

**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 January 25, 2024, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia 23233.

The following members of the Board were present:

James N. Brockwell
Alvin Christian
Erica Duncan, Vice-Chair
John Ewing
Thomas Wayne Fore
Joshua Kirtley
Pamela M. Pruett, Chair
Don Riggleman
D. Wayne Staples

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

Brian Wolford, Chief Deputy Director
Steve Kirschner, Licensing and Regulatory Programs Division Deputy Director
Tanya M. Pettus, Associate Director
Joseph Haughwout, Regulatory Affairs Manager
Cameron Parris, Regularity Operations Administrator
Lisa Robinson, Licensing Operations Administrator
Rachel Harris, Administrative Coordinator

Joshua Laws, Assistant Attorney General with the Office of the Attorney General, was present.

Ms. Pruett, Chair, finding a quorum of the Board present, called the meeting to order at 9:33 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: Brockwell, Christian, Duncan, Ewing, Fore, Kirtley, Pruett, and Staples. **Approval of Agenda**

Ms. Pettus introduced to the Board newly-appointed Board member Alvin Christian, who will serve as the citizen member. **Introduction of New Board Member**

Ms. Pettus advised the Board of an internal reorganization of the agency wherein Board staff will now be under the same management team as the Board for Contractors. Ms. Pettus advised that Marjorie King is now Executive Director of the Board, and introduced Cameron Parris as the Board's Regulatory Operations Administrator, and Bill Ferguson as the Board's Education and Compliance Analyst. Ms. Pettus also informed the Board that Brian Wolford has been appointed as the Department's Chief Deputy Director. **DPOR Staff Updates**

Mr. Kirschner informed the Board that Ms. Pettus has taken the role of Associate Director and will be taking on more management duties as part of the management team, but will remain the contact for the majority of the Board's communications.

Mr. Fore moved to approve the minutes of the October 19, 2023, Board meeting. Mr. Staples seconded the motion which was approved by: Brockwell, Christian, Duncan, Ewing, Fore, Kirtley, Pruett, and Staples. **Approval of Minutes**

Mr. Fore moved to approve the minutes of the November 9, 2023, WWHO Licensing Regulatory Review Committee meeting. Mr. Staples seconded the motion which was approved by: Brockwell, Christian, Duncan, Ewing, Fore, Kirtley, Pruett, and Staples.

Mr. Fore moved to approve the minutes of the November 27, 2023, Examination Advisory Task Force Committee meeting. Ms. Duncan seconded the motion which was approved by: Brockwell, Christian, Duncan, Ewing, Fore, Kirtley, Pruett, Riggleman, and Staples.

Ms. Duncan moved to approve the minutes of the December 11, 2023, WWHO Licensing Regulatory Review Committee meeting. Mr. Staples seconded the motion which was approved by: Brockwell, Christian, Duncan, Ewing, Fore, Kirtley, Pruett, Riggleman, and Staples.

Mr. Riggleman arrived at the meeting at 9:40 a.m.

Arrival of Board Member

Mark Hollifield addressed the Board regarding his concerns about the waterworks and wastewater works exams and reciprocity with neighboring states. Mr. Hollifield asked the Board to consider offering both the national exam as well as a Virginia specific exam. **Public Comment Period**

Ms. Duncan and recused herself from the meeting for discussion and deliberation of File Numbers 2023-01324 and 2023-01327. **Recusal of Board Members**

Mr. Fore recused himself from the meeting for discussion and deliberation of File Number 2023-01324.

In the matter of **File Number 2023-01324, Harold Russell Washington**, the Board members reviewed the record which consisted of transcripts and exhibits from the Informal Fact Finding Conference (IFF), and the Presiding Officer's Summary and Recommendation. **File Number 2023-01324, Harold Russell Washington**

Mr. Riggleman moved to accept to the recommendation of the Presiding Officer and find Mr. Washington in violation of the following Board regulations: 18 VAC 160-40-450.B as outlined in Count 1, and 18 VAC 160-40-500.B as outlined in Count 2. Mr. Staples seconded the motion and was unanimously approved by: Brockwell, Christian, Ewing, Kirtley, Pruett, Riggleman, and Staples.

