

NCOWCICB  
BOARD MEETING AGENDA  
And Minutes  
March 11, 2010 11:00 a.m.  
Greenville Convention Center Greenville NC

11:00

**CALL TO ORDER**

Meeting called to order by Russ Davis, Chair at 11:00 a.m.

OPENING PRAYER Prayer by Gene Young

ROLL CALL by Connie Stephens

Board Members present: Russ Davis, Gene Young, Jerry Pearce, Russ Ayers, Jim Lanier, Al Gerard, Diana Rashash, Glenn Hines

Not Present: Jeff Knight, proxy on file to Gene Young

**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 Connie Stephens, no conflicts noted by any Board member

11:05

**RECOGNITION OF ANY ATTENDING PUBLIC AND REQUEST TO ADDRESS BOARD**

Doug Lassiter, NCSTA and NCOWCICB Rules Writing Committee with prior request to Chair to speak at meeting

Nancy Deal, NCSU will listen to review to draft and make comment at public meetings scheduled at later date

John Barkley, AG rep arrived at end of meeting

11:06

**REVIEW OF RULES DRAFT (SEE ATTACHED DRAFT)**

Opening comments by Russ Davis, Chair. This is a call meeting for the purpose of reviewing the Rules Draft prior to public comment meetings being held. While the draft has been reviewed at prior meetings there seems to be some concerns of the Board that needed to be address before proceeding with those meetings. The draft was voted on at meeting in Williamston July 2008 and again in Raleigh October 2009, however due to the concerns the items that have caused concern during the preceding week will be reviewed and hopefully at end of this meeting we will have a draft that majority of the Board will be supportive of. Doug Lassiter is in attendance and will be making comments as we proceed as a member of the Rules Writing Committee. The target date of having the rules in effect by August 2010 will not be met due to the holding of this meeting. In order to have met this deadline, the Draft would have needed to be submitted by this morning. The public meeting dates will be changed and the new target date for passing of the rules will be October 2010. We will proceed with the sheet that has the comments and concerns submitted, each item will be reviewed and voted on. Please refer to this sheet for this section of meeting.

**NCOWCICB RULES DRAFT COMMENTS and ACTION TAKEN BY BOARD AT  
MARCH 11, 2010 MEETING GREENVILLE NC**

**Page 1, Line 7 Item (a)**

Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier

“Inspection” means an examination of an on-site wastewater system permitted under Article 11 of Chapter 130A of the General Statutes and established by provisions set out in Article 5 of Chapter 90A and meeting the minimum requirements established by the Board.

Comment by: Diana Rashash

delete “a point of sale”

Discussion held about point of sale and entire scope of inspections under certification, there are inspections done for purposes other than point of sale

Motion by Jerry Pearce to amend item to read as follows

“Inspection” means an examination of an on-site wastewater system permitted under Article 11 of Chapter 130A of the General Statutes and established by provisions set out in Article 5 of Chapter 90A and meeting the minimum requirements established by the Board.

Second by Russ Ayers, passed unopposed

**Page 1, Line 10 Item (b)**

Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier

“Repair” means construction activity or alteration to an existing on-site wastewater system that is necessary to comply with a Repair Permit issued by the Local Health Department.

Comment by: Connie Stephens

repair – should reference needing a repair permit form LEH

Discussion held about the need to include a definition that was easily understood and with less room for interpretation.

Motion by Jerry Pearce to amend item to read as follows:

“Repair” means construction activity or alteration to an existing on-site wastewater system that is necessary to comply with a Construction Authorization for a Repair Permit issued by the Local Health Department.

Second by Glenn Hines, passed unopposed

**Page 1, Line 11 Item (c)**

Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier  
“Wastewater Treatment Facility” means a mechanical or chemical treatment unit serving more than one source of wastewater.

Comment by: Russ Ayers

This definition is used in the exemption for persons licensed under Article 1 of Chapter 87 for Public Utility Contractors. The definition should include ( a mechanical or chemical treatment facility serving multiple wastewater sources and designed by a registered professional engineer.)

