

NCOWCICB
BOARD MEETING AGENDA and MINUTES
MARCH 8, 2012 10:00 A.M.
RALEIGH, NC
LOCATION: HAMPTON INN BOARD ROOM WAKE TOWNE RD RALEIGH, NC

10:00 a.m. CALL TO ORDER: RUSS AYERS

OPENING PRAYER: JERRY PEARCE

ROLL CALL: ALL PRESENT EXCEPT JEFF KNIGHT

RECOGNITION OF PROXY(IES):

READING OF ETHICS STATEMENT

ETHICS STATEMENT: In accordance with the State Government Ethics Act, it is the duty of every [Board] member to avoid both conflicts of interest and appearances of conflict.

Does any [Board] member have any known conflict of interest or appearance of conflict with respect to any matters coming before the [Board] today?

If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.

READ BY RUSS AYERS

JERRY PEARCE AND JIM LANIER WILL REFRAIN FROM PARTICIPATION IN CLASS APPROVAL REQUEST FOR NCSTA

10:05 a.m. RECOGNITION OF ANY ATTENDING PUBLIC AND REQUEST TO ADDRESS BOARD (PLEASE NOTE: PUBLIC MAY ADDRESS THE BOARD DURING THIS SECTION OF BOARD MEETING. BOARD WILL NOT RESPOND TO COMMENTS OR REQUEST MADE BY PUBLIC. REQUEST MADE BY PUBLIC DURING THIS SESSION WILL BE PLACED ON A FUTURE BOARD AGENDA FOR DISCUSSION. PUBLIC WILL BE ALLOWED MAXIMUM OF FIVE (5) MINUTES PER PERSON TO ADDRESS BOARD. PUBLIC WILL NOT BE ALLOWED COMMENT FOR REMAINDER OF BOARD MEETING.

DOUG LASSITER, NCSTA REP, REQUESTED TO ADDRESS BOARD, AND TO ALSO PARTICIPATE RULE WRITING COMMITTEE PORTION OF AGENDA

10:15 a.m. Approval of Minutes from JANUARY 25, 2012 meeting (see minutes attached)

MOTION TO APPROVED MINUTES JIM LANIER, 2ND JERRY PEARCE, MINUTES APPROVED

10:20 a.m. Class Approval Request:

JOE LYNN IN CONJUNCTION WITH TOE RIVER HEALTH DISTRICT HANDS ON INSTALLATION CLASS, ALL GRADE LEVELS, 6 HOURS MAX PER DAY, 6 MAXIMUM PARTICIPANTS, SYSTEMS WILL BE FOR LOW INCOME, HABITAT, CHARITY, FIRE DEPARTMENT, ETC. MOTION TO APPROVE, GLENN HINES 2ND, JIM LANIER, APPROVED

NCSTA REAPPROVAL FOR HANDS ON INSTALLATION CLASS, ALL GRADE LEVELS, 6 HOURS MAX PER DAY, 6 MAXIMUM PARTICIPANTS, MOTION TO APPROVE, RUSS AYERS, 2ND DIANA RASHASH, APPROVED

10:25 a.m. Update from Administrator:

1. Renewal reminders were mailed beginning of February. 2012 Renewals are continuing to be received, we have rcvd 1743 renewals so far. Certification holders have until March 31st to renew without having to apply for re-certification,
2. Letter was mailed to all LEH Departments February 13th. Letter received for the most part a positive response and generated a large number of emails and phone calls. The majority wanted to make sure they were doing things correctly. When I told them to check the list each time a pre-construction or final was called in because there may have been a change in certification status, some responded with they hadn't thought about that. I explained that the certification holder may have been on the active list early in the year but a situation may have occurred which caused their status to change and the web list will reflect that current status. A very small minority had a negative response to the letter. As a whole the letter had the desired effect in that I have started receiving calls to check on status of those not on the list and I have received several calls from certification holders that were not current and they said LEH wouldn't give them a final until they were current because they would be held liable.

RUSS DAVIS DISCUSSED COMMENTS RECEIVED DISCUSSION HELD ABOUT CONFLICTS OF INTEREST REGARDING NCOWCICB INSPECTORS ALSO BEING INSTALLERS, EXPLAINED THEY MUST DISCLOSE ANY INTEREST THEY HAVE IN OTHER AREAS I.E. INSTALLATION CERTIFICATION

3. One concern expressed, as a result of the letter sent to LEH Departments, was in reference to the homeowner exemption. LEH stated that they often know the homeowner isn't doing the work but is paying someone else to do the work that isn't certified and stating they did the work themselves. I responded by asking if they could tell the homeowner that they have the right to observe all stages of the install which may head off some of the so called self installations. LEH agreed that would be good idea. A form that LEH could use when homeowner exemption is requested, but would not be required by NCOWCICB is attached.

This form would be reviewed NCOWCICB attorney prior to being offered to LEH to use if the Board decides to pursue having this form available to LEH.

