

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

**Board Meeting Minutes
October 16, 2013
10th Floor Conference Room
Conference Call Meeting**

Board Members Present

Joseph Swanderski
Michael Kyle
Mary Roland
Curt Steffy
Phil Consonery, Bureau of Safe Drinking Water (BSDW)
Cheri Sansoni, Board Secretary
Patrick Bair, Legal Counsel

Board Members Absent

John Schombert

Non Board Members Present

Robert Altenburg, Policy Office
Sean Gimbel, OWM Office
Scott Noldy, BSDW
Julianne Burke, BSDW
Ian Scott Sykes, BSDW

Mr. Swanderski called the meeting of the State Board for Certification of Water and Wastewater System Operators (Board) to order at 10:02 AM.

Criminal History Report

Ms. Sansoni presented the CHR on behalf of the review committee regarding applicant client ID 227296, one count of disorderly conduct, M3, September 2, 2008. The review committee recommended that the Board approve certification for this applicant. Mr. Swanderski motioned to issue the license. Mr. Kyle seconded the motion. The vote was unanimous. Motion carried.

Approval of June 18, 2013 Minutes

As indicated in the August 13, 2013 Board meeting, the June 18, 2013 minutes were tabled until this meeting so that the revision of the *Certification Program Credit Toward Opposite Industry Experience Requirements* policy could be reviewed from the August 13, 2013 minutes. Mr. Kyle requested an additional correction to the June 18, 2013 meeting minutes, under Old and New Business, second paragraph, “and William Shakely will be replacing him.” Mr. Kyle requested “as Board counsel” be added to this sentence; therefore the sentence would read, “and William Shakely will be replacing him as Board counsel.” Mr. Kyle motioned to approve the June 18, 2013 minutes as amended. Ms. Roland seconded. The vote was unanimous. Motion carried.

Approval of August 13, 2013 Minutes

Mr. Swanderski noted an error in the August 13, 2013 minutes. On page 1, top page heading, “August 18, 2013” should be changed to “August 13, 2013”. Mr. Kyle motioned to approve the minutes as amended. Mr. Swanderski seconded. The vote was unanimous. Motion carried.

Approval of New, Upgrades and Reciprocity Applications

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

Reciprocity Requests

The following reciprocity application was presented to the Board.

Water

Zachary Martin - Holds a Class III water certificate in Ohio that expires 12/31/13. He has over 9 years' experience working at various Class AE systems using subclasses 1,2,4,7,8,9,10,11,12.

The Department recommendation is to issue a WAE 1,2,4,7,8,9,10,11,12. Mr. Swanderski motioned to issue the license as recommended by the Department. Ms. Roland seconded. The vote was unanimous. Motion carried.

Denials of Applications for Certification Renewal

All operators whose certifications were expiring September 30, 2013, and had not yet taken the new mandatory "Securing Drinking Water and Wastewater Facilities" security course were mailed a letter informing them to do so on March 9, 2013. The course is required in 25 Pa. Code Chapter 302. The renewal application also includes language informing them to take the training by their certificate expiration date.

The following operators were contacted prior to the expiration date of their certification on September 30, 2013 to inform them that they still needed to take the mandatory security training. They met their hourly training requirement but did not take the security training.

Name	Type	ID	Region	Fac ID	Training Hours
Albert Call	GP Water	193375	SW	5040371	30.5
Kenneth Gareis	GP Water	198700	SW	5040371	34.5
Terry Torrence	GP Water	200763	SW	5040371	17.5
Cecil Gallup	GP Wastewater	235746	NW	Not Connected	17.5

§302.804(b) (relating to system security training requirements) states, "A certified operator shall meet the system security training requirement in the certified operator's first renewal period commencing on or after September 18, 2010." The Board decided that these operators received ample notification regarding the new requirement to take the mandatory security course. Mr. Kyle motioned to deny certification renewal to these operators due to failure to take the mandatory security training. Mr. Swanderski seconded. The vote was unanimous. Motion carried.

Chapter 302: Three-Year Regulatory Fee and Program Cost Analysis Report

As stated under regulations §302.202(l) (relating to operator certification program fees), "the Department will review the adequacy of the fees established...at least once every three years and provide a written report to the Environmental Quality Board (EQB)." Mr. Consonery presented the "3-year Regulatory Fee and Program Cost Analysis Report" to the Board. Mr. Consonery extensively reviewed the contents of this report before the Board and, in summary, stated that the Department would not be requesting any modification to the established fees in this review cycle as a result of the current analysis. The Board requested to have the minutes reflect that it has reviewed the "3-year Regulatory Fee and Program Cost Analysis Report" as a draft report, and is satisfied with the level of documentation and information. This report will then be submitted to the EQB at a future date.

