



BOARD OF CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT FACILITIES

Meeting Minutes: October 7, 2009

Members in Attendance: Julia Forgue, Fred Kurdziel, Frank McLynch, Dr. Gene Park, Bill Patenaude, and Jon Schock

Others in Attendance: Traci Pena and W. Michael Sullivan, Director - DEM

The October 7, 2009 meeting was called to order at 9:30 a.m. The first order of business was the review of the draft September 2009 meeting minutes.

Mr. Patenaude motioned to approve the September 2009 meeting minutes as given. Dr. Park seconded the motion. All other members present voted in favor, with the exception of Ms. Forgue and Mr. Schock who abstained as they were not present at the September meeting.

Mr. McLynch motioned to approve the closed meeting portion of the minutes with one minor grammatical change. Mr. Patenaude seconded the motion. All other members present voted in favor, with the exception of Ms. Forgue and Mr. Schock who abstained as they were not present at the September meeting.

The next order of business was Operator Enforcement.

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. McLynch seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Mr. McLynch, Mr. Kurdziel, Dr. Park, Ms. Forgue and Mr. Schock all voting in the affirmative.

Ms. Forgue motioned to have Mr. Patenaude follow up with a call to the operator in question and explain what is needed to satisfy the Board, as well as to coordinate with legal counsel to send a follow-up letter noting that the information/letter sent to the Board was insufficient.

Mr. Patenaude motioned to seal the October 7, 2009 Executive Session meeting minutes. Mr. McLynch seconded the motion; all members present voted in favor and as such the motion passed.

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Mr. Patenaude motioned to resume the meeting into open session. Mr. McLynch seconded the motion. All members voted in favor to seal the minutes, and as such the motion passed.

The next order of Mandatory Retraining for Renewal was tabled pending the arrival of DEM Director W. Michael Sullivan.

The next order of business was a discussion on the draft Rules and Regulation for Wastewater Treatment Facility Operators (Regulations) which was tabled as the DEM Director arrived.

The topic of Mandatory Retraining for Renewal was reopened. The Director began his comments by stating that he is in favor of such training requirements, and does not feel such a mandate need be a burden to communities. He felt that given the money that is invested in infrastructure, now is the time to invest in the people. To reduce potential burdens, the Director stated the retraining requirement could, for instance, be satisfied when an operator is trained on a new piece of equipment. Ms. Forgue stated that she is not against the concept, but has worked with the program on the drinking water side; she sees little difference between the operators of her drinking water and wastewater systems, whom do not have the retraining requirements. Ms. Forgue noted other issues of concern related to the method of training RI drinking water operators. She noted problems with the cost, staffing issues (filling in with overtime for operators taking trainings during normal working hours) and getting meaningful courses approved. Mr. Schock echoed those sentiments. He also stated that with no state money being offered, requiring yet another unfunded mandates would be a "horrendous burden" to the cities and towns. Mr. Schock also requested that the Board, per legal requirements, provide a detailed fiscal impact note related to any municipal impacts in accordance with Administrative Procedures Act. Dr. Park and Ms. Forgue also agreed that while there could be some benefit to the profession if the infrastructure of the program was able to be developed (such as DEM staffing, etc), such considerations do cost money and there seems to be little available monies to implement such a program. Dr. Park also stated that he would have to review such fiscal information before the vote. Mr. Schock and Ms. Forgue stated that procedures needed to be drafted before a vote.

The next issue discussed was the draft revisions to the Regulations. A general discussion ensued as to how existing language concerning Mandatory Retraining for Renewal could be revised to meet the concerns just discussed. Mr.

Patenaude suggested that should Board members enter into the regulation revision process with an *a priori* belief

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that any proposed program could only have significant negative impacts on communities, then such a presupposition would preclude any meaningful effort to develop a helpful program without requiring a significant burden. He asked the Board to give this consideration and prepare for “thinking outside the box” for the next meeting’s work of regulation language revisions.

With no further business, Mr. Patenaude motioned to adjourn the meeting. Mr. Kurdziel seconded the motion. All other members present voted in favor, and as such, the motion passed.

The next meeting is scheduled for Wednesday, November 4, 2009 at 9:30 a.m. at the RIDEM Office located at 235 Promenade St., Providence, RI.