

ALABAMA ONSITE WASTEWATER BOARD

MINUTES OF MEETING

January 28, 2021

The one hundred-fifteenth quarterly meeting of the ALABAMA ONSITE WASTEWATER BOARD (hereinafter referred to as “the Board”) was called to order at 9:08 a.m., January 28, 2021, at the Board’s administrative offices located at 60 Commerce Street, Suite 1050 by the Honorable Chris Gulley, Chair.

PRESENT

Board Members present – Alan Astin (arrived at 9:12 a.m.), Michael Dansby (arrived 9:23 a.m.), Craig Gall, David Mastin and Leigh Willis and Mark Barnett. Officers present were Chris Gulley – Chair and Sharon Kimbrough, Vice-Chair (arrived at 9:38 a.m.), David Vogelgesang – Treasurer. *A quorum was established.* Other guests: Melissa Hines (Executive Director), Joel Barnes (AOWB), Caleb Kilpatrick (AOWB) Tracy Welch (AOWB), Neva Conway (AOWB attorney). **Special Guest:** Stephanie Norrell – AOWA lobbyist.

WELCOME: Mark Barnett has been appointed to fill the AOWB Educator seat. Dr. Barnett will chair the Education Committee and oversee that the Education requirements of the Board meet the Board standards and the Law. David Mastin and Leigh Willis will continue to serve on the Education Committee.

MINUTES – David Mastin made the motion to accept the minutes of October 27, 2020; David Vogelgesang seconded the motion. Roll Call Vote: Chris Gulley – YES; Sharon Kimbrough – LATE; Michael Dansby – LATE; David Mastin – YES; Alan Astin – YES; Mark Barnett - ABSTAIN; David Vogelgesang – YES; Leigh Willis – YES; Craig Gall - YES. Motion carries.

22 **TREASURER'S REPORT 10/1/2020 – 12/31/2020** was presented by David Vogelgesang, Treasurer.
23 A memo from the State Comptroller's office was included reflecting in-state travel mileage has decrease
24 to .56 cents per mile. Alan Astin made the motion to accept the Treasurers report; Craig Gall seconded
25 the motion. Roll Call Vote: Sharon Kimbrough – LATE; Michael Dansby – LATE; David Mastin –
26 YES; Alan Astin – YES; Mark Barnett - ABSTAIN; David Vogelgesang – YES; Leigh Willis – YES;
27 Craig Gall - YES. Motion carries.

28 **NEW BUSINESS** – The Executive Director, Melissa Hines, received a call this morning with a request
29 for the board meeting agenda for today. It was too late to be printed on the agenda; however, Melissa
30 advised that the Engineers have concerns regarding the Advanced Level I and Advanced Level II
31 Installers not being on job sites for the inspections. They want to know if anything can be done by the
32 Board. Discussion was had. Leigh Willis encouraged advisement for the Engineers to contact Sherry
33 Bradley of the ADPH to express their concerns/complaints. It was agreed to table this issue until the
34 4/22/2021 meeting and the Engineers will be invited to attend the board meeting.

35 **SPECIAL GUEST:** Stephanie Norrell gave a legislative update to the Board. The Sunset Bill HB49
36 gives AOWB a 2-year extension, which will place the Board back on the normal rotation.
37 Representative Sanderford will reintroduce the bill which would allow for 25% or less of the previous
38 fiscal year budget remaining to stay with the Board and not be transferred over to the General Budget.
39 This bill died in session last year due to issues related to Covid. Also, The AOWA drafted a bill and
40 has asked Representative Rich to introduce this year, which would give the ability of the Board to
41 increase fines from \$1,000.00 to \$,5000.00 for more severe violations and to recoup any court costs.
42 There is opposition to this bill from Utility Contractors and Russell Lands. This seems to be carried
43 over from the licensing issue that was not able to be resolved with General Contractors last year.

