mark Haigler**, 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. Wadkins moved to accept the recommendation of the Presiding Officer and approve Mr. Haigler's application for a Class 4 Wastewater Works Operator license contingent upon completion of the DOC Wastewater Works Operator Class 4 Apprenticeship Program, meeting all entry requirements contained in the Board's regulations, and passing the applicable examination. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins.

File Number 2017-00610, Mark Haigler

In the matter of **File Number 2017-00611, Laron Watkins**, 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. Watkins' application for a Class 4 Wastewater Works Operator license. Mr. Wadkins seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins.

File Number 2017-00611, Laron Watkins

Mr. Staples recused himself from the meeting for the discussion and deliberation regarding File Number 2017-00628.

Recusal of Board Member

In the matter of **File Number 2017-00628, Kyle Blaine Church**, 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 2017-00628, Kyle Blaine Church

Mr. Church was present to address the Board and thanked them for their time. Mr. Church stated he was looking to further his education and career, and asked the Board to consider approving his application.

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

Fore, Greene, Hammond, Lentz, and Wadkins.

Mr. Staples returned to the meeting.

Return of Board Member

In the matter of **File Number 2017-00491, Benjamin Villalobos**, 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. Villalobos' application for a Class 4 Wastewater Works Operator license. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins.

File Number 2017-00491, Benjamin Villalobos

Ms. Henshaw advised the Board of the status of the Board's regulatory actions that are in process. Board-approved amendments to the regulations made pursuant to the Board's general review have been submitted for executive branch review. The final text is currently with the office of the Secretary of Commerce and Trade, and will then be submitted to the Governor's office. Following Governor approval, a final 30-day public comment period will be held prior to the amended regulations becoming effective.

Update on Regulatory Review Processes

The fast track action to amend public participation guidelines due to a statutory change is currently undergoing executive branch review. Following executive branch review, the amended public participation guidelines will be published in the Virginia Register, a 30-day public comment period will be held, and the amendments will become effective fifteen days after close of the public comment period.

Ms. Henshaw provided the Board a copy of the year-to-date examination statistics report for informational purposes.

Examination Statistics Report

Ms. Henshaw and Ms. Webster updated the Board on the waterworks and wastewater works national examination transition. Ms. Henshaw provided a sample diagnostic score report that will be available to waterworks and wastewater works license candidates immediately upon completion of the exam. Currently a score report is only available to candidates who do not pass the exam. The national exam vendor will provide this information for all candidates.

Update on Examination Transition

The Board was provided with national exam vendor examination

materials for review. Discussion was held on whether Virginia-specific examination materials will be provided by the vendor.

Ms. Henshaw provided the Board with a license class exam equivalency chart, illustrating the national exam vendor equivalencies of waterworks and wastewater works license classes. Because the national exam vendor does not have an equivalent for a Class 6 Waterworks Operator license, Ms. Henshaw asked the Board to consider examination options. Discussion was held on the need for subject matter experts (SMEs) to take part in the selection of exam questions. After discussion, Mr. Staples moved to allow the national exam vendor to work with Virginia SMEs to customize an exam for the Class 6 Waterworks Operator license using the vendor's question bank. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins. Mr. Fore volunteered to serve as an SME for the purpose of the development of the Class 6 Waterworks Operator license exam.

Discussion was held on the location of examination sites and reciprocity, as well as the need for delaying the Class 6 Waterworks Operator license exam for up to 30 days in order to allow time for selection of questions from the national exam vendor's item bank. The Board agreed by consensus to allow a 30 day delay to allow for the development of the Class 6 Waterworks Operator license exam.

Discussion was held on the timeframe in which a candidate who does not pass the exam may reschedule. After discussion, Mr. Fore moved to implement a 10-day waiting period from the day the examination is taken before allowing a candidate to reschedule the exam. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins.

After further discussion on state-specific exam items and exam development, Ms. Webster advised the Board she would gather more information regarding the national exam vendor's question/item bank and physical examination locations.

Ms. Henshaw and Ms. Webster updated the Board on onsite licensing examination options. There is currently no viable national exam option for these licenses. Ms. Webster advised that staff is exploring alternatives to the current onsite licensing examination, and that staff is looking to maintain examination costs and locations similar to the current options.

The Board recessed from 10:03 a.m. to 10:18 a.m.

Recess

Ms. Henshaw provided an update on waterworks operator continuing professional education (CPE) audits. The audits were conducted on a random group of individuals making up 5% of the regulant population.

**2016 Waterworks
Operator CPE
Report**

Discussion was held on the method in which auditees are selected.

Board members considered the following resolution for former Board member John Aulbach, II:

**Consideration of
Resolutions for
Service**

John Aulbach, II

WHEREAS, **John Aulbach**, did faithfully and diligently serve the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals from 2012 to 2016;

WHEREAS, **John Aulbach**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **John Aulbach**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals this twenty-seventh day of October 2016, that **John Aulbach** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Fore moved to adopt the resolution as presented. Ms. Lentz seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins.

Former Board Administrator Kristin Clay was present at the Board meeting. Mr. Greene presented the following resolution to Ms.

Clay.

Kristin Marie Clay

WHEREAS, **Kristin Clay**, did faithfully and diligently serve the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals from 2013 to 2016;
WHEREAS, **Kristin Clay**, did devote generously of her time, talent and leadership to the Board;
WHEREAS, **Kristin Clay**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions;
and
WHEREAS, the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;
NOW THEREFORE BE IT RESOLVED, by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals this twenty-seventh day of October 2016, that **Kristin Clay** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and
BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Mr. Staples moved to adopt the resolution as presented. Ms. Fore seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins. The Board and staff thanked Ms. Clay for her service to the Board.

Ms. Henshaw opened the floor for annual nominations of the Board Chair. Mr. Staples nominated Mr. Evans. Mr. Fore made a motion to close the nominations for Board Chair. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz, Staples, and Wadkins. By acclamation, Mr. Evans was named Board Chair.

Election of Officers

Mr. Greene opened the floor for annual nominations of Board Vice-Chair. Ms. Cooke nominated Mr. Staples. Mr. Wadkins made a motion to close the nominations for Board Vice-Chair. Ms. Cooke seconded the motion which was unanimously approved by: Brockwell, Cooke, Evans, Ewing, Fore, Greene, Hammond, Lentz,

Staples, and Wadkins. By acclamation, Mr. Staples was named Board Vice-Chair.

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

**Update on
Outreach
Opportunities**

The following meeting dates have been scheduled:

- January 19, 2017
- April 20, 2017
- July 27, 2017
- October 26, 2017

**Future Meeting
Dates**

Board members were reminded to complete their conflict of interest forms and travel vouchers.

**Conflict of Interest
Forms and Travel
Vouchers**

Mr. Hammond advised the Board that VDH is working to develop a waterworks school, and would provide more information as the project progresses.

**Other Board
Business**

There being no further business, the meeting was adjourned at 10:35 a.m.

Adjourn

W. Jordan Evans, Chair

Jay W. DeBoer, Secretary