

ALABAMA ONSITE WASTEWATER BOARD

MINUTES OF MEETING

July 30, 2019

The one hundred-sixth quarterly meeting of the ALABAMA ONSITE WASTEWATER BOARD (hereinafter referred to as “the Board”) was called to order at 9:04 a.m., July 30, 2019, at the Board’s administrative offices located at 60 Commerce Street, Suite 1050 by Randall Anderson, Chairman.

PRESENT

Board Members present – Michael Dansby, Dr. Kevin White, Michelle Stephens, Leigh Willis, David Mastin, Jr. and Brent Bradshaw. Officers present were Randall Anderson-Chair; Sharon Kimbrough Vice-Chair [arrived at 9:18 am] and David Vogelgesang, Treasurer. Other guests: Melissa Hines (Executive Director), Robert Joiner (AOWB), Tracy Welch (AOWB), Paul “Bo” Cooper (AOWB Attorney), Charles Hall (Executive Director – AOWA/ASG), Allen Tartt (AOWA – Training Director), Randy Salle, Administrative Law Judge, Haley Tunnell, (Freedom Court Reporting), plaintiffs and witnesses for administrative hearings held this date. A quorum was established.

SPECIAL GUESTS

Mr. Jimmy Morgan – Plumbers/Gasfitters Board and Alan Nipp and Angel Mustin of Infiltrator (via conference call).

NEW EMPLOYEE

Executive Director, Melissa Hines, introduced Mr. Joel Barnes. Joel will start with AOWB on August 16, 2019 as a Licensing Compliance Field Officer. The Board welcomed Joel.

21 **MINUTES** – Brent Bradshaw made the motion to accept the minutes of April 25, 2019 and May 9,
22 2019 as presented; David Mastin seconded the motion; by a show of hands, the minutes were approved
23 as presented unanimously, and the motion carries.

24 **TREASURER’S REPORT** – was presented by David Vogelgesang. Michael Dansby made the motion
25 to approve the Treasurer’s Report as presented; Brent Bradshaw seconded the motion; by a show of
26 hands, the Treasurer’s Report was approved unanimously and the motion carries.

27 **AOWB CHAPTER 628-X-1 DEFINITIONS**

28 Mr. Jimmy Morgan was in attendance to verify that the Alabama Plumbers and Gas Fitters Examining
29 Board agreed with the change of wording for 628-X-3.02 Plumbing definition as presented by AOWB
30 with suggestion to add “building sewer” as defined by 420-3-1-.01 (19) of ADPH administrative rules
31 shall be conserved part of the Onsite Wastewater system. Melissa Hines, Executive Director asked for a
32 motion to accept the revision of definitions with the additional revision that will be used from Alabama
33 Plumbers and Gas Fitters Examining Board. Leigh Willis made the motion to accept the revision; David
34 Vogelgesang seconded the motion. By a show of hands, the revision of the Plumbing definition passed
35 unanimously and the motion carries.

36 **At 9:20 the Board tabled regular meeting business for Administrative Hearings.**

37 **ADMINISTRATIVE HEARINGS**

38 The Honorable Randy Salle presided over the administrative hearings which began at 9:25 a.m.
39 Transcripts of these hearings were taken by court reporter, Haley Tunnell. Once the transcripts are
40 received, they will be forwarded to the Honorable Randy Salle for his ruling and recommendation to the
41 Board, upon which will be reviewed and recommended by the Board at the next quarterly Board
42 Meeting.

43 The hearings concluded at 11:53 a.m.; The Board took a 20-minute Break.

44 **BOARD MEETING REGULAR BUSINESS**

45 Randy Anderson – Chair, called the Board back to order at 12:17 p.m.

46 **CONSENT AGREEMENTS presented by Melissa Hines, Executive Director.**

47 **Case #2019-0010** – This licensee was pumping in Lee County without a permit and without renewing
48 his AOWB Pumper’s license. First time offense, he was fined \$500.00 for each offense (\$1,000.00
49 total). David Mastin made the motion to approve the consent agreement; Michael Dansby seconded the
50 motion. Roll Call Vote: Michael Dansby – Yes; David Mastin – Yes; Brent Bradshaw – Yes; Dr. Kevin
51 White – Yes; Sharon Kimbrough – Yes; Michelle Stephens – Yes; Leigh Willis – Abstain; David
52 Vogelgesang – Yes. Motion Carries. The individual is Billy Wayne Hall.

