

# ALABAMA ONSITE WASTEWATER BOARD

## MINUTES OF MEETING

January 26, 2023

The one hundred twenty-eighth meeting of the ALABAMA ONSITE WASTEWATER BOARD (hereinafter referred to as “the Board”) was called to order at 9:11 a.m., January 26, 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 (arrived at 9:15a.m.), Leigh Salter (Via telephone and adjourned the meeting at 10:52 a.m.), Dr. Mark Barnett, and Craig Gall. Other guests: Melissa Hines (Executive Director), Neva Conway (AOWB Attorney), Tracy Welch (AOWB), Joel Barnes (AOWB), Baron Litaker (AOWB), Lynette Burton (ADPH), Cindy Goocher (ADPH), Debbie Johnson (AOWA) and Special Guest – Jason Harris. Board Members absent: Mark Haswell and Dr. Harold Pate. A quorum was established, and the meeting was called to order.

**ADMINISTRATIVE HEARING** – The Honorable Randy Salle presided over an Administrative Hearing which began at 9:13 a.m. and ended at 10:39 a.m. Once the transcripts are received, they will be forwarded to the Honorable Randy Salle for his ruling and recommendation to the Board; his ruling and recommendation will be reviewed, and a recommendation will be made by the Board at the next Quarterly Board Meeting.

**SPECIAL GUEST: Mr. Jason Harris, a Basic Installer and Pumper licensee, addressed the Board**  
24 **regarding the proofs of 5 septic systems installed in Florida to be used instead of 5 septic systems**  
25 **installed in Alabama for qualification to receive his Advanced Level I license.**

26  
27 **ELECTION OF OFFICERS FOR 2023**

28  
29 **BOARD CHAIR**

30 Chris Gulley opened the floor for nominations for Chairman of the Board. David Mastin made the  
31 motion to nominate Chris Gulley. Dr. Mark Barnett made the motion to close the floor for nominations;  
32 Craig Gall seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett – YES; Mark Haswell –  
33 ABSENT; David Mastin – YES; Leigh Salter – NOT PRESENT; Alan Astin – YES; Craig Gall – YES;  
Sharon Kimbrough – YES; Dr. Harold Pate – ABSENT. Motion passes. Chris Gulley will serve as  
35 Chairman of the Board for 2023.

36  
37 **BOARD VICE-CHAIR**

38 Chris Gulley opened the floor for nominations for Vice-Chairman of the Board. David Mastin made the  
39 motion to nominate Alan Astin. Dr. Mark Barnett made the motion to close the floor for nominations;  
40 Craig Gall seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett – YES; Mark Haswell –  
41 ABSENT; David Mastin – YES; Leigh Salter – NOT PRESENT; Alan Astin – YES; Craig Gall – YES;  
42 Sharon Kimbrough – YES; Dr. Harold Pate – ABSENT. Motion passes. Alan Astin will serve as Vice-  
43 Chairman of the Board for 2023.

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45

**BOARD TREASURER**

47 Chris Gulley opened the floor for nominations for Treasurer of the Board. Dr. Mark Barnett made the  
48 motion to nominate David Mastin. Alan Astin made the motion to close the floor for nominations; Craig  
49 Gall seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett – YES; Mark Haswell – ABSENT;  
50 David Mastin – YES; Leigh Salter – NOT PRESENT; Alan Astin – YES; Craig Gall – YES; Sharon  
51 Kimbrough – YES; Dr. Harold Pate – ABSENT. Motion passes. David Mastin will serve as Treasurer  
52 of the Board for 2023.

53

54 **DISCUSSION** – Chair, Chris Gulley, opened the floor for discussion regarding Mr. Jason Harris. After  
55 much discussion, the Board collectively agreed to take “No Action” on the request from Mr. Harris.

56

**BOARD MEMBER REORTS**

58 **Leigh Salter** – advised (VIA phone) that the ADPH Onsite Rules are officially being released on  
59 February 13, 2023.

60

61 **MINUTES** – Craig Gall made the motion to accept the minutes of October 27, 2022, as presented. Alan  
62 Astin seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett – YES; Mark Haswell – ABSENT;  
63 David Mastin – YES; Leigh Salter – NOT PRESENT; Alan Astin – YES; Craig Gall – YES; Sharon  
64 Kimbrough – YES; Dr. Harold Pate – ABSENT. Motion passes.

65

66 **TREASURER’S REPORT** – David Mastin, Treasurer, presented the 1st Quarter Treasurers report for  
67 October 1, 2022, through December 31, 2022. The Treasurer’s report for Fiscal Year 2022 was also  
68 included with Board Member packets. Alan Astin made the motion to accept the Treasurer’s Report as

presented. Dr. Mark Barnett seconded the motion. ROLL CALL VOTE: Dr. Mark Barnett – YES;  
70 Mark Haswell – ABSENT; David Mastin – YES; Leigh Salter – NOT PRESENT; Alan Astin – YES;  
71 Craig Gall – YES; Sharon Kimbrough – YES; Dr. Harold Pate – ABSENT. Motion passes.

72

73 **BREAK** – Chris Gulley, Chairman, called for a 15-minute break at 11:18 a.m. At 11:42 a.m., Chairman  
74 Gulley called the Board Meeting back in session.

