

1 **ALABAMA ONSITE WASTEWATER BOARD**

2 **MINUTES OF MEETING**

3 July 18, 2024

4 The one hundred thirty-fifth meeting of the ALABAMA ONSITE WASTEWATER BOARD  
5 (hereinafter referred to as “the Board”) was called to order at 9:03 a.m., July 18, 2024, at the Board’s  
6 administrative offices located at 60 Commerce Street, Suite 1050 by the Honorable Alan Astin, Chair.

7  
8 **PRESENT** - Board Members present –Alan Astin (Chair), David Mastin (Vice-Chair), Chris Gulley  
9 (Treasurer), Craig Gall, Melanie Boggan, Timothy Simpson (**left at 11:05 a.m.**), and Dr. Mark Barnett.  
10 Board Members absent – Mark Haswell and Dr. Harold Pate. Other guests: Melissa Hines (Executive  
11 Director), Tracy Welch (AOWB), Joel Barnes (AOWB), and Neva Conway (Board Attorney). A  
12 quorum was established, and the meeting was called to order.

13  
14 **MINUTES** – David Mastin made the motion to accept the minutes of April 18, 2024, Quarterly Board  
15 meeting as presented. Timothy Simpson seconded the motion. **ROLL CALL VOTE:** Dr. Mark Barnett  
16 - YES; Melanie Boggan – YES; Craig Gall - YES; Chris Gulley – YES; Mark Haswell – ABSENT;  
17 David Mastin, Jr. – YES; Dr. Harold Pate – ABSENT; Timothy Simpson - YES. Motion passes.

18  
19 **TREASURER’S REPORT** – Chris Gulley, Treasurer, presented the 3<sup>rd</sup> Quarter Treasurers report for  
20 April 1, 2024, through June 30, 2024. Melanie Boggan made the motion to accept the Treasurer’s  
21 Report as presented. Dr. Mark Barnett seconded the motion. **ROLL CALL VOTE:** Dr. Mark Barnett -

22 YES; Melanie Boggan – YES; Craig Gall - YES; Chris Gulley – YES; Mark Haswell – ABSENT;  
23 David Mastin, Jr. – YES; Dr. Harold Pate – ABSENT; Timothy Simpson - YES. Motion passes.

24

25 **UNFINISHED BUSINESS - Fast Track Committee:** Craig Gall provided the Board with an updated  
26 Fast Track outline proposal. Discussion was held. Craig Gall made the motion for the Fast Track  
27 Outline to be submitted to prospective educational providers. Chris Gulley seconded the motion.

28 ROLL CALL VOTE: Dr. Mark Barnett - YES; Melanie Boggan – YES; Craig Gall - YES; Chris Gulley  
29 – YES; Mark Haswell – ABSENT; David Mastin, Jr. – YES; Dr. Harold Pate – ABSENT; Timothy  
30 Simpson - YES. Motion passes.

31

32 **Education Committee:** Dr. Mark Barnett advised the Board that the Education Committee has an exam  
33 question bank of 84 questions for the Advanced Level II exam. 50 questions can be picked at random  
34 each time the exam is given, so the same exact exam will not be given each time. Executive Director,  
35 Melissa Hines, will contact education providers as well as random industry members who will take the  
36 updated Advanced Level II exam. The same type of question pool will be developed for the Basic  
37 Installer and Advanced Level I Installer exams as well.

38

39 **NEW BUSINESS**

40 Craig Gall wanted to bring to the attention of the Board, septic tank safety issues. This is due to a recent  
41 lawsuit regarding tank lid failure resulting in the death of a child in Calhoun County. Craig received a  
42 clarification from the ASTM (American Society of Training Materials) defining a lock mechanism as a  
43 system that provides a means of protection of easy access to opening of the septic tank. Craig advised  
44 that lids as they are installed today do not meet the defined safety standards; licensees, especially

45 pumpers, need to be aware of this safety hazard. Craig said he feels we need a secondary containment  
46 requirement on septic tanks. Leigh Salter, a guest from ADPH, advised that the Health Department can  
47 speak on tank lid safety at continuing education meetings.

48 **Discussion on this topic were tabled at 9:29 a.m. to allow for the scheduled Administrative**  
49 **Hearing.**

50

51 **ADMINISTRATIVE HEARING** -- The Honorable Randy Salle presided over the Administrative  
52 Hearing which began at 9:32 a.m. and concluded at 12:05 p.m. Once the transcripts are received, they  
53 will be forwarded to the Honorable Randy Salle for his ruling and recommendation to the Board; his  
54 ruling and recommendation will be reviewed and recommended by the Board at the next Quarterly  
55 Board Meeting.

56

57 *BOARD LUNCH BREAK* – 12:06 p.m. to 12:27 p.m.

58

59 **BOARD MEETING** – Chair, Alan Astin, called the meeting back into regular session at 12:28 p.m.

60

61 **NEW BUSINESS – CONTINUED**

62 Regarding the septic tank safety lid issue, discussion resumed, and the topic was tabled until the next  
63 Board meeting.

64

65 **SPECIAL GUEST** – **Jim Westbrook** appeared before the Board requesting to reobtain his license. He  
66 did not renew for 2023 and 2024. Alan Astin, Chair, advised Mr. Westbrook that the Board Attorney,

67 Neva Conway, would have to review the rules to see if the Board has the legal ability to approve him to  
68 reobtain his license.

69

70 **EXECUTIVE DIRECTOR'S REPORT**

71 *Sunset Bill* – The Sunset Committee office has advised Melissa Hines, Executive Director, that the  
72 Board will appear before the Committee on October 24, 2024; Executive Director Hines advised that we  
73 need as many Board Members as possible to attend. It will be held at 10:45 a.m. Hopefully, this will  
74 put the Board back on the 4-year rotation.

