

1 **ALABAMA ONSITE WASTEWATER BOARD**

2 **MINUTES OF MEETING**

3 April 24, 2018

4 The one hundred first quarterly meeting of the ALABAMA ONSITE WASTEWATER
5 BOARD (hereinafter referred to as “the Board”) was called to order at 9:09 a.m., April
6 25, 2018, at the Board’s administrative offices located at 60 Commerce Street Suite 1500
7 by Randall Anderson, Chairman.

8 **PRESENT**

9 Board Members present – Michael Dansby, Michelle Stephens, David Mastin, Sharon
10 Kimbrough, Dr. Kevin White and Leigh Willis. Officers present were Randall Anderson-
11 Chair; Derrick Hutchins, Vice-Chair and David Vogelgesang, Treasurer. Other guests:
12 Melissa Hines (Executive Director) Bettie Carmack (Attorney for AOWB), Tracy Welch
13 (AOWB), Dave Roll, Executive Director (AOWA), Allen Tartt, Director (AOWATC),
14 Robert Joiner (AOWB), Pam Lockett (ADPH), Paul Ware – EJ Company, Craig Gall –
15 Mitchell Concrete, Alan Nipp – Infiltrator, Mickey Mustin and James Jackson –
16 Thompson Supply. A quorum was established and the meeting was called to order.

17 **SPECIAL GUESTS**

18 Chairman Anderson asked for our special guests to be recognized. Executive Director,
19 Melissa Hines, introduced **Paul Ware** of **EJ Company**, he requested to come and
20 address the Board meeting due to the recently passed “Sadie Grace Andrews Act” [a copy
21 of this act was given to all board members]. His company manufactures locking lids for
22 grease traps, septic tanks, etc. He shared a prototype with the board. He discussed the

23 safety aspects of the “lids” that the companies will need to be in compliance with the new
24 law that will be in place soon. This will be enforceable by the ADPH. Leigh Willis
25 advised that ADPH was to hear more about this information tomorrow. Chairman
26 Anderson introduced the next guest, **Craig Gall of Mitchell Concrete Specialties**. He
27 requested to address the Board regarding Manufacturers being required to keep records
28 on their sales of septic tanks. Mr. Gall wanted to bring to the Board’s attention that while
29 his company keeps records of every tank they sell (and states he only sells to licensed
30 installers), that several Installers are now running their own “set” trucks which will make
31 it hard to know where all tanks will be installed. Leigh Willis advised Pam Lockett was
32 present today to help answer any questions about manufacturing record keeping. [Ms.
33 Pam Lockett, State Manufacturing Inspector with ADPH, passed out a sample guideline
34 that manufacturers can use for the required reporting.] Leigh advised that if a
35 manufacturer sells to a licensed Installer, the Installer is responsible for writing down the
36 permit number. Leigh also advised ADPH is responsible for making sure manufacturers
37 are selling sound tanks and ADPH can inspect manufacturers and require the complete
38 record of all tanks sold be made available upon request - Reference: Rules of the State
39 Board of Health Bureau of Environmental Services, Division of Community
40 Environmental Protection – Onsite Sewage Treatment and Disposal, page 37, 420-3-1.30
41 (1); 420-3-1.32 (1) and (2). This is another State of Alabama Law under ADPH
42 regulations that ADPH and LHD are to enforce. Derrick Hutchins, Vice-Chair, advised
43 that he had a lot of input on this subject; however, he wanted to address the Board in
44 Executive Session before he shared any information publicly. Chairman Anderson
45 stated the Board continue hearing our guests before any decision to go into Executive