75

76 **EXECUTIVE DIRECTOR’S REPORT**

77 A copy of Executive Orders issued by Governor Kay Ivey were provided in the Board Member packets.  
78 Executive Director, Melissa Hines, briefly went over 2 of them that would be of the upmost interest to  
79 the Board: **Executive Order #726 – Promoting Faithful Execution of the Laws and Executive  
Order #727 – Establishing the Governor’s Study Group on Efficiency in State Government.**

81 Executive Director Hines also advised the Board that Representative Margie Wilcox from Mobile  
82 County will be the new Chair of the House of Representatives Committee on Boards, Agencies, and  
83 Commissions.

84

85 **Ethics Commission Statements of Economic Interest** – are due no later than April 30, 2023. The Board  
86 was encouraged to visit [www.ethics.alabama.gov](http://www.ethics.alabama.gov) to file.

87

88 **BOARD MEMBER Expiration of Terms:**

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

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

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

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

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

96

97 **AOWB Law – 2021 law change – under exemptions Section 10:** This has updated law regarding  
98 General Contractors and Distributors licenses.

99

100 **\*\*LICENSE DATABASE\*\*** - OIT (State of Alabama Office of Information and Technology) will no  
101 longer service Microsoft Access database systems. We, along with other Boards and Agencies, are  
having to reconfigure to an online database system. The cost is \$79,000.00; we hope to have Phase I in  
103 place by August.

104

105 **TRADE SHOW** – AOWB is looking forward to attending this year’s AOWA Trade Show in Lake  
106 Guntersville. We will be putting on another mock trial for licensees to observe the process that takes  
107 place during Administrative Hearings of the Board.

108

109 **EXAM STATS – 2022**

110 Basic Installer – 115

111 Pumper/Portable Restroom – 62

112 Manufacturer – 1

113 Advanced Level I Installer – 22

Advanced Level II Installer – 6

115 *TOTAL EXAMINED IN 2022 - 200*

116 **CONTINUING EDUCATION STATS – 2022**

117 AOWA – 707      HHAA – 37      UWA – 213      FOWA – 5      GOWA – 3

118 JADE LEARNING – 15 (Now known as *At Your Own Pace*)

119 APPROVED ENVIRONMENT – 101 {**Not approved for 2023**}

120 ORENCO – 5 {**Not approved for 2023**}

121

122 **LICENSEE STATS**

123 **2019** – issued 79 new licenses

124 **2020** – issued 180 new licenses

125 **2021** – issued 138 new licenses

126 **2022** – issued 184 new licenses

127 **2023** – total of 1,177 individuals licensed in the industry (as of this date; 275 still must renew)

128

129 Continuing Education classes for License Year 2024 are approved and on the AOWB website.

130

131 **ENFORCEMENT REPORT FOR THE QUARTER**

132 Complaints pending Probable Cause      8

133 Complaints received for the Quarter      12

134 Holding for Hearings      6

135 Compliance Visits for the Quarter      31

136

**UNFINISHED BUSINESS: Committee Reports**

138 **Education Committee** - Melissa Hines, Executive Director, and Dr. Mark Barnett have been working on  
139 new exams to comply with the new regulations. The Basic Installer exam and Pumper exams are  
140 completed. The math formula sheet is also being reviewed; Sharon Kimbrough is assisting with the  
141 formula sheet as well. Once the formula sheet is finalized, it will be given to the educators.

142 **Fast Track Committee** – Propose consideration of: (A) Future 2-year work experience requirement for  
143 Basic Installer license training; (B) 1 year of intensive schooling and 1 year of work experience; or (C)  
144 Education, possibly from a technical school, from the start to finish of septic tank installation with an  
145 apprenticeship to follow. \*\*\*The Board also discussed the possibility of ADPH Environmentalists  
146 attending training of Onsite Wastewater Classes. \*\*\*

147

**NEW BUSINESS:**

149 Executive Director Hines asked for discussion on **Septic Tank Inspections** – *Who can do them?*  
150 Discussion was held. Board Attorney, Neva Conway, advised the board that under the rules of the  
151 ADPH, it does not specify that only an AOWB licensed individual can inspect a septic tank.

152

**ADJOURNMENT**

154 Alan Astin made the motion to adjourn the meeting; Dr. Mark Barnett seconded the motion. By a show  
155 of hands, the motion passes unanimously. Meeting was adjourned at 1:58 p.m. by Chair, Chris Gulley.

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

161 April 20, 2023

162 July 27, 2023

163 October 26, 2023

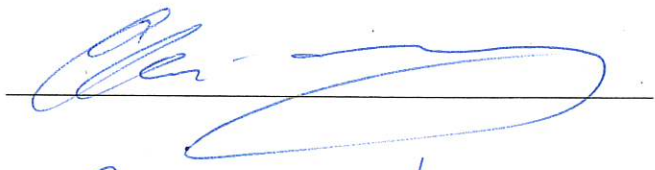
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165

166 Minutes submitted by: Tracy Welch

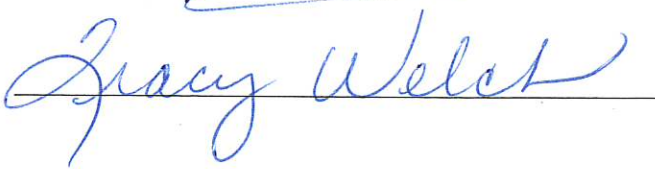
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168 Approved by: Chris Gulley

A handwritten signature in blue ink, appearing to read "Chris Gulley", is written over a horizontal line.

169

170 Recording Secretary

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