

Minutes of Meeting

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS INFORMAL FACT-FINDING CONFERENCES MAY 6, 2003 (10:00 A.M.)

The Board for Waterworks and Wastewater Works Operators convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Mark Haley, Board member, presided. No other Board members were present

Douglas W. Schroder, Staff member, appeared for the Department of Professional and Occupational Regulation.

The conference was recorded by Inge Snead & Associates, LTD. and the Summary is attached unless no decision was made.

Disc=Disciplinary Case

R=Regulant

Participants

Robert B. Gill
File Number 2003-00904 (Disc)

Robert Gill – R (by phone)
Shelby Smith-Hill, Investigator

The meeting adjourned at 10:45 a.m.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

Steve W. Cawthron, Chairman

Louise Fontaine Ware, Secretary

COPY TEST:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS**

**IN RE: ROBERT B. GILL
LICENSE NUMBER: 1903-001532**

FILE NUMBER: 2003-00904

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on May 6, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Robert B. Gill on April 3, 2003. The following individuals participated at the conference: Robert B. Gill, Respondent; Douglas Schroder, Staff member; Shelby Hill-Smith, Investigator; and Mark A. Haley, presiding Board member.

Summation of Facts

1. On or about August 13, 2002, Arenda L. Wright Allen (Allen), Assistant United States Attorney, filed an indictment with the United States District Court for the Eastern District of Virginia, Norfolk Division, against Gill.

2. Gill was indicted on the following:

For violating a requirement imposed in a permit issued to DLG Utility by the Commonwealth of Virginia under 33 U.S.C. §1342, in that Gill knowingly failed to submit a March 1999 Discharge Monitoring Report for the Plant to the Virginia Department of Environmental Quality (Virginia DEQ);

For failing to submit an April 1999 Discharge Monitoring Report for the Plant to the Virginia DEQ;

For failing to submit a May 1999 Discharge Monitoring Report for the Plant to the Virginia DEQ;

For failing to properly staff and maintain the Queen Anne's Court wastewater treatment plant in such a manner that the monitoring and pollution limitation requirements of its permit were not violated;

For failing to respond to DEQ's telephone and letter inquiries concerning his operation of the Plant and to provide DEQ with information necessary to accomplish the purposes of the Clean Water Act;

For causing the discharge of wastewater from the Plant into the Jones Creek, a tributary of the Pagan River and a water of the United States, in violation of the Plant's effluent limitations for 5-day biochemical oxygen demand, total suspended solids and ammonia; and

For failing to take any reasonable steps to minimize, correct, or prevent any discharge which had a reasonable likelihood of adversely affecting human health or the environment, all in violation of Title 33, United States Code, §1319(c)(2)(A).

3. On or about December 9, 2002, the United States District Court for the Eastern District of Virginia, Norfolk Division, found Gill guilty of violating Title 33 of the United States Code, § 1319(c)(2)(A), a felony.

4. As of January 27, 2003, Gill has failed to inform the Board in writing within 30 days of being found guilty of a felony.

Conclusion and Recommendation

Count 1: 18 VAC 160-20-140(2) (Effective February 15, 2001)

Gill's having been found guilty by the United States District Court for the Eastern District of Virginia, Norfolk Division, of a felony is in violation of Regulation 18 VAC 160-20-140(2), therefore I recommend revocation of his license Number 1903-001532 be imposed for the violation of the regulation.

Count 2: 18 VAC 160-20-140(6) (Effective February 15, 2001)

Gill's failure to notify the Board of his conviction is in violation of Regulation 18 VAC 160-20-140(6), therefore I recommend revocation of his license Number 1903-001532 be imposed for the violation of the regulation.

Mr. Gill has received a substantial fine along with his incarceration as imposed by United States District Court for the Eastern District of Virginia, Norfolk Division. Although this is a very serious violation of the Boards regulations, I see no value in imposing an additional monetary fine in this matter.

By: _____

Mark A. Haley
Presiding IFF Board Member
Board for Waterworks and Wastewater
Works Operators

Date: May 6, 2003