

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

**Board Meeting Minutes
February 11, 2015
10th Floor Conference Room**

Board Members Present

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

Board Members Absent

John Schombert
Dr. Ronald Neufield

Non Board Members Present

Roland Gensel, BSDW
William McNamara, BSDW
Scott Sykes, BSDW
Dorena Tenaglia, BSDW
Dawn Hissner, BSDW
Thomas Brown, Bureau of Point and Non-Point Source Management (BPNSM)
Robert Digilarmo, BPNSM

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 (CHR)

Ms. Sansoni presented the CHRs on behalf of the review committee.

The 9 clients (IDs: 310437, 313158, 302251, 314351, 314343, 315289, 315301, 299104, 301033) presented were all investigated summaries/misdemeanors and unrelated to any facility. Therefore, no votes were needed. Mr. Swanderski asked for any questions from the Board members regarding the CHRs. Mr. Kyle asked why there were so many CHRs presented. Ms. Sansoni explained that she had not yet informed the new certification staff that Summary and Misdemeanor offenses do not need to be forwarded for investigation. The Board had previously agreed not to investigate CHRs unless the convictions involved a felony and/or crimes related to a water or wastewater facility. Ms. Roland, Mr. Cantwell, Mr. Sykes and Mr. Moyer currently conduct investigations, discuss the findings, and reach consensus for recommendation to the Board. Ms. Roland agreed to continue assisting with the CHR process.

DEP Acting Secretary John Quigley entered the meeting at 10:10 AM to meet the Board members. He thanked all the members and DEP's Certification Program staff for their hard work. Acting Secretary Quigley told the group about his past experiences and work history and asked for any questions before departing. Mr. Swanderski thanked him and thanked the Operator Certification staff for their outstanding work.

The meeting resumed at 10:19 AM.

Approval of December 10, 2014 Minutes

Mr. Kyle motioned to approve the December 14, 2014 minutes as written. Mr. Swanderski seconded the motion. The vote was unanimous. Motion carried.

Approval of New and Upgrade Applications

The new and upgrade applications were presented to the Board for approval. Mr. Steffy asked if an Operator in Training (OIT) is presented to the Board again for approval after the operator has the required experience and submits paperwork. Ms. Sansoni explained that an OIT is initially approved by the Board and once experience is proved, they are issued a certificate. Ms. Roland motioned to issue licenses for all new and upgrade applications on the Evaluation Summary Report. Mr. Steffy seconded the motion. The vote was unanimous. Motion carried.

Ethics and Compliance Issues

DEP staff member Thomas Brown informed the Board about violations, investigations and sanctions in various situations happening around the state that have become a major issue. In these investigations, operators have been falsifying data and claiming ignorance of their permits and the Chapter 302 regulations. Whistleblower calls have brought attention to several of the issues, and recently, two prosecuted operators' defenses stated that DEP hadn't informed them about the regulations and claimed no knowledge of the regulations. Mr. Brown recommended that training be developed for operators to inform them of their permit responsibilities by either adding operator ethics to the mandatory security training course or including operator ethics training as a separate mandatory training course.

DEP staff proposed adding the statement "*I acknowledge that it is my responsibly to read and understand all regulations, rules and permits relating to a treatment facility for which I provide operational services*" to the initial certification application and renewal applications and requiring the operator's signature to acknowledge this statement. The goal is to close the loophole where operators can claim ignorance about the requirements and state they didn't know they were required to read the permit. This statement would assist the enforcement staff in taking action against operators.

Mr. Swanderski suggested a few changes to the language, and Ms. Sansoni stated that this statement is not final and will be forwarded to legal counsel for their input. Ms. Hissner stated she is working toward adding language on the Available Operator Report (AOR) where the owner will be required to sign and verify that a copy of the permit has been provided to the certified operators.

Mr. Swanderski and Ms. Roland inquired if any training or follow up will occur advertising this amendment. Ms. Sansoni pointed out that the Chapter 302 regulations and the Operator

Handbook links are posted on the homepage of DEP's operator certification web page. She also informed the Board that a flyer containing the regulations and the Operator Handbook web links is enclosed with all licenses mailed. Mr. Cantwell recommended that staff forward the new language to program counsel for approval. In closing, Mr. Brown and Mr. Digilarmo wanted the Board to be aware of the problem and welcomed any guidance. Mr. Kyle motioned to have staff add the language to both the renewal and page 2 of the certification applications, once approved by counsel. Ms. Roland seconded the motion. The vote was unanimous. Motion carried.

Reciprocity Requests

The following water reciprocity application was presented to the Board:

Grover Buracker – Holds a Virginia water class 3 certification that expires on February 28, 2015. He has 3 years, 1 month experience working at the Frederick County Sanitation Authority, which is a Class B facility using subclasses 2, 8, 11.

The Department's recommendation is to issue a WB 2, 8, 11 certificate. Mr. Kyle motioned to issue the license as recommended by the Department. Mr. Steffy seconded the motion. The vote was unanimous. Motion carried.

