

ALABAMA ONSITE WASTEWATER BOARD

MINUTES OF MEETING

October 24, 2019

2
3
4 The one hundred-eighth quarterly meeting of the ALABAMA ONSITE WASTEWATER BOARD
5 (hereinafter referred to as “the Board”) was called to order at 9:04 a.m., October 24, 2019, at the Board’s
6 administrative offices located at 60 Commerce Street, Suite 1050 by Sharon Kimbrough, Vice-Chair.

7 **PRESENT**

8 Board Members present – Michael Dansby, Dr. Kevin White, Leigh Willis, David Mastin, Jr, Chris
9 Gulley, Brent Bradshaw and Alan Astin. Officers present were Sharon Kimbrough, Vice-Chair and
10 David Vogelgesang, Treasurer. Other guests: Melissa Hines (Executive Director), Joel Barnes
11 (AOWB), Tracy Welch (AOWB), and Paul “Bo” Cooper (AOWB Attorney). A quorum was
12 established.

13 **SPECIAL GUESTS**

14 Donald Brown (Utilities Incorporated of Alabama).

15 **NEW BOARD MEMBERS – NEW EMPLOYEE INFO**

16 Executive Director, Melissa Hines, introduced Mr. Alan Astin, who was appointed September 23rd, 2019
17 to fill the Manufacturer seat; Mr. Chris Gulley, who will fill the Installer seat replacing Randall
18 Anderson. A new Compliance Officer will start December 2, 2019 – Caleb Kilpatrick.

19 **MINUTES** – Brent Bradshaw made the motion to accept the minutes of July 30, 2019 and September
20 12, 2019 as presented; Michael Dansby seconded the motion; by a show of hands, the minutes were
21 approved as presented with only Alan Astin and Chris Gulley abstaining, and the motion carries.

22 **TREASURER'S REPORT** – was presented by David Vogelgesang. Brent Bradshaw made the motion
23 to approve the Treasurer's Report as presented; Michael Dansby seconded the motion; by a show of
24 hands, the Treasurer's Report was approved as presented with only Alan Astin and Chris Gulley
25 abstaining, and the motion carries.

26 **RULINGS AND RECOMMENDATIONS**

27 Brent Bradshaw made the motion to go into Executive Session for 15 minutes to discuss the
28 recommendations from the Hearing Officer; Leigh Willis seconded the motion. At 9:13 a.m. the Board
29 went into Executive Session. At 9:25 the Board went back into regular session

30 **Russell Rahn** – Brent Bradshaw made the motion to accept the recommendation to fine Mr. Rahn
31 \$1000.00; David Mastin seconded the motion. **Roll Call Vote:** Brent Bradshaw – YES; Michael
32 Dansby – YES; David Mastin – YES; Alan Astin – ABSTAIN; Chris Gulley – ABSTAIN; Dr. Kevin
33 White – YES; Leigh Willis – ABSTAIN and David Vogelgesang – YES. **Motion Carries.**

34 **Rodney McDuffie** - Brent Bradshaw made the motion to dismiss the charges; David Mastin seconded
35 the motion. **Roll Call Vote:** Brent Bradshaw – YES; Michael Dansby – YES; David Mastin – YES;
36 Alan Astin – ABSTAIN; Chris Gulley – ABSTAIN; Dr. Kevin White – YES; Leigh Willis – ABSTAIN
37 and David Vogelgesang – YES. **Motion Carries.**

38 **Jason Mardis** – Michael Dansby made the motion to fine Mr. Mardis \$300.00 per count; Brent
39 Bradshaw seconded the motion. **Roll Call Vote:** Brent Bradshaw – YES; Michael Dansby – YES;
40 David Mastin – YES; Alan Astin – ABSTAIN; Chris Gulley – ABSTAIN; Dr. Kevin White – YES;
41 Leigh Willis – ABSTAIN and David Vogelgesang – YES. **Motion Carries**