Comment by: Connie Stephens

Wastewater Treatment Facility – add serves multiple sources of wastewater  
Discussion held about the public utility exemption in the General Statue and How to keep interpretation inline with the intent of General Statue  
Motion by Jim Lanier to amend item as follows:

“Wastewater Treatment Facility” means a mechanical or chemical treatment unit serving more than one source of wastewater and designed by a registered Professional engineer.

Second by Diana Rashash, passed unopposed

**Page 1, Line 12 Item (d)**

Comment by: Diana Rashash

delete “hour” and re-word

"College course" means a semester unit or quarter ~~hour~~ unit of instruction....

Suggestion: “College course” means a semester or quarter based unit of instruction...

Motion by Jim Lanier to amend item to read as follows”

“College course” means a semester or quarter based unit of instruction . . .

Second by Russ Ayers, passed unopposed

**Page 1, Line 14 Item (e)**

Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier

“Course Activity” Add and pre-approved by the Board.

Comment by: Diana Rashash

change “which” to “that”

Comment by: Russ Ayers

Course/Activity should also be pre-approved by the Board. This would match the language in Line 13 under (d).

Motion by Jim Lanier to amend item to read as follows:

“Course/activity” means any course or activity with a clear purpose and objective that will maintain, improve or expand skills and knowledge relevant to the practice of Onsite Wastewater Contractor or Inspector activities and pre-approved by the Board.

Second by Jerry Pearce, passed unopposed

**Page 1, Line 16 Item (f)**

Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier  
“Personally Supervise” means the ~~on-site~~ direction and control of all construction, alteration, or inspection activities.

Comment by: Diana Rashash  
delete “on-site” and “or Inspector”

Suggestion: “Personally supervise” means the direction and control of all Onsite Wastewater Contractor activities during the time those activities are being conducted. If not physically present, the certified Onsite Wastewater Contractor shall be contactable by telephone and able to visit the site within 24 hours.

Question: Are we also going to define “Employee”?

Comment by: Russ Ayers

(Personally supervise) in this definition would mean that the certified person would have to be on the jobsite continuously during all activities. (This is NOT what has been discussed and told to the industry by the NCOWCICB.) The certified person is ultimately responsible for any actions by his employees. The language in this Draft should be changed to match the intent of the majority of the NCOWCICB.

Comment by: Connie Stephens

Remove word on-site before direction

Discussion held about supervision of employees and responsible person and If requirement was made that certification holder had to be there within predetermined time frame or able to be contacted by telephone would that interrupt flow of business

Motion by Russ Ayers to amend item as follows:

“Personally Supervise” means the direction and control of all Onsite Wastewater Contractor or Inspector activities during the time those activities are being conducted.

Second by Gene Young, passed all in favor except Diana Rashash opposed

**Page 1, Line 28 Item (a)**

Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier  
The Table of “Description of Activities” Level II: Change to “fill systems” and change “Innovative Systems and Controlled Demonstration Systems” to “any approved gravity or single pump dispersal system.” Level III: Delete “and Experimental Systems.”

Comment by Diana Rashash:  
The descriptions are different than what is on the application to become certified. When did we change them?

For Grade IV, change “> 3000” to “≥ 3000”

Comment by: Connie Stephens

Level Description Chart: Level II remove Innovative Systems and Controlled Demonstrative Systems Level III remove Experimental Systems  
Note: Does the board want the application changed to includes these descriptions prior to rules passing? Somewhere in these descriptions we need to address T & J

Discussion held about Grade Level descriptions and the need to be inclusive of all system types and leave little or no room for interpretation. T & J could be either Grade Level II or III depending on if LPP is used in dispersal.