46 Session would be made. Chairman Anderson asked Mr. Craig Gall what specifically the
47 Board could do for him. Mr. Gall stated that he was there for informational purposes
48 only. Chairman Anderson then recognized **Alan Nipp of Infiltrator**. Alan stated he
49 had heard that the Board would possibly start requiring distributors to be licensed. He
50 wanted the Board to give him input on that topic. Chairman Anderson advised Alan that
51 it was not on the Board's agenda. Alan had Rules of State Board of Health
52 Administrative Code (page 39 420-3-1.32) passed out. Board Member Leigh Willis
53 wanted to again point out that the Administrative Code 420-3-1.28 (Tank Installation) (1)
54 states the permit number shall be recorded and maintained by the individual or entity that
55 sets the tank. Alan Nipp concluded by stating that he is willing to provide a
56 manufacturers list to the Health Department. Executive Director, Melissa Hines wanted
57 to reiterate that the AOWB is here to make sure the licensees are licensed, bonded, and
58 trained to do this work and to make sure that they follow the rules of the State
59 Department of Health. Chairman Anderson called for the Board to now recognize **James**
60 **Jackson, of Thompson Supply**. Mr. Jackson is a distributor in the septic supply
61 business and he was present today regarding documentation and licensed installers. A
62 brief discussion was held. Compliance Officer Robert Joiner requested assistance
63 regarding how to handle a complaint when there is no permit or record of sale. There is
64 only a manufacturer number on the tank and no serialization. David Mastin, Board
65 Member, spoke as an Installer on issues of licensing distributors. Chairman Anderson
66 reminded everyone present that these are Health Department Rules, not AOWB Rules.
67 Leigh Willis addressed the issue, advising that the Health Department Rules state that a

68 manufacturer can sell to a distributor. It does not state distributors must be licensed. The
69 distributors do have to sell to licensed installers.

70 Vice-Chair Derrick Hutchins made motion at 10:13 a.m. to go into Executive Session to
71 discuss permitting manufacturers. Michelle Stephens seconded the motion. Roll Call
72 Vote: Michael Dansby- Yes, Michelle Stephens- Yes, David Mastin- Yes, Sharon
73 Kimbrough- Yes, Dr. Kevin White- Yes, Derrick Hutchins- Yes, Leigh Willis- Yes and
74 David Vogelgesang- Yes. The motion passed by unanimous roll call vote.

75 **EXECUTIVE SESSION**

76 Chairman Randall Anderson called the Board back to regular session at 10:37 a.m.
77 Roll Call Vote: Michael Dansby- Yes, Michelle Stephens- Yes, David Mastin- Yes,
78 Sharon Kimbrough- Yes, Dr. Kevin White- Yes, Derrick Hutchins- Yes, Leigh Willis-
79 Yes and David Vogelgesang- Yes. Motion passes by unanimous vote. Chairman
80 Anderson advised that AOWB does not intend to create another license now.

81 **MINUTES**

82 David Vogelgesang made motion to approve the minutes from January 23, 2018 as
83 presented; Michael Dansby seconded the motion; by a show of hands the motion carries
84 with Michelle Stephens abstaining.

85 **TREASURERS REPORT**

86 David Vogelgesang, Treasurer, presented the treasurers report information. The FY 2nd
87 Quarter income and expense report was attached in the board meeting packets. For
88 period covering 1/1/18 – 3/31/18 the total income was \$208,512.00 and total expenses
89 were \$78,559.08. Michael Dansby made the motion to approve the treasurers report as

90 presented. David Mastin seconds the motion. By a show of hands, the motion passes
91 unanimously.

92 **CONSENT AGREEMENTS**

93 Board Attorney, Bettie Carmack, requests that Executive Director, Melissa Hines, now
94 work the Consent Agreements previously handled by the Board Attorney in the past.

95 **Agreement 2017-0036** – unlicensed installer; installed without permit; advertised
96 without license; three counts. A \$1500.00 check was received on 4/23/18 for this consent
97 agreement. David Vogelgesang made the motion to accept the consent agreement; David
98 Mastin seconded the motion. Roll Call Vote: Michael Dansby- Abstain, Michelle
99 Stephens- Yes, David Mastin- Yes, Sharon Kimbrough- Yes, Dr. Kevin White- Yes,
100 Derrick Hutchins- Yes, Leigh Willis- Abstain and David Vogelgesang- Yes.

