

1 **ALABAMA ONSITE WASTEWATER BOARD**

2 **MINUTES OF MEETING**

3 April 22, 2021

4 The one hundred-eighteenth meeting of the ALABAMA ONSITE WASTEWATER BOARD
5 (hereinafter referred to as “the Board”) was called to order at 9:07 a.m., April 22, 2021, at the Board’s
6 administrative offices located at 60 Commerce Street, Suite 1050 by the Honorable Chris Gulley, Chair.

7
8 **PRESENT**

9 Board Members present – Christopher Gulley, Chairman of the Board, Sharon Kimbrough, Vice-Chair,
10 David Mastin, Treasurer, Craig Gall, Alan Astin, and Dr. Mark Barnett. Absent: Michael Dansby and
11 Leigh Willis. Other guests: Melissa Hines (Executive Director), Neva Conway (AOWB Attorney),
12 Tracy Welch (AOWB), Joel Barnes (AOWB), Caleb Kilpatrick (AOWB), Sherry Bradley (ADPH), Mr.
13 Nathan McBride, Mr. Chad Steed, Mr. Jonathan Baxter, and Mrs. Lisa Header. A quorum was
14 established, and the meeting was called to order.

15
16 **MINUTES (January 28, 2021; March 23, 2021; April 7, 2021)** – Alan Astin made the motion to
17 accept each of the minutes presented; Craig Gall seconded the motion. Roll Call Vote: Sharon
18 Kimbrough – YES; Mark Bennett – YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig Gall –
19 YES; David Mastin – YES; Leigh Willis – ABSENT. Motion passes unanimously.

20
21 **TREASURER’S REPORT 01/01/2021 – 03/31/2021** was presented by David Mastin, Treasurer. Alan
22 Astin made the motion to accept the Treasurer’s Report; David Mastin seconded the motion. Roll Call

23 Vote: Sharon Kimbrough – YES; Mark Bennett – YES; Alan Astin – YES; Michael Dansby –
24 ABSENT; Craig Gall – YES; David Mastin – YES; Leigh Willis – ABSENT. Motion passes
25 unaniously.

26

27 **SPECIAL GUESTS**

28 **Chad Steed** was previously an Advanced Level I Installer and then retired. He has gotten back in the
29 business to help his son start a business and he has obtained the Basic Installer license. He asked for the
30 2-year waiting period to be waived so he can go ahead and obtain the Advanced Level I license again.

31 **Jonathan Baxter/Lisa Header** – Jonathan has been working with Absolute Environmental for about 10
32 years. The owner, Bo Header, has died. Jonathan has recently obtained a Basic Installer license and is
33 asking to have the 2-year waiting period to be waived so he can go ahead and obtain the Advanced
34 Level I license; he also holds a Pumper license. He and Lisa Header will be partners in the company.

35 **NEW BUSINESS**

36 **Nathan McBride** – Mr. McBride is an Engineer out of Phenix City and wanted to address the Board
37 regarding the issue of Installers not being present when Engineers come out to evaluate sites. They
38 request 48-hour notice to evaluate sites and it wastes their time to come out and the Installer is not there.
39 Mr. McBride also advised that the Installer should build the mounds and not the home contractors.

40 *An email from Sherry Bradley, ADPH Environmental Services Director, was read by AOWB Executive*
41 *Director, Melissa Hines: **Installers should be at the installation site when the Engineer arrives. For***
42 ***(1) to answer any questions that the Engineer may have (2) to make any corrections if noted by the***
43 ***Engineer, etc.***

44

45 Discussion was had and Christopher Gulley, Chair asked that Melissa Hines, Executive Director, to
46 email all Installers and call the Engineers Board to let them know the protocol with Installers-Engineers
47 should be that Installers are on site when Engineer arrives.

48
49 ADPH ENVIRONMENTAL SERVICES, EXECUTIVE DIRECTOR SHERRY BRADLEY addressed
50 the Board to advise that a REPAIR PROTOCOL should be ready by the end of April. They are using
51 some of the Jefferson County Policy, where a homeowner can choose to repair as recommendation is
52 laid out or if they want to sign a waiver which will make it between the Installer, Homeowner, and the
53 Engineer. The waiver must be signed with a notary. ADPH will take appropriate action if the system
54 fails.

