

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

**MINUTES**

The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals met on December 2, 2009, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Charles B. Bott Jr.  
Douglas J. Crooks  
Frank L. Davis, Jr.  
Kornell Davis, Jr.  
Wesley Kleene (arrived at 9:14 a.m.)  
Eileen M. Leininger  
Ronald R. Thomas (arrived at 9:09 a.m.)  
John Vanderland  
Harold W. Walker

Board member, E. Brooke Philpy, was not present at the meeting.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation  
David Dick, Executive Director  
Justin Garofalo, Board Administrator  
Michele Atkinson, Board Administrator  
Michelle Gowen, Administrative Assistant

There was no representative present from the Office of the Attorney General.

Mr. Davis, finding a quorum of the Board present, called the meeting to order at 9:02 a.m.

**Call to Order**

Ms. Leininger moved to approve the agenda. Mr. F. Davis seconded the motion which was unanimously approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland and Walker.

**Approval of  
Agenda**

Mr. K. Davis moved to approve the minutes of the following meetings:

**Approval of  
Minutes**

September 23, 2009, Board Meeting Minutes;  
September 24, 2009, IFF Minutes;  
October 15, 2009, IFF Minutes;  
October 22, 2009, IFF Minutes; and

November 5, 2009, IFF Minutes.

Mr. Bott seconded the motion which was unanimously approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland and Walker.

There were no comments made to the Board.

Mr. Dick introduced the new Administrative Assistant to the Director, Andrea Overman; and the new Board Administrator, Michelle Atkinson.

In the matter of **File Number 2010-01108, Michael Clark**, 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. Clark was present and addressed the Board. Mr. F. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Clark's interim alternative onsite sewage system operator license application. Mr. Walker seconded the motion which was approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland and Walker.

In the matter of **File Number 2010-00975, Kevin Crable**, 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. Butch Farley, Mr. Crable's employer, was present and addressed the Board. Mr. K. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Crable's Class 4 Wastewater Works Operator license application. Mr. Bott seconded the motion which was approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland and Walker.

In the matter of **File Number 2010-00913, Michael Mason**, 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. Butch Farley, Mr. Mason's employer, was present and addressed the Board. Ms. Leininger moved to accept the recommendation of the Presiding Officer and approve Mr. Mason's Class 4 Wastewater Works Operator license application. Mr. Walker seconded the motion which was approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland and Walker.

**Public Comment Period**

**Introductions**

**File Number 2010-01108 – Michael Clark**

**File Number 2010-00975 – Kevin Crable**

**File Number 2010-00913 – Michael Mason**

In the matter of **File Number 2010-00790, Daniel Brode**, 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. Vanderland moved to accept the recommendation of the Presiding Officer and approve Mr. Brode's Class 4 Wastewater Works Operator license application. Mr. Thomas seconded the motion which was approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland and Walker.

**File Number 2010-00790 – Daniel Brode**

In the matter of **File Number 2010-00969, Gary Dodson**, 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. Bill Keller, Mr. Dodson's employer, was present and addressed the Board. Mr. Walker moved to accept the recommendation of the Presiding Officer and approve Mr. Dodson's Interim Alternative Onsite Sewage System Operator license application. Mr. K. Davis seconded the motion which was approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland and Walker.

**File Number 2010-00969 – Gary Dodson**

In the matter of **File Numbers 2010-00967 and 2010-00966, Timmy Bailey**, the Board members reviewed the records which consisted of the application files, transcripts and exhibits from the Informal Fact-Finding Conferences, and the Presiding Officer's Summaries and Recommendations. Mr. Bailey was present with Bill Keller, Mr. Bailey's employer, and addressed the Board. Ms. Leininger moved to accept the recommendations of the Presiding Officer and approve Mr. Bailey's Interim Onsite Sewage System Installer license application and his Interim Onsite Sewage System Operator license application on the condition that he comply with the terms of item #1 of each of the Presiding Officer's Recommendations for both licenses. Mr. K. Davis seconded the motion which was approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland and Walker.

