

1 **ALABAMA ONSITE WASTEWATER BOARD**

2 **MINUTES OF MEETING**

3 January 24, 2019

4 The one hundred-third quarterly meeting of the ALABAMA ONSITE WASTEWATER
5 BOARD (hereinafter referred to as “the Board”) was called to order at 9:07 a.m., January
6 24, 2019, at the Board’s administrative offices located at 60 Commerce Street, Suite 1500
7 by Randall Anderson, Chairman.

8 **PRESENT**

9 Board Members present – Michelle Stephens, David Mastin, Sharon Kimbrough (arrived
10 9:22 a.m.), Michael Dansby, Brent Bradshaw and Leigh Willis. Officers present were
11 Randall Anderson-Chair; and David Vogelgesang, Treasurer. Absent: Dr. Kevin White.
12 Other guests: Melissa Hines (Executive Director), Tracy Welch (AOWB), Robert Joiner
13 (AOWB), Paul R. “Bo” Cooper-Board Attorney, Randy Salle- Administrative Hearing
14 Officer, Alabama Department of Public Health (ADPH) employees Kevin Kyser and
15 Chasity Brewster, Alan Astin, AOWA President and Kelley Atkinson - ASG.

16 **ELECTION OF OFFICERS FOR 2019**

17 **Treasurer** - David Mastin made the motion to re-elect **David Vogelgesang** as Treasurer;
18 Brent Bradshaw seconded the motion. By a show of hands, the motion was approved
19 unanimously.

20 **Vice-Chair** – Leigh Willis made the motion to elect **Sharon Kimbrough** as Vice-Chair;
21 Michael Dansby seconded the motion. By a show of hands, the motion was approved
22 unanimously.

23 **Chair** – Brent Bradshaw made the motion to re-elect **Randall Anderson** as Chairman;
24 David Mastin seconded the motion. By a show of hands, the motion was passed
25 unanimously.

26 **MINUTES**

27 Brent Bradshaw made motion to accept the minutes from October 23, 2018 with
28 amendment to line 189; David Mastin seconded the motion; by a show of hands, the
29 minutes were approved as so amended and the motion carries.

30 ****CORRECTION TO LINE 189** – *In reference to Continuing Education class*
31 *PROFESSIONAL INSPECTIONS OF ONSITE SYSTEMS*, *adding to the Director's*
32 *recommended for an Advanced Level II Installer teach the class "and she requested*
33 *Brent Bradshaw; Dr. White agreed this could be done and accepted her request. "****

34 **TREASURERS REPORT**

35 David Vogelgesang, Treasurer, presented the treasurers report. A copy of the report was
36 included in the Board Member packets. The 1st Quarter of the Fiscal year reflects
37 receipts of \$136,554.00 and expenses of \$106,585.08; the Cash Reserve is \$29,968.92.
38 Mr. Vogelgesang also advised an estimated future income of \$132,000.00. Executive
39 Director, Melissa Hines, added that at this time we have approximately 240 licensees
40 who have not renewed. The license fees to be collected range from \$200.00 - \$500.00
41 along with late fees and penalty fees. These licenses should be renewed by the end of the
42 2nd Quarter.

43 **MILEAGE UPDATE** – The State of Alabama has increased the mileage rate from .545 to
44 .58 cents per mile in personal vehicles. Michael Dansby made the motion to approve the

45 treasurers report as presented. David Mastin seconded the motion. By a show of hands,
46 the Treasurers Report was accepted unanimously, and the motion carries.

47 **Administrative Hearings** began at 9:20 a.m. The Board held Administrative Hearings on
48 the following: *Daniel Patterson – 2019-0036 and Jim Tice – 2019-0039*. The
49 Administrative Hearings were presided over by Randy Salle. Once Mr. Salle receives the
50 transcripts, he will submit his recommendation to The Board at the April Board Meeting.
51 The Administrative Hearings were completed at 11:15 a.m.

52 **BREAK** - The Board broke for lunch at 11:18 and the meeting was called back into
53 session at 11:48 by Randall Anderson, Board Chair.

54 **EXECUTIVE DIRECTOR'S REPORT** - the Executive Director, Melissa Hines,
55 presented to the Board a request for license for Matthew Asherbranner. At the age of 11,
56 Matthew tested and passed the basic installer training in August 2001. After he was
57 tested it was discovered that he could not be bonded because of his age. He has attended
58 continuing education every year since and was working for his father and now is out on
59 his own and needs his license. Matthew was not aware that he should have been paying
60 the \$75.00 Certificate of Education fee. The Executive Director recommends that the
61 Board allow him to obtain his Basic Installer license. Leigh Willis made the motion to
62 license Matthew Asherbranner as a Basic Installer and due to his excellent work ethic that
63 the \$75.00 education fee be waived for all past years. Michael Dansby seconded the
64 motion. By a show of hands, the motion passed unanimously.

65 **ANNUAL REPORT TO THE GOVERNOR** – this is required to be submitted each year;
66 a copy was placed in each Board Member's folder.

67 **EXPIRATION OF APPOINTMENTS** – in each Board Member's Packet.

