

1 **ALABAMA ONSITE WASTEWATER BOARD**

2 **MINUTES OF MEETING**

3 January 23, 2020

4 The one hundred-tenth quarterly meeting of the ALABAMA ONSITE WASTEWATER BOARD
5 (hereinafter referred to as “the Board”) was called to order at 9:10 a.m., January 23, 2020, at the Board’s
6 administrative offices located at 60 Commerce Street, Suite 1050 by Brent Bradshaw, Chair.

7 **PRESENT**

8 Board Members present –Michael Dansby, Dr. Kevin White, Leigh Willis [*arrived at 9:20 a.m.*], David
9 Mastin, Jr, Chris Gulley, and Alan Astin. Officers present were Brent Bradshaw – Chair and Sharon
10 Kimbrough, Vice-Chair [*arrived at 9:10 a.m.*], (David Vogelgesang – Treasurer was absent). Other
11 guests: Melissa Hines (Executive Director), Joel Barnes (AOWB), Caleb Kilpatrick (AOWB) Tracy
12 Welch (AOWB), Paul “Bo” Cooper (AOWB Attorney), Charles Hall (ASG), Dave Roll and Pam Astin.
13 A quorum was established.

14 **MINUTES** – Alan Astin made the motion to accept the minutes of October 24, 2019 and January 7,
15 2020 as presented; Sharon Kimbrough seconded the motion; by a show of hands, the minutes were
16 approved as presented and the motion carries.

17 **TREASURER’S REPORT** – was presented by Tracy Welch, Recording Secretary. Chris Gulley made
18 the motion to approve the Treasurer’s Report as presented; Alan Astin seconded the motion; by a show
19 of hands, the Treasurer’s Report was approved as presented and the motion carries. Tracy also provided
20 an update from the Comptroller’s office advising that as of January 1, 2020, the Travel mileage rate has
21 been decreased to .575 cents per mile. A copy was provided in the Board Member packets.

22

24 **RULINGS AND RECOMMENDATIONS/CONSENT AGREEMENTS**

25 Alan Astin made the motion to go into Executive Session to discuss the recommendations from the
26 Hearing Officer; David Mastin seconded the motion. At 9:12 a.m. the Board went into Executive
27 Session. At 9:24, after motion was made, the Board went back into regular session

28 **Tommy Sellers Case No. 2020-0100**– **David Mastin** made the motion to fine Mr. Sellers \$1250 and
29 suspend his license until First time training and testing is completed; *Chris Gulley* seconded the motion.

30 **Roll Call Vote:** Michael Dansby – ABSTAIN; David Mastin – YES; Alan Astin – YES; Chris Gulley –
31 YES; Sharon Kimbrough – YES; Dr. Kevin White – ABSTAIN. **Motion Carries.**

32 **John Ballard Case No. 2020-0099** – **Alan Astin** made the motion to fine Mr. Ballard \$2,000 and Mr.
33 Ballard is to cease and desist any work with the Onsite Septic Industry without a license; *Chris Gulley*
34 seconded the motion. **Roll Call Vote:** Michael Dansby – ABSTAIN; David Mastin – ABSTAIN; Alan
35 Astin – YES; Chris Gulley – YES; Sharon Kimbrough – YES; Dr. Kevin White – ABSTAIN; Leigh
36 Willis – ABSTAIN. **Motion Carries.**

37 **Daniel Ingram Case No. 2020-0098** – **Chris Gulley** made the motion to fine Mr. Ingram \$1000 and no
38 more solicitation for work on decentralized systems or any onsite septic systems without an Advanced
39 Level II Installer being involved; *Alan Astin* seconded the motion. **Roll Call Vote:** Michael Dansby –
40 ABSTAIN; David Mastin – ABSTAIN; Alan Astin – YES; Chris Gulley – YES; Sharon Kimbrough –
41 YES; Dr. Kevin White – ABSTAIN; Leigh Willis - ABSTAIN. **Motion Carries.**

42 **CONSENT AGREEMENT – 2019-0043** This individual has been maintaining a decentralized
43 wastewater system for several years without a license. He agreed to a \$1000 consent agreement. The
44 subdivision involved now has an Advanced Installer II licensee on payroll. Chris Gulley made the
45 motion to accept the consent agreement; Michael Dansby seconded the motion. **Roll Call Vote:**

46 Michael Dansby – YES; David Mastin – ABSTAIN; Alan Astin – YES; Chris Gulley – YES; Sharon
47 Kimbrough – YES; Dr. Kevin White – ABSTAIN; Leigh Willis - ABSTAIN. **Motion Carries.**