**File Numbers 2010-00967 and 2010-00966 – Timmy Bailey**

In the matter of **File Numbers 2010-01802 and 2010-01801, Christopher Johnston**, the Board members reviewed the records which consisted of the application files, transcripts and exhibits from the Informal Fact-Finding Conferences, and the Presiding Officer's Summaries and Recommendations. Mr. Walker moved to accept the recommendations of the Presiding Officer and approve Mr. Johnston's Interim Onsite Sewage System Operator license application and his Interim Onsite Sewage System Installer license application. Mr. Thomas seconded the motion which was approved

**File Numbers 2010-01802 and 2010-01801 – Christopher Johnston**

by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland and Walker.

In the matter of **File Number 2010-01109, Thomas Ashton**, 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. Walker moved to accept the recommendation of the Presiding Officer and approve Mr. Ashton's Alternative Onsite Soil Evaluator license application. Mr. K. Davis seconded the motion which was approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland and Walker.

**File Number 2010-01109 – Thomas Ashton**

Mr. Garofalo updated the Board on the status of the Continuing Professional Education audit.

**CPE Audit Report**

Mr. Garofalo informed the Board that staff has received no education approval requests since the last Board meeting.

**Education Update**

Mr. Dick updated the Board on the status of the regulations to become effective January 1, 2010.

**Board Regulation Effective January 1, 2010**

Amendments to the existing regulations were suggested to the Board. The suggestions included the following: changes to the definitions of "Direct Supervision" and "Direct Supervisor", changes to the experience requirements for applicants of interim onsite sewage system installer licenses, and changes to the language of the required documents which must be used by an installer to verify experience when applying for an initial license. The language, as suggested by staff, was discussed among the members of the Board and is believed to be non-controversial and less restrictive than the current language. Mr. K. Davis moved to authorize Board staff to initiate a Fast Track Regulation process to implement the language as suggested by the staff. Mr. Thomas seconded the motion which was unanimously approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland, and Walker.

**Discussion on Fast Track Regulation Changes**

Mr. Garofalo presented the Board with information on the experience requirement currently established for onsite sewage system installer applicants. The requirement indicates that an individual installer applicant must have six months of experience either working as, or working under the direct supervision of a properly licensed Virginia contractor with the Sewage Disposal Systems (SDS) specialty. The situation was discussed that many applicants may have more than the required technical experience

**Experience Requirement for Installer license applicants**

installing systems, but the experience was not gained under a SDS contractor. This technicality precludes many individuals from meeting the experience requirements for the installer license even after the SDS specialty is added to the contractor license. Mr. Vanderland moved that the Board adopt an interpretation of the regulations as follows:

In 18VAC160-20-84 and 18VAC160-20-97 of the Board's regulations, an applicant for an interim or regular onsite sewage system installer license must provide the Board with verification of the requisite amounts of experience installing conventional or alternative onsite sewage systems (as appropriate). The SDS specialty must also be valid on the contractor firm's license of which the applicant is either a member of responsible management or is an employee of at the time of application for his individual installer license. If the applicant can document the requisite installation experience and demonstrate that the firm's contractor license is current with the SDS specialty, then he shall satisfy the installer license experience requirements of 18VAC160-20-84 and 18VAC160-20-97 of the Board's regulations specific to SDS contractors.

Mr. K. Davis seconded the motion which was unanimously approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland, and Walker.

Mr. Dick presented the Board with an interpretation request which asked the Board whether or not an operator license is required for those individuals whose duties are strictly limited to septic system pump-out. After discussion and review, Mr. K. Davis moved that the Board assert that an onsite sewage system operator license is required for pump-out of conventional and alternative systems. Ms. Leininger seconded the motion which was unanimously approved by members: Bott, Crooks, F. Davis, K. Davis, Kleene, Leininger, Thomas, Vanderland, and Walker.

**Need for Operator License for Sewage Pumps**

Future Board Meeting Dates:

March 24, 2010  
June 8, 2010  
September 21, 2010  
December 9, 2010

**Future Meeting Dates**

The Board members completed their conflict of interest forms and travel vouchers.

**Conflict of Interest Forms**

The Board adjourned at 10:15 a.m.

**Adjournment**

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Douglas J. Crooks, Chairperson

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Jay W. DeBoer, Secretary