44 Discussion was held with Board Members and Board Attorney, Neva Conway regarding drafting a
45 proposed regulation that AOWB will recognize the education and experience of Utility Contractors. As
46 this also falls along the lines regarding the ADEM UIC systems, Neva Conway addressed the Board
47 advising these underground injected systems operations are regulated by ADEM and should be ADEM
48 permitted. A draft of a new proposed regulation will be sent out to Board Members for review after
49 Neva Conway and Melissa Hines complete it. Following the Board review the regulation will be
50 submitted for legislative approval. Alan Astin made the motion for a regulation to be drafted by the
51 Executive Director, Melissa Hines and the Board Attorney, Neva Conway, to accept the MOU to
52 recognize the education and experience for contractors to be licensed, this is to come back for a
53 committee forum to give final approval and then be submitted for Legislative action; Michael Dansby
54 seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; Michael Dansby – YES; David Mastin
55 – YES; Alan Astin – YES; Mark Barnett - YES; David Vogelgesang – YES; Leigh Willis – YES; Craig
56 Gall - YES. Motion carries unanimously. Board Chair, Chris Gulley, named Craig Gall and David
57 Mastin as well as himself to the MOU Regulation Committee.

58 **BREAK:** Chris Gulley, Chair, called for a 5-minute break at 10:18 a.m.

59 **MEETING RESUMED:** Chris Gulley, Chair, called the meeting back to order at 10:26 a.m.

60 **ELECTIONS OF OFFICERS FOR 2021:** Chair, Chris Gulley, opened the floor for nominations for
61 2021 Board Chair. Mr. David Mastin made a motion to nominate Chris Gulley; Craig Gall seconded the
62 motion. Chris Gulley closed the floor for nominations. Roll Call Vote: Sharon Kimbrough – YES;
63 Michael Dansby – YES; David Mastin – YES; Alan Astin – YES; Mark Barnett - YES; David
64 Vogelgesang – YES; Leigh Willis – YES; Craig Gall - YES. All approved; motion passes. The floor
65 was then opened for nominations for 2021 Board Vice-Chair. Mr. David Vogelgesang made a motion to
66 nominate Sharon Kimbrough as Vice-Chair; Michael Dansby seconded the motion. Chris Gulley

67 closed the floor for nominations. Roll Call Vote: Sharon Kimbrough – YES; Michael Dansby – YES;
68 David Mastin – YES; Alan Astin – YES; Mark Barnett - YES; David Vogelgesang – YES; Leigh Willis
69 – YES; Craig Gall - YES. All approved; motion passes. The floor was then opened for nominations for
70 2021 Board Treasurer. Mrs. Leigh Willis made a motion to nominate David Mastin as Board Treasurer.
71 Mr. David Mastin made a motion to nominate Craig Gall as Board Treasurer. Chris Gulley closed the
72 floor for nominations. Roll Call Vote: Sharon Kimbrough – David Mastin; Michael Dansby – David
73 Mastin; David Mastin – Craig Gall; Alan Astin – David Mastin; Mark Barnett – David Mastin; David
74 Vogelgesang – David Mastin; Leigh Willis – ABSTAIN; Craig Gall – David Mastin. David Mastin – 6
75 votes; Craig Gall – 1 vote; 1 abstained; motion passes.

76 Chris Gulley, Chair, also wanted to make note that Mr. David Vogelgesang has served as Treasurer for
77 three consecutive years and is unable to be Treasurer this year; on behalf of the Board extended thanks
78 to Mr. Vogelgesang for his service serving in the capacity of Board Treasurer.

79 **EXECUTIVE DIRECTOR'S REPORT**

80 ***Eligibility Requirements to obtain a license:*** Executive Director, Melissa Hines, asked the Board for
81 clarification regarding experience. With 12 months experience required to take the Basic Installer class,
82 the question is would 1-year experience as a Master Plumber meet the requirements of approval for
83 taking the Basic Installer training. Discussion was held and it was determined that this does fall under
84 wastewater industry.