75

76 *Promulgation of Administrative Code* – All Board Members were given a copy of the rules with  
77 suggested changes and deletions. This includes a suggested increase to licensing application and exam  
78 fees, which has not changed since the inception of the Board in 1999. This was reviewed and discussion  
79 was had. Craig Gall made the motion to submit promulgation of rule change publishing for public  
80 comment with revision made to the wording regarding legal age for minimum application requirements.  
81 Melanie Boggan seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett - YES; Melanie Boggan  
82 – YES; Craig Gall - YES; Chris Gulley – NO; Mark Haswell – ABSENT; David Mastin, Jr. – NO; Dr.  
83 Harold Pate – ABSENT; Timothy Simpson - ABSENT. Motion passes.

84

85 **ENFORCEMENT REPORT FOR THE QUARTER**

86	Complaints pending Probable Cause	4
87	Complaints received for the Quarter	4
88	Holding for hearings (working to settle)	3
89	Bond claims	0

90 Consent agreements to be approved by Board 4  
91 Cease and Desist Orders 1

92

93 **CONSENT AGREEMENTS (Executive Director, Melissa Hines)**

94 **Complaint 2024-0005**: Illegal install by an unlicensed individual – McCalla, Alabama, now licensed.  
95 He agreed to and paid a \$1000.00 administrative fine. David Mastin made the motion to accept the  
96 consent agreement; Craig Gall seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett - YES;  
97 Melanie Boggan – Abstain; Craig Gall - YES; Chris Gulley – YES; Mark Haswell – ABSENT; David  
98 Mastin, Jr. – YES; Dr. Harold Pate – ABSENT; Timothy Simpson - ABSENT. Motion passes. **The**  
99 **individual was James Hancock.**

100 **Complaint 2024-0004**: Individual installed without a permit in Grand Bay, Alabama. He agreed to and  
101 paid a \$1000.00 administrative fine. Chris Gulley made the motion to accept the consent agreement and  
102 Craig Gall seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett - YES; Melanie Boggan –  
103 Abstain; Craig Gall - YES; Chris Gulley – YES; Mark Haswell – ABSENT; David Mastin, Jr. – YES;  
104 Dr. Harold Pate – ABSENT; Timothy Simpson - ABSENT. Motion passes. **The individual was Larry**  
105 **Hollingshead.**

106 **Complaint 2023-0043**: Individual installed a system and did not go by permit. EDF was not supplied  
107 in an approved manner; improper use and install of a D Box; insufficient covering; trenches exceeded  
108 maximum length required; soil covering was not applied as required; and did not provide CEP5. He was  
109 offered an agreement to pay \$5,000.00 in administrative fines or surrender his license; he mailed in his  
110 license. David Mastin made the motion to accept the surrender of AOWB license and Chris Gulley  
111 seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett - YES; Melanie Boggan – Abstain; Craig

112 Gall - YES; Chris Gulley – YES; Mark Haswell – ABSENT; David Mastin, Jr. – YES; Dr. Harold Pate  
113 – ABSENT; Timothy Simpson - ABSENT. Motion passes. **The individual was Kenneth Bailey.**

114 **Complaint 2023-0039:** Individual installed a system with new construction and the installation was not  
115 according to plan. He agreed to and paid \$1500 administrative fees. (\$500.00 for no permit and  
116 \$1000.00 for not affording the Health Department an opportunity to inspect). Craig Gall made the  
117 motion to accept the consent agreement; Chris Gulley seconded the motion. ROLL CALL VOTE: Dr.  
118 Mark Barnett - YES; Melanie Boggan – Abstain; Craig Gall - YES; Chris Gulley – YES; Mark Haswell  
119 – ABSENT; David Mastin, Jr. – YES; Dr. Harold Pate – ABSENT; Timothy Simpson - ABSENT.  
120 Motion passes. **The individual was James Smith.**

121 **Complaint 2024-0006:** Individual installed and repaired a system without a permit or affording an  
122 inspection from the Health Department. He agreed to and paid \$2000 administrative fees. \$1000.00 for  
123 each count. Craig Gall made the motion to accept the consent agreement; Chris Gulley seconded the  
124 motion. ROLL CALL VOTE: Dr. Mark Barnett - YES; Melanie Boggan – Abstain; Craig Gall - YES;  
125 Chris Gulley – YES; Mark Haswell – ABSENT; David Mastin, Jr. – YES; Dr. Harold Pate – ABSENT;  
126 Timothy Simpson - ABSENT. **The individual was Wade Taylor.**

127

128 **BOARD MEMBER REPORTS** – None.

129

130 **ADJOURNMENT**

131 Craig Gall made the motion to adjourn the meeting; Dr. Mark Barnett seconded the motion. By a show  
132 of hands, the motion carries unanimously. Meeting was adjourned at 2:05 p.m. by Chair, Alan Astin.

133

134

135 **Remaining 2024 quarterly meetings:**

136 10/17/2024

137

138 Minutes submitted by: Tracy Welch

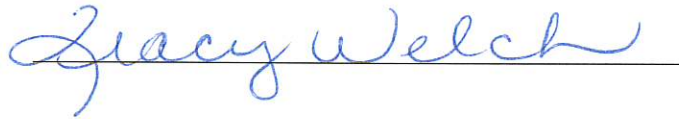
139

140 Approved by: ~~Alan Astin~~  
David Mastin

A handwritten signature in blue ink, appearing to be "D. Mastin", written over a horizontal line.

141

142 Recording Secretary

A handwritten signature in blue ink, appearing to be "Tracy Welch", written over a horizontal line.