

**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 September 16, 2014, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members of the Board were present:

John Aulbach, II, Vice Chair
Kornell Davis, Jr., Chair
Barry T. Dunkley
Thomas Fore (arrived at 9:11 a.m.)
D. Perry Greene
Kristen Lentz
Michelle Ann Magrino
E. Brooke Philpy
D. Wayne Staples
Ronald Thomas

Board member Gary Schafran was not present at the meeting.

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

Nick Christner, Deputy Director for Licensing, Investigations and Compliance
Mark N. Courtney, Senior Director for Regulatory and Public Affairs
Trisha L. Henshaw, Executive Director
Kristin Marie Clay, Board Administrator
Betty C. Jones, Administrative Assistant

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

Finding a quorum of the Board present, Mr. Davis, Chair, called the meeting to order at 9:02 a.m. **Call to Order**

Ms. Henshaw advised the Board of the emergency evacuation procedures. **Emergency Evacuation Procedures**

Mr. Staples moved to approve the agenda. Mr. Dunkley seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Greene, Lentz, Magrino, Philpy, Staples, and Thomas. **Approval of Agenda**

Mr. Dunkley moved that the Board approve the minutes of the July 24, 2014, Board meeting. Mr. Thomas seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Greene, **Approval of Minutes**

Lentz, Magrino, Philpy, Staples, and Thomas.

Mr. Davis opened the floor for public comment. Mr. John Ewing, a licensed alternative soil evaluator and alternative onsite sewage system installer, was present and addressed the Board. Mr. Ewing helped write the three exams for PSI and was told he would be exempt from taking the exams. He stated it was an injustice to those who wrote the exams to find out later they would have to take them.

**Public Comment
Period**

In addition, Mr. Ewing suggested that the Board consider allowing continuing education credit for basic business operations training and classes.

Ms. Henshaw provided an overview of the regulatory review process including specific information that must be provided to other state agencies as well as the public during the regulatory review process.

**Overview of
Regulatory Review
Process**

Mr. Fore arrived at 9:11 a.m.

**Arrival of Board
Member**

Ms. Henshaw also provided a short summary of what should and should not be done when drafting regulations. In addition, the difference between regulation and statute was discussed.

**Overview of
Regulatory Review
Process**

Ms. Henshaw gave an overview of Executive Order Number 17, which replaces Executive Order Number 14, as signed by Governor McAuliffe and effective on June 30, 2014. Executive Order 17 provides the policies and procedures to be utilized by state agencies in the review of regulations.

Ms. Henshaw provided a preliminary time-line for developing the draft Waterworks and Wastewater Works Operators Regulations and Onsite Sewage System Professionals Regulations. The time-line will be revised throughout the review process to ensure the Board's objectives are accomplished within required timeframes.

**Review of Timeline
for Regulations**

At 9:39 a.m., Mr. Dunkley moved that the Board meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel pertaining to legal matters within the jurisdiction of the Board as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Elizabeth Peay, Trisha Henshaw, Kristin Marie Clay, Nick Christner, and Mark Courtney. The motion to convene in closed meeting was with respect to the matter

Closed Meeting

identified as agenda item VI.5 Review Draft Regulations. Mr. Staples seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Fore, Greene, Lentz, Magrino, Philpy, Staples, and Thomas.

At 10:12 a.m., Ms. Lentz moved that the Board adjourn the closed meeting and immediately reconvene in open session. Mr. Dunkley seconded the motion which was unanimously approved by: Aulbach, Davis, Dunkley, Fore, Greene, Lentz, Magrino, Philpy, Staples, and Thomas. **Open Meeting**

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712 of the *Code of Virginia* requires a certification by this Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.

VOTE: 10-0-1

AYES: Aulbach, Davis, Dunkley, Fore, Greene, Lentz, Magrino, Philpy, Staples, and Thomas.

NAYS: None.

ABSENT: Schafran

The Board recessed for a break at 10:16 a.m. and reconvened at **Break** 10:30 a.m.

Ms. Henshaw provided draft language of portions of the Waterworks and Wastewater Works Operators Regulations and Onsite Sewage System Professionals Regulations. The sections included:

Review Draft Regulations

- Standards of Practice and Conduct (Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals)
- Entry Requirements (Onsite Sewage System Professionals)

The Board recessed for lunch from 11:56 a.m. to 12:31 p.m.

Lunch

The Board continued its review of the draft regulations.

