

# **BOARD OF CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT FACILITIES**

**Meeting Minutes: March 2, 2011**

**Members in Attendance: Fred Kurdziel, Frank McLynch, Dr. Gene Park, Bill Patenaude, Jon Schock and Tom White**

**Others in Attendance: Traci Pena and Marisa Desautel – DEM.**

**Vincent Furtado**

**The March 2, 2011 meeting was called to order at 9:35 a.m. The first order of business was the review of the draft open January 2011 meeting minutes.**

**Mr. Schock motioned to approve the open January 2011 meeting minutes. Mr. McLynch seconded the motion. With all eligible members present voting in favor, the motion passed. Messers White and Kurdziel abstained as they were not present at the January meeting.**

**The next item discussed were the draft January 2011 executive session meeting minutes.**

**Mr. Schock motioned to approve the executive session January 2011 meeting minutes as amended to correct a grammatical error. Mr. McLynch seconded the motion. With all eligible members present**

**voting in favor, the motion passed. Messers. White and Kurdziel abstained as they were not present at the January meeting.**

**The next agenda item discussed was Operator Licensure Application Reviews. The first issue discussed was a request from Mr. Vincent Furtado of the New Bedford wastewater treatment facility; Mr. Furtado is seeking licensure through reciprocity prior to the submission of a formal application; he is being considered for employment by United Water's operation of the Newport Water Pollution Control Facility as a Grade 3 operator. Mr. Patenaude reviewed the information submitted to the Board, as well as information provided by the Commonwealth of Massachusetts; this information indicates that Mr. Furtado meets all qualifications for Grade 3 reciprocity, contingent on Mr. Furtado being hired as a full-time operator at the Newport WWTF.**

**Mr. Patenaude motioned to approve a Grade 3 license for Mr. Vincent Furtado pending receipt of an application and a finding that all requirements are met. Mr. White seconded the motion. With all members present voting in favor, the motion passed.**

**Mr. Furtado thanked the Board then left the meeting.**

**The next item discussed was the re-grading of the Tiverton School Department (Tiverton) wastewater treatment facility. The Grade 1 operator from that facility took the Winter 2011 exam and unfortunately failed, but not by many points. Mr. Patenaude now has**

**to write a letter to Tiverton as the Grade 2 license for Robert Atwood will be expiring on April 6, 2011 and a full-time Grade 2 operator needs to be onsite. Mr. Patenaude proposed to the Board that an extension be granted until July 1st to allow the operator to take the next exam so Tiverton is in compliance.**

**Mr. Patenaude made a motion to extend the opportunity for the Tiverton School Department to retain a Grade 2 licensed operator to July 1, 2011, thereby giving an applicant the opportunity to sit for the June exam. If by July 1, 2011 the issue is not resolved the Board will review subsequent actions. Mr. White seconded the motion. All members present voted in favor, as such the motion passed.**

**The issue at Briarcliffe is on hold pending the resolution of DEM RIPDES compliance issues.**

**Per §42-46-4 and §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. Mr. Schock seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Mr. McLynch, Mr. Kurdziel, Mr. White, Mr. Schock and Dr. Park all voting in the affirmative.**

**After discussions, Mr. Patenaude motioned to send a letter of**

reprimand to a facility superintendent regarding violations of the Board's regulations related to the improper facility operations and resulting non-compliance; in addition, the Board would be asking that the superintendent include a list of all operators who were involved in the improper operations. Mr. Schock seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Mr. McLynch, Mr. Kurdziel, Mr. White, Mr. Schock and Dr. Park all voting in the affirmative.

Mr. Patenaude motioned to seal the March 2, 2011 Executive Session meeting minutes. Mr. Schock seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Mr. Kurdziel, Mr. White, Mr. Schock and Dr. Park all voting in the affirmative as such the motion passed.