101 Motion passes. Executive Director Hines advised the name of the individual in question
102 is Bruce Marschke of Grand Bay.

103 **Agreement 2018-0009** – licensed pumper; no permit; septic tank truck not inspected.
104 Consent agreement for \$1000.00. subject has since had his truck inspected and is getting
105 his permits from the Health Department. David Mastin made the motion to accept the
106 consent agreement; Michael Dansby seconded the motion. Roll Call Vote: Michael
107 Dansby- Abstain, Michelle Stephens- Yes, David Mastin- Yes, Sharon Kimbrough- Yes,
108 Dr. Kevin White- Yes, Derrick Hutchins- Yes, Leigh Willis- Abstain and David
109 Vogelgesang- Yes. Motion passes. Executive Director Hines advised the name of the
110 individual in question is Joseph Nelson.

111 **Agreement 2018-0006** – Installer (licensed now) installed 2 systems without a license; 2
112 counts - \$250.00 per count; \$500.00 total (has been paid). ADPH did not check to see if

113 he was licensed before issuing the permit. Sharon Kimbrough made the motion to accept
114 the consent agreement; David Vogelgesang seconded the motion. Roll Call Vote:
115 Michael Dansby- Abstain, Michelle Stephens- Yes, David Mastin- Yes, Sharon
116 Kimbrough- Yes, Dr. Kevin White- Yes, Derrick Hutchins- Yes, Leigh Willis- Abstain
117 and David Vogelgesang- Yes.

118 Motion passes. Executive Director Hines advised the name of the individual in question
119 is Tommy Smitherman.

120 **Agreement 2017-0032** – This is an old agreement, but the subject has finished payment
121 plan for \$1400 for installing without a license and without permit. He has no license
122 now. He was advised that any further violation he will have to appear before the Board.
123 Michelle Stephens made the motion to accept the consent agreement; Michael Dansby
124 seconded the motion. Roll Call Vote: Michael Dansby- Abstain, Michelle Stephens-
125 Yes, David Mastin- Yes, Sharon Kimbrough- Yes, Dr. Kevin White- Yes, Derrick
126 Hutchins- Yes, Leigh Willis- Abstain and David Vogelgesang- Yes.

127 Motion passes. Executive Director Hines advised the name of the individual in question
128 is John Porter.

129 **REQUEST TO ADDRESS THE BOARD** – Dave Roll, AOWA Director, was
130 recognized by Chairman Anderson. Mr. Roll wanted to advise the Board of a proposed
131 bill that could raise fining fees up to \$10,000.00. This would enable AOWB to collect
132 administrative funds required when taking someone to court. Representative Bob Fincher
133 supports this bill, however he encouraged everyone to contact their State Senator to
134 support this bill.

135

136 **EXECUTIVE DIRECTORS REPORT**

137 SUNSET AUDIT – SIGNIFICANT ISSUES – from the Examiners of Public Accounts in
138 response to recent sunset audit for AOWB.

139 2018-01 **The Board did not transfer excess funds to the General Fund at the end of**
140 **FY 2016.** \$52,000 had to revert from previous director.

141 2018-02 **The Board's operating disbursements have exceeded operating revenues for**
142 **the past four fiscal years.** This occurred due to moving expenses; employee retirement;
143 employee termination expenses and the \$13,000 annual expense of Staars Advantage.
144 (Staars will be paid off this fiscal year)

145 2018- 03 **The Board paid a board member, who is employed as a faculty member of**
146 **a state university, board member compensation in the amount of \$100.00 per day**
147 **for attending board meeting.** This issue has been corrected.

148 2015-03 **The Board did not file annual reports of records disposition activity with**
149 **State Records Commission for 2013, 2014 and 2015 as required in its RDA –**
150 **Records Disposition Authority.** This issue has been corrected and caught up.