Review Draft Regulations

Mr. Greene departed at 1:46 p.m. Ms. Magrino subsequently departed at 1:49 p.m.

Departure of Board Members

The Board continued its review of the draft regulations.

Review Draft Regulations

Mr. Dunkley departed at 1:55 p.m.

Departure of Board Member

The Board continued its review of the draft regulations.

Review Draft Regulations

The Board recessed for a break at 2:00 p.m. and reconvened at 2:15 p.m.

Break

The Board discussed its plan for the next Board meeting. At the next Board meeting, the Board will continue review of the draft Waterworks and Wastewater Works Operators Regulations and Onsite Sewage System Professionals Regulations. Staff will prepare a revised draft of the Waterworks and Wastewater Works Operators Regulations and Onsite Sewage System Professionals Regulations, Standards of Conduct, and Onsite Sewage System Professionals Regulations, Entry Requirements, in accordance with the Board's comments for the next Board meeting.

Plan Discussion Topics for Next Meeting

Mr. Aulbach will give a presentation on VDH's review of Waterworks Regulations.

Mr. Staples will also provide information regarding Department of Environmental Quality (DEQ's) Wastewater Regulations.

Mr. Aulbach thanked the staff for all their work in preparing the draft proposals.

The Board agreed by consensus to schedule another meeting date in November and provide this date at the October Board meeting. **Consider Additional Meeting Date**


The following meeting dates have been scheduled:

Future Meeting Dates

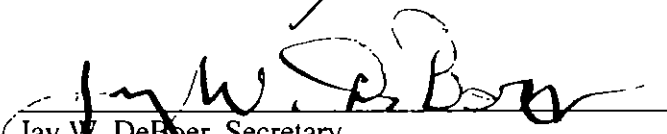
- Thursday, October 16, 2014
- Thursday, January 29, 2015
- Thursday, April 16, 2015
- Thursday, July 23, 2015
- Thursday, October 15, 2015

The Board members were reminded to complete their conflict of interest forms and travel vouchers. **Conflict of Interest Forms and Travel Vouchers**

There being no further business, the meeting was adjourned at 2:41 p.m. **Adjourn**



Kornell R. Davis, Jr., Chair



Jay W. DeBoer, Secretary

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: John Aulbach, II
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting September 16, 2014

5. I have a personal interest in the following transaction:

NONE

Nature of Personal Interest Affected by Transaction:

N/A

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VDH - ODW

INDIRECTLY

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature: 

Date: 9/16/14

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Kornell R. Davis, Jr.
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting September 16, 2014

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

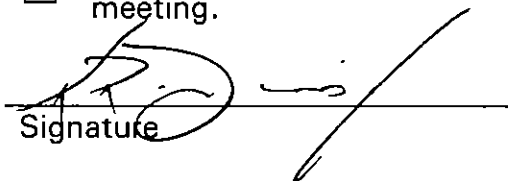
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Signature



Date

9-16-14

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Barry T. Dunkley
2. Title: Board Member
3. Agency: WWOOSSP Board
4. Meeting/IFF Date: Board Meeting September 16, 2014

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Barry T. Dunkley
Signature

9-16-14
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Thomas Wayne Fore
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting September 16, 2014

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

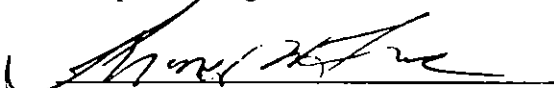
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature

9/16/14
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Douglas Perry Greene
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting September 16, 2014

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Douglas Perry Greene
Signature

9/16/2014
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Kristen Lentz
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting September 16, 2014

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Kristen Lentz
Signature

9/16/14
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Michelle Ann Magrino
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting September 16, 2014

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Signature

Michelle Magrino

Date

9-16-14

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: E. Brooke Philpy
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting September 16, 2014

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VA Assoc. of Professional Soil Scientists (VAPSS); VA Onsite Waste Water Recycling Association (VOWRA)

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

E. Brooke Philpy
Signature

9/16/14
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Donald Wayne Staples
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting September 16, 2014

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Donald Wayne Staples
Signature

9/16/14
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Ronald R. Thomas
2. Title: Board Member
3. Agency: WWWOSSP Board
4. Meeting/IFF Date: Board Meeting September 16, 2014

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Ronald R Thomas
Signature

9/16/14
Date