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ALABAMA ONSITE WASTEWATER BOARD

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MINUTES OF MEETING

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April 27, 2023

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The one hundred twenty-ninth meeting of the ALABAMA ONSITE WASTEWATER BOARD (hereinafter referred to as “the Board”) was called to order at 9:00 a.m., April 27, 2023, at the Board’s administrative offices located at 60 Commerce Street, Suite 1050 by the Honorable Chris Gulley, Chair.

PRESENT

Board Members present – Chris Gulley (Chair), Alan Astin (Vice-Chair), David Mastin (Treasurer), Sharon Kimbrough, Leigh Salter, Dr. Mark Barnett, Craig Gall, Mark Haswell, and Dr. Harold Pate.

Other guests: Melissa Hines (Executive Director), Neva Conway (AOWB Attorney), Tracy Welch (AOWB), Joel Barnes (AOWB), Baron Litaker (AOWB), and Randy Anderson (AOWA). All Board Members were present, a quorum was established, and the meeting was called to order.

MINUTES – Alan Astin made the motion to accept the minutes of January 26, 2023, as presented;

David Mastin seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett – YES; Mark Haswell – YES; David Mastin – YES; Leigh Salter – YES; Alan Astin – YES; Craig Gall – YES; Sharon Kimbrough – YES; Dr. Harold Pate – YES. Motion passes unanimously.

TREASURER’S REPORT – David Mastin, Treasurer, presented the 1st Quarter Treasurers report for January 1, 2023, through March 31, 2023. Mark Haswell made the motion to accept the Treasurer’s Report as presented; Dr. Harold Pate seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett –

23 YES; Mark Haswell – YES; David Mastin – YES; Leigh Salter – YES; Alan Astin – YES; Craig Gall –
24 YES; Sharon Kimbrough – YES; Dr. Harold Pate – YES. Motion passes unanimously.

25
26 **EXECUTIVE DIRECTOR'S REPORT**

27 Executive Director, Melissa Hines, advised that she is working on the Executive Orders issued by
28 Governor Kay Ivey. Executive Director Hines also wanted to remind the Board that if they have not
29 submitted their *Ethics Commission Statements of Economic Interest*, to be aware that they are due no
30 later than April 30, 2023.

31
32 **BOARD MEMBER Expiration of Terms:**

33 **Leigh Salter – 09/30/2023 – last term (has served 8 years).** It is expected that the Speaker of the
34 House will appoint Melanie Boggan of ADPH to replace her for the Regulators Seat.

35 **Dr. Hal Pate – 09/30/2023** – was fulfilling an unexpired term and can be reappointed by the Speaker of
36 the House.

37 **Alan Astin – 09/30/2023** – can serve 4 more years if reappointed by the Governor.

38 **Chris Gulley – 09/30/2023** – can serve 4 more years if reappointed by the Lt. Governor.

39 **Sharon Kimbrough – 9/30/2023 – last term (has served 8 years).**

40
41 **HB194 AOWB Sunset Bill** (The Sunset Committee had given AOWB a 4-year rotation) Senator
42 Gudger tagged an amendment to drop our sunset down to 1-year. The Amendment went to the Senate
43 floor and passed on 4/18/2023; it went to the House floor and passed on 4/25/2023, and now goes to the
44 Governor to sign as a 1-year extension. An audit should be expected sometime this year or in 2024.

6 **SB156 – Occupational Licensing Boards Division/SOS** – went to Committee on 4/12/2023 and is now
47 awaiting to go to Senate floor. An amendment was tagged on that investigators do not have to be
48 APOST certified.

