

# ALABAMA ONSITE WASTEWATER BOARD

## MINUTES OF MEETING

October 27, 2020

The one hundred-fourteenth quarterly meeting of the ALABAMA ONSITE WASTEWATER BOARD (hereinafter referred to as “the Board”) was called to order at 9:30 a.m., October 27, 2020, 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, Craig Gall, David Mastin and Leigh Willis. Board Member absent – Michael Dansby. Officers present were Chris Gulley – Chair and Sharon Kimbrough, Vice-Chair, David Vogelgesang – Treasurer. A quorum was established. Other guests: Melissa Hines (Executive Director), Joel Barnes (AOWB), Caleb Kilpatrick (AOWB) Tracy Welch (AOWB), Charles Hall (ASG). **Special Guests:** Shane Hayes and Sandy Bradshaw.

RESIGNATION LETTER – AOWB Executive Director, Melissa Hines, read a resignation letter from Dr. Kevin White. This leaves our Educator Seat vacant.

**MINUTES** – David Mastin made the motion to accept the minutes of July 23, 2020 and July 28, 2020; Alan Astin seconded the motion. By a show of hands, the motion passed unanimously.

**TREASURER’S REPORT** – was presented by David Vogelgesang, Treasurer. A *corrected copy* of the 1<sup>st</sup> Quarter Treasurer’s report (10/1/2019 – 12/31/2019) was presented as it was later found out that the receipts were only for October 2019 and should have reflected October/November/December 2019.

Alan Astin made the motion to approve both Treasurer’s Reports as presented; Sharon Kimbrough

23 seconded the motion; by a show of hands, the Treasurer's Reports were approved, and the motion passes  
24 unaniously.

25 **HEARING OFFICER RECOMMENDATIONS**

26 Alan Astin made the motion to go into Executive Session to discuss the Hearing Officer  
27 recommendations at 9:39 a.m. for 20 (twenty) minutes; Craig Gall seconded the motion. Roll Call Vote:  
28 Sharon Kimbrough – YES; David Vogelgesang – YES; Alan Astin – YES; Michael Dansby – ABSENT;  
29 Craig Gall – YES; David Mastin – YES; Leigh Willis – YES. Motion by roll call vote passed  
30 unaniously to go into Executive Session. At 9:59 a.m., Alan Astin made a motion to come out of  
31 Executive Session and the motion was seconded by Sharon Kimbrough. Roll Call Vote: Sharon  
32 Kimbrough – YES; David Vogelgesang – YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig  
33 Gall – YES; David Mastin – YES; Leigh Willis – YES. Motion carried to come out of Executive  
34 Session.

35 **Bill Miller** – Alan Astin made the motion to accept the Hearing Officer's recommendation of a  
36 \$1000.00 fine; Craig Gall seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; David  
37 Vogelgesang – YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin  
38 – ABSTAIN; Leigh Willis – ABSTAIN. Motion Carries.

39 **Jonathan Pickle** - Alan Astin made the motion to accept the Hearing Officer's recommendation of a  
40 \$1000.00 fine and requiring Mr. Pickle to take Pumper License training again as well as taking the  
41 AOWB license test. This will have to be done at either of the first two pumper classes offered –  
42 1/22/2021 or 4/16/2021; Craig Gall seconded the motion. Roll Call Vote: Sharon Kimbrough – YES;  
43 David Vogelgesang – YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David  
44 Mastin – YES; Leigh Willis – ABSTAIN. Motion carries.

45 **Ryan McCain** – David Mastin made the motion to fine Mr. McCain \$1000.00 on each of the 2 counts,  
46 for a total fine of \$2000.00; motion was seconded by David Vogelgesang. Roll Call Vote: Sharon  
47 Kimbrough – YES; David Vogelgesang – YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig  
48 Gall – YES; David Mastin – YES; Leigh Willis – ABSTAIN. Motion carries.

49 **Johnny West** – David Mastin made the motion to accept the Hearing Officer’s recommendation; Sharon  
50 Kimbrough seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; David Vogelgesang –  
51 YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin – YES; Leigh  
52 Willis – ABSTAIN. Motion by vote passes.

53 **Jim Tice** - David Mastin made the motion to fine Mr. Tice \$1000.00 on count 1 and dismiss count 2;  
54 Craig Gall seconded the motion. Charles Hall (ASG) addressed the Board for consideration regarding  
55 Mr. Tice. Roll Call Vote: Sharon Kimbrough – YES; David Vogelgesang – YES; Alan Astin –  
56 ABSTAIN; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin – YES; Leigh Willis –  
57 ABSTAIN. Motion carries.