48 The individual was Gary Burton.

49 **CONSENT AGREEMENT – 2019-0044** – This individual was maintaining decentralized systems in
50 the same subdivision as Case 2019-0043, in which an Advanced Installer II licensee is now on payroll.
51 He agreed to a \$1000 consent agreement. Alan Astin made the motion to accept the consent agreement;
52 Chris Gulley seconded the motion. **Roll Call Vote:** Michael Dansby – YES; David Mastin –
53 ABSTAIN; Alan Astin – YES; Chris Gulley – YES; Sharon Kimbrough – YES; Dr. Kevin White –
54 YES; Leigh Willis - ABSTAIN. **Motion Carries.** This individual was Ronald Garner.

55 **CONSENT AGREEMENT – 2020-0090** – This individual installed a wastewater system without a
56 permit from the local Health Department on or around October 1, 2019 in Jemison, AL; he has agreed to
57 a consent agreement of \$1000. Alan Astin made the motion to accept the consent agreement; David
58 Mastin seconded the motion. **Roll Call Vote:** Michael Dansby – YES; David Mastin – YES; Alan
59 Astin – YES; Chris Gulley – YES; Sharon Kimbrough – YES; Dr. Kevin White – YES; Leigh Willis -
60 ABSTAIN. **Motion Carries.** This individual is Steve Culberson.

61 Chris Gulley – YES; Dr. Kevin White – YES; Leigh Willis – ABSTAIN and David Vogelgesang –
62 YES. **Motion Carries.** The individual is Aston Parrish.

63 **CONSENT AGREEMENT – 2020-0096** – This individual installed a septic tank without a permit and
64 is unlicensed; he has agreed to a \$1500 consent agreement. (\$1000 for no license, \$500 for installing
65 without a permit) Chris Gulley made the motion to accept the consent agreement; David Mastin
66 seconded the motion. **Roll Call Vote:** Michael Dansby – YES; David Mastin – YES; Alan Astin –
67 YES; Chris Gulley – YES; Sharon Kimbrough – YES; Dr. Kevin White – YES; Leigh Willis -
68 ABSTAIN. **Motion Carries.** This individual is Bobby Rogers of Cusseta, AL.

69 **CONSENT AGREEMENT – 2019-0032** - This individual solicited onsite installation, installed
70 without a license without a permit. He agreed to a \$2500 consent agreement. (\$1,000 for installing
71 without a license; \$1,000 for installing without a permit and \$500 for soliciting onsite business), This fee
72 has been paid. Alan Astin made the motion to accept the consent agreement; David Mastin seconded the
73 motion. **Roll Call Vote:** Michael Dansby – YES; David Mastin – YES; Alan Astin – YES; Chris
74 Gulley – YES; Sharon Kimbrough – YES; Dr. Kevin White – YES; Leigh Willis - ABSTAIN. **Motion**
75 **Carries.** The individual is Frank Howe of Montgomery.

76 **EXECUTIVE DIRECTOR’S REPORT**

77 **New Rule** - a new rule had to be submitted due to the **Military Family Jobs Opportunity Act**. A copy
78 is provided in the Board Member packets.

79 **FY 2019 Annual Report** was submitted to the Governor and Secretary of State. (Copy provided)

80 **CE Training Reports summary for 2020 license renewals** – attached. (we will provide previous
81 year’s summary on next renewal CE report)

82 **ENFORCEMENT REPORT**

83 Compliance Visits – 96; Complaints pending Probable Cause – 11; Complaints for the Quarter – 15;
84 Holding for hearings – 0. The Compliance and Goodwill visit reports are attached.

85 **NEW BUSINESS – *Education and Training*** - Dr. Kevin White had 2 topics for new business.

86 (A) ADEM is revising their rules and regulations for Wastewater certification. He has a copy of the
87 draft. It is open for comments and discussion at this point. ADEM permitted systems require
88 operator certification. A question is, should a decentralized system require ADEM license and
89 an AOWB license? The Board discussed training for Advanced Level II Operator training for
90 ADEM certification; adding another class for decentralized certification.

Chair Brent Bradshaw recommended Dr. Kevin White, Sharon Kimbrough and David Mastin for a sub-committee to speak with ADEM about the certification.