Motion by Glenn Hines to amend item and Grade Level Chart to read as follows:

Grade Level II: Grade Level I plus Multiple tanks, Grease traps, Single Pump or Single Siphon, Fill systems, Sand Lined Trench, and any approved gravity or single pump dispersal system not specified in Grade Level III or Grade Level IV

Grade Level III: Dual pumps or Dual Siphons, Systems of >1500 gpd to <3000 gpd, Low-Pressure dispersal, Flow Equalization, and any system requiring ground water lowering device with a pump.

Grade Level IV: Systems > 3000 gpd (i.e. change symbol to be greater than or equal)

Second by Russ Ayers, passed unopposed

Direction by board to place new level descriptions on application for certification immediately

**Page 2, Line 25 &26 Item (c)** Comment by: Diana Rashash

“...conditions for certification, which, for new applicants, includes an 18-hr new installer course.”

Comment by: Connie Stephens

at end of sentence change word including an 18 hour new installer course to say which may include an 18 hour new installer course i.e. certification holders that modify may need an exam but not 18 hour course

Motion by Jim Lanier to amend item to read as follows:

The Board shall not schedule an applicant to take the required examination until their application has been reviewed and approved and the applicant has met all other conditions for certification, which, for new applicants, includes an 18 hour new installer course.

Second by Diana Rashash, passed unopposed

**Page 2, Line 28 Item (e)**

Comment by: Diana Rashash, Doug Lassiter, Jerry Pearce, Jim Lanier, Connie Stephens  
Change twenty to twenty five

Motion by Diana Rashash to correct item Second Jim Lanier, passed unopposed

**Page 2, Line 29 Item (e)**

Comment by: Diana Rashash  
add "...The renewal application will not be processed until the late fee is received."

Motion by Diana Rashash to change wording of item to:

Renewal applications are due by November 15 of each year or will be required to pay a late fee of twenty five dollars (\$25.00) in accordance with G.S. 90A-78(b) if received after December 31 of that calendar year. The renewal application will not be processed until the late fee is received.

Second by Jim Lanier, passed unopposed

**Page 2, Line 30 Item (f)**

Comment by: Diana Rashash

delete ..."the application will not be processed and"...

Comment by: Connie Stephens

at end of sentence change new certification to re-certification i.e. those that have certification that expire don't have to do 18 hour course and therefore they do not have same requirements as new certification

Discussion held about requirements for re-certification if not renewed within 90 days, Board had decided at prior meeting that in seeking re-certification the introduction course would not be required.

Motion by Jim Lanier to amend item as follows:

If the renewal application is postmarked more than 90 days after December 31 the person must meet the requirements for re-certification.

Second Jerry Pearce, passed unopposed

**Page 2, Line 34 Item (h) and Line 36 Section (i)**

Comment by: Diana Rashash

We still have the time problem! If they only have to notify us within 24 hours of the exam, how do we notify them by letter if they are ineligible!!! Line 34 should be consistent with line 32: "15 days prior to the scheduled date of the examination" People planning to take an exam should also be capable of deciding what grade level they want to become.

Discussion held about certification holders that choose to modify will at an event with the exam being held the next day and if they are required to modify 15 days prior to exam this may affect their ability to offer new services or expand their business, notification will be sent out in writing and the Board would expect staff to have contact with the individuals applying for the exam and to assist these individuals in the process of qualifying to take the exam

Motion by Glenn Hines to leave item as stated in draft

Second Jim Lanier, passes unopposed

**Page 3, Line 9, Item (b)** Comment by: Diana Rashash  
typo; change “fee’s” to “fees”

Motion by Jerry Pearce to correct typo Second Jim Lanier, passed unopposed

**Page 3, Line 13, Item (f)** Comment by: Diana Rashash  
re-word as follows: “The fee for late renewal is \$25.00. This fee is charged if the renewal request is received after December 31.”

Motion by Jim Lanier to amend item as follows

The fee for late renewal is \$25.00. This fee is charged if the renewal request if received after December 31.

Second by Diana Rashash, passed unopposed

**Page 3, Line 29 Item (b)** Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier  
The Board may administer an examination orally on an individual basis at the request of the Applicant”

Comment by: Connie Stephens  
change to say “The Board may administer an examination orally upon the request of the applicant.”