68 ANNUAL SCORE CARDS – in each Board Member’s Packet.

69 ONLINE RENEWAL – The trend to renew online has increased. The total of licensees
70 who renewed online for the entire year of 2018 was 602; from 10/1/18 to 1/22/19 we
71 have already had 561 online renewals.

72 SUNSET AUDIT UPDATE – in Board Member’s packets. On the prior finding of “An
73 employee was overpaid \$6,492.17 for accumulated leave upon retiring from the agency.”
74 This has still not been paid back and was turned over to the Attorney General’s office.

75 ATTORNEY GENERAL OPINION UPDATE – [regarding Grease Trap Pumpers] Their
76 office confirmed that the Opinion has been received; however, has not been assigned to
77 anyone at this time. Executive Director, Melissa Hines, has sought out opinions from
78 people who are in the industry and has decided to move forward to start licensing Grease
79 Trap Pumpers and has obtained the support of AOWA. There will be a trial run with
80 Montgomery County. Matthew Connor (ADPH) is going to supply a list of all the food
81 establishments in the county with a permit, and we will issue a letter to these
82 establishments advising them if their grease traps are pumped, we need to know who the
83 pumper is because they are supposed to be licensed by the Wastewater Board.

84 C.E. TRAINING REPORT SUMMARY – in Board Member’s packets. The highest
85 number of attendees was 778 for AOWA; second highest number of attendees was 104
86 for Red Vector.

87 PROBLEM/FEEDBACK/SOLUTION? - regarding the possible need of a distributors
88 license for AOWB. Some feedback has already been given from a couple of Board
89 Members. What is the solution? Discussion was held by the Board Members. The
90 Board also recognized Robert Joiner – AOWB Compliance Officer and Alan Astin,

91 President of AOWA and heard their input as well. The goal is to have all septic tanks
92 tied to a permitted install, tracking where any given tank comes from. After extensive
93 discussion, Executive Director Hines suggested that we ask the General Counsel for
94 advice.

95 **GUESTS** – the Board recognizes Alabama Onsite Wastewater Association (AOWA)
96 President, Alan Astin to discuss what is going on with the AOWA. Alan advised the
97 Board that AOWA is closing the Montgomery Office and using a management company
98 called Association Services Group (ASG), which is in Lagrange, Georgia. This change
99 is being made to take AOWA upward to a higher professional level for the industry.
100 Alan introduced Kelley Atkinson, who is with ASG. She will be over the
101 conference/trade show in March. The phone number for AOWA (334-396-3434) will
102 remain the same; however, there will be a new mailing address.

103 **ENFORCEMENT REPORT** – Executive Director Melissa Hines advised that there had
104 been 0 Compliance Visits; 0 Manufacturing Visits; 5 Complaints pending Probable
105 Cause; 16 Complaints received for the Quarter and 3 Complaints holding for hearing.
106 Those 3 hearings were held today.

107 **ADMINISTRATIVE HEARING RECOMMENDATIONS** – At 1:06 Brent Bradshaw
108 made the motion to go into Executive Session. David Vogelgesang seconded the motion.
109 By a show of hands, the motion was approved unanimously. At 1:16 Brent Bradshaw
110 made the motion to come out of Executive Session. Michael Dansby seconded the
111 motion. By a show of hands, the motion passed unanimously.

112 **Andy Wooden** – Michael Dansby made the motion to find Mr. Wooden guilty of 1 count
113 of installation and repair of an onsite sewer system without a permit and 2nd count of

114 installation and repair of an onsite sewer system without a license. Recommending
115 \$1,000.00 on each count and pursue a criminal complaint against the defendant. David
116 Mastin seconded the motion. Roll Call Vote: Michelle Stephens - yes, David Mastin -
117 yes, Sharon Kimbrough – yes, Michael Dansby - yes, Brent Bradshaw - yes, Leigh Willis
118 - Abstain, David Vogelgesang - yes, and Dr. Kevin White – Absent. Motion Passes.
119 ***Tony Woodard*** – Michael Dansby made motion to find him guilty and fine him
120 \$1,000.00 on the 1st count and \$500.00 on the 2nd count. Michelle Stephens seconded the
121 motion. Roll Call Vote: Michelle Stephens - yes, David Mastin - yes, Sharon
122 Kimbrough – yes, Michael Dansby - yes, Brent Bradshaw - no, Leigh Willis - Abstain,
123 David Vogelgesang - yes, and Dr. Kevin White – Absent. Motion carries.
124 ***Edwin McGuire*** – Sharon Kimbrough made the motion to fine Mr. McGuire the
125 maximum \$1,000.00 and have him to sign up for pumper training immediately. David
126 Mastin seconded the motion. Roll Call Vote: Michelle Stephens - yes, David Mastin -
127 yes, Sharon Kimbrough – yes, Michael Dansby - yes, Brent Bradshaw - yes, Leigh Willis
128 - Abstain, David Vogelgesang - yes, and Dr. Kevin White – Absent. Motion carries.
129 ***Russell Yeckley*** – David Mastin made the motion to fine Mr. Yeckley \$1,000.00 and for
130 revocation of his pumper license. Sharon Kimbrough seconded the motion. Roll Call
131 Vote: Michelle Stephens - yes, David Mastin - yes, Sharon Kimbrough – yes, Michael
132 Dansby - yes, Brent Bradshaw - yes, Leigh Willis - Abstain, David Vogelgesang - yes,
133 and Dr. Kevin White – Absent. Motion passes.
134 **CONSENT AGREEMENT** – Executive Director Melissa Hines submitted a consent
135 agreement for \$2,000.00 to Collin Shepherd for Installing a septic tank without a permit
136 or license. He overnighted the agreement with \$2,000.00 payment to the AOWB office