The following wastewater reciprocity applications were presented to the Board:

Grover Buracker - Holds a Virginia wastewater class 1 certification that expires February 29, 2016. He has 7 years, 1 month experience working at Parkins Mill WWTF, which is a Class A facility using subclasses 1 and 3.

The Department's recommendation is to issue a WWA 1, 3 certificate. Mr. Swanderski motioned to issue the license as recommended by the Department. Ms. Roland seconded the motion. The vote was unanimous. Motion carried.

David Husted – Holds a Florida wastewater class C certification that expires August 30, 2015. He has 6 years, 7 months experience working at City of Holly Hill WWTP, which is a class B facility using subclass 1.

The Department's recommendation is to issue a WWB1 certificate. Mr. Steffy motioned to issue the license as recommended by the Department. Ms. Roland seconded the motion. The vote was unanimous. Motion carried.

Denials of Applications for Certification Renewal

There were no denials to present to the Board.

Statewide Operator and Exam Statistics

Handouts were provided showing statistics for both online and paper examinations combined. William McNamara explained that exam content is being reviewed and modules are being revised for low pass rate exams. For exams that are less than a 50% pass rate, P values (pass rates) will be closely reviewed for the W4, W9, W11, W12, and the WDC. The number of exams takers can influence the percentages. Questions that have a 32% or less pass rate are

considered to be a poor question, and rotator questions will be considered for use or other possible answers to be used without fully rewriting the questions.

Water - A revised training module was used this year for hypochlorite as a different approach to be done by training providers via a letter agreement while keeping it a DEP course. There was a 75% pass rate for those that complete the hypochlorite training course, which helped boost the pass rate percentage. W5 had a 98% pass rate. P values of 92% or greater will be reviewed to determine if questions are too easy. If so, the questions may be revised. The W9 and W11 exams are due for module revisions this year.

Wastewater - There is an ongoing struggle with the pass rate for the WWGEN exam. WW2 exam is being reviewed because the pass rate has been 40% for a number of years. A workgroup is looking at ways to revise the general exam training modules and is planning to finish their review by the fall. Mr. Kyle asked if the Board will rewrite all exam questions in the future. Mr. McNamara stated that rewriting exams begins with the job analysis, and at some point there will be consideration to putting a team together to look at the exams. Mr. Consonery asked that this process be delayed for at least a year.

Annual Status Update of the Operator Certification Program

Mr. Consonery stated that he would provide complete statistics for the previous year at the first Board meeting of each calendar year. Exam statistics were provided showing an upward trend in certified operators because of the recent increase in exam availability. The amount of exams being offered are adequate and match the numbers offered prior to DEP staff furloughs in late 2009. In 2015, 2,500 seats are available for testing. Subclass exams almost doubled, continuing the upward trend. Newly issued certificate numbers have also increased. Reciprocities and upgrades issued were well above historical levels. Total training contact hours earned in each year were rather steady for both water and wastewater. Cumulative total approved courses showed more offerings and approved courses available for operators to take.

Board Secretary Report

Ms. Sansoni presented the following extension request:

Geraldine Ramsier had a WWAE 1-4 license that expired 12/31/14. She had enough training hours but did not take the mandatory security course. Ms. Ramsier requested a medical extension and provided medical documentation. Ms. Roland motioned to allow a three month extension of her wastewater certificate until 3/31/15 to take the security course. Mr. Kyle seconded. The vote was unanimous. Motion carried.

Old and New Business

Mr. Consonery reported that Mike Klein and Mike Snyder of the PaWARN program (Pennsylvania's Water/Wastewater Agency Response Network) both made a similar inquiry. In the context of a PaWARN-type of response, can an operator from another drinking water or wastewater system, including out-of-state systems, operate the treatment plant or distribution/collection system if that operator does not hold the appropriate Pennsylvania certificate classes or subclasses? In other words, can an operator without an appropriate certificate make process control decisions at a system in Pennsylvania that is affected by an

emergency? Mr. Consonery said the short answer is yes, so long as the operator from another system:

1. Follows a direct order from the affected system's operator-in-responsible-charge; or,
2. Follows a set of written standard operating procedures (SOPs) that are approved by the affected system's operator-in-responsible-charge.

Ultimately, the operator-in-responsible-charge at the affected system bears the responsibility for the decisions and the operation of the plant and system during his or her watch.

Mr. Consonery addressed the review of the Board bylaws for an update because they have not been revised since 2002. He expressed a concern regarding weakness of attendance and asked if that area can be tightened up. Discussion ensued about a minimum attendance rate of 50%. Mr. Consonery asked the Board to review the bylaws and provide input by the next meeting. The Board agreed. Mr. Consonery reminded the Board about the Certification Program Advisory Committee (CPAC) meeting was scheduled for March 11, 2015. Ms. Sansoni stated she will send out the dates for the CPAC meetings and the bylaws.

Mr. Swanderski motioned to adjourn the meeting at 12:09 PM.