



BOARD OF CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT FACILITIES

Meeting Minutes: November 5, 2008

Members in Attendance: Fred Kurdziel, Bill Patenaude, Jon Schock and Tom White
Others in Attendance: Traci Pena – RIDEM
Carmine Goneconte, NBC – Fields' Point

The November 2008 meeting located at the Narragansett Bay Commission – Fields Point facility was called to order at 9:35 a.m.

The first agenda item was the review of the draft September 2008 meeting minutes.

Mr. Schock motioned to approve the minutes as drafted. Mr. White seconded the motion. All other members present voted in favor, and as such, the motion passed.

The next order of business regarded a motion from the June 2008 meeting, which was re-opened for discussion and clarification at the September 2008 meeting. The motion in question pertained to the DEM sponsored Boot Camp program. The motion stated that Boot Camp participants would be allowed to sit for the exam one grade higher than currently held if they meet all regulatory requirements, and should they achieve a passing score of the exam, be granted an "if and when" status in that license category which would be valid for two years. The matter now under discussion was clarification relating to "all regulatory requirements," for which the Board requested a legal opinion. Mr. Patenaude provided the Board a copy of Attorney Desautel's resulting legal opinion, in which she stated that Boot Camp training would not provide a sufficient level of experience under the Regulations to meet the direct responsible charge requirement. Boot Camp could, however, be recognized as a short course and qualify as 3 months of operational experience. Boot Camp could not be counted as equivalent to direct responsible charge. As a result of this examination of educational/experiential equivalency, Messers Patenaude and Schock noted that sections of the Rules needed to be revised as portions of it were confusing. Mr. Schock suggested that the Board could make a final vote on the matter having reviewed the Boot Camp curriculum. Mr. Patenaude will provide the Board with said curriculum at the next meeting.

Mr. Shock motioned to rescind the June 2008 resolution relating to Boot Camp equivalency and continue the matter pending a review of Boot Camp curricula, using the legal counsel's opinion of November 3, 2008 as guidance for maximum equivalency values. Mr. White seconded the motion. All members present voted in favor, as such the motion passed.

The next order of business was Operator Applications. Mr. Patenaude received an inquiry from the Newport WPCF about an operator hired at another facility. The applicant stated on his original Grade 1 application for certification that he attended high school, but he did not graduate. Mr. Patenaude noted that this case also brought to light conflicting language within the regulations. For instance, the Board does have the flexibility to substitute experience for education, and *vice versa*, specifically relating to college. If this is true for college education, then it must also be true for high school education, although that is not stated specifically in the regulations. Also, an item in the Grade 2 requirements does not require a high-school degree, but the Grade 1 does. As such, Mr. Patenaude again noted that it appears the Regulations need to be revisited. With regards to the applicant in question, Mr. Patenaude believed the Board has ample flexibility under the current regulatory language to inform the applicant's employer that the individual's license is indeed valid, although a high-school GED should be pursued.

Mr. Patenaude made a motion to send a letter to the individual stating that his license is a valid one, and encourage him to attain a GED. Mr. White seconded the motion. All members present voted in favor, as such the motion passed.

Mr. Schock requested that Mr. Patenaude review the Regulations with track changes so the Board can review and make comments and recommendations.

Per §42-46-5(a)(4) Mr. Patenaude motioned to convene into executive session in order to discuss an issue involving potential criminal or civil misconduct at a Rhode Island wastewater treatment facility. Mr. Schock seconded the motion. The motion passed with the following roll call: Mr. Schock, Mr. White, Mr. Kurdziel and Mr. Patenaude all voting in the affirmative.

Mr. White motioned to send a warning letter to the operator in question stating that no action would be taken, as well as a letter to the superintendent relating to overall supervisory duties, as well as thanking him for his assistance in the investigation. Mr. Patenaude seconded the motion. The motion passed with the following roll call voting in the affirmative: Mr. Schock, Mr. White, Mr. Kurdziel and Mr. Patenaude.

Mr. Patenaude motioned to seal the November 5, 2008 Executive Session meeting minutes. Mr. Kurdziel seconded the motion; all members present voted in favor to seal the minutes with the following roll call: Mr. Schock, Mr. White, Mr. Kurdziel and Mr. Patenaude all voting in the affirmative.

Mr. Patenaude made a motion to resume the meeting into open session. Mr. Schock seconded the motion. All members present voted in favor to seal the minutes with the following roll call: Mr. Schock, Mr. White, Mr. Kurdziel and Mr. Patenaude all voting in the affirmative.

The next order of business was an update of exam notices, which have been emailed. Application period is November 3 -28, 2008. The exam will take place of a 2-day period beginning Thursday, December 11, 2008 and commencing Friday, December 12, 2008.

The next agenda item were Board membership reappointments. Dr. Wright's membership is currently lapsed. While he wishes to remain on the Board, he has Dean meetings at URI every Wednesday morning. Mr. Patenaude suggested to the Governor's office that a designee be assigned when Dr. Wright can not attend the monthly meeting. Mr. Patenaude will update the Board when one becomes available.

With no further business Mr. Patenaude motioned to adjournment. Mr. White seconded the motion. All members present voted in favor, and as such the motion passed.

The next meeting is scheduled for Wednesday, December 3, 2008 at 9:30 a.m. at the RIDEM Offices located at 235 Promenade St., Providence, RI 02908.