137 yesterday. David Mastin made the motion to accept the consent agreement. Brent
138 Bradshaw seconded the motion. Roll Call Vote: Michelle Stephens - yes, David Mastin
139 - yes, Sharon Kimbrough – yes, Michael Dansby - yes, Brent Bradshaw - yes, Leigh
140 Willis - Abstain, David Vogelgesang - yes, and Dr. Kevin White – Absent. Motion
141 carries.

142 **ADMINISTRATIVE HEARING UPDATES:**

143 Jimmy Lightsey – Paid \$1000.00 fine

144 Willie J. Parker – Paid \$250.00 fine

145 Patrick Price – Paid \$2,000.00 fine. Melissa Hines, Executive Director, advised that the
146 Basic Installer License for Mr Price was being held until the issues Marengo County had
147 on file were cleared up - - and they are now - -. She asked for a motion to release his
148 license to him. Brent Bradshaw made the motion to release license. Michael Dansby
149 seconded the motion. By a show of hands all votes are yes with the exception of Leigh
150 Willis who abstained.

151 **NEW BUSINESS –**

152 Plumbers and Gasfitters Board Meeting - (Executive Director, David Mastin met with
153 Jimmy Morgan – Executive Director and Charles Barnett – Officer of Public Awareness
154 and Education Liaison) The meeting was to clarify regarding pumps/lift station pumps on
155 wastewater systems as well as demarcation from the line that runs from the stub out of
156 the house to the onsite system. The PGFB stated they were going to add in their rules
157 that any pumps added to a septic system would be excluded from the plumber's code.
158 This included grinder pumps and lift station pumps. Mr. Morgan is in process of working
159 on a rule revision to present to his Board in February. The concern is that the definition

160 of step system and city sewer system need to be made clear. Executive Director, Melissa
161 Hines and David Mastin will write a recommendation for PGFB. Randall Anderson,
162 Chair and Board Member David Mastin advised they want to attend the PGFB meeting in
163 February.

164 **UNFINISHED BUSINESS**

165 **Septic Tank Inspector Program – Executive Director and Brent Bradshaw**

166 Executive Director, Melissa Hines, contacted Maria Catledge (Board of Examiners of
167 Public Accounts) who stated that this program would take legislation and it would be
168 considered a license. If we do legislation and it is a license, we would then have to
169 regulate it and it will be mandatory for anyone doing inspections to be licensed. Board
170 Member Brent Bradshaw gave an overview of Septic System Certification Specialist
171 guidelines, discussion with the Board followed. The purpose of the Septic System
172 Certification Specialists is to assist homeowners/buyers of homes to review the overall
173 condition of their septic system.

174 Randall Anderson, Board Chair, said the question for the Board is do we want to pursue
175 licensing and the required legislation to add another license? Executive Director,
176 Melissa Hines, wanted to add that if the decision is not to license, she did want to request
177 that we provide training and guidelines for Inspectors to go by. She also requested that
178 we implement the Septic Tank Inspection Training through AOWA as early as the
179 upcoming March Tradeshow. Discussions continued, and a suggestion was made by
180 Michael Dansby, Board Member, to contact surrounding states to see what they may have
181 in place regarding Septic Tank Inspection; Executive Director, Melissa Hines, said she
182 would investigate this. At this time this program issue will be tabled.

183

184 **BOARD MEMBER REPORTS**

185 Sharon Kimbrough – had a question regarding pumper de-watering practice. Robert
186 Joiner, Compliance Officer, explained the process and it was noted that this practice
187 should follow ADPH guidelines.

188 Michael Dansby – had a question regarding someone doing a grease separation program
189 in Montgomery, asking if anyone had any information on this program? Randall
190 Anderson, Chair advised he believed this was an ADEM program.

191 Leigh Willis – (Lowndes County) There is nothing to report currently due to the Federal
192 Government shutdown. Also, an informational form was included (*WHAT IS*
193 *LEGISLATION?*) in the Board Member's folders to inform how important it is to
194 regarding having Senators or Representatives sponsor and pursue legislation for you.
195 Randall Anderson, Chair, added that regarding the Septic Tank Certification Specialist
196 licensing would require a sponsor to pursue legislation approval.

197 **ADJOURNMENT**

198 Michael Dansby made the motion to adjourn at 2:04 p.m.; David Mastin seconded the
199 motion. By a show of hands, the motion to adjourn was approved unanimously. The
200 next quarterly meeting will be held on April 25, 2019.

201 Minutes submitted by: Tracy Welch

202

203 Approved by: Randall Anderson



204

205 Recording Secretary