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

The next item discussed was mandatory retraining, as part of the draft regulation process. Mr. Patenaude briefed the Board on his conversation with the DEM's new Director, Janet Coit, regarding her position related to the Board priorities and to mandatory retraining. Director Coit is in support of retraining, as it would enhance the

integrity of the state's licensing program; however, given the condition of state and local budgets and the economy she does have concerns related to imposing new mandates on communities. Two ideas she charged Mr. Patenaude with pursuing were: 1. developing regulatory language to allow the Board to certify the training programs at the state's facilities; and 2. developing some form of random testing of operators. Mr. Patenaude noted that the Board had itself discussed the first item some time ago, and he felt that most facilities would meet whatever training standards would be devised by the Board. Mr. Patenaude suggested that, per Item 2, it was critical to include a feedback mechanism to determine training program effectiveness, both statewide and at individual facilities. Mr. Shock stated that if facilities were implementing training, as Mr. Patenaude noted, he doubted if there was any reason to make such a requirement mandatory. Mr. Patenaude replied that such a training component would be, for the Board's purposes, related to Rhode Island's license having value among other states. Mr. Kurdziel proposed that an IT person could design a web-based survey for each plant to see if training was taking place to measure if training standards are being met; training could then be revised based on those results. Mr. White noted that he is "anxious" to have a training component become part of the RI wastewater licensure program, although he was eager to know more of what a "retesting" component would entail. Mr. McLynch's concern was to not put operators' jobs in jeopardy with a re-testing element; Mr. Patenaude reiterated that such a "re-testing" (or, as Mr. Kurdziel put it,

**“surveying”) would not (and, based on the current statutes, likely could not) be used for such licensure revocation purposes—such “retesting” would only be used for informational purposes to determine the effectiveness of a facility’s training program. Dr. Park’s concern is that the goal of such testing not be punitive; he does not want to generate a negative attitude from within the profession. Mr. Patenaude will draft proposed language and seek Board input at the next meeting.**

**The next issue was the required review of staffing changes at the City of Cranston wastewater treatment facility. Mr. Patenaude noted that he received notice that facility management had hired a new employee that would require a Grade 1 operator’s license. Also, a new Grade 2 operator will be promoted to a position that has been vacated by an individual on extended sick leave.**

**The next item discussed was a request from the American Water Works Association (AWWA) seeking to obtain a list of certified wastewater operators in the State of Rhode Island for the purposes of providing operators with information on their products and services. Mr. Patenaude noted that the Board does not make it a practice to provide such information. Attorney Desautel informed the Board that such information is technically not maintained by the Board; such records are maintained by the Department of Environmental Management, and so the request would have to go through the Open Records Act to that agency.**

**In new business, and related to the request by the American Water Works Association, Mr. Patenaude briefed the Board that he is exploring the development of a Facebook page for operator certification, which would inform individuals to join voluntarily; this social networking option would allow individuals to learn of exam updates, training, renewals and other pertinent information while maintaining their privacy in accordance with Facebook privacy settings. Third parties could also post wastewater-related news and opportunities, but such posting would be moderated and approved by DEM administrators. All members were in favor of this proposal.**

**After discussion Mr. Schock requested to return to Executive session.**

**Per §42-46-4 and §42-46-5(a)(4) Mr. Schock 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. Mr. Kurdziel seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Mr. McLynch, Mr. Kurdziel, Mr. White, Mr. Schock and Dr. Park all voting in the affirmative.**

**A motion was made by Mr. Schock to amend the previous motion made in executive session to include a training session to all individuals involved in the subject incident at a Rhode Island wastewater treatment plant. Mr. McLynch seconded the motion. The**

**motion passed with the following roll call: Mr. Patenaude, Mr. McLynch, Mr. Kurdziel, Mr. White, Mr. Schock and Dr. Park all voting in the affirmative.**

**Mr. Patenaude motioned to seal the March 2, 2011 Executive Session meeting minutes. Mr. Schock seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Mr. Kurdziel, Mr. White, Mr. Schock and Dr. Park all voting in the affirmative as such the motion passed.**

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

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

**The next meeting is scheduled for Wednesday, April 6, 2011 at 9:30 a.m. at the RIDEM Office located at 235 Promenade St., Providence, RI.**