85 **Online Continuing Education** at the October 2020 Board meeting, it was approved to only allow 3
86 hours of online continuing education starting with renewal year for 2022. Melissa Hines asked that this
87 be reconsidered and allow licensees that need to take online continuing education be allowed to take
88 their complete hours as required. The reason being is because of Covid and because the Auditors will be
89 looking at the certification of “other” hours obtained to fulfil the required of completion. Discussion

was held. Craig Gall made a motion to postpone the limiting of online education hours for 1 year; Leigh Willis seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; Michael Dansby – YES; David Mastin – NO; Alan Astin – NO; Mark Barnett - YES; David Vogelgesang – YES; Leigh Willis – YES; Craig Gall - YES. Motion passes.

Statement of Economic Interest – The Executive Director, Melissa Hines, reminded the Board that the Statement of Economic Interest is due by **4-30-21** and can be completed online. A copy of the information was included in the Board Meeting packet.

CE Training Report Summary – 2020 A list of all continuing education providers with number of certificates issue to AOWB licensees is included in the packet.

LICENSES ISSUED/RENEWED COUNT BY DATE

10-1-2019 to 09-30-2020: 153 issued; 1685 renewed. Total 1838

10-1-2020 to 1/25/2021: 52 issued; 1524 renewed. Total 1576

ENFORCEMENT REPORT – Complaints pending Probable Cause – 20; Complaints received for the Quarter – 15. Probable cause will be scheduled in late February with Neva Conway and Leigh Willis; after which, Administrative Hearings will be set.

UNPAID FINES – Alan Astin asked Executive Director, Melissa Hines to review a previous discussion about fines that have not been paid. Neva Conway, Board Attorney, advised that there is a legal firm in Birmingham that handles collections for some State Boards. Neva advised she would review what other avenues may be taken to collect monies from individual that the Board has fined and not yet paid.

COMPLIANCE OFFICERS – The Executive Director has been questioned by a few Board Members regarding the need for the presence of the Compliance Officers out in the field. The Officers will be back in the field after they attend scheduled Investigator Training February 1-3, 2021.

112 Other items: Fees will increase February 14, 2021 and should generate approximately \$95,000.00;
113 Manufacturer Level II packets have been sent out. We will be looking to hire a clerk to aid in clerical
114 work.

115 **UNFINISHED BUSINESS** – no updates from Education Committee or ADEM Committee.

116 **BOARD MEMBER REPORTS**

117 Leigh Willis referred everyone to the Updated Septage Management Rules that were given to each
118 member. These will go into effect February 14, 2021. This applies to New Land Application
119 permittees. Also, the Pumper rules now fall under the Septage Management Rules and not under the
120 Onsite Wastewater Rules.

121 Chris Gulley, Board Chair advised that Melissa Hines, Executive Director, would be setting up meetings
122 and traveling around the State to centralized locations of 3 districts at a time with a ADPH Liaison to
123 introduce the Updated Septage Management rules. She will be able to be a presence in the Field, talk
124 with several licensees and find out what problems they may be having in the various areas of the State.
125 The Executive Director wants to know if the Board will approve 2 hours of continuing education hours
126 for those licensees who attend these meetings. David Mastin made the motion to approve 2 hours of
127 continuing education for those attending the meetings with the Executive Director; Mark Barnett
128 seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; Michael Dansby – YES; David Mastin
129 – YES; Alan Astin – YES; Dr. Mark Barnett - YES; David Vogelgesang – YES; Leigh Willis – YES;
130 Craig Gall - YES. Motion carries.

131 **ADJOURNMENT** – At 2:09 p.m. Alan Astin made the motion to adjourn; Craig Gall seconded the
132 motion. By a show of hands, the motion to adjourn was approved unanimously. The next quarterly
133 meeting will be held April 22, 2021.

134

135 **Quarterly Board Meeting dates for 2021:**

136 April 22, 2021

137 July 20, 2021

138 October 26, 2021

139

140 Minutes submitted by: Tracy Welch

141 Approved by: Chris Gulley

142

143 Recording Secretary Tracy Welch

