

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE BOARD FOR CERTIFICATION OF
WATER AND WASTEWATER SYSTEMS OPERATORS**

**Board Meeting Minutes
December 10, 2013
10th Floor Conference Room
Conference Call Meeting**

Board Members Present

Joseph Swanderski, Chairman
Michael Kyle
Mary Roland
John Schombert
Curt Steffy
Phil Consonery, Bureau of Safe Drinking Water (BSDW)
Cheri Sansoni, Board Secretary, BSDW
William Shakely, DEP Legal Counsel

Non Board Members Present

Scott Noldy, BSDW
Julianne Burke, BSDW
Bill McNamara, BSDW
Patrick Bair, DEP Legal Counsel Annuitant
Sean Gimbel, Office of Water Management Office
Robert Altenburg, Policy Office

Joe Swanderski called the meeting of the State Board for Certification of Water and Wastewater System Operators (Board) to order at 10:04 AM via conference call. This meeting was changed from a face to face meeting to a conference call due to bad weather conditions.

Criminal History Report

Cheri Sansoni presented the recommendations of the review committee regarding two operators with criminal history records:

1. Client # 294543 was convicted in 1992 of 1 count Driving while license is Suspended or Revoked (S); in 1993 of 1 count Disorderly Conduct (S); in 1997 of 2 counts Manufacture of a Controlled Substance (F); and in 2011 of 1 count Disorderly Conduct (S).
2. Client #307102 was convicted in 2012 of 1 count Simple Assault (M).

The review committee recommended that the Board approve licenses for both applicants. John Schombert motioned to issue the license for Client #294543. Mary Roland seconded. The vote was unanimous. Motion carried. Curt Steffy motioned to issue the license for Client #307102. Michael Kyle seconded. The vote was unanimous. Motion carried.

Denied Extension Request Appeals

Ms. Sansoni presented Gary Stankevich's written appeal for the denial of his extension request at the October 16, 2013 Board meeting. Mr. Stankevich provided additional information including medical documentation and a death notice. Mr. Stankevich held a WE Distribution license, which expired on September 30, 2013. He completed his 15 hour training requirement but did not complete the mandatory security training because he did not think the requirement applied to him, despite acknowledging that he received a letter in March of 2013 notifying him that he had to take the course. Mr. Stankevich then took the course and applied for an extension, indicating that he had extenuating family circumstances. The Board declined to change their initial decision to deny the extension request because Mr. Stankevich was informed of the requirement and did not comply. Michael Kyle motioned to deny the appeal. Mary Roland seconded. The vote was unanimous. Motion carried.

Due to the poor weather conditions, the appeals for Brook Darkes and Joseph Bonamico were rescheduled until the February 12, 2014 Board meeting so that both operators can attend and present additional information for the Board's consideration.

Approval of October 16, 2013 Minutes

Michael Kyle noted that the word "schedule" should be inserted after "exam" in the fifth to last sentence of the first paragraph under Old and New Business on page 4. It should read, "Ms. Roland motioned to accept the tentative 2014 operator certification exam schedule...".

Mr. Kyle motioned to approve the October 16, 2013 minutes as amended. Joe Swanderski seconded.

Approval of New and Upgrade Applications

The new and upgrade applications were presented to the Board for approval. Joe Swanderski motioned to issue licenses for all new and upgrade applications on the Evaluation Summary Report. Curt Steffy seconded. The vote was unanimous. Motion carried.

Reciprocity Requests

The following wastewater reciprocity applications were presented to the Board:

Jesse Randles - Holds a Wastewater Treatment Operator Level III and a Collections Level II certificate from the Northern Mariana Islands that expires on 10/10/15. He has over 10 years of experience working at various systems using subclasses WW1 (Activated Sludge) and WWE4 (Collection Systems). He has 4 years and 1 month working at a class AE system.

The Department's recommendation was to issue a WWAE1,4 license. Joe Swanderski motioned to issue the license as recommended by the Department. Mary Roland seconded. The vote was unanimous. Motion carried.

Robert Hitchcock - Holds a S2 Wastewater Treatment certificate from New Jersey that expires on 9/30/14. He has over 7 years of experience working at various class D systems using subclasses WW1 (Activated Sludge) and WWE4 (Collection Systems).

