

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE BOARD FOR CERTIFICATION OF
WATER AND WASTEWATER SYSTEMS OPERATORS
Board Meeting Minutes
April 16, 2013
10th Floor Conference Room**

Board Members Present

Joe Swanderski, Chairman
Michael Kyle
Curt Steffy
Mary Roland
Dr. Ronald Neufeld, via conference call
Phil Consonery, Bureau of Safe Drinking Water (BSDW)
Patrick Bair, DEP Legal Counsel
Cheri Sansoni, Board Secretary

Board Members Absent

John Schombert

Non Board Members Present

Sean Gimbel, Policy Office
Julianne Burke, BSDW
Scott Noldy, BSDW

Joe Swanderski called the meeting of the State Board for Certification of Water and Wastewater Systems Operators to order at 10:03 AM.

Criminal History Report

There were no criminal history reports to present to the Board.

Approval of February 12, 2013 Minutes

Michael Kyle motioned to approve the minutes as written. Mary Roland seconded. The vote was unanimous. Motion carried.

Approval of New and Upgrade Applications

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

Reciprocity Requests

The following wastewater reciprocity applications were presented to the Board:

Nicholas Reiss – Holds an N4 New Jersey Wastewater certificate that expires on 9/30/13. He has 10 years, 6 months experience working at the Sunoco Eagle Point Wastewater plant, which is an A size plant using Activated Sludge (WW1) and Collections Systems (WWE4).

The Department's recommendation was to issue a WWAE 1,4 certificate. Michael Kyle motioned to issue the WWAE 1,4 license. Curt Steffy seconded. The vote was unanimous. Motion carried.

William Deter – Holds a Class 1 Wastewater Operator certificate in Ohio that expires 12/31/13. He has 5 years, 5 months experience working at the Ohio Valley Coal WWTP, which is a D size system using Activated Sludge (WW1).

The Department's recommendation was to issue a WWD 1 certificate. Joe Swanderski motioned to issue the WWD 1 license. Mary Roland seconded. The vote was unanimous. Motion carried.

Gregory McFadden – Holds an Industrial 6 Wastewater certificate in Maryland that expires 10/01/14. He has 4 years, 6 months experience working at the FMC Baltimore APG Facility, which is a C size system using Treatment Ponds & Lagoons (WW3) and Collections Systems (WWE4). He has also worked at several D size plants that use Activated Sludge (WW1). He has a criminal history report with a M2 DUI on 4/2/94.

The Department's recommendation was to issue a WWCE 1,3,4 certificate. Michael Kyle motioned to issue the WWCE 1,3,4 license. Joe Swanderski seconded. The vote was unanimous. Motion carried.

Peter Neely – Holds a S3 Public Wastewater and C3 Collections certificate in New Jersey that expires 9/30/13. He has 3 years of experience working at the Jackson Twp. MUA Maple Glen STP, which is a class B system using Activated Sludge (WW1), Fixed Film (WW2), and Treatment Ponds & Lagoons (WW3). He worked in two other C size plants that used all three subclasses and Collections Systems (WWE4).

Curt Steffy asked whether the certification program regulations state that an operator must have passed examinations in the other state in order to be granted reciprocity in Pennsylvania, since New Jersey's certification program indicated Mr. Neely had not taken exams to obtain his certification. Ms. Sansoni stated that the regulations read that a reciprocity applicant must demonstrate that the out-of-state certificate was issued as a result of passing an examination comparable to one administered by the Board. The question then arose as to whether Mr. Neely had received his New Jersey license through testing, through reciprocity with another state, or through grandfathering.

Mary Roland motioned to table the application, pending further information from New Jersey regarding how Mr. Neely received his license. Joe Swanderski seconded. The vote was unanimous. Motion carried.

Allan Wise – Holds a N4 Industrial Wastewater certificate in New Jersey that expires 9/30/13. He has 12 years of experience working at Apollo Metals, which is a class C plant that uses UV, Oxidation, Sludge Press, Separation Sedimentation and Cyanide Destruction technologies. He has 1 year, 10 months of experience working at a class A plant that uses Activated Sludge (WW1) and Collections Systems (WWE4).

The Department's recommendation was to issue a WWCE 1,4 certificate. Mary Roland motioned to issue the WWCE 1,4 license. Curt Steffy seconded. The vote was unanimous. Motion carried.

Kenneth Yudichak – Holds a S2 Public Wastewater and C3 Collections certificate in New Jersey that expires 9/30/13. He has 12 years of experience working at Hackettstown MUA, which is a class B plant using Activated Sludge (WW1), Fixed Film (WW2), Treatment Ponds and Lagoons (WW3), and Collections Systems (WWE4).

The Department's recommendation was to issue a WWBE 1,2,3,4 certificate. Curt Steffy motioned to issue the WWBE 1,2,3,4 license. Michael Kyle seconded. The vote was unanimous. Motion carried.

Denials of Applications for Certification Renewal

There were no denials presented to the Board.

Americans with Disabilities Act Accommodation Request

Ms. Sansoni presented an operator's request for a private examination. No medical documentation supporting this accommodation was provided with the request.

