

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

**Board Meeting Minutes
February 12, 2020
10th Floor Conference Room**

Board Members Present

Ed Chescattie, Bureau of Safe Drinking Water (BSDW), DEP Secretary Designee
Curt Steffy, Aqua PA Inc., Official of Private System (via phone)
Mary Roland, Certified Water Operator (via phone)
Mike Kyle, Lancaster Area Sewer Authority, Employee of a Political Subdivision (via phone)
John Cantwell, Legal Counsel

Non-Board Members Present

Bill McNamara, BSDW
Jeff Allgyer, BSDW
Lori Wise, BSDW
Shalini Moola, BSDW
Mahendra Patel, BSDW
Dave Long, BSDW
Theia Hofstetter, Bureau of Clean Water
Brian Chalfant, Policy Office

Mr. Chescattie took roll call to confirm members who called in. Board members agreed that Mr. Chescattie would chair this meeting in Mr. Swanderski's absence. Mr. Chescattie called the meeting to order at 10:03am.

Approval of December 4, 2019 Minutes

Ms. Roland motioned to approve the December 4, 2019 minutes. Mr. Chescattie seconded the motion. Motion carried. Mr. Kyle mentioned that there is a lot of detail under the reciprocities, Mr. Chescattie said that we are documenting more detail to attempt to avoid questions on the back end. Ms. Roland likes the detail so we can easily refer to our conversations at past board meetings. Mr. Chescattie and Ms. Chambers will discuss and attempt to strike a better balance and decrease the level of detail without losing too much of the content in future meeting minutes.

Approval of New and Upgrade Applications

Mr. Steffy motioned to approve the applications. Ms. Roland asked whether Mr. Seth Williams' application is being considered with the other applications or will be reviewed separately. Mr. Chescattie confirmed that Mr. Williams was able to obtain the signature of a properly certified operator, so his application should be voted on by Board members for a WDC. After providing that clarification, Mr. Chescattie seconded Mr. Steffy's motion. Motion carried.

Mr. Chescattie provided some additional detail on Janet Hardy-Miklos's application, specifically page 2 where the applicant documents experience/process control activities under the supervision of a properly certified operator. Ms. Hardy-Miklos only checked one box. Mr. Chescattie spoke with her on the phone and she verified that she did not have additional process control experience due to extenuating circumstances which limit her time working within the treatment plant. Mr. Chescattie opened the matter up for discussion. Mr. Kyle stated that he appreciates the applicant's effort, but he does not believe the experience she documented would qualify her for a license. Mr. Steffy agrees with Mr. Kyle. Ms. Roland mentioned that she had met this applicant and explained that she may be eligible for OIT; Ms. Roland also recommended the applicant reach out to DEP with questions. Mr. Kyle motioned to issue the applicant OIT status. Ms. Roland seconded the motion. Motion carried.

Reciprocity Requests

Wastewater

Victor Camporine – Holds a New Jersey Class 4 industrial license that was issued to him 4/28/05 and expires 9/30/20. His application documents 6 years, 6 months' experience working at Camden County Energy Association, LP, New Jersey, which is a Class C facility using subclass 3. He has 12 years, 7 months' experience working at Fiber Mark, Inc., which is a Class B facility using subclasses 3.

An operator is required to have a minimum of 3 years' experience in order to obtain a Pennsylvania Class B license. Therefore, the Department's determination is that Mr. Camporine has documented the adequate experience relative to a WWB – 3.

Chris Hoffman from NJ verified that Mr. Camporine has passed exams for Treatment ponds and lagoons; but this occurred "in the 90s." After further investigation and review of records, Mr. Hoffman contacted Ms. Moola to verify that he was unfortunately not able to provide more detailed exam content due to the amount of time which has passed since Mr. Camporine passed examinations in NJ.

The Department's recommendation: Board should discuss and consider whether granting a WWB 3 is appropriate.

After some discussion, on the applicants extensive operating experience and verification that efforts to obtain as much exam content as possible have been completed, Mr. Kyle motioned to approve the recommendation for WWB 3. Mr. Steffy seconded the motion. Motion carried.

Tim Flegal – Holds a North Carolina Grade 3 Wastewater License that was issued to him 9/14/17 and expires 12/31/20; and a Grade 1 Collection System license that was issued to him 6/13/19 and expires 6/13/20. His application documents 2 years, 2 months' experience working at Ocean Sands WWTP, North Carolina, which is a Class A facility using subclasses 1,4. He has 1 year, 7 months' experience working at Corolla Light WWTP, North Carolina, which is a Class B facility using subclasses 1,4. He has 1 year, 7 months' experience working at Montera Shores WWTP, North Carolina, which is a Class A facility using subclasses 1,4. He has 1 year

experience working at Pine Island WWTP, North Carolina, which is a Class A facility using subclasses 1,4. He has 1 year experience working at Ocean Hill WWTP, North Carolina, which is a Class A facility using subclasses 1, 4.