Mr. Brockwell then moved to accept the Presiding Officer's recommended sanctions as follows: for violation as outlined in Count 1, imposition of a \$50.00 monetary penalty, and for violation as outlined in Count 2, imposition of a \$250.00 monetary penalty. Mr. Riggleman seconded the motion and was unanimously approved by: Brockwell, Christian, Ewing, Kirtley, Pruett, Riggleman, and Staples.

Mr. Fore returned to the meeting. **Return of Board Members**

Mr. Brockwell recused himself from the meeting for discussion and deliberation of File Number 2023-01327. **Recusal of Board Member**

In the matter of **File Number 2023-01327, Kenneth Edward Carbaugh**, the Board members reviewed the record which consisted of transcripts and exhibits from the Informal Fact Finding Conference (IFF), and the Presiding Officer's Summary and Recommendation. **File Number 2023-01327, Kenneth Edward Carbaugh**

Mr. Ewing moved to accept to the recommendation of the Presiding Officer and find Mr. Carbaugh in violation of the following Board regulations: 18 VAC 160-40-500.D as outlined in Count 1, and 18 VAC 160-40-470.3 as outlined in Count 2. Mr. Fore seconded the motion and was unanimously approved by: Christian, Ewing, Fore, Kirtley, Pruett, Riggleman, and Staples.

Mr. Fore then moved to accept the Presiding Officer's recommendations as to sanctions as follows: for violation as outlined in Count 1, imposition of a \$50.00 monetary penalty, and no sanction for violation as outlined in Count 2. Mr. Staples seconded the motion and was unanimously approved by: Christian, Ewing, Fore, Kirtley, Pruett, Riggleman, and Staples.

Mr. Brockell and Ms. Duncan returned to the meeting.

Return of Board Members

In the matter of **File Number 2024-00550, Thomas Renaldo Johnson**, 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 2024-00550, Thomas Renaldo Johnson

Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Johnson'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. Riggleman seconded the motion which was unanimously approved by: Brockwell, Christian, Duncan, Ewing, Fore, Kirtley, Pruett, Riggleman, and Staples.

In the matter of **File Number 2024-00753, Timothy Lamont Booker, 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.

File Number 2024-00753, Timothy Lamont Booker, Jr.

Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Booker'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: Brockwell, Christian, Duncan, Ewing, Fore, Kirtley, Pruett, Rigglesman, and Staples.

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

Regulatory Action Update Recess

The Board recessed from 11:26 a.m. to 11:50 a.m.

Ms. Pettus provided the Board with draft proposed amendments to the Waterworks and Wastewater Works Operator Licensing Regulations as recommended by the Waterworks and Wastewater Works Operator Regulatory Review Committee

Consider Proposed Draft Amendments to Waterworks & Wastewater Works Operator Regulations

After thorough review, Ms. Pettus asked the Board to consider adopting the draft proposed amendments as amended. Mr. Fore moved to adopt the draft proposed amendments as amended, authorizing staff to make stylistic and non-substantive changes as needed. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Kirtley, Pruett, Rigglesman, and Staples.

Mr. Kirschner commended the Board on their work to reduce regulatory requirements in accordance with Governor Youngkin's Executive Order 1.

Ms. Pettus provided a report on the 2023 onsite sewage system professionals CPE audit. The audit began October 13, 2023, based on a random selection of 5% of current licensees.

Update on OSSP CPE Audit

Ms. Pettus provided the Board with waterworks and wastewater works examination statistics from January 1, 2017, through December 31, 2023, and October 19, 2023, through January 17, 2024, as well as onsite examination statistics from October 1, 2023, to December 11, 2023, for informational purposes.

