



## **State of Rhode Island and Providence Plantations BOARD OF CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT FACILITIES**

**Meeting Minutes: December 7, 2011**

**Members in Attendance:** Fred Kurdziel, Frank McLynch, Bill Patenaude, Jon Schock and Tom White

**Others in Attendance:** Marisa Desautel, Esq. and Traci Pena, RIDEM

Mr. Patenaude called the December 7, 2011 meeting to order. The first order of business was the review of the draft November 2, 2011 meeting minutes.

**Mr. White motioned to approve the November 2011 meeting minutes as amended. Mr. Schock seconded the motion. The motion passed with all eligible members present voting in favor. Mr. McLynch abstained as he was not present at the meeting.**

**Mr. Schock motioned to approve the November 2011 executive session minutes as amended. Mr. White seconded. The motion passed with all eligible members present voting in favor. Messrs. McLynch and Patenaude abstained.**

The next item was enforcement activity. As Mr. Patenaude moved to executive session, Attorney Desautel informed the Board per RIGL42-46-6b that he could not do so as the item executive session was not on the agenda. As a result enforcement issues under executive session were tabled until the next meeting.

Mr. White then informed the Board that the January 2012 meeting would be his last meeting as Narragansett Water Pollution Control Association would be appointing a new member, Paul Desrosiers, to the Board.

The next item was Operator Licensure Application reviews. Mr. Patenaude reviewed a request from a Mr. George Sousa who is coping with family issues and was not able to sit for the Fall 2011 exams. Mr. McLynch attested to the fact that Mr. Sousa was indeed dealing with some concerns.

**Mr. Patenaude made a motion to approve Mr. Sousa to sit for the Grade 2 exam to be set-up at a mutually convenient time but not to exceed the date of March 15, 2012. Mr. White seconded the motion, all members present voted in the affirmative, as such the motion passed.**

The next item was Briarcliffe Manor and operator certification deficiencies. At the Board's August 2011 meeting it was agreed that they would issue Mr. Robert Silva a grade 1 license through reciprocity from the Commonwealth of Massachusetts and a Grade 2 Provision license with the understanding that he would sit for the November 22<sup>nd</sup> exam. Mr. Silva did not take the exam

offered on the 22<sup>nd</sup> of November. Mr. Silva's provision license is valid only through February 7, 2012, after this time Briarcliffe will be in non-compliance. Mr. Schock thought that the matter was a DEM – O&M issue. Mr. Patenaude informed the Board that per the Regulations Rule 5(A). Prohibitions and Rule 8(E) gives the Board the authority to regulate this issue. Attorney Desautel informed the Board that a violation could be issued against the company if after the February 7<sup>th</sup> deadline and they are not in compliance. Mr. Patenaude stated that he would like to send a letter to Briarcliffe.

**Mr. Patenaude motioned to send a Notice of Deficiency to Briarcliffe Manor stating that in accordance with Rule 15 of the Regulations and pursuant to Rhode Island General Laws §42-17.4-10, any person who shall be found guilty of violation of any of the provisions of the Regulations may be punished by a fine of not more than \$500.00 or by imprisonment for not more than thirty (30) days or both fine and imprisonment, and every person shall be deemed guilt of a separate and distinct offense for each day during the violation. Briarcliffe would need to submit documentation to the Board by January 3, 2012 so the matter can be addressed at the next Board meeting. Mr. Schock seconded the motion, all members present voted in favor, as such the motion passed.**

The next issue discussed was Bradford Printing & Finishing, LLC. During an inspection it was revealed that the facility is currently operating a wastewater treatment facility without an appropriately licensed wastewater operator. This is a violation of Rule 5(A) of the Regulations.

**Mr. Patenaude motioned to send of a Notice of Non-Compliance to Bradford stating that they are in non-compliance in accordance with Rule 15 of the Regulations and pursuant to Rhode Island General Laws §42-17.4-10, any person who shall be found guilty of violation of any of the provisions of the Regulations may be punished by a fine of not more than \$500.00 or by imprisonment for not more than thirty (30) days or both fine and imprisonment, and every person shall be deemed guilt of a separate and distinct offense for each day during the violation. Bradford would have to submit documentation of the course of action so the matter can be addressed at the next Board meeting. Mr. Schock seconded the motion, all members present voted in favor, as such the motion passed. Mr. Kurdziel abstained from the vote due to ongoing issues with the Department of Health.**

The next matter discussed was an email from Brent Herring, the Superintendent of the NBC – Bucklin Point facility. Mr. Herring informed the Board about proposed staffing changes at the facility related to the Assistant Superintendent position. Mr. Herring stated that when he is not readily available, he has designated Mr. Tom Ciolfi or Mr. Peter Eldridge to be in charge in his absence. The Board agreed that there should be a linear chain of command and the current Regulations state that there should only be one Assistant Superintendent and the proposal cannot be approved by the Board.

**Mr. Patenaude motioned to deny the request in accordance with Rule 6 of the Regulations in that a wastewater treatment facility may only have one Assistant Superintendent of record. Thus, there cannot be two Assistant Superintendents to choose from. Mr. Herring should submit a new staffing plan that meets the requirements within the Board's regulations for approval at the next Board meeting. Mr. Schock seconded the motion, all members present voted in favor, as such the motion passed. Mr. White abstained.**

**With no further business, Mr. Patenaude motioned for adjournment. Seconded by Dr. Park, the motion passed with all members voting in favor.**

The next meeting is scheduled for Wednesday January 4, 2012 at 9:30 a.m. at the RIDEM Office located at 235 Promenade St., Providence, RI.