



## BOARD OF CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT FACILITIES

Meeting Minutes: Wednesday, February 1, 2017

**Members in Attendance:** Janet Baldwin, Paul Desrosiers, Julia Forgue, Fred Kurdziel, Frank McLynch, Bill Patenaude, and Jon Schock

**Others in Attendance:** Nicholas Quigley and Kevin Hanley, Synagro  
Christina Hoefsmit, Esq., and Traci Pena, RIDEM

The meeting was called to order at 9:30 a.m.

The Board reviewed the draft November 2, 2016 meeting minutes.

**Mr. Schock motioned to approve the minutes. Ms. Forgue seconded the motion. The motion passed with all eligible members voting in favor. Dr. Baldwin and Mr. McLynch abstained as they were not at the November meeting.**

The next matter discussed was Synagro Licensure. The Board received correspondence on January 19, 2017 that on January 16, 2017 Synagro hired Mr. Nicholas Quigley. Mr. Quigley is not a licensed operator in the state of Rhode Island and lacks experience in the wastewater industry. Mr. Patenaude provided the Board with a summary of historical issues regarding Synagro onboarding new employees, including its previous facility manager, without appropriate licensure. Mr. Patenaude noted there are two issues to be addressed: 1) Mr. Quigley's licensure and 2) Synagro's hiring/licensure issues. Mr. Patenaude suggested that based on Mr. Quigley's resume, the Board could grant a provisional license for six months with the understanding that Mr. Quigley would have to sit for and pass the Grade Two exam in May. Mr. Schock stated that the Regulations state that an individual must possess a Grade Two license and thought Mr. Quigley did not qualify for a provisional certificate. Ms. Hoefsmit relayed that the Regulations for Provisional certificates states that an individual "is able to meet all requirements," which implies the ability if provided the opportunity. Mr. Desrosiers asked if there would be another Grade Two at the facility in the absence of Mr. Quigley.

**After further discussion, Mr. Patenaude motioned to issue Mr. Quigley a Grade 2 provisional license until the May 2017 exam. Should he pass the May 2017 exam, Mr. Quigley will be issued a Grade 2OIT to be valid at the Synagro facility only. The matter of Mr. Quigley's license will then come before the Board at the January 2018 meeting for consideration of issuing a full Grade 2 License. Ms. Forgue seconded the motion, as such the motion passed. Mr. Schock voted nay.**

The next Synagro matter was Synagro's failures to consider wastewater operator licensure in the hiring of their employees. Mr. Patenaude stated that in May 2014 the Board was notified that Mr. Wes Plummer began at Synagro as plant manager in January 2014. The Board then was informed that Mr. Plummer was not licensed as an operator in any jurisdiction nor did he have wastewater operator experience. In October through December 2015, the Board had a number of communications with Synagro regarding the licensure of operators within one year of employment. The Board corresponded with Synagro a number of times before accurate information was produced. Mr. Schock stated that it is the Board's responsibility to take sanctions against individuals not companies; Mr. Patenaude noted the prohibitions sections of the Board's regulations in Rule 5, which provide requirements to "persons" that hire operators. The regulations define *persons* as "*any individual, partnership, firm, association, joint venture, public or private corporation, trust estate, commission, board, public or private institution, utility, cooperative, municipality or any other political subdivision of this state, any interstate body, or any other legal entity.*" Mr. Desrosiers stated that given this history, Synagro will have to demonstrate to the Board that these issues will not happen again. Mr. Quigley said he would reach out to Human Resources and the recruiting systems and let them know of the state's licensure requirements. Mr. Hanley affirmed Mr. Quigley's statement. Ms. Hoefsmit asked Mr. Quigley if licensing requirements were raised in the interviewing process. Mr. Quigley stated they had not. Mr. Hoefsmit stated that it is the company's due diligence to know the regulations and requirements.

**Mr. Patenaude motioned to send Synagro's management team and parent company a letter explaining licensure requirements per the Board's enabling legislation and regulations, the history of licensure issues, and to ask what procedures are in place to improve the compmay's licensure procedures. Mr. Kurdziel seconded. All members present voted in favor, as such the motion passed.**

Mr. Desrosiers then reminded Messers. Quigley and Hanley to report back to the Board as to who will be providing guidance to Mr. Quigley in Mr. Hanley's absence.

Messers Quigley and Hanley left the meeting at 10:00.

The next matter discussed was a request from Mr. Joseph LoBello, an NBC – Bucklin Point employee. Mr. LoBello was seeking relief from one-year certification for a number of reasons related to internal coordination interruptions with the passing of Carmine Goneconte and illness. Mr. LoBello's one-year anniversary comes a few weeks before the May exam.