151 NOTICE OF MEETING WITH JOINT INTERIM SUNSET COMMITTEE – **Thursday,**
152 **May 17, 2018 at 12:30 p.m.; Joint Briefing Room, 8th Floor, Alabama State House.**

153 Executive Director Hines said the Board is highly encouraged to be there about noon; she
154 will need to advise the Committee why any Board Member is not there.

155 **ENFORCEMENT REPORT**

156 There were 0 compliance visits; 2 manufacturing plant visits, there are 16 complaints
157 pending probable cause, 14 complaints received for the quarter and there were 4 trainings
158 attended by the Executive Director.

159 **PREVIOUS CASES** - Chairman Anderson asked the Executive Director to give any
160 updates on the previous cases.

161 **CLARANCE CROOK** – started making payments after he received a letter from Bettie
162 Carmack.

163 **JOSH PESNELL** - \$1000 fine and suspended license 2 years. He has not made any
164 payments on this fine. His appeal time has passed.

165 **LATE FEES/LICENSE RENEWALS** – Executive Director, Melissa Hines, was asked
166 by 4 licensees to request the Board to waive late fees. **JOHN WILLIAM ANTHONY**
167 **TISDALE** – needs to renew 2017 and 2018 licenses because he has been going through
168 some hard times. He has his continuing education hours through Red Vector and is
169 willing to pay the license fees and late fees if he could get approval that he does not have
170 to attend 1st time training again and miss work days. Discussion was had. David Mastin
171 made motion to approve this request; David Vogelgesang seconded the motion. Roll Call
172 Vote: Michael Dansby- Yes, Michelle Stephens- Yes, David Mastin- Yes, Sharon
173 Kimbrough- Yes, Dr. Kevin White- Yes, Derrick Hutchins- Yes, Leigh Willis- Abstain
174 and David Vogelgesang- Yes. Motion passes.

175 **RONNIE WELLS** – also needs to renew 2017 and 2018 licenses. He stated he would be
176 willing to pay \$1300 fees and wanted approval that he does not have to attend 1st time
177 training; however, he does not have the continuing education hours and does not have a
178 current bond. Discussion was had. Michael Dansby made the motion not to approve this
179 request; Michelle Stephens seconded the motion. Roll Call Vote: Michael Dansby- Yes,
180 Michelle Stephens- Yes, David Mastin- Yes, Sharon Kimbrough- Yes, Dr. Kevin White-

181 Yes, Derrick Hutchins- Yes, Leigh Willis- Abstain and David Vogelgesang- Yes.

182 Motion passes.

183 DOUGLAS DAWKINS – Paid his license fee but not late fees. He owes \$450 in late
184 fees, he wants to request \$200 late fees be waived because of an error in letter we sent

185 2/23/18 he received; we sent another letter on 4/4/18 detailing the fees that he owes –

186 which he says he has not received. Discussion was had. Michelle Stephens made the

187 motion not to waive late fees; Sharon Kimbrough seconded the motion. Roll Call Vote:

188 Michael Dansby- Yes, Michelle Stephens- Yes, David Mastin- Yes, Sharon Kimbrough-

189 Yes, Dr. Kevin White- Yes, Derrick Hutchins- Yes, Leigh Willis- Abstain and David

190 Vogelgesang- Yes. Motion passes.

191 JIM DAVIS – Executive Director, Melissa Hines, says she did not present this at the

192 January meeting - a request to waive late fee due to issue with Alabama Interactive.

193 Discussion was had. Michelle Stephens made the motion to approve this request;

194 Michael Dansby seconded the motion. Roll Call Vote: Michael Dansby- Yes, Michelle

195 Stephens- Yes, David Mastin- Yes, Sharon Kimbrough- Yes, Dr. Kevin White- Yes,

196 Derrick Hutchins- Yes, Leigh Willis- Abstain and David Vogelgesang- Yes. Motion

197 passes.

