

BOARD OF CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT FACILITIES

Meeting Minutes: January 5, 2011

**Members in Attendance: Julia Forgue, Frank McLynch, Dr. Gene Park,
Bill Patenaude and Jon Schock**

Others in Attendance:

Traci Pena and Marisa Desautel – DEM. Carmine Goneconte, John Lombardi and Art Sheridan, NBC – Fields Point WWTF. Dave Robbins and Dan Gorka—Cranston WWTF. Doug Fiore and William Rearick—Tiverton High School

The January 5, 2011 meeting was called to order at 9:30 a.m. The first order of business was the review of the draft December 2010 meeting minutes.

Mr. Schock motioned to approve the December 2010 meeting minutes. Mr. Patenaude seconded the motion. With all eligible members present voting in favor, the motion passed.

The next item discussed was that of Tiverton School Department (Tiverton). Mr. Doug Fiore and Mr. William Rearick were in attendance representing the Tiverton School Department in response to a letter sent by the Board to Mr. Fiore, who holds the position of Director of Finance & Administration of the Tiverton School Department. The

letter stated that the school department's consulting engineer, Mr. Robert Atwood, who possesses a Grade 2 provisional license, will not be allowed to extend said license based on his qualifications; as such, with Mr. Atwood's license set to expire on April 6, 2011, the school department will have to provide a plan to come into compliance with the Grade 2 licensure requirements. While there was some discussion outside of the Board's licensure process that the facility may seek to terminate its surface-water disposal facility, should the current facility configuration and discharge location in fact remain in place, Tiverton would be required to provide an on-site "full-time" Grade 2 operator to have appropriate oversight of plant operations and maintenance. Tiverton reported that the Grade 1 licensee applied to take the Winter 2011 exam and signed up for the math course. Messrs. Fiore and Rearick noted that they wished to show good faith and were making efforts to be compliant.

Messrs. Fiore and Rearick left the meeting.

The next item, Mandatory Retraining and the draft Regulations were put on hold pending discussion with the newly appointed Director of DEM, Janet Coit, as well as from the Association.

The next item discussed was operator applications:

The Board received an application from Mr. John Lombardi, an employee at the NBC Fields Point facility. Mr. Patenaude noted that

Lombardi's application was before the Board because his position appeared to be outside of operations. The duties of the position in question—one recently developed by the NBC—involves developing and maintaining computer based process control systems that assist in the operation and maintenance of the wastewater treatment facility and CSO tunnel system. Mr. Schock stated that all facilities need to make their definitions fit the Board's regulations and thought the position had more to do with information technologies than operations. Mr. Patenaude agreed with Mr. Schock that the position appeared to be related to operational support services, not operations. Mr. Schock expressed his concerns that such a position, if licensed, would be able to work at any plant in the State of Rhode Island without having experienced what is normally considered to be plant operations. Mr. Goneconte reminded the Board that the position was a new one, and it was a necessary evolution of operations given the highly advanced control systems that run wastewater facilities in the twenty-first century. Mr. Sheridan explained that the position involved more than providing assistance to plant operations; this made it critical that the individual in that position be proficient in plant processes. Mr. Sheridan stated that the position responsibilities included developing computer instructions that would increasingly and directly impact plant operations. Mr. Patenaude questioned if the required knowledge of wastewater operations had more to do with training than licensure—the answer to which has significant impacts on whether a state licensing board should authorize a new position for consideration as an “operator.” He gave the example of other

industries, such as the pharmaceutical or the soft-drink industries that have advanced computer controlled systems; the control system technicians in such industries are not necessarily the equivalent of pharmaceutical or chemical engineers. Mr. Patenaude also noted that the NBC required that the position obtain Grade 1 licensure without first seeking a determination if the Board would even issue such a license to this new position; Mr. Patenaude noted that this was a separate, industry-wide issue for later discussion. Ms. Forgue noted that this new position appeared to be one connected with operations, and as such, Mr. Lombardi should be able to sit for the exam, as any grade 1 operator needs to go through some amount of training. Dr. Park agreed, noting that the present era of computer-control systems required that such positions have a good working knowledge of operations. Mr. McLynch noted that while he would be more comfortable if the position had more hands-on experience in operations, he concurred with Dr. Park and Ms. Forgue.