Discussion held about reasons for oral exams and concern of chair was that if no reason was given there may be a flood of request for oral exam, process of giving oral exam was discussed

Motion by Jerry Pearce to amend item as follows

The Board may administer an examination orally on an individual basis upon submission by the applicant.

Second by Glenn Hines, passed unopposed

**Page 3, Line 32** Comment by: Diana Rashash  
add a “(d)” as follows: “(d) If retaking the exam for any reason, a different version of the exam shall be administered.”

Motion by Glenn Hines to add item (d) as follows:

If retaking the exam for any reason, a different version of the exam shall be administered.

Second by Russ Ayers, passed unopposed

**Page 3, Line 38 Item (b)** Comment by: Diana Rashash  
This line supports the suggested changes to Section .0201, line 34

**Page 4, Line 13 Item (a)**

Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier  
After examination grading, the applicant shall be notified in writing as to the results of the examination.

Motion by Jerry Pearce to amend item as follows

After an examination grading, the applicant shall be informed, in writing by the Board or its authorized representatives as to the results of their examination. The Board shall not respond to oral or other request for exam results

Second by Al Gerard, passed unopposed

**Page 4, Line 15 Item (b)**

Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier  
After completion of the grading process, the applicant who has fulfilled all obligations of certification shall be issued a certification card.

Comment by: Connie Stephens  
change to “Upon successful completion of the exam and all requirements for certification the applicant shall be issued a certification card.”

Motion by Jerry Pearce to amend item as follows:

Upon successful completion of the exam and all requirements for certification the applicant shall be issued a certification card.

Second by Jim Lanier, passed unopposed

**Page 4, Line 25**

Comment by: Diana Rashash  
add a “(g)” as follows: “(g) When work is being performed by an employee of the certified Onsite Wastewater Contractor, said employee shall have documentation regarding the grade level and certification number of the employer.

Discussion held about information needed at job site, it was determined that majority of Local Health Departments check for certification while in office and not at job site and also that due to the nature of the work performed in the industry the cards tend to become unreadable over time and that this requirement would but unnecessary requirements on companies

Motion by Gene Young to remove Item (f) and not to add (g)

Second Russ Ayers, passed unopposed

**Page 4, Line 39 Item (c)**

Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier  
Do you want any other information, like a change in business name or contact information?

Comment by: Connie Stephens  
add to end of sentence company name, phone number and/or email address.

Motion by Jerry Pearce to amend item as follows  
Certified individuals under this program shall notify the Onsite Wastewater Contractor and Inspectors Certification Board within 30 days in writing of any changes to their name, company name, company address, phone number, or email address.  
Second by Diana Rashash, passed unopposed

**Page 5, Lines 8,9,11**

Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier  
These are Rules from the Well Drillers Certification. The referral back to Rules should be unnecessary since they are spelled out in .0602 and .0603.

Comment by: Connie Stephens  
15A NCAC XX .0820 and .0810 reference Well Drillers rules not sure why this reference is here

Motion by Jim Lanier to amend item as follows  
(c) Selection of courses and activities which meet the requirements of 15A NCAC XX .0602 is the responsibility of the certified Onsite Wastewater Contractor or Inspector. Evaluation of courses pursuant to 15A NCAC XX .0603 could result in non-acceptance of courses for the purpose of meeting the continuing education requirements.  
(d) Professional Development Hours (PDH) will be accepted for approved courses pursuant to 15A NCAC XX .0603. Hours for all other courses must be submitted to the board for approval. However, if not approved, no PDH will be granted for the course.  
Second Glenn Hines, passed unopposed

**Page 6, Line 12 Item (2)**

Comment by: Doug Lassiter, Jerry Pearce, Jim Lanier  
The discussion of online or video courses has been discussed. These courses have been disallowed by vote of the Board and found to lack suitable security and Board's ability to monitor expansion of skills.