An operator is required to have a minimum of 4 years' experience in order to obtain a Pennsylvania Class A license. Therefore, the Department's determination is that Mr. Flowers has documented the adequate experience relative to a WWA,E – 1,4.

Regarding the comparison of examination questions, the applicant took the Level 3 Wastewater and Level 1 Collection System exams in North Carolina, which had a total of 100 multiple choice questions (50 each) and a 70% minimum passing score.

The Department's recommendation: Board should please review the examination information provided and vote on whether Mr. Flegal has documented that he has passed a comparable examination in the State of North Carolina.

After discussion and clarification that all exams were administered by North Carolina, Mr. Kyle motioned to issue WWAE 1,4. Ms. Roland seconded the motion. Motion carried.

George Flowers – Holds a Delaware Wastewater Operator Level 4 license that was issued to him 1/31/19 and expires 2/1/21. His application documents 14 years, 6 months' experience working at Wilmington Water Pollution Control Facility, Delaware, which is a Class A facility using subclasses 1,3,4. An operator is required to have a minimum of 4 years' experience in order to obtain a Pennsylvania Class A license. Therefore, the Department's determination is that Mr. Flowers has documented the adequate experience relative to a WWA,E 1,3,4.

Regarding the comparison of examination questions, the applicant took the Level 4 Wastewater exam in Delaware, which had 61 multiple choice questions and a 69% minimum passing score.

The Department's recommendation: The Board should please review the examination information provided and vote on whether Mr. Flowers has documented that he has passed a comparable examination in the State of Delaware.

Mr. Chescattie does not recommend awarding this wastewater reciprocity because of the low number of exam questions compared to Pennsylvania's exam. Mr. Kyle disagreed and suggested it was OK to award the wastewater reciprocity because the minimum passing test score is higher. Mr. Steffy agrees with Mr. Kyle. Ms. Roland agrees with both Mr. Steffy and Mr. Kyle in regard to the higher passing rate balancing out the lower number of questions on the exam. Ms. Roland motioned to approve for WWAE 1,3,4. Mr. Steffy seconded the motion. Motion carried.

Unity E Oviasogie – Holds a Texas Class C Wastewater Treatment License which was issued to him through reciprocity from Arizona that expires on October 31, 2020. His application documents 9 months' experience working at Exxon Mobile Pre-Injection Facility, Texas, which is a Class C facility using subclass 3. He has 9 months' experience working at Aqua Nueva Water Reclamation, Arizona, which is a Class A facility using subclasses 1,2. He has 9 months' experience working at Roger Wastewater Treatment Plant, Arizona, which is a Class A facility

using subclasses 1,2,3,4. He has 6 months' experience working at Abengoa Solar Water Treatment Plant, Arizona, which is a Class A facility using subclass 3. An operator is required to have a minimum of 1-year experience in order to obtain a Pennsylvania Class D license.

Regarding the comparison of examination questions, the applicant took the Water Treatment 3 ABC exam in Arizona.

The Department's recommendation: The Board should please carefully review this application and vote on whether they concur that Mr. Oviasogie has documented adequate experience relative to a WWD - 3.

Mr. Kyle asked questions regarding the applicant's wastewater experience. Mr. Chescattie explained that there is simultaneous full-time employment claimed on the application during the period of November 2013 to August 2014. It was agreed upon that only 9 months' experience total could be awarded during that time period, which is consistent with past reviews where an applicant worked at multiple facilities during the same time period. Mr. Kyle motioned to recommend the WWD 3. Mr. Steffy seconded the motion. Motion carried.

Water

Unity E Oviasogie – Holds a Texas Class C Water Treatment License that was issued to him through reciprocity from Arizona and expires on October 31, 2020. His application documents 9 months' experience working at Exxon Mobile Pre-Injection Facility, which is not a permitted public drinking water system. He has 9 months' experience working at Aqua Nueva water Reclamation, Arizona, which is not a permitted public drinking water system. He has 9 months' experience working at Roger Wastewater Treatment Plant, which is not a permitted public drinking water system. He has 6 months' experience working at Abengoa Solar Water Treatment Plant, Arizona, which is not a permitted public drinking water system.