198 **OLD BUSINESS** – The dismissal of Jerry Todd was upheld by the Administrative

199 Hearing Officer and presented to the Personnel Board. We have a job announcement

200 open for the position of Compliance Officer until May 9th; we will then pull a new

201 register can be pulled to hire one, maybe two compliance officers.

202 **NEW BUSINESS** – PUMPER TECHNICIAN CERTIFICATION - Melissa Hines

203 included in the Board meeting packets a rough draft of *Pumper Service Technician*

204 *Certification.* She asked that the Board Members look over and offer any input or
205 thoughts for further discussion at the July meeting. This information will be shared with
206 AOWA Board as well.
207 Board Attorney, Bettie Carmack, requested to go into Executive Session to discuss legal
208 counsel. Michael Dansby made the motion to go into Executive session at 11:17 a.m.;
209 Derrick Hutchins seconded the motion. Roll Call Vote: Michael Dansby- Yes, Michelle
210 Stephens- Yes, David Mastin- Yes, Sharon Kimbrough- Yes, Dr. Kevin White- Yes,
211 Derrick Hutchins- Yes, Leigh Willis- Yes and David Vogelgesang- Yes. Motion passes
212 unanimously.

213 **EXECUTIVE SESSION**

214 Michael Dansby made the motion at 11:29 to return to regular session. Dr. Kevin White
215 seconded the motion. Motion passes unanimously. Regular Session began at 11:34 a.m.

216 **UNFINISHED BUSINESS**

217 **Policy and Procedures Manual** was presented for the Board's approval by the
218 Executive Director. Michael Dansby made the motion to approve; Dr. Kevin White
219 seconded the motion. Roll Call Vote: Michael Dansby- Yes; Michelle Stephens-
220 Abstain; David Mastin- Yes; Sharon Kimbrough- Yes; Dr. Kevin White- Yes, Derrick
221 Hutchins-Yes, Leigh Willis-Abstain and David Vogelgesang- Yes. Motion passes.

222 **BOARD MEMBER REPORTS**

223 Dr. Kevin White request approval on continuing education:
224 A - licensee Dewayne Shaddix - 19 hours from Denver Pre-cast Show. Michelle
225 Stephens made the motion to approve the request; David Vogelgesang seconded the
226 motion. By a show of hands, the motion passes.

227 B – Mississippi/Gulf Coast Pumper Training Day. The Company request approval for
228 classes (5 hours) to be approved for continuing education. Dr. Kevin White made the
229 motion for approval; Derrick Hutchins seconded the motion. By a show of hands, the
230 motion passes.

231 C – Florida Onsite Wastewater Board submitted 24 hours of education hours with a
232 request to be approved for continuing education. Dr. Kevin White made the motion for
233 approval; David Vogelgesang seconded the motion. By a show of hands, the motion
234 passes. Michelle Stephens recommends AOWB put on the website to notify our
235 licensees in the pan handle area.

236 Dr. White also advised that he is working on revamping the training for Advanced Level
237 I to be upgraded; the deadline is May 1. Next year, they are looking to upgrade
238 Advanced Level II.

239 Leigh Willis advised that on Wednesday 4/25/18 and Thursday 4/26/18 there will be a
240 District Environmentalists meeting in Birmingham. The committee will be working on
241 the training for all environmentalists. This committee will train all the districts. This
242 should be completed by year end. Also on 4/25 Leigh will be presenting the repair policy
243 again to show the only change that has been made is that instead of only requiring Perk
244 test, the other option is to have David & Boyd or an engineer is to come out. ADPH is
245 currently involved in 3 court cases regarding repairs.

246 David Vogelgesang made motion to adjourn; Leigh Willis seconded the motion. By a
247 show of hands, the motion to adjourn was approved unanimously.

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251 The Meeting was adjourned at 12:37 p.m. by Chairman Randall Anderson. The next
252 quarterly meeting will be held on July 24, 2018.

253 Minutes submitted by: Tracy Welch

254

255 Approved by: Randall Anderson



256 Recording Secretary