53 **Case #2019-0004** – This licensed Installer installed a system in Centre, Alabama without a permit.
54 This was a first offence and he was fined a \$1,000.00. David Vogelgesang made the motion to approve
55 the consent agreement; Michael Dansby seconded the motion. Roll Call Vote: Michael Dansby – Yes;
56 David Mastin – Yes; Brent Bradshaw – Yes; Dr. Kevin White – Yes; Sharon Kimbrough – Yes;
57 Michelle Stephens – Yes; Leigh Willis – Abstain; David Vogelgesang – Yes. Motion Carries. The
58 individual is Andrew McGatha.

59 **Case #2019-0037** – This individual installed a system in Baldwin County without a license or permit.
60 He was fined \$2,000.00. Michael Dansby made the motion to approve the consent agreement; Brent
61 Bradshaw seconded the motion. Roll Call Vote: Michael Dansby – Yes; David Mastin – Yes; Brent
62 Bradshaw – Yes; Dr. Kevin White – Yes; Sharon Kimbrough – Yes; Michelle Stephens – Yes; Leigh
63 Willis – Abstain; David Vogelgesang – Yes. Motion Carries. The individual is Michael Chandler.

64 **Case #2019-0007** – This licensee pumped 205 tanks in Lee County without having his AOWB license
65 renewed and without permit. He was fined a total of \$10,000.00 - \$48.75 per count. David
66 Vogelgesang made the motion to accept this consent agreement; Dr. Kevin White seconded the motion.

67 Roll Call Vote: Michael Dansby – Yes; David Mastin – Yes; Brent Bradshaw – Yes; Dr. Kevin White –
68 Yes; Sharon Kimbrough – Yes; Michelle Stephens – Yes; Leigh Willis – Abstain; David Vogelgesang –
69 Yes. Motion Carries. The individual is Chad Youngren.

70 **Case #2019-0023** – This licensee installed a system without a permit in Jackson County. He was fined
71 \$500.00. Michael Dansby made the motion to accept the consent agreement; David Mastin seconded
72 the motion. Roll Call Vote: Michael Dansby – Yes; David Mastin – Yes; Brent Bradshaw – Yes; Dr.
73 Kevin White – Yes; Sharon Kimbrough – Yes; Michelle Stephens – Yes; Leigh Willis – Abstain; David
74 Vogelgesang – Yes. Motion Carries. The individual is Rodney Ivey.

75 **Case #2019-0022** – This individual was installing field lines in a mobile home park located in Elmore
76 County without a license and without a permit. He was charged \$1000.00. Dr. Kevin White made the
77 motion to accept the consent agreement; Michael Dansby seconded the motion. Roll Call Vote:
78 Michael Dansby – Yes; David Mastin – Yes; Brent Bradshaw – Yes; Dr. Kevin White – Yes; Sharon
79 Kimbrough – Yes; Michelle Stephens – Yes; Leigh Willis – Abstain; David Vogelgesang – Yes.
80 Motion Carries. The individual is Jimmy Austin.

81 **Case #2019-0020** – This individual was disposing of sewage in a non-permitted location in Mobile
82 County. He was fined \$1000.00. David Vogelgesang made the motion to accept the consent agreement;
83 Brent Bradshaw seconded the motion. Roll Call Vote: Michael Dansby – Yes; David Mastin – Yes;
84 Brent Bradshaw – Yes; Dr. Kevin White – Yes; Sharon Kimbrough – Yes; Michelle Stephens – Yes;
85 Leigh Willis – Abstain; David Vogelgesang – Yes. Motion Carries. The individual is Joe Fesenmeir.

86 **Case #2019-0017** – This individual was pumping in Clarke County without a license or permit. She was
87 fined \$1000.00 on each count (\$2,000.00 in partial consent agreement). \$1,000.00 to be received by
88 July 29, 2019 (payment was received) and \$1,000.00 by August 29, 2019. This individual or an
89 employee of her company will be licensed by December 31, 2019 and will obtain permits in each county

of operation or will have to appear for an Administrative Hearing to be held at the October 24, 2019 Board Meeting. Michael Dansby made the motion to accept; Brent Bradshaw seconded the motion. Roll Call Vote: Michael Dansby – Yes; David Mastin – Yes; Brent Bradshaw – Yes; Dr. Kevin White – Yes; Sharon Kimbrough – Yes; Michelle Stephens – Yes; Leigh Willis – Abstain; David Vogelgesang – Yes. Motion Carries. The individual is Rosemary Smith.