An operator is required to have a minimum of 1 year of experience in order to obtain a Pennsylvania Class D license. It is important to note that the application is lacking documentation that some of the facilities where operating experience is claimed are permitted as public drinking water facilities. Additionally, the application indicates full time operating experience simultaneously at multiple systems. Department staff contacted Arizona DEQ staff, who verified that the Arizona systems listed in this application are **not** Public Drinking Water facilities. Regarding operating experience in Texas, Department staff are still awaiting a response from Texas. Therefore, the Department's recommendation is that the Board carefully review this application and supporting information before voting.

Regarding the comparison of examination questions, the applicant took the Water Treatment 3 ABC exam in Arizona.

The Department's recommendation: The Board should please carefully review the application information provided and vote on whether Mr. Oviasogie has adequately documented applicable experience at public drinking water facilities relative to a WD 5,6,7,8,10,11.

Mr. Allgyer provided a summary of the information he was able to obtain regarding the facilities in Arizona at which the applicant is claiming to have drinking water operating experience. Arizona environmental protection staff verified these facilities are not permitted as public drinking water facilities. Mr. Allgyer heard back from a contact in Texas as well. The Exxon pre-drilling facility is not in the public drinking water database, it is indicated to be a wastewater facility. Ms. Roland noted that Mr. Oviasogie's application reflects that he has 10 years of experience at Wilksburg Penn; but this does not seem possible because he was working full time at wastewater facilities in other states during that time period. Mr. Chescattie noted that the Department questioned this as well during their initial review of the application. As a result, Ms. Moola explained that she had reached out prior to the meeting and obtained a revised application from Mr. Oviasogie that states 9 months' (instead of 10 years') experience and also had verified in eFACTS that only 9 months at Wilksburg Penn is accurate for his drinking water experience.

The consensus of the Board's discussion was that, since Mr. Oviasogie has documented only 9 months' experience at eligible water facilities which are permitted as a public drinking water facility, he is not eligible for a water license at this time. Mr. Steffy motioned to deny the reciprocity for Mr. Oviasogie's water license. Ms. Roland seconded the motion. Motion carried.

George Flowers – Holds a Delaware Water Supply Operator License that was issued to him 9/14/19 and expires 9/14/21. His application documents 7 years, 6 months' experience working at Wilmington Water Department, Delaware, which is a Class A facility using subclasses 1,4,6,7,8,10,12. An operator is required to have a minimum of 4 years' experience in order to obtain a Pennsylvania Class A license. Therefore, the Department's determination is that Mr. Flowers has documented the adequate experience relative to a WA,E 1,6,7,8.

Regarding the comparison of examination questions, the applicant took the Water Supply Operator exam in Delaware, which had 277 multiple choice questions and a 75%, 86%, and 88% minimum passing scores.

The Department's recommendation: The Department's review of the examination information provided indicates that Mr. Flowers has passed comparable examinations in the State of Delaware to issue a WA,E 1,6,7,8.

Mr. Kyle asked in regard to the water exam content checklist whether each process aligns with a subclass and whether the Department could start including the subclass number in the future. Mr. Chescattie said yes, the Department considers this in their review and will begin including that information in the summary provided to the Board. Mr. Chescattie recommended adding a line for test questions passed on the table on the first page of the application. The other Board members agreed that this would be the best location for this information. Mr. Steffy motioned to award WA,E 1,6,7,8. Mr. Chescattie seconded the motion. Motion carried.

Board Secretary Report

Mr. Chescattie stated that due to the amount of other content on the agenda for this Board meeting, Laura does not have detailed specific information for the Board Secretary Report; but,

reminded the Board Members that operator certification staff are continuing to update and improve clarity and details of applications, instructions and forms.

Old and New Business

Mr. Steffy mentioned his last day is March 31st and asked whether anyone has been named as his replacement since he will no longer be able to attend as a board member. Mr. Chescattie and Chairman Swanderski had spoken and agreed that the April meeting would be in person and that the Board plans to address Curt's replacement and make an official vote. Mr. Chescattie asked Ms. Roland and Mr. Kyle whether they will be available to attend the April 8th Board meeting in person; they both said yes.

Mr. Kyle asked if the location where the board materials and exam schedule are posted on DEP's website had changed. Ms. Chambers answered that the website location for this information has not changed and agreed to email members the links to where this information is posted.

Mr. Chescattie introduced Theia Hofstetter as Bob DiGilarimo's replacement as a Section Chief in the Bureau of Clean Water. Ms. Hofstetter thanked the Board for giving her the opportunity to participate in these meetings.