The Department's recommendation was to issue a WWDE1,4 license. Michael Kyle motioned to issue the license as recommended by the Department. Curt Steffy seconded. The vote was unanimous. Motion carried.

Michael Franklin – Took all wastewater exams (when they were ABC exams) and was certified in Pennsylvania from 1992 to 2002. He lost his WWAE1-4 license because he did not renew due to moving to a new location. He was not required to have training at that time. In 2010, the Board granted him reciprocity for only the WWGEN exam because he could not demonstrate the requisite knowledge of the Fixed Media subclass (WW2). He has since taken the WW2 exam and received a WWA2 license in PA.

Mr. Franklin holds an S4 Public Wastewater license in New Jersey that expires on September 30, 2014 and an Arizona Grade 4 Wastewater license that expires on June 30, 2015. He listed 7 years and 2 months of experience at Environmental Disposal Corp., which is a B size plant that uses Activated Sludge (WW1). He also holds a Water Distribution (WE) Pennsylvania license.

He is applying for reciprocity to add Activated Sludge (WW1) to his license. Ms. Sansoni contacted him and asked him to apply for all of the subclasses that he is eligible for now, as opposed to one at a time, since he is making his second reciprocity request in 3 years. Mr. Franklin replied that he did not wish to apply for all the subclasses because he only needs WW1 right now. Mary Roland gave the opinion that Mr. Franklin should have to pay the administrative licensing fee of \$150 for each reciprocity application he submits.

The Department's recommendation was to issue a WWA1 license. Curt Steffy motioned to issue the license as recommended by the Department, pending receipt of the administrative fee. Joe Swanderski seconded. The vote was unanimous. Motion carried.

Oscar Rivera Arroyo – Holds an Operator IV Wastewater Treatment certificate from Puerto Rico that expires on October 8, 2014. He has 3 years and 5 months experience at a class B system that uses Activated Sludge (WW1). He also has a BS degree in Science.

The Department's recommendation was to issue a WWA1 license. Mary Roland motioned to issue the license as recommended by the Department. Joe Swanderski seconded. The vote was unanimous. Motion carried.

Hidalgo Diaz – Holds an Operator IV Wastewater Treatment certificate from Puerto Rico that expires on January 16, 2014. He has over 14 years of experience at a class A system that uses Activated Sludge (WW1). He also has a BS degree in Chemical Engineering.

The Department's recommendation was to issue a WWA1 license. Michael Kyle motioned to issue the license as recommended by the Department. Curt Steffy seconded. The vote was unanimous. Motion carried.

The following water reciprocity application was presented to the Board:

Maurice DeLisle – Holds a Distribution Operator IV license from Nevada that expires on December 31, 2013. He has 8 years of experience at Las Vegas Valley Water District.

The Department's recommendation was to issue a WE license. Mary Roland motioned to issue the license as recommended by the Department. Joe Swanderski seconded. The vote was unanimous. Motion carried.

Denials of Applications for Certification Renewal

The following operator was presented for denial due to failure to take the new mandatory "Securing Drinking Water and Wastewater Facilities" security course. Mr. Ernst was notified of the requirement before his license expired, and he stated that he was scheduled for the course. After his license expired, he explained that the course was cancelled, and he did not reschedule himself to take it.

Name	Type	ID	Region	Fac ID	Training Hours
Luke Ernst	WWE4	36081	NC	Not connected	28.5 (15 req.)

Hearing Requirements for Actions by the Board

Interim Board Counsel William Shakely presented an explanation of the distinctions between the procedures to be used by the Board in granting or denying applications for certification, recertification or renewal, and the procedures to be followed when revoking, suspending, modifying or reinstating certificates.

Actions on Applications (63 P.S. § 1004(a)(1)), addressing applications for certification or license renewal, states that the Board may act upon its own authority in approving or denying applications, and the Board is not required to offer the applicant a hearing before the Board in cases of denial. The Board may choose to offer an informal hearing at its own discretion, however, which has been the Board's policy to date. Due process is provided to the applicant through their right of appeal to the Environmental Hearing Board for a formal hearing.

Actions to Revoke, Suspend or Modify (63 P.S. § 1004(a)(3)), addressing the procedure for revoking, suspending or modifying existing certifications, states that the Board itself may not initiate these actions. Instead, they must be initiated by "petition of the Department." Any Department office can file a petition with the Board to initiate these proceedings. Once filed, the operator is then entitled to a hearing before the Board and an impartial hearing officer appointed by the Board. After the hearing, the operator may appeal the Board's decision to the Environmental Hearing Board.