ADMINISTRATIVE HEARING UPDATES

Executive Director, Melissa Hines, advised the Board regarding the previous Administration Hearings. **Daniel Patterson** – paid his \$1,000.00 fine. **Jim Tice** – paid his \$1,000.00 fine.

EXECUTIVE SESSION

At 12:30 p.m. Brent Bradshaw made the motion to go into Executive Session with Executive Director, Melissa Hines present along with Allen Sheehan and Jerusha Adams to discuss pending litigation against AOWB and to discuss Administrative Hearing recommendations for approximately 30 minutes; David Mastin seconded the motion. By a show of hands, the motion carries by unanimous vote.

At 1:14 p.m. David Mastin made the motion to come out of Executive Session; Sharon Kimbrough seconded the motion. By a show of hands, the motion carries by unanimous vote.

***** Dr. Kevin White left at 1:12 p.m., following the Executive Session.

ADMINISTRATIVE HEARING RECOMMENDATIONS

Arthur “Bo” Header (#2019-0012) – Brent Bradshaw made the motion to accept counsel’s recommendation to dismiss complaint; Michael Dansby seconded the motion. Roll Call Vote: Michael Dansby – Yes; David Mastin – Yes; Brent Bradshaw – Yes; Dr. Kevin White – Absent; Sharon Kimbrough – Abstain; Michelle Stephens – Abstain; Leigh Willis – Abstain; David Vogelgesang – Yes. Motion Carries.

113 **Jack “Chuck” Stewart (#2019-0009)** – Brent Bradshaw made the motion to accept counsel’s
114 recommendation of \$3,000.00 fine and no suspension of Basic Installer license; David Mastin seconded
115 the motion. Roll Call Vote: Michael Dansby – Yes; David Mastin – Yes; Brent Bradshaw – Yes; Dr.
116 Kevin White – Absent; Sharon Kimbrough – Abstain; Michelle Stephens – Abstain; Leigh Willis –
117 Abstain; David Vogelgesang – Yes. Motion Carries.

118 **Wade Feezell (#2019-0040)** – David Mastin made the motion to accept counsel’s recommendation of
119 \$1,000.00 fine; David Vogelgesang seconded the motion. Roll Call Vote: Michael Dansby – Yes;
120 David Mastin – Yes; Brent Bradshaw – Yes; Dr. Kevin White – Absent; Sharon Kimbrough – Abstain;
121 Michelle Stephens – Abstain; Leigh Willis – Abstain; David Vogelgesang – Yes. Motion Carries.

122 **EXECUTIVE DIRECTOR’S REPORT**

123 **Expiration of Appointments** – We have 5 Board Members whose appointments expire 9/30/19:
124 Randall Anderson, Brent Bradshaw, Leigh Wills, Sharon Kimbrough and David Vogelgesang.

125 **Proposed Legislation** – Increasing fines/Court costs was on the Agenda for today, Executive Director,
126 Melissa Hines would like to table this discussion until October Board Meeting.

127 **Sunset Update** – There will be a business meeting this Fall (date unknown at this time) where the
128 Sunset committee will determine how long to continue each board before the next Sunset review. Also,
129 there has been good feedback from both the House and Senate for support of Bills that we need passed.

130 **Licensee Jasper Means** – has submitted a deficiency plan and paid the \$25.00 deficiency plan fee to
131 waive his late fees for 2019. Mr. Means became ill in November of 2018 and did not think to put his
132 license on inactive status. He has been a licensee since 2000, no complaints and has paid \$300.00
133 license fee. Executive Director recommendation: Mr. Means should pay the late fee, AOWB waive the
134 penalty fee of \$250.00. Michael Dansby made the motion that Mr. Means pay the late fee, and the

125 penalty fee be waived; David Mastin seconded the motion. By a show of hands, all were in favor except
136 for Leigh Willis, who abstained. Motion carries.

