



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

Meeting Minutes: Wednesday, March 2, 2016

Members in Attendance: Paul Desrosiers, Fred Kurdziel, Frank McLynch, Bill Patenaude, and Jon Schock

Others in Attendance: Christina Hoefsmit, Esq. and Traci Pena, DEM
Scott Goodinson & Charles Labbé (Warwick)

The meeting came to order at 9:32 a.m.

The first order of business was the review of the draft February 3, 2016 meeting minutes.

Mr. Schock motioned to approve the minutes as amended. Mr. Kurdziel seconded the motion. The motion passed with all members voting in favor.

The next item to be discussed was Operator Licensure Application Reviews. Messers. Goodinson and Labbé were before the Board to provide additional information related to the licensure request of Mr. Labbé. At the previous meeting the Board requested additional information on Mr. Labbé's current position, a WSA organization chart and an updated application. Mr. Labbé also provided a resume. The Board also provided minutes to a previous meeting regarding a similar situation. Mr. Labbé is a Grade 2 Rhode island operator and a Grade 6C in the Commonwealth of Massachusetts. He was hired by the WSA in 2007. In 2008 his application for Grade 3 examination was denied as he lacked direct responsible charge. The Warwick Sewer Authority is seeking guidance on a plan agreeable to both the Board and the City to have Mr. Labbé obtain a Grade 4 license so he may be offered a promotional opportunity as the Assistant Superintendent at the Warwick WWTF. The board had concerns that the WSA organizational chart does not demonstrate that Mr. Labbé is in direct responsible charge.

After discussion, Mr. Patenaude motioned to issue Mr. Labbé a Grade 4 OIT license for 3 years with the provision that in the absence of the superintendent, the City of Warwick would provide a Grade 4 license holder. During the three years in an OIT status, Mr. Labbé would otherwise act in Direct Responsible Charge. Mr. Labbe's Grade 4 OIT license would only be good at the Warwick Wastewater Treatment Facility. Mr. McLynch seconded the motion. As part of discussions on the motion, Mr. Schock offered to Messers Goodinson and Labbé to wait until absent board members were at the meeting. After conferring, Messers Goodinson and Labbé said they would like to take their chances. Messers McLynch and Patenaude voted in favor of the motion. Messers Desrosiers, Kurdziel, and Schock opposed the motion. As such the motion did not pass.

Mr. Schock noted that he would be more comfortable offering Mr. Labbé a Grade 3 OIT, he stated that the organizational chart does not justify a Grade 4.

Mr. Patenaude motioned to continue the matter pending additional information, such as an amended organizational chart from the Warwick Sewer Authority and updated job description. Mr. Schock seconded the motion. All members present voted in favor, as such the motion passed.

At 10:24 a.m., Messers. Goodinson and Labbé left the meeting.

The next application to be discussed was Peter Beaulieu. Mr. Beaulieu was seeking Grade 2 reciprocity. Mr. Beaulieu has a Grade 3M license from the Commonwealth of Massachusetts; which is inactive as he is not currently working in the field and would need 10 hours of credits for reactivation. Mr. Beaulieu previously worked mostly in pretreatment up until his employment in Rhode Island in January 2016.

After discussion, Mr. Desrosiers motioned to offer Mr. Beaulieu a Grade 1 license through reciprocity and sign him up to take the May 2016 Grade 2 exam. Mr. Kurdziel seconded the motion. All members present voted in favor, the motion passed.

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 operators related to possible civil or criminal misconduct. Mr. McLynch seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Mr. McLynch, Mr. Kurdziel, Mr. Desrosiers, and Mr. Schock voting in the affirmative.

Mr. Schock motioned to approve the Executive Session minutes of the February 2016 meeting, as amended. Mr. Desrosiers seconded the motion. The motion passed with all eligible members voting in favor. Mr. Patenaude abstained from the vote as he was not present during executive session.

Note that Mr. Patenaude recused himself from the meeting during deliberations and voting on the matters of the Town of Westerly and the City of Woonsocket. Mr. Patenaude left the meeting at 10:43.

Mr. Schock motioned to take no enforcement action regarding a February 15, 2016 bypass event at the City of Woonsocket. Mr. Desrosiers seconded the motion. As all members present voted in the affirmation, the motion passed. Mr. Patenaude did not vote on the matter as he had recused himself and was not present during deliberations and vote.

Mr. Schock motioned to send a letter to a Westerly WWTF manager to attend the April 6, 2016 meeting and provide the Board with additional information regarding the facts and circumstances that resulted in the failure to report a bacteria violation of DEM in a timely manner, as well as to provide the Board a copy of an SOP for reporting violations to the DEM, if one exists. Mr. Desrosiers seconded the motion. As all members voted in favor, the motion passed. Mr. Patenaude did not vote on the matter as he had recused himself and was not present during deliberations and vote.

Mr. Patenaude returned to the meeting at 11:05.

Mr. Patenaude motioned to seal the March 2, 2016 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. Schock seconded the motion. The motion passed with all present voting in the affirmative.

Next to be discussed was License Expiration Request for Reconsideration. Messrs. Michael Correia, Kevin Green, William McBorough, James Nyberg, and James Suttles were seeking leniency as it related to the \$50 late fee assessed to the renewal of their license as they did not renew by the December 31, 2015 deadline. In the matter of Mr. David Simmons, there was a computer error, so Mr. Patenaude requested that he be allowed to renew that individual at the \$10 fee. Mr. Vincent Russo petitioned the Board for leniency as he stated that he had mailed the fee well before the deadline and that the Board was in violation of the Eight Amendment of the United States Constitution which concerns excessive fines.

After discussion Mr. Patenaude motioned to renew the licenses without the \$50 late fee. Notification of this would state that the Board would not entertain future request for leniency as the notification would be considered to be the first notice that the

current license would expire on December 31, 2017. In addition, Mr. Russo's letter would also state that the Board's legal counsel had researched the alleged violation that the Board is in violation of the Eight Amendment of the United State Constitution and found no basis for this alleged violation. Mr. Schock seconded the motion. The motion passed with all members voted in favor.

The matters of Evaluation of Points for biological removal/advanced treatment in the Rules and Regulation Plan Classification worksheet and Training Course Approval for Training hours were tabled until the next meeting.

Mr. Patenaude noted that all Board members up for reappointment were up to date.

Mr. Patenaude motioned to adjourn. Mr. Schock seconded the motion. With all members voting in favor, the motion passed.

The next meeting is scheduled for Wednesday, April 6, 2016 at 9:30 a.m. at the RIDEM – Office of Water Resources, Room 280 located at 235 Promenade St., Providence, RI.