(B) *Education and Training process* – The Board concept and licensing concept started in the mid-1990s with a steering committee organized by Patty Hurley of ADEM with a large ad-hoc steering committee including the Health Department, ADEM, AOWA, industry vendors, installers and Dr. White. They pushed the development of training and licensing. When the Board was formed, many members were a part of that steering committee. Dr. White went back to the minutes of the first eight Board meetings and it shows approval of several training agendas; the law requires approval of an Education sponsor - - there is no approval of a sponsor noted. Dr. White highly recommends that AOWB approves a sponsor. ADPH needs to be involved in what training, etc. is needed; a sub-committee should be set with a HD and an Education representative, along with a “floating member” from the different sectors of license holders. AOWA has Continuing Education set, but HD needs to have say so and then the Board needs to have something to approve, training topics, develop an exam (have several test versions). Any sponsor wanting to provide continuing education should submit information showing that they can follow AOWB guidelines. Also, the law states the Board should vote to approved sponsor training each January.

(C) Chair Brent Bradshaw appointed Dr. Kevin White, Leigh Willis and Chris Gulley (Advanced Level II, Pumper) as Education Committee.

Continued discussion on Education and Training

Discussion was held in reference to possible online education that is timed and held at a specific site (not at home); exams for completion of course training and then State testing. Regarding Field Instruction and Field Testing: if student passes exam training, they would then have field training followed by field

114 training exam and then State exam. Regarding Board approved sponsor: more than one sponsor can be
115 approved. AOWA has training scheduled at this time scheduled until March. AOWA has submitted
116 proposed continuing education and training for the remainder of 2020 calendar year. Chair, Brent
117 Bradshaw, requested motion to approve the AOWA licensing training until March 31, 2020. Alan Astin
118 made the motion; David Mastin seconded the motion. **Roll Call Vote:** Michael Dansby – YES; David
119 Mastin – YES; Alan Astin – YES; Chris Gulley – YES; Sharon Kimbrough – YES; Dr. Kevin White –
120 YES; Leigh Willis - YES. **Motion Carries.**

121 At 10:20 Chair, Brent Bradshaw, called for a 10-minute recess; at 10:33, the Chair called the meeting
122 back to order.

123 Dr. Kevin White requested the Board to talk about proposed training for after 3/31/2020. Chair, Brent
124 Bradshaw, pointed out that the general public has already signed up for classes that are scheduled for the
125 remainder of 2020; what are we to do regarding these classes that people have registered and paid for?
126 Chris Gulley suggested that 2020 training should continue as listed so the Education Sub-committee
127 have time to meet. Chair Bradshaw, also asked where will the classes/training take place? Chair, Brent
128 Bradshaw, then recognized Charles Hall of ASG. Mr. Hall stated that courses could be set up around
129 the State. Discussion was had to look over training and be able to add any missing info/training that was
130 needed. Dr. Kevin White made the motion to approve the existing training for 2020 by Sponsor AOWA
131 with the caveat that if Education Sub-committee finds anything missing it can be added. Sharon
132 Kimbrough, Vice-Chair, seconded the motion. **Roll Call Vote:** Michael Dansby – YES; David Mastin
133 – ABSTAIN; Alan Astin – ABSTAIN; Chris Gulley – YES; Sharon Kimbrough – YES; Dr. Kevin
134 White – YES; Leigh Willis - YES. **Motion Carries.**

135 Dr. White also wanted to mention for future training sponsors, the Board should get a description of
136 courses along with qualifications of instructors. Brent Bradshaw, Chair, recommended that a form is
137 created providing guideline to express the Board's expectations of the courses/training.

138 **Continuing Education** – Dr. White stated that training and qualifications be listed as it should be on a
139 license training and training dates to be listed. Dr. White made a motion that to approve AOWA
140 Continuing Education Training through the end of 2020 with the caveat of providing dates and locations.
141 Michael Dansby seconded the motion. **Roll Call Vote:** Michael Dansby – YES; David Mastin –
142 ABSTAIN; Alan Astin – ABSTAIN; Chris Gulley – YES; Sharon Kimbrough – YES; Dr. Kevin White
143 – YES; Leigh Willis - YES. **Motion Carries.** Melissa Hines, Executive Director, requested
144 clarification of the qualifications of who can teach training courses. Dr. White advised that when this is
145 presented to him, he always looks at description of course, qualifications of the instructor and if the
146 topic is relevant to the wastewater industry.

147 **ADVANCED LEVEL II INSTALLER:** Executive Director, Melissa Hines, advised that Tiffany
148 Loveless of the General Contractor's Board had called requesting a meeting on 1/28/2020 meeting with
149 some of the AOWB Board at 10:00 a.m. Chair Bradshaw approved the meeting and recommended
150 Board Members who are Installers and would welcome Dr. White to also attend as well.