42

43

44

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

46 **Case #2019-0037** – A complaint was filed against a Basic Installer who installed 20 tanks without the
47 required Advanced Level II license with AOWB. This was his first complaint, and after receiving the
48 paperwork regarding the Administrative Hearing, he called the office and wanted to make a consent
49 agreement. He was charged \$400.00 per count. He has paid \$8000.00. David Vogelgesang made a
50 motion to accept the consent agreement; Michael Dansby seconded the motion. **Roll Call Vote:** Brent
51 Bradshaw – YES; Michael Dansby – YES; David Mastin – ABSTAIN; Alan Astin – YES; Chris Gulley
52 – YES; Dr. Kevin White – YES; Leigh Willis – ABSTAIN and David Vogelgesang – YES. **Motion**
53 **Carries.** The individual is Lynn Newman.

54 **Case #2019-0039** – a Basic Installer installed 2 engineered designed systems without an Advanced
55 Level I license from AOWB. 2 systems, one from 2016 and one from 2019. This individual called the
56 Executive Director before the ADPH filed the complaint, stating he realized what he had done and
57 wanted to whatever needed to do. He paid \$1500.00 (\$750.00 per count). The Executive Director asked
58 the individual to consider taking the next Advanced Level I training and he recently did and passed.
59 Chris Gulley made the motion to accept the consent agreement; Alan Astin seconded the motion. **Roll**
60 **Call Vote:** Brent Bradshaw – YES; Michael Dansby – YES; David Mastin – YES; Alan Astin – YES;
61 Chris Gulley – YES; Dr. Kevin White – YES; Leigh Willis – ABSTAIN and David Vogelgesang –
62 YES. **Motion Carries.** The individual is Aston Parrish.

63 **Case #2019-0041** - an unlicensed individual in Autauga County completed a septic tank repair with no
64 permit. A consent agreement was made for a \$1,000.00 fine. David Mastin made the motion to accept
65 the consent agreement; Michael Dansby seconded the motion. **Roll Call Vote:** Brent Bradshaw – YES;
66 Michael Dansby – YES; David Mastin – YES; Alan Astin – YES; Chris Gulley – YES; Dr. Kevin White

7 – YES; Leigh Willis – ABSTAIN and David Vogelgesang – YES. **Motion Carries.** The individual is
68 Glen Dunn.

69 **Case #2019-0060** – an unlicensed installer in Lowndes County, homeowner installing without a permit.
70 Consent agreement made for \$500.00. Brent Bradshaw made the motion to accept the agreement; David
71 Mastin seconded the motion. **Roll Call Vote:** Brent Bradshaw – YES; Michael Dansby – YES; David
72 Mastin – YES; Alan Astin – YES; Chris Gulley – YES; Dr. Kevin White – YES; Leigh Willis –
73 ABSTAIN and David Vogelgesang – YES. **Motion Carries.** The individual is Scott Fox.

74 **Case #2019-0031** – [Autauga County] Basic Installer installed a Level I system without proper license;
75 consent agreement made for \$1,000.00. Individual didn't want to go to Advanced Level I training at this
76 time. David Mastin made the motion to accept the agreement; Michael Dansby seconded the motion.
77 **Roll Call Vote:** Brent Bradshaw – YES; Michael Dansby – YES; David Mastin – YES; Alan Astin –
78 YES; Chris Gulley – YES; Dr. Kevin White – YES; Leigh Willis – ABSTAIN and David Vogelgesang
79 – YES. **Motion Carries.** The individual is Johnny Brooks.

80 **Case #2019-0091** – [Autauga County] A licensee putting in a septic tank, no repair permit. \$1000.00
81 consent agreement made. This is the first documented offense. Michael Dansby made the motion to
82 approve the agreement; David Mastin seconded the motion. **Roll Call Vote:** Brent Bradshaw – YES;
83 Michael Dansby – YES; David Mastin – YES; Alan Astin – YES; Chris Gulley – YES; Dr. Kevin White
84 – YES; Leigh Willis – ABSTAIN and David Vogelgesang – YES. **Motion Carries.** The individual is
85 Glen Huett.