Neely Falsification

Mr. Bair informed the Board that Mr. Shakely is reviewing policy regarding the Board's legal responsibilities pertaining to suspensions, revocations, or modifications of an operator's certification. Counsel will present an opinion at the next meeting on December 10, 2013.

Regarding the Board's request to refer Mr. Neely for criminal investigation, Mr. Bair presented options to proceed including referring the case to the Commonwealth's Attorney General's office and/or the District Attorney's office. The Board again felt strongly that the matter of criminal investigation be pursued and requested that Mr. Bair refer this to the Attorney General's office. Counsel will update the Board at the next meeting on December 10, 2013.

Board Secretary Report

Ms. Sansoni presented the following extension requests:

Joseph Bonamico Sr. - WWC1, 2 certification expired on June 30, 2013. He completed 26.5 hours of the 30 hours required. He is requesting an extension due to personal issues and work deadlines. Mr. Kyle motioned to deny the extension. Ms. Roland seconded. The vote was unanimous. Motion carried.

Brook Darkes - WC12 certification expired on September 30, 2013. He completed 31.5 hours of the 30 hours required. Mr. Darkes called the Operator Certification Program on October 1, 2013, after his certification expired to obtain his renewal application. He reports he did not receive the March 2013 letter informing him to take the security course nor did he receive his renewal application prior to the expiration date. Ms. Sansoni verified that the address on file in eFACTS is correct. He is requesting an extension because he did not receive either document to inform him to take the security training. He has since taken the security course after his expiration date. Mr. Kyle motioned to deny the extension request because he felt there was adequate advertising of the security training. Ms. Roland seconded. Mr. Consonery opposed. The majority voted in favor. Motion carried by majority.

Gary Stankevich - WE certification expired on September 30, 2013. He completed 16 hours of the 15 hours required; however, he did not take the mandatory security course. The Department received his renewal application after it expired on October 2, 2013. He did not complete the security training course because he did not think this requirement applied to Class E operators. He also stated he has had extenuating family circumstances for the past six months. Mr. Swanderski motioned to deny the extension request since Mr. Stankevich received the security course reminder letter and did not comply. Mr. Steffy seconded. The vote was unanimous. Motion carried.

There was discussion regarding operators who have met their continuing education requirement but had not taken the security course as required before the end of their 3-year cycle. The Board agreed that operators in this circumstance should be offered the opportunity to complete an extension application and the Board will review these requests on a case by case basis.

Establish 2014 Board Meeting Dates

Ms. Sansoni presented the tentative Board meeting schedule for 2014:

February 12	10:00 – 1:00	10 fl. Conference Room in RCSOB
April 16	10:00 – 1:00	10 fl. Conference Room in RCSOB
June 18	10:00 – 1:00	10 fl. Conference Room in RCSOB
August 13	10:00 – 1:00	10 fl. Conference Room in RCSOB
October 16	10:00 – 1:00	10 fl. Conference Room in RCSOB
December 10	10:00 – 1:00	10 fl. Conference Room in RCSOB

Mr. Swanderski motioned to approve the above dates for 2014's Board meetings. Mr. Steffy seconded. The vote was unanimous. Motion carried.

Test Question Challenge

An operator challenged a question on the WWGEN exam from the October 10, 2013 Beta online session, stating that the question is vague, and requested his score be increased by 1 point. Mr. Consonery and Mr. Sykes explained that the proctor instructions prior to the exam session inform operators they can raise concerns about an exam question by completing a question evaluation form. These questions are tracked. A subject matter expert (SME) may be consulted to review this question and any questions that have abnormal pass or fail percentages. The operators are not informed of the results of this review, and there has never been precedence where an operator's score has been changed. The Board directed Ms. Sansoni to reiterate to operators who challenge exam questions that a question may be reviewed for accuracy by a SME, but the operator's score will not be changed.

Old and New Business

Ms. Sansoni presented the proposed 2014 operator certification exam schedule. There will be approximately 1,600 exams offered in 2014. There are a couple of dates that have not been verified, but once these are confirmed, the schedule will be finalized and posted on the operator certification website in mid-December 2013. On-line exams will be added at a later date after confirming with the Department's regional offices. Language will also be included requesting operators not to schedule successive exam sessions, as this will allow more operators to have access to exam dates. Operators should wait to receive their exam results before scheduling any further exam sessions. Ms. Roland motioned to accept the tentative 2014 operator certification exam and, when finalized, release this to the public. Mr. Swanderski seconded. The vote was unanimous. Motion carried.

Mr. Sykes informed the Board that the Available Operator Report had been mailed out to the systems, and annual fees are being collected. He also stated the Department is tracking systems that do not have appropriately certified operators.

Mr. Swanderski motioned to adjourn the meeting at 12:08 PM.