58 **SPECIAL GUESTS:**

59 Chairman Chris Gulley, recognized special guest, **Shane Hayes**. Mr. Hayes stated to the Board that he  
60 needed to be able to take the Advanced Level I test as soon as possible, waiving the 2-year waiting  
61 period, so he would not lose his business. He previously had the Advanced Level I license until 2006  
62 and did not renew. He was working with his father who held Advanced Level II license, his father  
63 recently passed away in July of this year. Mr. Hayes did get his Basic Installer license 8/31/2020.

64 Chris Gulley, Chairman, then recognized **Sandy Bradshaw**. She stated to the Board that she needed to  
65 be able to take the Advanced Level I test as soon as possible, waiving the 2-year waiting period, so she  
66 could continue to run the business established by her husband who unexpectedly passed away. She  
67 received her Basic Installer license on 8/17/2020. At 10:35 a.m. Alan Astin made the motion to go into

68 Executive Session to discuss the good name and morale character of Shane Hayes and Sandy Bradshaw  
69 with the Board Attorney, Neva Conway, to be included for 20 minutes; David Mastin seconded the  
70 motion. Roll Call Vote: Sharon Kimbrough – YES; David Vogelgesang – YES; Alan Astin – YES;  
71 Michael Dansby – ABSENT; Craig Gall – YES; David Mastin – YES; Leigh Willis – YES. Motion  
72 carries. At 10:59 a.m. Alan Astin made the motion to come out of Executive Session; David Mastin  
73 seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; David Vogelgesang – YES; Alan  
74 Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin – YES; Leigh Willis – YES.  
75 Motion carries. Chairman, Chris Gulley, asked if there was any other discussion regarding the requests  
76 of the special guests in attendance today, there was none. Sharon Kimbrough made the motion to waive  
77 the 2-year waiting period for Shane Hayes and Sandy Bradshaw based on extenuating circumstances for  
78 both licensees; Craig Gall seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; David  
79 Vogelgesang – YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin  
80 –ABSTAIN; Leigh Willis – ABSTAIN. Motion carries.

81

82 **CONSENT AGREEMENTS**

83 *Complaint 2020-0004, Walker County – This person was pumping without a permit, he consented to*  
84 *\$500.00 and it has been paid.*

85 Alan Astin made the motion to accept the consent agreement; David Mastin seconded the motion. By a  
86 show of hands Sharon Kimbrough, David Vogelgesang, Alan Astin, Craig Gall and David Mastin voted  
87 yes, Leigh Willis abstained, and Michael Dansby was absent. Motion passes. **This was Shawn Bice.**

88 *Complaint 2020-0025, Montgomery County – This person had no permit, he consented to \$500.00 and it*  
89 *has been paid.*

89 Sharon Kimbrough made the motion to accept the consent agreement; Alan Astin seconded the motion.  
91 By a show of hands Sharon Kimbrough, David Vogelgesang, Alan Astin, Craig Gall voted yes, Leigh  
92 Willis abstained, David Mastin abstained, and Michael Dansby was absent. Motion passes. **This**  
93 **person is Tommie Brown.**

94 *Complaint 2020-0103, Cropwell, AL – This person had no license, no permit, no inspection from the*  
95 *local health department; he consented to \$2500.00 and it has been paid.*

96 David Mastin made the motion to accept the consent agreement; David Vogelgesang seconded the  
97 motion. By a show of hands Sharon Kimbrough, David Vogelgesang, Alan Astin, Craig Gall and David  
98 Mastin voted yes, Leigh Willis abstained, and Michael Dansby was absent. Motion passes. **This**  
99 **person was Matt Kronan.**

100 *Complaint 2020-0040 – Oxford, AL – This person had no permit, covered system without inspection*  
101 *from the local health department and committed a dishonest act. The Executive Director charged*  
102 *\$300.00 per count for a total amount of \$900.00 and requested a refund in the amount of \$6419.00 in*  
103 *the form of a cashier's check made out to the homeowner and sent to AOWB to ensure the homeowner*  
104 *received it.*

105 Alan Astin made the motion to accept the consent agreement; Sharon Kimbrough seconded the motion.  
106 By a show of hands Sharon Kimbrough, David Vogelgesang, Alan Astin, Craig Gall and David Mastin  
107 voted yes, Leigh Willis abstained, and Michael Dansby was absent. Motion passes. **This licensee is**  
108 **LaCrysta Scott.**

109 *Complaint 2020-0068 - Cullman, AL – This person installed an Advanced Level system without a*  
110 *license. He agreed to \$1000.00 consent agreement and it has been paid.*

111 David Mastin made the motion to accept the consent agreement; Sharon Kimbrough seconded the  
112 motion. By a show of hands Sharon Kimbrough, David Vogelgesang, Alan Astin, Craig Gall and David

113 Mastin voted yes, Leigh Willis abstained, and Michael Dansby was absent. Motion passes. **This**  
114 **person is Ellis Stewart.**

115 Complaint 2020-0054 – Mobile County – Advertising and soliciting on social media without a license  
116 from the Alabama Onsite Wastewater Board. He agreed to \$250.00 consent agreement and it has been  
117 paid.