Comment by: Connie Stephens  
Board has already decided early on that online courses wouldn't be approved

Discussion held as to future needs that may in certain circumstances need the option to use this type of course and the Board does and will continue to have the ability to deny approval of any course

Motion by Jerry Pearce to leave this item as stated, Second Jim Lanier, passed unopposed

## **Additional items discussed**

### **Page 1, Line 20**

Discussion held about adding a definition of “employee”. The majority of complaints received pertain to this issued and it was determined that a concise definition needs to be added.

Motion by Diana Rashash to add item as follows

(h) “Employee” means a person who receives an Internal Revenue Service W2 form for record of compensation

Second Jim Lanier, passed unopposed

### **Page 4, Line 9**

Correction that was made in prior meeting still need to be corrected  
NCAC XX .0901 needs to be changed to NCAC XX .0701

12:50 P.M.

OTHER BUSINESS:

PUBLIC MEETING DATES FOR RULES

|                |             |            |                         |
|----------------|-------------|------------|-------------------------|
| April 21, 2010 | Hickory     | 1pm to 4pm | Ag Center ?             |
| April 26, 2010 | Morehead    | 1pm to 4pm | Carteret Health Dept    |
| April 27, 2010 | Raleigh     | 1pm to 4pm | Parker-Lincoln Building |
| April 28, 2010 | Waynesville | 1pm to 4pm | Waynesville Health Dept |

NEXT BOARD MEETING

|              |         |         |                   |
|--------------|---------|---------|-------------------|
| June 3, 2010 | Raleigh | 11 a.m. | 2728 Capital Blvd |
|--------------|---------|---------|-------------------|

Public Meeting Dates stated above no longer apply these will need to be re-scheduled in May, Gene Young will re-schedule the dates and locations and get these out to the Board.

Nancy Deal requested that the Board hold one of these meeting in Greenville.

Several Board members asked if the Board members needed to attend these meetings, Russ Davis advised them if their schedules permitted attendance that it would be helpful for any that could attend to be there.

Connie Stephens presented the Board with a sign in sheet for the public comment meetings and stated that each person that attends needs to sign in and if they wish to make comment they must request that prior to start of meeting and only those that request to speak prior to meeting will be allowed comment. Sign in sheet was reviewed and allotted time for comment was limited to 3 minutes per individual. Comments will be recorded and notes also taken. After the public comment meetings the comments will be documented and sent out to the board prior to the next Board meeting with sufficient time for review by Board members. Russ Davis requested that the Board members review these comments and if there are comments they wish to have discussed at next Board meeting that they send him the information prior to the next meeting as every comment that is received during this process may not be discussed. Russ Davis requested that sign be posted at entrance to meeting that advises attendees that they must sign in and that if they wish to speak they will need to make the request at that time. (Sign in sheet is attached at end of minutes)

Russ Ayers asked if comments could be sent in by email or in writing or if they could only be made at meeting. Gene Young and Russ Davis advised that these types of comments would also be received.

Discussion held about next Board meeting. The date has to be changed to a later date. Members reviewed calendars and agreed upon June 21, 2010 in Raleigh as next meeting date. Russ Davis advised Board this will be a regular Board meeting combined with discussion about rules draft comments and at 1pm we will have a Public Meeting for the purpose of presenting the Rules for formal approval. There will be no Public Comment at this time on the Rules. With this in mind the meeting will begin at 10:00 a.m. as there will be complaints, class approval requests and other items on the agenda. Russ Davis asked each Board member individually if they were satisfied with the results of the Rules Draft at the conclusion of votes today, each individual responded that they were satisfied with the final Draft as approved at today's meeting. He stated that Board's support of the Draft as a united front was important to it's success.

Russ Davis asked if there were any other comments. Glenn Hines asked if there was movement on a complaint received several months ago and John Barkley advised that the complaint was being processed.

With no other business to discuss request by Russ Davis for motion to adjourn.  
Motion by Gene Young, Second Glenn Hines, meeting adjourned.