Mr. McNamara provided an overview of Alan Kniess's extension request. Mr. Kniess had a total of 18 hours of continuing education and needed 12 more hours. He signed up for 2 correspondence courses in November 2019 through Technical Learning College (TLC), for which Mr. McNamara received verification from TLC that Mr. Kniess did pay for the correspondence material in November. On January 30, 2020, he received his expiration notice. He called and spoke with Mr. McNamara and Leslie Ferguson to ask why his license expired when he had faxed his completion notice to TLC on December 18, 2019 and was under the impression that this date would be considered his date of completion. TLC explained to Mr. McNamara that they did not receive Mr. Kniess completion notice, TLC provided Mr. McNamara with a copy of faxes received for the corresponding time frame. That document did not indicate a fax was received from Mr. Kniess.

Mr. Steffy motioned to approve a one-month extension to January 31, 2020. Ms. Roland seconded the motion. Mr. Chescattie voted in favor of the motion, Mr. Kyle opposed the motion. Mr. Cantwell confirmed that, regarding this vote on a motion, majority rules according to the Board bylaws. Therefore, motion carried with three members in agreement, one in opposition.

Operator ID 198847 requested an extension of his WWC 3, which expired on December 31, 2018, due to being shorthanded at work. Mr. Chescattie motioned to deny the extension request because it was submitted well beyond the 90-day deadline for submittal specified in Chapter 302, and because of the reason for the extension request was not adequate as per Chapter 302. Mr. Kyle seconded the motion. Motion carried unanimously.

Comments from the Public

There were no comments from the public.

The Board went into Executive Session at 11:27am to review confidential information relating to one Criminal History Report, three Extension Requests, a Consent Order and Agreement, and several other confidential matters.

The Board came out of Executive Session at 12:26pm.

Criminal History Report

Wastewater Applicant 342299 requested certification for WWA1, WWA3, WWE4, WWGEN. This client was arrested 03/14/2007 for one count of Involuntary Deviate Sexual Intercourse (F1); Disposition 01/01/2007 Plead Guilty/Fines and Costs/Regional Correctional Facility 4 –8 years. Served PA DOC 10/30/2007 to 11/20/2011. Paroled 11/20/2011 to 10/18/2015. Sexual Offender Registration – Active (most recent 01/31/2013).

Recommendation: Based on the nature of the offenses (not related to water or wastewater), the length of time since the offenses, and the fact that the applicant was previously approved by the Board for his water certification on 8/7/19 as recommended by Gary Moyer in a June 22, 2019 email, it is recommended that the certificate be approved for this applicant. Ms. Roland motioned to approve the license for the CHR for wastewater applicant 342299. Mr. Steffy seconded the motion. Motion carried with no objections.

Mr. Chescattie motioned that the board approve the draft letter and confidentiality statement that Mr. Cantwell plans to provide to Ohio EPA counsel regarding reciprocity. Mr. Kyle seconded the motion. Motion carried with no objections.

Extension Requests

Operator ID 304759 requested an extension request of his WWC-1, which expired on December 31, 2019, due to medical circumstances. Mr. Kyle motioned to table this request pending the applicant providing additional documentation they obtain from the associated health care provider. Ms. Roland seconded the motion. Motion carried with no objections.

Operator ID 302449 requested an extension request of his WWC-1, which expired on December 31, 2019, due to staffing cuts at his place of employment and also having a young child and having to provide childcare while his partner works. Mr. Chescattie motioned to approve this extension request until February 28, 2020. Other Board members present failed to second the motion; therefore, Mr. Chescattie's motion died. Ms. Roland motioned to deny this request for extension. Mr. Steffy seconded the motion. Mr. Kyle voted in favor of Ms. Roland's motion. Motion carries, with one opposition.

Consent Order and Agreements (CO&A)

The Board acknowledges the findings of the CO&A which was executed on February 04, 2020, between the Commonwealth of Pennsylvania Department of Environmental Protection, Northwest Region Safe Drinking Water Program and Ms. Chelsea L. Blakely. This CO&A results in Ms. Blakely surrendering her Water Operators License No. W23304. Ms. Blakely also

agrees to never seek reinstatement of Certificate W22304, and shall never apply for a new water or wastewater system operators' certificate, by examination or otherwise under the Operators' Certification Act or Regulations, and shall never operate, be designated as the operator in responsible charge, and/or supervise the operation of a water or wastewater system, in whole or part, within the Commonwealth of Pennsylvania. A copy of this CO&A will be added to Ms. Blakely's file.

Ms. Roland motioned to deny the application for Mr. John Lisle. Mr. Steffy seconded. Motion carried with no objections. The Board consensus was that Mr. Lisle would need to resubmit his application after obtaining the signature of a properly certified operator who holds the appropriate subclass. Mr. Lisle Attempted to use Ms. Blakely's signature to verify his experience. As per the CO&A, Ms. Blakely is not a properly certified operator.

Mr. Chescattie motioned, and the meeting was adjourned at 12:37pm.