

RHODE ISLAND AND PROVIDENCE PLANTATIONS
**Board of Certification of Operators
of Wastewater Treatment Facilities**

Meeting Minutes of January 9, 2002 Open Meeting

IN ATTENDANCE: Richard Dionne, Fred Kurdziel, Bill Patenaude, Jon Schock, Tom White and Ray Wright

ALSO IN ATTENDANCE: Daniel J. Gorka, City of Cranston, Greg Shultz and Traci Lima of DEM

Mr. Patenaude called the meeting to order at 9:30. The first order of business was the request from Mr. Patenaude to convene a portion of the meeting in Executive Session. Mr. Patenaude informed the board that the issue for executive session, pursuant RI General laws 46-46-5(a)(4), regarded an operator and the proper channels to become certified as a Rhode Island operator.

Mr. Patenaude motioned to go into Executive Session seconded by Mr. White. All members present voted in favor of the closed session and the motion passed.

Mr. Patenaude opened up the open meeting after being in Executive Session. There was a motion to keep the closed meeting closed for public record.

Mr. Patenaude motioned to go into Executive Session seconded by Mr. White. All members present voted in favor of the closed session and the motion passed.

The first order of business for the opened meeting were the December 2001 meeting minutes. Mr. Wright had changes in the first paragraph. He mentioned that Mr. White's name was used twice and the phrase should read "seconded by Mr. Wright". Also in the first paragraph of the draft minutes, fourth sentence needed clarification. Mr. Kurdziel had some changes as well. In the last sentence of the first paragraph, the word "it" needs to be removed. Also in the fourth paragraph in two places the word "work" should be replaced with "word". Then Mr. Kurdziel noted in the sixth paragraph, first sentence should read "...standing in for Greg..." Mr. Kurdziel also mention in the last paragraph, last sentence on page 1 should read "...applying for Grade 4..." . One the second page last paragraph, the last sentence, Mr. Schock wanted to clarify. It should have read "Mr. Schock felt as though Mr. Emond met the Grade 3 criteria, but did not meet the requirements for the Grade 4 exam."

Mr. Wright motioned to accept the minutes as amended. Seconded by Mr. Patenaude, all members present voted in favor of the changes to the draft and the motion passed.

The next order of business was the draft regulations. Attorney Schultz offered his opinion on the word "competent". He said it would be best to adhere with the powers of the statute. He suggested keeping the word "competent". Attorney Schultz also felt that the use of suspending operators could be done. If the Board has the ability to revoke a license then something less harsh could also be done, like suspension. Members felt as though Section 14 was better. Mr. Patenaude informed the members that it came right from the statutes. Mr. Schock still felt as though in Section 6, the matter of full-time operators should be handled through the Operations & Maintenance manual. Doing this may force facilities to have a full-time superintendent on staff at all times. Mr. Patenaude felt uncomfortable not putting "full-time" in the definitions Mr. Patenaude asked Attorney Schultz if there would be a problem not defining "full-time". Attorney Schultz wanted to know if the Board wanted to clarify it as a policy standpoint. Mr. Patenaude opened the question to the Board. Mr. White felt the way it was written "whom on a full-time basis" it is necessary to insert. Mr. White adding the language adds clarification. Mr. Schock thought that if it was added you are held to the

definition. Mr. White thought the Superintendent definition is where it's adequate, perhaps the last line covers the term full-time and should be used for all definitions. Mr. Schock thought it should be open ended.

Mr. Schock suggested keeping the language as is. Mr. Patenaude opened a motion to vote on the language. The motion was accepted by Mr. Schock and seconded by Mr. White. Five voted in favor of the motion, and 1 opposed.

Mr. Schock had a thought about Section 7(b), the second sentence, the phrase "Due notice". Does a time frame need to be incorporated? Attorney Schultz said "due" mean proper and wondered if it has ever been a problem to use the word "due" before. Attorney Schultz felt that it was legally sufficient. Mr. Schock also informed the board about page 4, (4)(l) at the end "or higher" needs to be struck. Mr. Schock also wanted to know if the Board thought "days" should be clarified by "calendar days". The Board was OK with "days". Section 13(b)(2)(iii), Mr. Schock wanted the additional language "...as an operator at a wastewater treatment facility in the State of Rhode Island." There was also a typo on page 7 9f)(l), at the end of the first line, there was an "l" that needed to be omitted.

Mr. Patenaude then asked the board if there were any additional legal questions that they wanted to ask Attorney Schultz, no one had questions for him, so Attorney Schultz left the meeting. Mr. Patenaude then asked the Board if there was any further discussion with regard to regulations and did they feel as though they were ready to move to public comment. Mr. Dionne mentioned the "s/he" and "him/her" sometimes makes reading difficult, he wanted to know if there is another way of changing the language without offending anyone.

Mr. Patenaude motioned to move the draft regulations to public comment, Mr. Schock seconded the motion. All members voted in favor and the motion passed.

The next item on the agenda was water re-use operators at the Cranston facility. Mr. Patenaude spoke to John Laquale who had questions of individuals needing to be certified. These individuals did not work at the facility, but it was a facility, which discharges into the waters of the State, water is pumped out of the tank then pumped to Johnston. Mr. Patenaude felt as though they need not be certified because there is not a discharge into the waters of the State.

Mr. White mentioned that operators who pump effluent to Johnston are not required to be certified because they do not enter the waters of the State, therefore, he motioned to not have the operators licensed, the motion was seconded by Mr. Schock.

Mr. Patenaude informed the Board that there is a 35-day period in which to issue final minutes to the public to be in compliance. Mr. Patenaude will get a telephone vote for publication of the minutes.

There was also a mention of member renewal update.

With no further business, Mr. Schock motioned to adjourn the meeting. Mr. Dionne seconded the motion, all members voted in and favor and the motion passed.

The next meeting was scheduled for 9:30 on Wednesday, February 6, 2002 in conference room 280C in the Office of Water Resources on the 2nd floor of the Department of Environmental Management, 235 Promenade Street, Providence.