Patrick Bair suggested that Ms. Sansoni use the Legal Division's medical accommodation form to solicit information from the operator's doctor regarding appropriate accommodations. The Board would then discuss which accommodations could be reasonably made. Mr. Swanderski noted that if a private examination were to be given, a DEP proctor would need to give the exam for test security purposes, as opposed to a wage payroll proctor.

Mary Roland motioned to table the request, pending information from the operator's doctor regarding appropriate accommodations. Curt Steffy seconded. The vote was unanimous. Motion carried.

Operator Falsification

Ms. Sansoni presented the case of Marlon Worthy, a water operator employed in the field who was discovered to have falsified his licensed by altering both his examination results letter and his actual license to indicate that he had passed the examination and had been awarded subclass 12. Mr. Worthy declined to attend the Board meeting.

Mary Roland motioned to suspend Mr. Worthy's license for 25 years. Curt Steffy seconded. The vote was unanimous. Motion carried.

Board Secretary Report

Ms. Sansoni presented the following continuing education extension request:

James Fratangelo, Jr. requested an extension of his WAE 1,2,3,5,7,8,11,13 water license, which expired 3/31/2013. He had completed 0 hours of the required 30. Mr. Fratangelo explained that his correspondence course materials had been stolen from his vehicle on February 28th, 2013. He did not, however, want to spend money reordering the materials until he had confirmed that he was eligible for an extension. No police report was included with the extension request.

Because Mr. Fratangelo had a month to reorder the materials or obtain the credit hours elsewhere, the Board decided not to grant the request. Michael Kyle motioned to deny the request. Mary Roland seconded. The vote was unanimous. Motion carried.

In addition to the extension request, Ms. Sansoni had several other matters to discuss with the Board. First, she asked for clarification of the Board's stance on whether or not the Board wishes to review all the applications of operators who do not have a high school diploma or GED, as per 25 Pa. Code § 302.701 (relating to minimum education requirements), which states that the Board may grant an exemption to the education requirement for operators who had been working in the industry prior to February 21, 2002. The Board indicated that it did not wish to review these applications and would grant automatic exemptions unless the operator's experience warranted review.

Ms. Sansoni also asked for clarification of the procedures for processing and evaluating reciprocity applications as laid out in the Board Guidelines. The guidelines state that no more than 25% of an operator's experience may be within Pennsylvania. It was noted that this stipulation does not appear in the regulations, and Legal Counsel Patrick Bair stated that the Board has the authority to create such a policy but that it cannot conflict with the regulations.

Because the stipulation does not appear in the regulations, Mary Roland motioned to remove the stipulation from the Board Guidelines. Michael Kyle seconded. The vote was unanimous. Motion carried.

New and Old Business

Phil Consonery presented for approval the position description for the new Water Professional Exam Proctor classification, which had been created as a separate classification from the current wage payroll OAPP proctors.

The Board approved of the description, with the exceptions of #7 and #9 under the Essential Functions section. #7 stated that a proctor must be able to "Legally operate a motor vehicle," and #9 stated that a proctor must be able to "Lift up to 50 lbs." Since there are no circumstances under which a proctor would have to lift more than 25 lbs., the Board decided that the lifting requirement should be lowered from 50 lbs. to 25 lbs.

Regarding the ability to legally operate a motor vehicle, Patrick Bair explained that this cannot be a job requirement because it discriminates against people with disabilities who could find alternate transportation to an exam site. #7 would have to be removed from the job description.

Curt Steffy motioned to approve the job description with the changes discussed. Mary Roland seconded. The vote was unanimous. Motion carried.

Mr. Consonery also explained to the Board that the Chapter 302 fees are due for their 3-year review this fall, per § 302.202 (relating to operator certification program fees). He suggested that the Board serve as the official advisory body for review, as the Board is in the best position to review the fiduciary elements of the Certification Program. After a fee analysis report is approved internally within the Department, he will present a summary of revenue and expenses for the past two years, projections for the current state fiscal year ending June 30, and projections for the next three fiscal years. Joe Swanderski voiced the Board's primary concern, that it be informed of any increase in fees and where the money would be spent.

Contingent upon the completion of the Department's internal review by mid-summer, it was decided that the analysis report would be reviewed at the August Board meeting, and Mr. Consonery would strive to provide the Board with a draft summary 30 days in advance. Tentatively, the Department will present the final report to the Environmental Quality Board in October.

For the final topic of new and old business, Cheri Sansoni proposed adding the following language to the Extension Request form:

Note: It is the operator's sole responsibility to ensure that all continuing education requirements are met, and the operator bears full responsibility if his or her license expires without having met all continuing education requirements. The act of sending this extension application neither constitutes a guarantee that an operator is eligible for extension nor that an extension will be granted. Only the State Board for Certification of Water and Wastewater Systems Operators can grant an extension of an operator's renewal cycle to obtain their continuing education requirements. The operator assumes full risk of losing their license if an extension is not granted and continuing education requirements have not been met for certification renewal.

The Board approved of the language but did not vote upon it.

Michael Kyle motioned to adjourn the meeting at 11:50 AM.