Ms. Forgue made a motion to allow the applicant, Mr. John Lombardi, to sit for the Grade 1 Winter 2011 exam. Mr. McLynch seconded the motion. Dr. Park, Ms. Forgue and Mr. McLynch voted in favor of the motion; Messrs. Patenaude and Schock voted against. As such, the motion passed with the majority voting in favor.

Messrs. Lombardi, Goneconte and Sheridan left the meeting.

The next application to be discussed was Mr. David Robbins who is

applying for Grade 3 licensure through examination. Mr. McLynch recused himself from any discussion of this matter, as he is employed at the Cranston Waster Pollution Control Facility. Mr. Patenaude briefed the Board that it had earlier denied Mr. Robbins' May 2010 exam application. Mr. Patenaude questioned Mr. Robbins and Mr. Gorka on the position's job duties, and its supervisory functions. This discussion resulted in a determination that, per the Board's definitions, Mr. Robbins is an "Operations Supervisor" as he oversees two or more operators who are themselves in direct responsible charge. This information was confirmed by Mr. Gorka. After further discussions on the position in question, Mr. Patenaude noted that while it appeared that Mr. Robbins seemed otherwise qualified for this position, facility management was at fault for placing Mr. Robbins in this position without first seeking to secure the necessary licensure. As such, Mr. Patenaude suggested that that matter was not one that should impact Mr. Robbins' application, as he was placed in this position and appears to meet the qualifications of Grade 3 examination.

Mr. Patenaude made a motion to allow Mr. Robbins sit for the Grade 3 Winter 2011 exam. Ms. Forgue seconded the motion. With all members present voting in favor, the motion passed.

Messrs. Gorka and Robbins left the meeting.

Per §42-46-5(a)(4) Mr. Patenaude motioned to convene into executive

session in order to discuss an issue at a Rhode Island wastewater treatment facility related to possible civil or criminal misconduct. Ms. Forgue seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Ms. Forgue, Mr. Schock and Dr. Park all voting in the affirmative. Because of the possibility of a conflict of interest, Mr. Patenaude asked that McLynch not be present for the first item to be discussed during executive session, at which point Mr. McLynch left the room.

After discussions, Mr. Patenaude motioned to send a letter of reprimand to a facility superintendent regarding violations of the Board's regulations related to operator qualifications and licensure; in addition, the Board would order that for one calendar year from the receipt of this letter, any and all proposed staffing changes and/or additions involving licensed wastewater operators at this wastewater treatment facility must receive prior review and approval by the Board. As Chair, Mr. Patenaude would be authorized to approve minor changes or additions after an appropriate review; however, more involved issues may require review and approval by the full Board at their regularly scheduled meetings. Mr. Schock seconded the motion. With all members voting in the affirmative, the motion passed.

Mr. McLynch returned to the meeting.

After discussions, Mr. Patenaude motioned to deny a Grade 2

applicant to sit for examination because at present the applicant is not considered to be “in good standing” as defined in the Board’s regulations. Should the DEM OWR provide additional information to the Board, the Board may at that time allow the applicant to sit for the Grade 2 exam at a specially arranged time of mutual convenience. Mr. Schock seconded the motion. All members present voted in favor, as such the motion passed.

After discussions, the Board tabled a third issue until the February 2011 meeting pending additional information.

Mr. Patenaude motioned to seal the January 5, 2011 Executive Session meeting minutes. Mr. Schock seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Ms. Fogue, Mr. Schock, Mr. McLynch and Dr. Park all voting in the affirmative.

Mr. Patenaude motioned to resume the meeting into open session. Dr. Park seconded the motion. All members voted in favor. The motion passed with the following roll call: Mr. Patenaude, Ms. Fogue, Mr. Schock, Mr. McLynch and Dr. Park all voting in the affirmative.

Mr. Patenaude noted to the Board that he would write a letter of condolence on behalf of the Board to member Mr. Thomas White, whose mother Daphne passed away days prior to the meeting.

With no further business, Mr. Patenaude motioned to adjourn the meeting. Mr. Schock seconded the motion. All other members present voted in favor, and as such, the motion passed.

The next meeting is scheduled for Wednesday, February 2, 2011 at 9:30 a.m. at the RIDEM Office located at 235 Promenade St., Providence, RI.