

**BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS
AND ONSITE SEWAGE SYSTEM PROFESSIONALS
MINUTES OF MEETING**

The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals met on April 11, 2024, at the Department of Professional and occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, 23233.

The following members of the Board were present:

Alvin Christian
Thomas Wayne Fore
Josh Kirtley
Pamela M. Pruett, Chair
Don Riggleman
D. Wayne Staples
Caleb M. Taylor

Board members James N. Brockwell, Erica Duncan, Vice-Chair, John Ewing, and Dwayne Roadcap were not present at the meeting.

The following staff members were present for all or part of the meeting:

Kishore S. Thota, Director
Stephen Kirschner, Deputy Director, Licensing and Regulatory Programs
Marjorie King, Executive Director
Tanya M. Pettus, Deputy Executive Director
Gregory Emerson, Examinations Director
Cameron Parris, Regulatory Operations Administrator
Rachel Harris, Administrative Coordinator

Josh Laws from the Office of the Attorney General was present.

Ms. Pruett, Chair, finding a quorum of the Board present called the meeting to order at 9:35 a.m.

Call to Order

Ms. Pettus advised the Board of the 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 Christian, Fore, Kirtley, Pruett, Riggleman, Staples, and Taylor.

**Approval of
Agenda**

Ms. Pettus reminded the Board of the internal reorganization of the agency and introduced Marjorie King, Executive Director of the Board.

**Introduction of
Executive
Director**

Ms. Pettus also advised of an initiative across all Boards within the agency to standardize the format of Board meeting materials, such as agendas, reference materials, and meeting minutes.

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Approval of Minutes

Mr. Fore moved to approve the minutes of the January 25, 2024, Board meeting. Mr. Riggleman seconded the motion which was unanimously approved by: Christian, Fore, Kirtley, Pruett, Riggleman, Staples, and Taylor.

Donnie Edmonds, a licensed Class III Wastewater Works Operator addressed the Board regarding his concerns about the current licensing qualifications and entry requirements. Mr. Edmonds feels that it is not necessary for an individual who already holds a license in a lower class to gain experience in the class of facility that directly precedes the next license. Mr. Edmonds inquired as to why a licensed Class III operator cannot qualify for a Class I license without first obtaining a Class II license.

Public Comment Period

In the matter of **File Number 2024-01334, Smith Kriengsakchai**, the Board members reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference (IFF), and the Presiding Officer's Summary and Recommendation.

File Number 2024-01334, Smith Kriengsakchai

Mr. Riggleman moved to accept the recommendation of the Presiding Officer and approve Mr. Kriengsakchai's application 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. Staples seconded the motion which was unanimously approved by: Christian, Fore, Kirtley, Pruett, Riggleman, Staples, and Taylor.

Mr. Fore recused himself from the meeting for discussion and deliberation of File Numbers 2024-00026 and 2023-02737.

Recusal of Board Member

In the matter of **File Number 2024-00026, Randall S. Fulcher**, the Board members reviewed the Consent Order and Report of Findings. Randall S, Fulcher admits to violations of 18 VAC 160-30-320.

1 as outlined in Counts 1 and 2, and consents to the monetary penalties totaling of \$500.00, and Board costs in the amount of \$150.00. In addition, Mr. Fulcher agrees to complete seven (7) hours of Board-approved continuing professional education (CPE) limited to the content areas covered by the Board's Class 4 Waterworks Operator examination and provide proof of successful completion within 60 days of the effective date of the Order.

File Number 2024-00026, Randall S. Fulcher

Mr. Staples moved to accept the terms of the Consent Order as written. Mr. Taylor seconded the motion which was unanimously approved by: Christian, Kirtley, Pruett, Riggleman, Staples, and Taylor.

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In the matter of **File Number 2023-02737, Steven Matthew Marshall** the Board members reviewed the record which consisted of transcripts and exhibits from the IFF, and the Presiding Officer's Summary and Recommendation.

File Number
2023-02737,
Steven Matthew
Marshall

Mr. Staples moved to accept the recommendation of the Presiding Officer and find Mr. Marshall in violation of the following Board regulations: 18 VAC 160-40-450.8 as outlined in Count 1. Mr. Taylor seconded the motion which was unanimously approved by: Christian, Kirtley, Pruett, Riggleman, Staples, and Taylor.

Mr. Riggleman then moved to accept the Presiding Officer's recommendation as to sanctions as follows: for violation as outlined in Count 1, imposition of a monetary penalty of \$1200.00. Mr. Staples seconded the motion which was unanimously approved by: Christian, Kirtley, Pruett, Riggleman, Staples, and Taylor.

Mr. Fore returned to the meeting.

Return of Board
Member

In the matter of **File Number 2024-00025, George Bryant Baker** the Board members reviewed the record which consisted of transcripts and exhibits from the IFF, and the Presiding Officer's Summary and Recommendation.

File Number
2024-00025,
George Bryant
Baker

Mr. Fore moved to accept the recommendation of the Presiding Officer and find Mr. Baker in violation of Board regulation 18 VAC 160-30-350.D as outlined in Count 1. Mr. Riggleman seconded the motion which was unanimously approved by: Christian, Fore, Kirtley, Pruett, Riggleman, Staples, and Taylor.

Mr. Fore moved to accept the Presiding Officer's recommendation as to sanctions as follows: for violation as outlined in Count 1, revocation of George Bryant Baker's Class 5 Waterworks Operator license. Mr. Staples seconded the motion which was unanimously approved by: Christian, Fore, Kirtley, Pruett, Riggleman, Staples, and Taylor.