86 **Case #2019-0038** – Licensee installed a tank without affording the health department and opportunity to
87 complete an inspection; first complaint. A \$500.00 consent agreement was made. Michael Dansby
88 made the motion to accept; Chris Gulley seconded the motion. **Roll Call Vote:** Brent Bradshaw –
89 YES; Michael Dansby – YES; David Mastin – YES; Alan Astin – YES; Chris Gulley – YES; Dr. Kevin

White – YES; Leigh Willis – ABSTAIN and David Vogelgesang – YES. *Motion Carries.* The individual is Edward Houston.

SPECIAL GUEST – Donald Brown of Utilities Incorporated of Alabama was present at the Board meeting and asked permission to address the Board about his company being required to have Advanced Level II Installers to perform maintenance – they do not install. The company has 2 Basic Installers to conduct maintenance on septic tanks. Decentralized systems require an Advanced Level II license per AOWB Law. EXECUTIVE SESSION: Chris Gulley made a motion to go into Executive Session for 10 minutes to discuss Advanced Level II license; Leigh Willis seconded the motion. The time was 9:52 a.m. At 10:12, Michael Dansby made the motion to come out of Executive Session; David Mastin seconded the motion. Vice-chair, Sharon Kimbrough, advised Mr. Brown that after much discussion, it is the Board’s opinion that you do need an Advanced Level II Installer for decentralized systems.

Sharon Kimbrough read Administrative Code of Alabama 1975 §34-21A; 628-X-1.01 (4) **Advanced Level II** *any individual who is licensed by the AOWB for the installation of all work under the Basic and Advanced Level I license and for the installation, servicing, replacing lids, repairing, or maintaining all systems including large flow systems as defined by the current State Board of Health Onsite Sewage and Disposal Rules 420-3-1, multiple pump systems with timed dosing requirements, and other advanced technology systems, to include decentralized systems.* The Board’s opinion is that either through sub-contract or direct hire that you must have an Advanced Level II Installer to perform maintenance.

EXECUTIVE DIRECTOR’S REPORT

- All reappointments to the Board are complete except for Leigh Willis; we are waiting on the letter for her reappointment.
- Sunset Committee has continued AOWB for three (3) years.

113 ***Request for an opinion***, The Executive Director wanted to know if someone is pumping sewage from a
114 municipal treatment plant, is a license required? Discussion was held and the Board's opinion is that no
115 license is required because it is not an onsite system. This falls under ADEM.

- 116 • Legislative handout – AOWA Proposed Legislation for 2020 Session of the Alabama Legislature
- 117 • Email from Tim Abbott – problem getting his 5 systems in his local county to qualify him for
118 Advanced Level I license. (Chris Gulley and David Mastin offered opportunities) There as
119 discussion was held on possible waiver on maintenance and not installations along with possibly
120 only requiring 3 systems instead of 5. This will be tabled for now.
- 121 • Military Family Jobs Opportunity Act – letter from Lieutenant Governor Will Ainsworth
122 (*This will require a rule revision*)
- 123 • AOWB Disciplinary Guidelines/Complaint Procedures – the Sunset Committee had mentioned at
124 our last meeting with them, that the Board should set a specific number of times a licensee can
125 appear before the board before their license is suspended. The Disciplinary guidelines are not in
126 the rules currently. Discussion was held regarding what should take place after 1st offense, 2nd,
127 3rd offense etc. and Board Members said it should stay as is and be up to the Board.

128 Vice-Chair, Sharon Kimbrough, called for a 10-minute recess on the record at 10:34 a.m. The Board
129 was called back into session at 10:38 a.m.