118 Sharon Kimbrough made the motion to accept the consent agreement; Alan Astin seconded the motion.  
119 By a show of hands Sharon Kimbrough, David Vogelgesang, Alan Astin, Craig Gall and David Mastin  
120 voted yes, Leigh Willis abstained, and Michael Dansby was absent. Motion passes. **This person is**  
121 **Mark DeGeorge.**

122 Complaint 2020-0017 – Hale County – No inspection. The person was charged \$800.00 and it has  
123 been paid.

124 Alan Astin made the motion to accept the consent agreement; David Mastin seconded the motion. By a  
125 show of hands Sharon Kimbrough, David Vogelgesang, Alan Astin, Craig Gall and David Mastin voted  
126 yes, Leigh Willis abstained, and Michael Dansby was absent. Motion passes. **This person is Torris**  
127 **Lawson.**

128 **EXECUTIVE DIRECTOR'S REPORT**

129 AOWB Database - Melissa Hines, Executive Director, advised the Board that the current database has  
130 become very unstable and needs updating. She was hoping she would have a quote from OIT (Office of  
131 Information Technology for the State of Alabama), but it has been discovered that several small boards  
132 are also having issues with unstable databases and OIT is regrouping to find a cost-effective method for  
133 the Board to rebuild data.

124 Open Meetings Act – A copy of **The Alabama Open Meetings Act, Act No. 2005-40, A MANUAL**  
135 **FOR ALABAMA PUBLIC OFFICIALS** was given to all the Board Members. The information that  
136 was discussed about going into Executive Session is outlined in this manual.

137 Other Information

138 Since July 2020, the AOWB has administered 130 exams; There are still 582 licensees that have not  
139 obtained continuing education for 2021; Pelham licensees were advised about the upcoming license fee  
140 increase and it seemed to go over well.

141 Eligibility Packet a draft of the Eligibility forms and cover letter are in the Board Member packets for  
142 review. These will go into effect on January 1, 2021.

143 ENFORCEMENT REPORT –the report totals are: Compliance Visits – 23; Complaints pending  
144 Probable Cause – 20; Complaints received for the Quarter – 29; Holding for hearings – 10.

145 *Administrative hearing dates have not been set.* Goodwill – Compliance visit info is included in the  
146 packet.

147 **UNFINISHED BUSINESS** – Included in Board packet is the Education Outline. The Basic Installer  
148 License training outline, that was started by the original Education Committee with Dr. White, was  
149 updated by the Executive Director, Melissa Hines in order to be included in the Board packets. Melissa  
150 Hines, Executive Director, created the Pumper License Training outline and the Portable Toilet License  
151 Training outline to be included in the Board packets as well. These outlines were supposed to be ready  
152 by this Board Meeting in order to be approved and sent out for sponsors of education. Leigh Willis  
153 made a motion that for the Portable Toilet License education, the prospective licensee must take a class  
154 from a PSAI (Portable Sanitation Association International) certified instructor or go directly to PSAI,  
155 take the class, receive the certification, and take Portable Restroom license test from AOWB to receive  
156 their license; Sharon Kimbrough seconded the motion. Roll Call Vote: Sharon Kimbrough – YES;

157 David Vogelgesang – YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David  
158 Mastin –NO; Leigh Willis – YES. Motion passes.

159 Leigh Willis wanted the Board to note that the Alabama Department of Public Health is updating their  
160 onsite wastewater rules and once the new rules are in effect, the Land Application can be taught and also  
161 the new rules will show the Pumper under septage management. There was further discussion on all  
162 license outlines amongst the Board; Leigh Willis made the motion for David Mastin (Education  
163 Committee Member) to attend all providers of first-time training as oversight for training curriculum;  
164 Alan Astin seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; David Vogelgesang –  
165 NO; Alan Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin –NO; Leigh  
166 Willis – YES. Motion passes.