MOTION TO USE FORM JIM LANIER 2ND DIANA RASHASH, APPROVED

4. Board member pictures are still needed from several board members, from a cost perspective all the ID cards need to go to printer at once. Therefore, prior to leaving the meeting pictures will be taken of those that have not yet submitted pictures.
5. Updates on Ethics Training: The list of Board members needing Ethics Training was reviewed at January 25, 2012 meeting. Remember to send confirmation of training to office once you have completed.

10:55 a.m. Treasurer's Report by Jerry Pearce, Treasurer
Financial Report as of January 31, 2012

Monies on hand:
North State Bank Operating Account \$430,382.61
Select Bank* \$225,677.85
Bank of Oak Ridge* \$225,197.82
Total Monies on hand \$881,258.28

(*CD held for future enforcement)

See detailed YTD Financial Report Attached

MOTION TO ACCEPT DIANA RASHSH, 2ND GLENN HINES, APPROVED

11:05 a.m. As was disclosed at January 25, 2012 meeting, NCOWCICB is required to conduct an annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with additional limitations to rulemaking set forth in the act. Agencies are instructed to repeal any rules identified by this review.

Board was advised to review the rules and either identify any that need to be repealed or make a note that none need to be repealed at this meeting.

Are there any rules that identified that meet this description?

MOTION TO FILE REPORT NO SUCH RULES, DIANA RASHASH, 2ND JERRY PEARCE, APPROVED

11:10 a.m. Update from Rule Writing Committee:
On February 24, 2012 the rules draft form was emailed to all Board members for review. The draft is attached to this agenda.
Discussion of rules draft:

DISCUSSION BY DIANA

SEE ATTACHED RULES DRAFT FOR DISCUSSIONS, AND APPROVALS ON RULES DRAFT

DISCUSSION HELD ABOUT ADDRESSING IN FUTURE GRADE LEVEL V OR MASTER CERTIFICATION, RULES COMMITTEE REQUESTED THAT BOARD DIRECT THEM TO LOOK INTO DETAILS FOR THIS ITEM IN FUTURE, DOUG LASSITER WILL GATHER INFORMATION FROM OTHER STATES THAT HAVE THIS TYPE PROGRAM AND WILL PRESENT IT IN SEPTEMBER, MOTION MARK BROOKS, 2ND DIANA RASHASH, APPROVED

- 12:00 p.m. Board shall enter Executive Session for discussion of complaints received
Notes: WITH NO COMPLAINTS TO REVIEW BOARD DOESN'T NEED TO ENTER EXECUTIVE SESSION
- 12:10 p.m. Other Business:

Please mark your calendars for the next scheduled semiannual NCOWCICB meeting is September 7, 2012 Hampton Inn Swansboro, NC
- 12:25 p.m. Meeting Adjourn MOTION JERRY PEARCE, 2ND RUSS AYERS, ADJOURN

Notice to Homeowner Declaring Exemption from Article 5 Chapter 90A

_____ Environmental Health Department has received
_____ County
notification that _____ shall be declaring the exemption

Homeowner
as Homeowner under Article 5 Chapter 90A-72(b)A(2) to install and/or repair an on-site wastewater system. In order to protect the environment, the Environmental Health Department advises if Homeowner does not have prior experience in on-site installation and/or repair that a person certified by the North Carolina On-Site Wastewater Contractors Inspectors Certification Board (NCOWCICB) be hired to do this service. Please be advised that Environmental Health Department reserves the right to be present for any and/or all parts of the installation and/or repair process including excavation and cover-up.

In order to declare the exemption all of the following requirements must be met:

- System must be a single septic tank
- System must be gravity fed
- System must have gravel trench dispersal media
- Person listed as Homeowner must own property
- Property must be intended solely for use by Homeowner and members of homeowner's immediate family when residing under the same dwelling
- Homeowner shall perform installation and/or repair labor without any monetary exchange for labor to any party other than a person certified by NCOWCICB

By signing below, the Homeowner hereby acknowledges the above statement.

Date

Homeowner Signature

Printed Name

CC: File
LEHD

NCOWCICB Financial Report as of January 31, 2012

Monies on hand:	
North State Bank Operating Account	\$430,382.61
Select Bank*	\$225,677.85
Bank of Oak Ridge*	<u>\$225,197.82</u>
Total Monies on hand	\$881,258.28

(*CD held for future enforcement)

YTD Receipts**	
Renewal Fees	\$127,775.00
Application Fees	\$ 9,450.00
NSF Fees	\$ 50.00
Interest Income	<u>\$ 875.67</u>
Total Receipts	\$138,150.67

YTD Expenditures**	
Postage	\$ 2,963.84
Printing	\$ 2,917.68
Travel – Board	\$ 4,439.63
Travel – Staff	\$ 2,607.35
Telephone	\$ 926.54
Misc Expense	\$ 390.00
Bank Charges	\$ 121.94
Accounting	\$ 15,050.00
Contract Labor	\$ 44,986.69
Legal Fees	<u>\$ 3,112.09</u>
Total Expenditures	\$ 77,515.76

