

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE BOARD FOR CERTIFICATION OF
WATER AND WASTEWATER SYSTEMS OPERATORS
Board Meeting Minutes
February 29, 2008**

Board Members Present

John Brutz, Chairman
Matthew Higgins
Michael Kyle
William Ross
Nicki Kasi
William Shakely, Legal Counsel
Cheri Sansoni, Board Secretary

Board Members Present via Conference Call

Mary McElhinny
John Schombert

Non Board Members Present

Robert Radel, BWSFR
Kevin Karmosky, BWSFR
Mary Zeigler, BWSFR
Michael Shoff, BWSFR
Richard Mather, Office of Chief Counsel
Mary Lou Barton, Regulatory Counsel
John Poklembo, Operator

John Brutz called the meeting of the State Board for Certification of Water and Wastewater System Operators to order at 9:37 AM.

Compliance Review Process

Richard Mather, Deputy Chief Counsel, and Mary Lou Barton, Program Regulatory Counsel, discussed enforcement issues regarding water and wastewater systems and certified operators. When the Department takes an enforcement action against a facility over a wide range of violations under the Clean Streams Law, Chapter 109 Safe Drinking Water Regulations or other Department rules and regulations, there is a consent order and agreement (CO & A) worked out with the facility. The CO & A requires the facility to correct the identified violations and assesses appropriate fines and penalties against the facility owners. If the operator is also found to be in violation, the CO & A may also assess fines and penalties against the operator or require the operator to voluntarily surrender his certificate. Counsel sees the voluntary surrender of a certificate as a benefit to both the Department and the Board. The alternative, should the operator not agree to voluntary surrender, is for DEP to petition the Board to suspend, modify or revoke the operator's license. The regional offices and legal counsel need to inform the Board Secretary of any conditions negotiated in a CO & A

that impact a certified operator to insure compliance. The Board Secretary will then notify the Board of the CO & A and any conditions. Sometimes, when an operator voluntarily surrenders his certificate, it is for a defined period of time. When the CO & A requires the operator to take additional training, the CO & A also needs to specify whether the training is part of, or in addition to, the required continuing education hours. The order can also require an operator to retake exams.

Proposed Regulatory Language to Clarify Act 11

The Board Chairman wrote a letter to the House of Representatives and Senate to clarify the intent of the enforcement components of Drinking Water and Wastewater Systems Operator's Certification Act (Act 11), stating that current misunderstandings in the Act can be addressed in regulation and do not need statutory revisions. Nicki Kasi presented the proposed language that DEP developed for inclusion in the next version of Chapter 302 regulations. The complete draft of Chapter 302 will be released within the next month or two. This language makes it very clear that the Department must first issue an order before fines or penalties can be assessed against an operator for violations of Act 11. This language will correct the error caused when Act 11 was compiled and finalized.

Approval of January 11, 2008 Minutes

Mike Kyle moved to approve the January 11 minutes with the following correction: The time the meeting was adjourned should be 11:13 AM not PM. Nicki Kasi seconded. The vote was unanimous and motion carried.

New Applications, Upgrades, and Reciprocity Requests

The new and upgrade applications were presented to the Board for approval. Nicki Kasi made a motion to approve and issue all new and upgrade certificates. Bill Ross seconded. The vote was unanimous and motion carried.

The following wastewater reciprocity application was reviewed:

David Wiman holds a valid Wastewater license in New Jersey. He has worked at several size B & C wastewater plants in New Jersey for over 14 years with experience in subclasses 1, 2, 3, and 4. Mike Kyle made a motion to issue a WWBE 1, 2, 3, 4 certificate. Matt Higgins seconded. The vote was unanimous and motion carried.

Criminal History Review

Kevin Karmosky presented three criminal history reports. All three were minor offenses and did not need investigating. The CHR's were for new certifications for clients:

258570, Retail Theft on March 27, 1979

254977, Disorderly Conduct on July 19, 1998

259939, Retail Theft on March 12, 1980

Nicki Kasi moved to approve the three CHR operators. John Brutz seconded. The vote was unanimous and motion carried.

John Schombert has been serving as the Board's advisor for CHR's for approximately one year. Matt Higgins will serve as the Board's advisor for CHR's for the three months.

Revised Board Meeting Dates

The revised Board meeting dates were presented to the Board. John Brutz made a motion to accept the meeting date changes. Bill Ross seconded. The vote was unanimous and motion carried.

Board Secretary Report

Cheri Sansoni presented a letter to the Board from Mr. Donald Batz requesting an education exemption to obtain a water license. Mr. Batz has been working at a facility since 1999. The letter was not necessary because the Board guidelines state that if an individual submitting an application attests that he was working in a water or wastewater system prior to February 21, 2002, the education requirement is waived. The certification application needs to be changed to state "exemption if supervisor verifies you were working in a system not the system prior to February 21, 2002." Ms. Sansoni will send a letter to Mr. Batz informing him he can apply for a water license.

Richard E. Deer requested a medical extension for his continuing education requirements since his certificate expired on December 31, 2007. Mr. Deer stated he would be able to take on-line courses. Nicki Kasi motioned to grant a 6 month extension. John Brutz seconded. The vote was unanimous and motion carried. Ms. Sansoni will send a letter to Mr. Deer informing him he has until June 30, 2008, to complete 11 hours of continuing education.

Brian K. Herman requested to have his wastewater certificate reinstated since his certificate expired on December 31, 2002. Mr. Herman maintained his continuing education requirement; but because of several address changes, he never received his renewal forms. Ms. Kasi stated it is against the regulations and EPA's guidelines to reinstate a license after two years, even if the operator has their required continuing education. Nicki Kasi made a motion to deny the request. Mike Kyle seconded. The vote was unanimous and motion carried. Ms. Sansoni will send Mr. Herman a letter to deny his reinstatement request.

Old and New Business

Nicki Kasi stated that because of communication conflicts there has been no progress with ABC and on-line testing. A conference call will be scheduled in the near future to discuss the costs of a new contract.

Comments from the Public

No comments.

Nicki Kasi motioned to adjourn the meeting at 11:43 AM.