130 **ENFORCEMENT REPORT**

131 Compliance Visits – 98; Complaints pending Probable Cause – 6; Complaints for the Quarter – 74;
132 Holding for hearings – 0

133 The Executive Director also discussed goodwill visits/complaints; Helping Hands; Field Day Exercises
134 and CEP 5 forms.

136 **NEW BUSINESS** – The Opinion from the Attorney General’s office regarding Grease Traps was
137 received. A Pumper license is required for pumping grease traps.

138 **UNFINISHED BUSINESS** – The Executive Director advised the updates on the AOWB
139 Administrative Code is effective November 15, 2019.

140 **BOARD MEMBER REPORTS** –

141 **Dr. Kevin White** – presented AOWA Continuing Education for 2020. Much discussion was had. Vice-
142 Chair Sharon Kimbrough asked if First Aid and Safety training could be added for continuing education
143 hours. Dr. White advised as long as it was an online course with certified instructors and gives course
144 description information. Chris Gulley made a motion to not accept Dr. White’s recommendation for
145 continuing education courses for 2020 from AOWA. David Vogelgesang seconded the motion. By a
146 show of hands, the motion passes.

147 **EDUCATION MEETING** – Dr. White advised there will be an Education meeting on 10/31/19
148 working on upgrade to Advanced Level II Installer training.

149 **NEW BUSINESS ON DECENTRALIZED LARGE SYSTEMS** – Dr. White was approached with a
150 request on information regarding decentralized large systems: Should an Advanced Level II licensee
151 also be required to hold a General Contractors license? Dr. White recommended creating a sub-
152 committee to meet, discuss and present info. Discussion among the Board was that this would fall under
153 the General Contractors Board and therefore they would need to review this question. Dr. White feels
154 AOWB may need to meet with the General Contractors Board due to complaints from contractors
155 because Advanced Level II licensees are performing this work. Melissa Hines, Executive Director,
156 suggested that she and Dr. White together would meet with the General Contractors Board as the
157 Advanced Level II license is required.

158 **Alan Astin** – had question on tests and testing. He inquired as to why the testing is not conducted in
159 Montgomery and stated more qualified people would come into the industry if testing were conducted
160 elsewhere. Dr. Kevin White suggested an apprenticeship program and possibly have PSI conduct
161 testing. There was discussion of agreement and disagreement on apprenticeship program suggestion.
162 Executive Director, Melissa Hines, will take apprenticeship to AOWB Education Committee. This will
163 be tabled until the Education Committee meeting on November 14, 2019.

164 **Leigh Willis** -- advised the Board that the Alabama Department of Public Health has had a \$21,000,000
165 cut to their budget. There is a deficient of environmentalists. Sherry Bradley, ADPH, will ask if the
166 seasoned environmentalists can work as floaters in counties for engineered systems; ADPH will
167 recommending the counties to fund these environmentalists.

168 **EXECUTIVE SESSION**

169 At 11:52 David Mastin made the motion to go into Executive Session to discuss pending litigation
170 against the Board; David Vogelgesang seconded the motion. At 12:02 Dr. Kevin White, made the
171 motion to come out of Executive Session; Alan Astin seconded the motion. Motion carried.

172 **ADJOURNMENT**

173 Leigh Willis made the motion to adjourn at 12:06 p.m. and David Vogelgesang seconded the motion.
174 By a show of hands, the motion to adjourn was approved unanimously. The next quarterly meeting will
175 be held on January 23, 2020.

176

177

178

179

180

Quarterly Board Meeting dates for 2020:

182 January 23, 2020

183 April 28, 2020

184 July 23, 2020

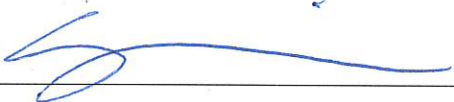
185 October 27, 2020

186

187 Minutes submitted by: Tracy Welch

188

189 Approved by: Sharon Kimbrough



190

191 Recording Secretary