Examination Updates

Ms. Pettus provided the Board with updates from WPI regarding water and wastewater examinations. WPI is working to revise the Need to Know Criteria for all exam types in order to narrow the scope of the exam study materials. In addition, the exam vendor is developing practice exams and currently working to translate exams into Spanish. It is also expected that new exam questions will be ready for subject matter expert (SME) review at the end of 2024. Ms. Pettus also advised that there is an updated version of the Class 1 wastewater works operator exam available for SME review. The Board briefly discussed individuals who could potentially serve as SMEs. After discussion, Mr. Riggleman moved to authorize Board staff to begin planning an SME review of the updated exam in conjunction with WPI and the Board Chair. Mr. Fore seconded the motion which was unanimously approved by: Brockwell, Duncan, Ewing, Fore, Kirtley, Pruett, Riggleman, and Staples.

**WPI Exam
Update**

Mr. Emerson asked the Board to consider whether there is interest in pursuing remote exam proctoring currently being offered by PSI. The Board agreed by consensus that they would like more information on remote proctoring of examinations.

Mr. Emerson advised he will begin working to get confirmation and more information on all examination updates relayed to the Board, to be presented at its next meeting.

Ms. Pettus advised the Board that the last meeting of the WWW Examinations Task Force was held on November 27, 2023. The Task Force declined to make a formal recommendation to the Board; however, asked that the Board continue to monitor exam results and identify training opportunities.

**Update on
WWW
Examinations
Task Force**

Ms. Pettus advised that individual members of the Task Force formed their own group of industry professionals to evaluate a number of issues affecting the industry.

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. The Board agreed by consensus to discuss the matter further at its next Board meeting.

**Discussion on
Licensing
Requirements for
Onsite Sewage
System
Installations**

Ms. Pettus provided the Board with an update on bills being considered during the current legislative session that may impact the Board.

**2024 Legislative
Update**

Ms. Pettus provided the Board with the most recent financial statements for informational purposes.

**Board Financial
Statements**

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

**Update on
Outreach
Opportunities**

The Board members considered the following for Resolutions for Service.

**Consider
Resolutions for
Service**

Westley Jordan Evans

WHEREAS, **Jordan Evans** did faithfully and diligently serve the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, and the Department of Professional and Occupational Regulation from 2016 to 2023;

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

WHEREAS, **Jordan Evans**, 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-fifth day of January 2024, that **Jordan Evans** be given all honors and respect due

him for his outstanding service to this Board and 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.

WWW Examinations Task Force

Erica Duncan

Tom Fore

Doug Grimes

Ryan Hendricks

Barry Matthews

Jamie Morris

Mike Ritchie
Wayne Staples
Caleb Taylor
Mark Titcomb
David Van Gelder

WHEREAS, these individuals did faithfully and diligently serve as members of the Waterworks and Wastewater Works Examinations Task Force;

WHEREAS, these individuals did devote generously of their time, talent and leadership to the Board;

WHEREAS, these individuals 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 those who are 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-fifth day of January 2024, that these individuals be given all honors and respect due them for outstanding service to the Commonwealth and its citizens; and BE IT FURTHER RESOLVED, that this Resolution be made a part of the official minutes of the Board so that all may know of the high regard in which they are held by this Board.

Mr. Fore moved to adopt the resolutions as written. Mr. Kirtley seconded the motion which was unanimously by: Brockwell, Christian, Duncan, Ewing, Fore, Kirtley, Pruett, Riggleman, and Staples.

Ms. Pettus commended the Board on its 100% completion of the submission of financial disclosure statements to the Conflict of Interest and Ethics Advisory Council.

Other Business

Ms. Pettus advised the Board to save the date for the Board Member Training Conference which is scheduled for October 10th & 11th, 2024.

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

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 1:50 p.m.

Adjourn

Pamela M. Pruett, Chair

Kishore Thota, Secretary