55 **NEW BUSINESS (CONTD)**

56 Legislative Update – Melissa Hines, Executive Director, advised that SB277 is on the calendar for
57 today and if it passes, it will go to the Governor for signature today. If signed, and it is believed that it
58 will be, it will go into effect the 1st day of the 3rd month following. **“Under existing Law AOWB is
59 responsible for examining, licensing, and regulating persons engaged in the manufacture,
60 installation, or servicing of onsite wastewater systems in the State. This bill would exempt certain
61 distributors of septic tanks or onsite sewage or wastewater systems, certain owners of wastewater
62 systems, and certain general contractors from licensure or regulation by the Board. To amend
63 section 34-21A-10 Code of Alabama, relating to the AOWB to exempt certain distributors, owners
64 of multiple wastewater systems, and general contractors from licensure or regulation by the Board
65 be it enacted by the Legislature of Alabama Section 1. The licensing requirement of this chapter
66 shall not apply to owners of property; Add B. The Board shall not license or regulate the
67 following: 1. An individual or entity that distributes septic tanks, conventional, engineered, or**

68 onsite system or onsite wastewater systems. 2. An owner of multiple wastewater systems or
69 system that is part of a group of wastewater systems under common ownership with one or more
70 systems having a design flow of 15,000 gallons per day or greater. 3. A General Contractor
71 licensed by the State licensing board for General Contractors of municipal and utility
72 endorsement for installing and maintaining wastewater systems as described in sub-division II.
73 This act will become effective on the 1st day of 3rd month following its passage.”

74 **EXECUTIVE SESSION** At 10:04 a.m., Alan Astin made motion to go into Executive Session to
75 deliberate regarding Chad Steed, Jonathan Baxter/Lisa Header, and the Engineering issue for about 20
76 minutes. David Mastin seconded the motion.

77 **OUT OF EXECUTIVE SESSION** David Mastin made the motion to come out of Executive Session at
78 10:30 a.m. and Alan Astin seconded the motion.

79 ***Chad Steed*** – regarding Mr. Steed, David Mastin made the motion to grant the waiver of the 2-year
80 period and allow Mr. Steed to attend the Advanced Level I class in August; Craig Gall seconded the
81 motion. Roll Call Vote: Sharon Kimbrough – YES; Mark Bennett – YES; Alan Astin – YES; Michael
82 Dansby – ABSENT; Craig Gall – YES; David Mastin – YES; Leigh Willis – ABSENT. Motion passes
83 unanimously.

84 ***Jonathan Baxter/Lisa Header*** - Sharon Kimbrough made the motion to allow Mr. Baxter to work under
85 Mr. Headers license for 45 days as of today’s date and be continued through August 2nd when he attends
86 the Advanced Level I Installer class; 2-year period waived. David Mastin seconded the motion. Motion
87 passes unanimously.

88

89

90

91 **EXECUTIVE DIRECTORS REPORT**

92 Education

93 **a. (notebooks)** - Executive Director Hines advised the Board that she has received multiple complaints
94 following several of the license classes that the size of the notebook slides is too small for the students to
95 read/study.

96 **b. (Portable toilet training)** - When the training outline was approved for 2021, the motion was made
97 for them to go to PSAI or for AOWA to get someone certified; that has still not been addressed. She
98 suggested, and hopes to get approved, that the Pumper training could incorporate Portable Toilet
99 training. The Board directed the Executive Director to relay info to AOWA and copy AOWA President
100 and AOWA Education Chair.

101 **BOARD ATTORNEY** – We will be able to keep Neva Conway as our Board Attorney with an inter-
102 agency agreement with the Real Estate Appraisers Board as approved by the Attorney General’s office.

103 **EXPIRATION OF TERMS:**

104 David Mastin – 9/30/2021

105 Craig Gall – 9/30/2021 (Craig is completing a partial term from when Alan Astin was moved to the
106 Pumper Seat) A 4-year appointment is coming up.