Laboratory Supervisor Exam

Cheri Sansoni reported that the Department's database is now ready to process exam scores and licenses for the Laboratory Supervisor subclass. According to 25 Pa. Code § 252.302(h)(3) (relating to qualifications of the laboratory supervisor) as cited in 25 § 302.1006(g) (relating to laboratory supervisor certification), certified operators who were serving as the laboratory supervisor for a drinking water or wastewater system on September 18, 2010 will have 12 months after the Board makes the water or wastewater laboratory supervisor examination available to meet the standards for certification as defined in this section.

Ms. Sansoni also reported that the Department's Bureau of Laboratories would like to begin the 12 month period on July 1, 2014, and they will handle advertising the availability of the exam to the supervisors who must fulfill the requirement. Phil Consonery noted that many of the affected

supervisors had already taken the Beta exam for the subclass and will need to apply for certification between July 1, 2014 and June 30, 2015.

Curt Steffy motioned to approve the effective start date of July 1, 2014 to make the Laboratory Supervisor exam available. Mary Roland seconded. The vote was unanimous. Motion carried.

Board Secretary Report

Cheri Sansoni presented the following extension request:

Barry Bracken requested a medical extension of his renewal cycle that expires on December 31, 2013. Mr. Bracken holds a WWAE 2,3,4. He completed 0 contact hours of the required 30. Michael Kyle motioned to extend his renewal cycle to December 31, 2014 to obtain the 30 hours of training. Mary Roland seconded. The vote was unanimous. Motion carried.

Old and New Business

Bill McNamara presented to the Board for feedback a summary of proposed changes to the Training Provider Manual (Technical Guidance Document: 383-2300-002). In addition to outlining training course approval fees and replacing paper applications and forms with web-based forms, the proposed changes include requirements that aim to enhance the educational experience with greater interactivity, assessment and accountability. Such changes include requiring periodic question and discussion segments in order to break up lectures and requiring hardcopy visual materials. Particular emphasis is placed on interactivity, assessment and accountability in web-based seminars in order to ensure engagement and attention to the webinars.

The proposed changes also include minimizing the instructor to student ratio and modifying the course relevancy guidelines to include criteria for determining which courses will be approved for the water industry, the wastewater industry, or both.

Regarding the Chapter 302 fee analysis, Phil Consonery reported that the Department presented the analysis to the Environmental Quality Board (EQB) for comment at their November 19, 2013 meeting. The Department's report included no changes to the fees for the next three years.

A concern was brought up at the meeting regarding the operators signing up for multiple exam sessions and proceeding to fail repeatedly, either through lack of adequate preparation or otherwise, thereby taking seats from other operators who are trying to obtain certification. Mr. McNamara produced statistics from 2012 and 2013 indicating that this practice is indeed a problem that is likely contributing to the backlog of operators on waiting lists who still need to take exams.

Mr. Consonery proposed that the Board adopt a policy stating that no operator shall register for more than 2 exam sessions in 2014, and exam providers and certification staff shall be responsible for monitoring that requirement. Third exam sessions can be offered to operators on waiting lists, however. Patrick Bair suggested that, before offering a third session to an operator, preference be given to operators who would be testing for their first or second time.

Cheri Sansoni noted the aggressive exam schedule for 2014, staff turnover and chronic understaffing, and the possible addition of more online exams for a cumulative total of

approximately 1,800 examinee slots in 2014. As a result, the Operator Certification program will focus on exam administration in 2014 and place the evaluation of applications for new certifications and upgrade licenses as a secondary priority.

Joe Swanderski motioned to establish the new policy that no operator shall register for more than 2 exam sessions in 2014 unless there are unfilled seats. Mary Roland seconded. Vote was unanimous. Motion carried.

As new business, the Board also discussed the question of whether the ultraviolet disinfection (UV) treatment process in the wastewater industry was similar enough to the UV process in the water industry that UV wastewater experience could be applied toward a UV water license. The Board agreed that the processes are virtually the same, and UV wastewater experience could therefore be used to fulfill the experience requirement for a UV water license.

Joe Swanderski motioned to adjourn the meeting at 11:57 AM.