137 **Licensee Ronnie Roland** – Mr. Roland thought his license had been renewed, his check never cleared.
138 He has installed 24 systems in his area this year. The local health department did not check the roster,
139 reason being Mr. Roland has been licensed for many years. Executive Director’s recommendation: Mr.
140 Roland should pay the late fee of \$100.00 per license, as well as the penalty fee of \$250.00 in lieu of
141 installing 24 systems without a license. Sharon Kimbrough made the motion that Mr. Roland pays the
142 late fees for 2 licenses and the penalty fee. This is a total of \$450.00. By a show of hands, all were in
143 favor except for Brent Bradshaw who opposed and Leigh Willis who abstained.

144

145 **ADVANCED LEVEL II INSTALLER LICENSE** – The Executive Director sent out a letter to the
146 HBLB, GC BOARD, PE/PLS BOARD, PBGF BOARD, MANAGEMENT ENTITIES informing them
147 of the clarification of the Advanced Level II licenses as it pertains to decentralized systems with the
148 hope of gaining their support.

149

150 **ENFORCEMENT REPORT**

151 Compliance Visits – 25; Complaints pending Probable Cause – 12; Trainings/Meetings attended by
152 Executive Director – 2.

153

154 **NEW BUSINESS** – None.

155

156 **UNFINISHED BUSINESS** – Board Member Brent Bradshaw asked for the Board to examine the final
157 draft of the Onsite Water System Inspection Report. Discussion was had. The Board agreed to proceed

158 with the form to get in online and to hopefully generate State-wide compliance. The Board also agreed
159 to look at any possible revision in one year.

160 **RULE/DEFINITION REVISION**

161 Executive Director, Melissa Hines, led discussion on proposed revisions to the definitions in the
162 Alabama Onsite Wastewater Board Law. Allen Nip and Angel Mustin joined the Board Meeting via
163 conference call. The discussion included the proposed change of Plumbing definition submitted by
164 Jimmy Morgan, Executive Director for Alabama Plumbers & Gas Fitters Examining Board as well as
165 adding a Manufacturer Level II License (for tank resales) and increase of fees 628-x-4.02 Amount of
166 fees. Proposed new fees are: Application fee for any license - **\$50.00**; Exam fee for Adv Level I
167 Installer **\$200.00**; Exam fee for Basic Installer, Pumper, Manufacturer, Portable Restroom - **\$150.00**;
168 Exam fee for Manufacturer Level II license - **\$50.00**; Replacement licenses **\$100.00**; Obtaining Inactive
169 licenses - **\$100.00**; Annual renewal of Inactive licenses - **\$100.00**; Reinstatement of Suspended License
170 - **\$1,000.00** and Reinstatement of License for Bond Suspension Fee (when there is a lapse in coverage) -
171 **\$125.00**.

172

173 MANUFACTURER LEVEL II LICENSE INFORMATION - This license is for those in the distribution of
174 onsite wastewater septic tanks or any apparatus designed to hold commercial or residential wastewater.
175 They shall keep a complete record of all tanks sold for a period of 2 (two) years after being sold.
176 (*Manufacturer's License Level II Distribution Log*) There will be 2-hour online training on the laws
177 and how to use the log. They will have training and an examination which will consist of 10-20 exam
178 questions. AOWB will work with the Education Committee of AOWA to establish training, with First
179 time applicants required to take an examination. The required continuing education will consist of a
180 Renewal application and an affidavit that must be submitted annually. There will not be a bond

181 requirement for the Manufacturer Level II License. Discussion was had and the Chairman called for a
182 motion of the Board. David Mastin made the motion to accept proposed rule revisions; Michael Dansby
183 seconded the motion. Roll Call Vote: Michael Dansby – Yes; David Mastin – Yes; Brent Bradshaw –
184 Yes; Dr. Kevin White – Absent; Sharon Kimbrough – Yes; Michelle Stephens – Yes; Leigh Willis –
185 Yes; David Vogelgesang – Yes. Motion Carries.

186

187 **BOARD MEMBER REPORTS** – None.

188 **ADJOURNMENT**

189 Leigh Willis made the motion to adjourn at 2:11 p.m. and David Vogelgesang seconded the motion. By
190 a show of hands, the motion to adjourn was approved unanimously. The next quarterly meeting will be
191 held on October 24, 2019.

192

193 Quarterly Board Meeting dates for 2020:

194 January 23, 2020

195 April 28, 2020

196 July 23, 2020

197 October 27, 2020

198

199 Minutes submitted by: Tracy Welch

200

201 Approved by: Randall Anderson



202

203 Recording Secretary