167 The Executive Director, Melissa Hines, asked the Board if any training providers should have a copy of  
168 the AOWB exam. Discussion was had confirming that all sponsors from this point forward will teach  
169 by the curriculum guidelines and no provider or board member will have access to the AOWB exam.  
170 Chair, Chris Gulley, advised the Board that we did not have a vote on the Basic Installer and Pumper  
171 training outlines. Sharon Kimbrough made the motion to accept both the Pumper and Basic Installer  
172 outlines with the “objective” added to the Basic Installer outline; David Vogelgesang seconded the  
173 motion. Roll Call Vote: Sharon Kimbrough – YES; David Vogelgesang – YES; Alan Astin – YES;  
174 Michael Dansby – ABSENT; Craig Gall – YES; David Mastin –YES; Leigh Willis – YES. Motion to  
175 accept with addition to Basic Installer outline passes unanimously.

176 UPDATE FROM ADEM COMMITTEE: Sharon Kimbrough, committee member, advised there  
177 nothing to report on ADEM.

178 **FURTHER UNFINISHED BUSINESS (EDUCATION COMMITTEE)**



179 Chris Gulley, Chairman, asked the Education Committee for an update on the continuing education  
180 classes and online continuing education classes continued from the last board meeting. There was much  
181 discussion regarding continuing education online as well as in person classes.

182 ***UWA – University of West Alabama***

183 Sharon Kimbrough made the motion to accept UWA – University of West Alabama’s continuing  
184 education outline as presented for the remainder of 2020 and for 2021; David Vogelgesang seconded the  
185 motion. Roll Call Vote: Sharon Kimbrough – YES; David Vogelgesang – YES; Alan Astin –  
186 ABSTAIN; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin –ABSTAIN; Leigh Willis –  
187 NO. Motion passes.

188 ***AOWA – Alabama Onsite Wastewater Association***

189 The Board had discussion with guest Charles Hall (ASG/AOWA) regarding the request made in the  
190 introduction of the AOWA education outline to be recognized as the sole provider of first-time licensing  
191 training. Melissa Hines, Executive Director, advised that due to legislative regulations, there can not be  
192 a one source provider. Mr. Hall wanted to advise the Board that regarding the Education Schedule  
193 (TAB 1/Page 1), the Basic Installer Class (11/15 – 11/18/2020) and Pumper Class (10/13 – 10/14/2020)  
194 will be considered tentative classes to be held only if needed. With the implementation of the AOWB  
195 Eligibility Application, beginning 01/01/2021, there may not be as many in attendance as in the past.  
196 Board Chair, Chris Gulley, reminded the Board that the AOWA will need to make changes to the  
197 program and curriculum once the ADPH rules are updated to make sure the guidelines are followed  
198 regarding the Pumper and Land Application changes. David Vogelgesang made the motion to approve  
199 AOWA Education Program for 2021 with approval for AOWA to make changes to the program and  
200 curriculum once the ADPH rules are updated to make sure the guidelines are followed regarding the  
201 Pumper and Land Application changes. Roll Call Vote: Sharon Kimbrough – YES; David Vogelgesang

202 – YES; Alan Astin – ABSTAIN; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin –  
203 ABSTAIN; Leigh Willis – YES. Motion passes.

204 ***2021 WWETT Show education program***

205 Alan Astin made the motion to accept the WWETT Show education program for 2021; David  
206 Vogelgesang seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; David Vogelgesang –  
207 YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin –YES; Leigh  
208 Willis – YES. Motion passes unanimously.

209 ***Orenco Webinars***

210 Sharon Kimbrough made the motion to approve Orenco Webinars education program as presented for  
211 2021; Craig Gall seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; David Vogelgesang  
212 – YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin –YES; Leigh  
213 Willis – YES. Motion passes unanimously.

214 ***Approved Environmental Inc. online education***

215 Sharon Kimbrough made the motion to approve Approved Environmental Inc. as presented for 2021;  
216 David Vogelgesang seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; David  
217 Vogelgesang – YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin  
218 –YES; Leigh Willis – YES. Motion passes unanimously.

219 ***Jade Learning***

220 Sharon Kimbrough made the motion to approve Jade Learning as presented for 2021; Alan Astin  
221 seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; David Vogelgesang – YES; Alan  
222 Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin –NO; Leigh Willis – YES.  
223 Motion passes.

224

225 ***NOWRA – National Onsite Wastewater Recycling Assoc. - 2020 Virtual Conference***

226 Sharon Kimbrough made the motion to approve NOWRA virtual conference (November 16-18, 2020).  
227 as presented; Alan Astin seconded the motion. Roll Call Vote: Sharon Kimbrough – YES; David  
228 Vogelgesang – YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig Gall – YES; David Mastin  
229 –YES; Leigh Willis – YES. Motion passes unanimously.