Ms. Pettus asked the Board to revisit File Number 2023-02737 to verify that the Board voted to find Mr. Marshall in violation of 18VAC160-40-450.8 of the Board's regulations. After review, the Board agreed by consensus that Mr. Marshall was found in violation of 18VAC160-40-450.8, and that the Board's vote reflected the violation as such.

Revisit File
Number 2023-
02737, Steven
Matthew
Marshall
Regulatory
Action Update

Ms. Parris provided an update on the Board's regulatory actions.

Ms. Pettus provided the Board with waterworks and wastewater works examination statistics from January 1, 2017, through March 27, 2024, and January 1, 2024, through March 31, 2024, as well as onsite examination statistics from January 1, 2024, through March 31, 2024. In addition, as requested by the Board,

Examination
Updates

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onsite exam retake statistics from January 1, 2023, through December 30, 2023, were provided for informational purposes.

Tom Healy with WPI joined the meeting virtually to answer questions regarding remote proctoring of the WPI exam. Mr. Healy advised the Board of the remote proctoring process, security measures, and what to expect during the implementation of remote proctoring.

WPI Exam Update

After discussion, Mr. Fore moved to authorize the remote proctoring of the WPI exam for the Board's waterworks and wastewater works operator applicants. Mr. Staples seconded the motion which was unanimously approved by: Christian, Fore, Kirtley, Pruett, Riggleman, Staples, and Taylor.

Mr. Emerson advised that staff will work on the implementation of the remote proctoring, including parameters set forth by the Board as to what WPI refers to as business rules, which encompasses security and other factors specific to the Board's examination procedures.

The Board reviewed for approval the application for a Department of Environmental Quality (DEQ) course titled *DEQ 24 – Wastewater Utility Management*. After review and discussion, Mr. Fore moved to accept the Education & Training Committee's recommendation and approve the course application, for a total of 7 contact hours, and 0.7 training credits applicable to wastewater works operators, and onsite sewage system operators, installers, and soil evaluators; and 3.5 contact hours and .35 training credits applicable to waterworks operators.

Department of Environmental Quality Course Application

Mr. Taylor seconded the motion which was approved by: Christian, Fore, Kirtley, Pruett, Riggleman, and Taylor. Mr. Staples abstained from the vote as he is an employee of DEQ and an instructor of the course.

Jennifer Sayeigh, Policy and Legislative Affairs Manager, provided the Board with an update on the 2024 legislative session, and bills that may impact the Board.

Legislative Update

At its last meeting on January 25, 2024, Ms. Pettus advised the Board that staff has been copied on a number of communications to VDH regarding onsite sewage system installers performing electrical work when they are not licensed to do so. Ms. Pettus stated the Department has not received any formal complaints on the matter, and therefore can take no action. Discussion was held on the Board's regulations as well as the Board for Contractors' electrical tradesmen regulations.

Discussion on Licensing Requirements for Onsite Sewage System Installations

Per the Board's request, applicable statutes and regulations were provided for review and discussion. Discussion was also held on permitting procedures, as well as a Memorandum of Agreement between Virginia Department of Health and the Department of Housing and Community Development regarding permits for onsite installations.

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Ms. Pettus provided an update of recent and upcoming outreach opportunities.

**Update on
Outreach
Opportunities**

Ms. King provided an update of the Board's current application, email, and licensing statistics. The Board requested that licensing statistics be broken down by profession for the next Board meeting.

**Executive
Director Report**

Mr. Fore motioned to recognize and formally show appreciation for Rachel Harris and Tanya Pettus for serving the Board and the industry as a whole during a period of staffing shortages throughout 2023. Mr. Staples seconded the motion which was unanimously approved by: Christian, Fore, Kirtley, Pruett, Riggleman, Staples, and Taylor.

Pursuant to § 2.2-4023.1 of the Code of Virginia, a party may petition for reconsideration of a Board decision within fifteen days of the decision, after which, the Board or its agents must make the determination or reconsideration within thirty days of receipt of the request. In order to adhere to statutory timelines, Ms. King asked the Board to consider authorizing the Executive Director to consider petitions for the reconsideration of Board decisions on licensing and disciplinary cases. Mr. Fore moved to authorize the Executive Director to make determinations as to whether to reconsider Board decisions in such cases that a petition is received. Mr. Riggleman seconded the motion which was unanimously approved by: Christian, Fore, Kirtley, Pruett, Riggleman, Staples, and Taylor.

**Reconsideration
of Case
Decisions**

Ms. Pettus provided the Board with the most recent financial statements for informational purposes and advised that members of the finance department will provide an overview of the financial statements at the Board's next meeting.

**Board Financial
Statements**

Ms. Pettus presented the Board with potential meeting dates for 2025, and advised that meetings for upcoming years will now be scheduled further in advance, in order to accommodate

**2025 Meeting
Dates**

Ms. Pruett reminded the Board members of the upcoming Board Member Training Conference being held at Great Wolfe Lodge in Williamsburg, VA, on October 10th and 11th.

**2024 Board
Member
Training
Conference**

Ms. Pruett reminded the Board that the next scheduled meeting date is July 11, 2024.

**Future Meeting
Dates**

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

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

There being no further business the meeting was adjourned at 11:28 a.m.

Adjourn

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Pamela Pruett, Chair

Kishore S. Thota, Secretary

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