49

50 **RULINGS/RECOMMENDATIONS/SETTLEMENT AGREEMENTS**

51 Complaint 2022-0053, Shane Seale/Donald Hamner – Craig Gall made the motion to dismiss the case on
52 Shane Seale; Alan Astin seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett – YES; Mark
53 Haswell – YES; David Mastin – YES; Leigh Salter – ABSTAIN; Alan Astin – YES; Craig Gall – YES;
54 Sharon Kimbrough – YES; Dr. Harold Pate – YES. Motion passes. Further discussion was held by the
55 Board. Alan Astin made the motion to rescind dismissal for the case on Shane Seale; Craig Gall
56 seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett – YES; Mark Haswell – YES; David
57 Mastin – YES; Leigh Salter – ABSTAIN; Alan Astin – YES; Craig Gall – YES; Sharon Kimbrough –
58 YES; Dr. Harold Pate – YES. Motion passes. Based on Board discussion. Craig Gall made the motion
59 to set aside the administration law ruling as shown on page 4 under “findings of fact” and the Board
60 finds Mr. Seale in compliance with the Board; Alan Astin seconded the motion. ROLL CALL VOTE:
61 Dr. Mark Barnett – YES; Mark Haswell – YES; David Mastin – YES; Leigh Salter – ABSTAIN; Alan
62 Astin – YES; Craig Gall – YES; Sharon Kimbrough – YES; Dr. Harold Pate – YES. Motion passes.

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64 **CONSENT AGREEMENT** – Complaint 2023-0004, David Jason Hart. Advertising Septic Services
65 without a license. Mr. Hart agreed to a \$250 consent agreement and submitted the requirements for
66 obtaining his license. David Mastin made the motion to accept the consent agreement; Alan Astin
67 seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett – YES; Mark Haswell – YES; David

67 Mastin – YES; Leigh Salter – ABSTAIN; Alan Astin – YES; Craig Gall – YES; Sharon Kimbrough –
69 YES; Dr. Harold Pate – YES. Motion passes.

70

71 **ENFORCEMENT REPORT FOR THE QUARTER**

72	Complaints pending Probable Cause	3
73	Complaints received for the Quarter	6
74	Holding for Hearings/Settlement Agreements	10
75	Compliance Visits for the Quarter	46

76

77 **UNFINISHED BUSINESS: Committee Reports**

78 **Education Committee** - Melissa Hines, Executive Director, advised that the committee finalized the
79 Basic Installer exam.

80 **Fast Track Committee** – A substitute for the work experience time requirement will be prepared by
81 Craig Gall and Alan Astin, and ready by the next Board meeting.

82

83 **EXECUTIVE SESSION** – At 9:43 a.m., Leigh Salter made the motion to go into Executive Session to
84 discuss the good name and morale character of Joel Barnes and Baron Litaker for fifteen minutes; Dr.
85 Mark Barnett seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett – YES; Mark Haswell –
86 YES; David Mastin – YES; Leigh Salter – YES; Alan Astin – YES; Craig Gall – YES; Sharon
87 Kimbrough – YES; Dr. Harold Pate – YES. Motion passes.

88 At 10:14 a.m., Leigh Salter made the motion to come out of Executive Session; Dr. Mark Barnett
89 seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett – YES; Mark Haswell – YES; David

90 Mastin – YES; Leigh Salter – YES; Alan Astin – YES; Craig Gall – YES; Sharon Kimbrough – YES;
91 Dr. Harold Pate – YES. Motion passes. Regular Board meeting business resumed.

92

93 **BOARD MEMBER REPORTS**

94 **Leigh Salter** – advised that the ADPH Staff has finished touring the State visiting and training district
95 environmentalists on the new rules. All local health departments were given standard operating
96 procedures. ADPH is hoping this will help improve having all issues, etc., being treated the same. The
97 major concerns with the local health departments are *homeowner* installs. Also, the CEP5 forms have be
98 redone and can be filled out online. The only change on the form was listing “Homeowner”.

99

100 **Dr. Mark Barnett** advised the Board that there was a Continuing Education approval requested by
101 Jacob’s Engineering – online education for 2 credit hours. Dr. Barnett made the motion to approve
102 Jacob’s Engineering for Continuing Education; Sharon Kimbrough seconded the motion. ROLL CALL
103 VOTE: Dr. Mark Barnett – YES; Mark Haswell – YES; David Mastin – YES; Leigh Salter – YES;
104 Alan Astin – NO; Craig Gall – YES; Sharon Kimbrough – YES; Dr. Harold Pate – YES. Motion passes.

105

106 **ADJOURNMENT**

107 Alan Astin made the motion to adjourn the meeting; Craig Gall seconded the motion. By a show of
108 hands, the motion passes unanimously. Meeting was adjourned at 11:02 a.m. by Chair, Chris Gulley.

109

110 **The remaining 2023 quarterly meetings will be held:**

111 July 27, 2023

112 October 26, 2023

113 Minutes submitted by: Tracy Welch

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115 Approved by: Chris Gulley



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117 Recording Secretary