**After discussion, Mr. Patenaude made a motion to extend Mr. Joseph LoBello's one-year anniversary to the time at which the results of the May 2017 exam are corrected and provided to the Board's chair. Mr. McLynch seconded the motion. All members voted in favor, as such the motion passed. Mr. Desrosiers abstained from the vote.**

Next was the discussion of the New Instructor for the Basic WWTF Course. Mr. Desrosiers had expressed interest in becoming the trainer during the previous request for course instructors. Because Mr. Desrosiers serves on the Board, he would have to remove himself

from the Board if he were to be offered that paid position from the New England Interstate Water Pollution Control Association. Prior to moving forward with the selection of a new instructor, Mr. Patenaude suggested that Mr. Desrosiers speak directly with the Ethic Commission to get an advisory opinion. Ms. Hoefsmit suggested that at the same time the Board send the same request for interest for new instructors.

**Per §42-46-4 and §42-46-5(a)(4), Mr. Patenaude motioned to convene into executive session to discuss issues regarding Rhode Island wastewater treatment operator 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. Desrosiers, Dr. Baldwin, Ms. Forgue and Mr. Schock voting in the affirmative.**

Mr. Patenaude recused himself during Board deliberations and returned to the meeting.

Motions made in executive session were repeated in open session.

**After his return, Mr. Patenaude motioned to seal the February 1, 2017 executive session meeting minutes. Mr. Schock seconded the motion. The motion passed with all present voting in the affirmative.**

**Mr. Patenaude motioned to resume the meeting into open session. Mr. McLynch seconded the motion. The motion passed with all present voting in the affirmative.**

**Mr. Schock motioned to approve the October 5, 2016 minutes as amended. Mr. Desrosiers seconded the motion. The motion passed with all eligible members voting in favor. Dr. Baldwin, Ms. Forgue and Mr. Kurdziel abstained as they were not at the October meeting.**

**Mr. Desrosiers motioned to approve the November 2, 2016 minutes as amended. Mr. Schock seconded the motion. The motion passed with all eligible members voting in favor. Dr. Baldwin abstained as she was not at the November meeting.**

**Mr. Schock motioned to approve two letters being sent to two Rhode Island wastewater treatment operators as drafted and to designate Mr. Desrosiers as the signatory. Mr. McLynch seconded, all members present voted in favor, as such the motion passed.**

**Mr. Schock motioned to request from RIDEM's O&M section to follow-up with a Rhode Island wastewater treatment operator regarding the Board's request for an SOP: 1) for reporting exceedances and 2) procedures for staffing absences for all plants operated by the company**

**in Rhode Island. Mr. Kurdziel seconded the motion. All members present voted in favor, as such the motion passed.**

**Mr. Schock motioned to send a Rhode Island wastewater operator a letter stating that the Board's decision in its September 7, 2016 letter is upheld. All members present voted in favor, as such the motion passed. Ms. Forgue abstained from the vote as she was not present during the original discussion. Mr. McLynch voted nay.**

Exam results were reviewed.

Next to be discussed were 2 courses for Training Course Approving for Hours.

**After brief discussion, Mr. Patenaude voted to approve the NWPCA sponsored class "Centrifugal Pump School Seminar" for 4 hours. Mr. Schock seconded the vote. All eligible members voted in favor, as such the motion passed. Mr. Desrosiers abstained.**

**After brief discussion, Mr. Patenaude voted to approve the Maltz Sales Company course "Feed Pumps 101" for 4 hours. Mr. Schock seconded the vote. All eligible members voted in favor, as such the motion passed.**

Mr. Schock stated that courses should be neutral and not sales pitches.

Next was the discussion of exam frequency. Mr. Desrosiers wanted to know if the Board thought having the exams three times a year was excessive. Mr. Patenaude thought giving the exam three times reduces tension and numbers and did not see a problem. Ms. Forgue also liked that it was offered three times as did Mr. McLynch.

In new business, Mr. Patenaude then updated the Board on the draft Regulations. He has received guidance from the Secretary of State Office that they would be streamlining all regulations.

**Mr. Patenaude motioned to adjourn. Mr. Schock seconded the motion.  
The motion passed with all members present voting in favor.**

The next meeting is scheduled for Wednesday, March 1, 2017 at 9:30 at the RIDEM – Office of Water Resources, Room 280 located at 235 Promenade St., Providence, RI 02908.