107 **RYAN MCCAIN – COMPLAINT #2020-0039**

108 Mr. McCain has 2 violations for which he has not responded. Board Attorney, Neva Conway has sent a
109 letter to him. Discussion was held. Craig Gall made the motion to amend the fine for Mr. McCain to

110 \$250.00 specifying payment must be made in 30 days. David Mastin seconded the motion. Roll Call

111 Vote: Sharon Kimbrough – YES; Mark Bennett – YES; Alan Astin – YES; Michael Dansby –

112 ABSENT; Craig Gall – YES; David Mastin – YES; Leigh Willis – ABSENT. Motion passes

113 unanimously.

114 **CONSENT AGREEMENTS**

115 #2020-0021 Installing without a permit (Toney, AL) \$500.00 consent agreement.

116 Motion to accept agreement made by Alan Astin; Sharon Kimbrough seconded the motion. Roll Call

117 Vote: Sharon Kimbrough – YES; Mark Bennett – YES; Alan Astin – YES; Michael Dansby –

118 ABSENT; Craig Gall – YES; David Mastin – YES; Leigh Willis – ABSENT. Motion passes

119 unaniously. (licensee – Michael McElyea)

120 #2021-0008 Installing/repairing onsite septic system without a license from AOWB; Installing/repairing

121 onsite septic system without a permit from the local health department. \$1000.00 consent agreement.

122 Motion to accept agreement made by Alan Astin; Sharon Kimbrough seconded the motion.

123 Roll Call Vote: Sharon Kimbrough – YES; Mark Bennett – YES; Alan Astin – YES; Michael Dansby –

124 ABSENT; Craig Gall – YES; David Mastin – YES; Leigh Willis – ABSENT. Motion passes

125 unaniously. (Mr. Craig Richardson)

126 OUTSTANDING FINES – There are still some outstanding fines that have not been paid. Neva Conway,

127 Board Attorney, is sending out 6 letters on Attorney General's letterhead to those who haven't paid fines

128 yet. A lawsuit will be filed if fines are not paid.

129 **BREAK** – Chair, Christopher Gully called for a 10-15-minute break at 10:48 a.m.

130 **BACK IN SESSION** – 11:00 a.m.

131

132 **Enforcement Report for the Quarter**

133 Complaints pending Probable Cause – 10

134 Complaints received for the Quarter – 15

135 Holding for hearings – 5

136 Compliance Visits for the Quarter – 73

137

138 **Alan Astin** stated that he feels that there should be a rotation of Board Members to attend probable
139 cause. Discussion was held. Neva Conway, Board Attorney, advised that Zoom can be done as long as
140 we are in pandemic. If it is not a public meeting it can be a teleconference. The rotating Board Member
141 would have to abstain from the vote. Alan Astin recommended implementing a change to a rotating
142 schedule of Board Members for probable cause meetings. Executive Director, Melissa Hines, will put
143 together a schedule and advise the Board.

144

145 **UNFINISHED BUSINESS**

146 *AOWB EDUCATION COMMITTEE* – No news to report.

147 *ADEM COMMITTEE* -- No news to report.

148 *MANUFACTURER II license* – the Manufacturer Level II license will be taken out of the Administrative
149 Code since the law was passed that Manufacturer Level II license is not needed. Funds that have been
150 paid for testing and license fees will be refunded.

151

152 *CONSUMER SEAT* – A candidate for the Consumer Seat is available, we are waiting on the Legislative
153 Session to conclude.

154

155 **BOARD MEMBER REPORTS - none**

156

157 **ADJOURNMENT**

158 Alan Astin made a motion to adjourn; Craig Gall seconded the motion. Meeting was adjourned at 1:55
159 p.m. by Chair Christopher Gulley.

160

161 The next quarterly meeting will be held on July 20, 2021.

162

163 Minutes submitted by: Tracy Welch

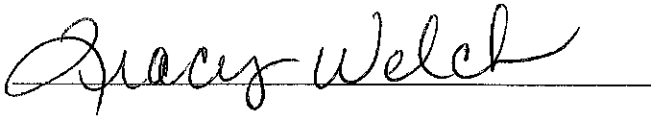
164

165 Approved by: Christopher Gulley

Two handwritten signatures are positioned above a horizontal line. The signature on the left is cursive and appears to be 'Tracy Welch'. The signature on the right is also cursive and appears to be 'Christopher Gulley'.

166

167 Recording Secretary

A handwritten signature in cursive, 'Tracy Welch', is written above a horizontal line.