

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

AMENDED

Meeting Minutes of December 5, 2001

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

ALSO IN ATTENDANCE: Christian Bratina Superintendent of the City of Cranston; Daniel Gorka, candidate for the City of Cranston's Assistant Superintendent; Shaun Niles, Superintendent of the Newport Water Pollution Control Facility; and, Tim Pavilonis and Traci Lima of DEM.

Mr. Patenaude called the meeting to order at 9:30. The first order of business was the review of the November 2001 meeting minutes. Mr. White mentioned noted that in the first motion, the phrase "seconded by Mr. White" was in error. Ms. Forgue had some clarification in the third paragraph, sixth sentence. She wanted to make it clear that in her experience there has been situation of employee, management and union disputes, which should be recognized by the legal staff working on the regulations. In the same paragraph Mr. Schock wanted to clarify his reference to medical disciplinary regulatory procedures. The second page, second paragraph, second sentence should read "Mr. Patenaude informed the Board..."

**Mr. Dionne motioned to accept the minutes as amended.
Seconded by Mr. White, all members presented voted in favor of
the changes to the draft and the motion passed.**

The second item on the agenda was an update on the Rules and Regulation . Greg Shultz, DEM Legal Counsel, provided the Board with a revised section 14. The new revisions clarify the revocation of licenses. Ms. Forgue noted that the second half of the section's part 9b. should say "suspension and revoke" throughout the section for consistency. Mr. Patenaude did not know if it was a legal decision not to carry such working throughout the section and said he would check with legal and report back to the Board.

Mr. Wright mentioned his concerns in using the word "incompetent". He felt as though such a word is subject to interpretation. Mr. Patenaude asked members if the word should be left in and/or should the Board define incompetent. Mr. Patenaude said that he was under the impression that most of the wording came from the administrative procedure manual.

The next issue with the Regulations was the addition of section 15. This section is entitled "PENALTY FOR VIOLATIONS". Mr. Patenaude said this section was in the statutes. He also informed the Board that Attorney Shultz thought it would be a good idea to add the new section 15. Mr. Patenaude wanted to be sure that the language sat well with the Board. If so, Mr. Patenaude would proceed with another draft of the Rules and Regulations. Mr. White wanted to know if the language "shall be punished" was too strong. He wanted to be cautious with this language.

Attorney Pavilionis standing in for Greg Schultz offered legal counsel. He said it should not be overlooked but maybe a new word could be used to clarify. Mr. Wright suggested using the word “properly” at the end of the sentence. Mr. Patenaude wanted to be sure that the amended language was suitable then would proceed with another draft.

The next order of business was the review of the Fall 2001 exam applications. The first guests to be heard were Daniel J. Gorka and Christian Bratina. Mr. Gorka was applying for Grade 4 licensure through reciprocity. He has a civil engineering degree from the University of Massachusetts and had been employed at the Deer Island facility from February 17, 1997 to November 10, 2001 as a processing engineer. At the Deer Island facility there has been an average daily flow of 350 gallons per day. Mr. Gorka was also in direct responsible charge for 70-80% of his employment as a full-time manager. Mr. Bratina also informed the board that Mr. Gorka, who he noted is a good coordinator and communicator, was in fact being placed in the position of Assistant Superintendent, pending the Board’s decision. Mr. Patenaude said that initially he felt that Mr. Gorka fell somewhat in to a “gray area” since it was not apparent from the application that he had been working sufficiently as an operator at a WWTF; Mr. Patenaude therefore wanted to be sure that he met the requirement of obtaining a Grade 4 license. However in his conversation with Mr. Gorka’s supervisor at Deer Island, it became evident that the applicant did indeed work in an operational capacity throughout his tenure at that facility. As such he felt the applicant met the operational-experience requirements of the regulations for Grade 4 licensure via reciprocity.

Mr. Wright motioned to award Mr. Gorka a Grade 4 license. Seconded by Mr. Patenaude, the motion passed with all members voting in favor.

The next order of business was the matter of three operators from Newport who applied to take the Grade 3 exam. Ms. Forgue recused herself from the discussion and voting, as they were operators from the City of Newport. The operators in questions were Messrs. Gennaro Malgieri, Frank Brotherton and Howard Geiger. These gentlemen are not in full-time direct responsible charge of the entire facility. Mr. Niles hoped that these individuals would eventually be in direct responsible charge in a 40-hour week. Mr. Dionne wanted to know if someone senior to them was present, would that individual be in charge. Mr. Niles said the city is going through title changes and Messrs. Malgieri and Brotherton were city workers who were transferred to EarthTech. Mr. Patenaude noted that the applications for Messrs. Gennaro and Brotherton did not have completed information on their respective lengths of education and experience. As such that information would need to be forthcoming prior to rendering a decision. However, based on what information was available, it seemed unlikely that Messrs. Gennaro and Brotherton would have the needed education and experience to sit for the upcoming exam.

Mr. Dionne motioned to pass the decision of Mr. Geiger being able to sit for the Fall 2001 grade 3 exam and a hold put on Messers. Malgieri and Brotherton. This motion was seconded by Mr. Kurdziel. With Ms. Forgue abstaining, all members voted in favor of the motion.

The next application that needed to be reviewed was Mr. Michael Emond of Woonsocket. He is working at the facility in the laboratory. He has a bachelor's degree in physics. In October 1999, Mr. Emond applied to take the Grade 3 exam. At that time the Board denied Mr. Emond's application because he did not have enough experience in direct responsible charge. Since that time, Mr. Emond acquired a grade 7 license in Massachusetts as he was allowed to sit for the Massachusetts exam. (In Massachusetts, unlike in Rhode Island, you need not be an operator a Massachusetts facility.) Mr. Emond has some direct responsible charge as an operations manger and currently holds a grade 2 license in Rhode Island. Mr. Patenaude wanted to know if the board should allow him to sit for the Grade 3 or 4 exam. Mr. Schock felt as though as Mr. Emond met the Grade 3 criteria, but did not meet the requirements for the Grade 4 exam.

Mr. Schock motioned to allow Mr. Emond to receive grade 3 license based on his Massachusetts's license. Mr. White seconded the motion for discussion, asking if Mr. Emond could sit for the Grade 4 exam in the Spring 2002. Mr. Patenaude said he would still be short 6 months experience and would not be able to sit for the grade 4 exam. With this information Mr. White seconded the motion. With all members voting in favor, the motion passed.

Mr. Niles asked if the Board had received the original application from Mr. Steven G. Lambalot, who was being hired by EarthTech to become the Assistant Superintendent. Mr. Patenaude checked his records and found that the application had not yet arrived. (Note: The application arrived later that day to DEM.)

With no further business, Mr. Patenaude motioned to adjourn the meeting. Ms. Fougue seconded the motion. All members voted in favor and the motion passed.

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