151 **QUESTIONS/ISSUES REGARDING PAST CONTINUING EDUCATION PRACTICES –**

152 a. David Mastin stated that if Continue Education courses can only be repeated every 3 – 5 years,
153 he suggests that any repeating of courses be enforced. Dr. White stated a 3-year rotating
154 Continuing Education class schedule should be set.

155 b. Melissa Hines, Executive Director, asked if a licensee attends Basic Installer training class, can
156 that be used for Continuing Education hours. Executive Director Hines also asked if AOWA

158 Board Members can get Continuing Education credit from monitoring Trade Show classes. Dr.
159 White advised that they could. Chris Gulley added that AOWA Board Meetings should count
160 for Continuing Education hours for Board Members and AOWA Board Members should get
161 credit for participating with the Trade Show and proctoring of classes. ***Any AOWA Board***
162 ***Member not participating in the Trade Show will have to provide Continuing Education***
163 ***certificates for license renewal.***

164 Dr. Kevin White made the motion that licensing training cannot be used for continuing education from
165 this point forward. Alan Astin seconded the motion. **Roll Call Vote:** Michael Dansby – YES; David
166 Mastin – YES; Alan Astin – YES; Chris Gulley – YES; Sharon Kimbrough – YES; Dr. Kevin White –
167 YES; Leigh Willis - YES. **Motion Carries.**

168 **LEGISLATIVE UPDATE**

169 Melissa Hines, Executive Director, requested an update from Charles Hall of ASG. Mr. Hall stated the
170 Fine Increase Bill is in process (increasing fines for AOWB). He did not have the name of the sponsor
171 with him at this Board meeting. Also, a Bill regarding the excess funds that are over 25% of previous
172 year's budget that are currently required to revert to the General Budget is in process so in the future any
173 excess funds will go into an AOWB fund instead.

174 **BOARD MEMBER REPORTS**

175 Leigh Willis advised that she and Sherry Bradley have a Community Outreach meeting in Lowndes
176 County on January 28th at the Mosses Community Center. Dr. White will also be in attendance and
177 advised that Lexile/American Standard is providing low flow fixtures and The International Association
178 of Mechanic and Plumbing officials will possibly have volunteer plumbers to install fixtures as a part of
179 this effort. Leigh Willis also advised the revision of the onsite rules is in process and their goal is to
180 have everything completed by December. ADPH is also looking at land applications and moving

181 pumpers from onsite rules to land application section. Manufacturing Level II is still being worked on,
182 which goes along with the onsite rule revisions. There have been several issues found with the
183 Manufacturing program and Leigh and Sherry are working on this; resolving and updating the
184 Manufacturing program is a top priority. There will be at least 4-5 Public forums across the State to
185 discuss the program.

186 **UNFINISHED BUSINESS** – None.

187 **ADJOURNMENT** – At 11:28 a.m., Michael Dansby made the motion to adjourn the Board meeting;
188 David Mastin seconded the motion. By a show of hands, the motion to adjourn was approved
189 unanimously. The next quarterly meeting will be held on April 28, 2020.

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192 Remaining Quarterly Board Meeting dates for 2020:

193 April 28, 2020

194 July 23, 2020

195 October 27, 2020

196

197 Minutes submitted by: Tracy Welch

198

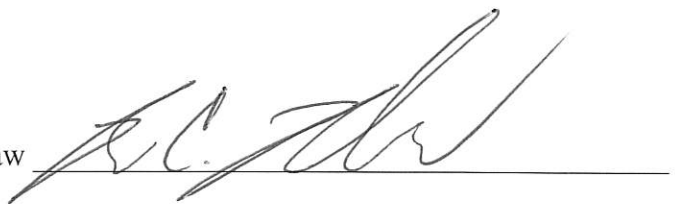
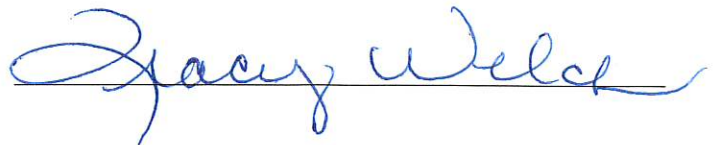
199 Approved by: Brent Bradshaw

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201 Recording Secretary Tracy Welch

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A handwritten signature in black ink, appearing to read "Brent Bradshaw", written over a horizontal line.A handwritten signature in blue ink, appearing to read "Tracy Welch", written over a horizontal line.