230 **REQUEST** – Melissa Hines, Executive Director, asked the Board for approval of 2020 GOWA  
231 (Georgia Onsite Wastewater Association) Field Day on behalf of a licensee who lives in Georgia to be  
232 accepted as his continuing education. Alan Astin made the motion to approve GOWA Field Day be  
233 accepted for continuing education; David Mastin seconded the motion. Roll Call Vote: Sharon  
234 Kimbrough – YES; David Vogelgesang – YES; Alan Astin – YES; Michael Dansby – ABSENT; Craig  
235 Gall – YES; David Mastin –YES; Leigh Willis – YES. Motion passes unanimously.

236 ***COMMUNITY PROJECTS***

237 Chris Gulley, Board Chair, asked Mr. Charles Hall (ASG/AOWA) to discuss with the Board allowing  
238 licensees to receive a maximum of 2 hours for participating in community service. This does not  
239 include the “Helping Hands Project”. David Mastin made a motion to give licensees a maximum of 2  
240 hours continuing education credit when they participate in a community service project and this is to be  
241 verified by the AOWB Executive Director; David Vogelgesang seconded the motion. Roll Call Vote:  
242 Sharon Kimbrough – YES; David Vogelgesang – YES; Alan Astin – YES; Michael Dansby – ABSENT;  
243 Craig Gall – YES; David Mastin –YES; Leigh Willis – YES. Motion passes unanimously.

244 **ONLINE EDUCATION** – David Mastin made a motion that all online education only be limited to  
245 one-half of the required hours, beginning in 2022. David Vogelgesang seconded the motion. Roll Call  
246 Vote: Sharon Kimbrough – ABSTAIN; David Vogelgesang – YES; Alan Astin – YES; Michael Dansby  
247 – ABSENT; Craig Gall – NO; David Mastin –YES; Leigh Willis – NO. Motion passes.

248 **NEW BUSINESS**

249 **SUNSET** – The Sunset Committee met via Zoom on October 22<sup>nd</sup> and continued AOWB for 2 years,  
250 which puts us on regular rotation for our 4-year review. Executive Director, Melissa Hines,  
251 corresponded with Senator Clyde Chambliss and he is working to set up a meeting with the General  
252 Contractor’s Board and AOWB in November. Ms. Hines advised that the meeting is in hopes to resolve  
253 licensing issues, although another option would be to take the MOU (Memorandum of Understanding)  
254 and write a new rule and proceed.

255 **GREASE TRAP**

256 The Attorney General’s opinion was received and confirmed a Pumper’s license is required to pump a  
257 grease trap - - understanding that the outside, above ground rendering tank of restaurants are not “grease  
258 traps” which also contain human waste.

259 **Septic Management Rule Changes** – Leigh Willis advised the Board that she will need any suggested  
260 changes in writing for ADPH rules by November 4, 2020.

261 **BOARD MEMBER REPORTS**

262 Leigh Willis wanted to advise AOWA and AOWB to remind Pumpers to make sure lids are properly  
263 secured after they have been pumper. Several restaurants have been shut down because of this problem.

264 **ADJOURNMENT** – At 1:54 p.m. David Mastin made the motion to adjourn; Leigh Willis seconded the  
265 motion. By a show of hands, the motion to adjourn was approved unanimously. The next quarterly  
266 meeting will be held on January 28, 2021.

267

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

269 January 28, 2021

270 April 22, 2021

271 July 20, 2021

272 October 26, 2021

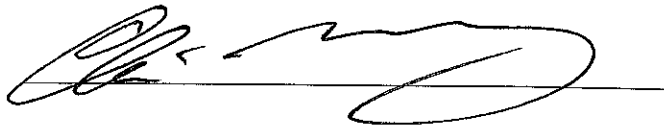
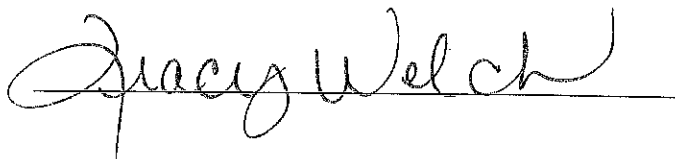
273

274 Minutes submitted by: Tracy Welch

275 Approved by: Chris Gulley

276

277 Recording Secretary Tracy Welch

A handwritten signature in cursive script, appearing to read "Chris Gulley", written over a horizontal line.A handwritten signature in cursive script, clearly legible as "Tracy Welch", written over a horizontal line.