(**YTD July 1, 2011 – Jan. 31, 2012)

(Note: Statements for end of February had not been received by date of meeting)

(Note: Documents are being signed at meeting to open CD's at NewBridge Bank and Piedmont Federal for accounts held for future enforcement)

Rule update/additions/changes:

**SECTION .1000 - NC ON-SITE WASTEWATER INSPECTOR STANDARDS OF PRACTICE
21 NCAC 39 .1005 ON-SITE WASTEWATER SYSTEM COMPONENTS**

(c) The inspector shall:

- (1) Uncover tank lids and distribution devices so as to gain access, unless blocked as described in Rule .1004(b)(5). The distribution box may remain ~~uncovered~~ covered if the inspector has an alternate method of observing its condition;

MOTION TO APPROVE JERRY PEARCE 2ND JIM LANIER, APPROVED

**SECTION .0600 - CONTINUING EDUCATION REQUIREMENTS
21 NCAC 39 .0601 REQUIREMENTS**

~~(a) Every certified on-site wastewater contractor or inspector certified for three years or less is required to obtain Professional Development Hours (PDH) units during the renewal period as described in the following Table:~~

Level	Annual PDH Units Required
I	3
II	6
III	9
IV	12
Inspector	12
Inspector/Grade IV Combo	12

~~(a b) Every on-site wastewater contractor or inspector continuously certified for at least four years is required to obtain Professional Development Hours (PDH) units during the renewal period as described in the following Table: (note: per Connie, 97% of folks have been certified 4 or more years, only 2 people in state are GL I)~~

Level	Annual PDH Units Required
I	3
II	3
III	6
IV	6
Inspector	6
Inspector/Grade IV Combo	6

RUSS AYERS ADDRESSED THE HOURS ISSUE WPSOCC HAS 6 HRS, PUMPER ONLY 4 HOURS, INSTALLERS ARE INSPECTED ON SYSTEMS, THESE HOURS SHOULD BE SUFFICIENT, BUT QUESTIONS IS THE INTEGRITY OF PROFESSIONALISM BEING JEPORDIZED BY REDUCING HOURS HE DOESN'T THINK IT WILL,
DOUG LASSITER SAID THE REDUCTION IN HOURS SHOULDN'T EFFECT THE CERTIFICATION, HE ALSO ADDED THAT FLORIDA OFFERS MASTER CERTIFICATION, IF THAT TAKES PLACE WOULD NEED TO ADDRESS AT LATER DATE

MOTION TO APPROVE 3, 3, 6, 6, 6, 6 RUSS AYERS, 2ND SID GASKINS, APPROVED

~~(b-c) If a registrant exceeds the annual requirement in any renewal period, a maximum of six PDH units may be carried forward into the subsequent renewal period. (KEEP if hours reduced)~~

MOTION TO DELETE CARRYOVER WHEN EFFECTIVE, RUSS AYERS, 2ND SID GASKINS, APPROVED

(c d) Selection of courses and activities which meet the requirements of 21 NCAC 39 .0602 is the responsibility of the certified on-site wastewater contractor or inspector. Evaluation of courses pursuant to 21 NCAC 39 .0603 could result in non-acceptance of courses for the purpose of meeting the continuing education requirements.

(d e) Professional Development Hours (PDH) shall be accepted for approved courses pursuant to 21 NCAC 39 .0603. Hours for all other courses must be submitted to the board for approval. If not approved, no PDH shall be granted for the course.

(e f) The class provider OR AUTHORIZED REPRESENTATIVE must certify that each class attendee was present for at least 85% of the class. Any attendee present for less time shall not receive credit for the class.

MOTION TO APPROVE, RUSS AYERS, 2ND JERRY PEARCE, APPROVED

21 NCAC 39 .0202 BUSINESS SUCCESSION

(a) A non-certified person who wishes to replace the current and living Certified Contractor or Inspector within a certified firm may do so by satisfying the following conditions:

- (1) A person who is in continued employment, and able of providing supporting documentation such as Wage and Tax information, of a firm certified under NCOWCICB for a minimum of 3 years, and
- (2) Provides 3 (three) affidavits from local health department, engineers, or customers that show integral involvement with the installation and operation of the business, and
- (3) Provides the NCOWCICB with Application for Certification, including appropriate initial fees, and
- (4) Provides NCOWCICB with proof of attendance at approved classes for a minimum of 2 (two) years, and
- (5) Passes the applicable test for the level requested, and
- (6) Provides a notarized document from the current Certified Person requesting the transfer and instructing the NCOWCICB to retire their own Certification.

~~(b) This provision will only be used within small family owned businesses, where natural transfer of ownership is common.~~

(b e) The only exclusion is the requirement of the approved Basic Onsite Wastewater Education program.

MOTION TO APPROVE JERRY PEARCE, 2ND JIM LANIER, APPROVED

DEFINITION:

ANCILLARY: get definition from Anna Choi