



STATE OF MARYLAND
BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS
MINUTES OF THE MEETING HELD ON:
Thursday, March 18, 2021 At 10:00 A.M
Virtual Video Conference Meeting via Google Hangouts

MISSION OF THE MARYLAND BOARD OF WATERWORKS & WASTE SYSTEMS OPERATORS

The Treatment Systems that provide drinking water for our citizens and handle the wastes generated by our daily activities play an important role in protecting Public Health and the Environment of Maryland. Through the Certification Program established by State Law, the “Board of Waterworks and Waste Systems Operators” sets the education, experience and examination standards for Operators and Superintendents who work in these vital systems.

BOARD MEMBERS PRESENT

William Shreve	Wastewater Supervision; Board Chair
Joe Johnson	Water Supervision; Board Vice-Chair
Bruce Darner	Agriculture
James Price	Sanitary Commission
Partha Tallapragada	Maryland Environmental Service
Hiram Tanner	Public-At-Large
Dominic Deludos	Industrial Superintendent
Benjamin Thompson	County Government
Eric Dutrow	Public-At-Large

BOARD MEMBERS NOT PRESENT

Rosann Ndebumado	Municipal Government
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LIASONS, GUEST & STAFF PRESENT

Dee Settar	Acting Board Secretary (Recused Board Member)
Jennifer Bowman	Board Counsel
Martin Fuhr	Board Staff
Pam Franks	Board Staff
Victoria Arbaugh	Board Staff
Tara Jones	MCET Liaison
Sue Houghton	MRWA Liaison
Scott Harmon	MRWA Liaison
Clark Howells	CWEA Liaison

01. CALL TO ORDER

Board Chair called the meeting to order at 10:04 AM. Roll Call was done by Victoria Arbaugh, Board staff. The Board meeting was conducted virtually via Video conference as required by the State of emergency proclaimed by Governor Larry Hogan due to the COVID-19 Pandemic.

02. REVIEW AND ADOPTION OF PROPOSED MEETING AGENDA

Partha Tallapragada moved to adopt the proposed meeting agenda with corrections, including but not limited to correction of Review of Applications and Board Appointment updates. Bruce Darner seconded the motion. The motion carried unanimously; Board Chair Bill Shreve abstained.

03. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

Board Members reviewed the February 18, 2021 draft meeting minutes. Joe Johnson moved to adopt the minutes as amended with corrections. Ben Thompson seconded the motion. The motion carried unanimously; Board Chair Bill Shreve abstained.

04. BOARD CHAIR'S COMMENTS

Board Chairman Bill Shreve welcomed and thanked Board Members, Liaisons and Guests for attending today's meeting. Bill advised that he had no further comments and would turn floor over to the Acting Secretary.

05. BOARD STAFF'S REPORT

A. Revenue & Expenditures Update

Acting Secretary Dee Settar presented the updated Revenue Report for the past two months. As of January 31, 2021, the monthly revenue remained unchanged at \$9,665.00, the FY21 cumulative revenue was corrected to \$78,900.00, FY21 cumulative expenditures were reported as \$94,135.92, and the encumbrance was reported as \$34,208.00.

As of February 28, 2021, the monthly revenue was \$12,565.00, the FY21 cumulative revenue was \$91,465.00, FY21 cumulative expenditures were reported as \$10,6219.50, and the encumbrance remained at \$34,208.00.

Per the Board Chair's request, Dee provided historic revenue data for the past 7 years. The Board agreed the data indicates the historically observed peaking revenue every three years is no longer occurring. Data also indicated the Covid-related impact on revenue in CY2020.

Acting Secretary Dee Settar advised the Board that the monthly Revenue and Expenditures reports are draft and not confirmed by MDE's Fiscal Services Program. Dee explained the MDE reconciliation process is currently more fluid than in the past due to MDE staffing shortages and mandatory telework restriction. She advised that MDE has final documentation of all fees received by the Board and offered to share additional information about the reconciliation process at the April meeting. Board Chair Bill Shreve acknowledged Dee's concerns and that, given the circumstances, the Board does not expect final reports at the monthly meetings.

B. Exam Updates

Martin Fuhr presented the examination pass / fail statistics by month and class. He noted 14 exams were proctored in February 2021 and the overall monthly pass rate was 43%. Board Chair Bill Shreve noted that in spite of a positive overall monthly pass rate, the W5A and T4 pass rates remain especially low. Mr. Fuhr agreed and presented highlights for two exam sessions.

Martin relayed Board staff has scheduled 6 exams that will be held immediately after the Short Course at three venues throughout Maryland, in Denton, Hancock and at MDE. Each location will host exams in the morning and afternoon, and the combined effort will accommodate approximately 200 participants. The details will be included on the Short Course web page for attendees to register for an exam before it is posted on the Board's web page. Board staff is still awaiting official confirmation of the MDE exam rooms; however, an exam session with ample seating is scheduled for the following week the week after the short course in Havre de Grace, Maryland.

C. Other Board Initiatives

Acting Secretary, Dee Settar asked the Board about the Process designation for the previously approved "Sacramento courses" on the Board's webpage, as several courses are not identified as "process-related" or "non-process related". Per Board members' discussion, Dee will review historic minutes to update the course information on the website. She also noted that John Smith is still working on updating the database.

Dee advised that the Board received an inquiry from a truck washing facility with a claim that a certified operator is not required for their water system. Dee discussed the related COMAR language, which allows a waiver for industrial operator at certain facilities, with staff of Water Supply Program's Engineering & Technical Assistance Division, who concurred that as the facility employees at least 25 regular employees, it is a public water system and requires an operator.

Dee also relayed that she recently became aware of COMAR's requirement for industrial operators only at "Significant Industrial Users", as the Board had received several inquiries about industrial operator certification. Partha Tallapragada offered that he believed any plant discharging at least 25,000 gallons per day was considered a "Significant Industrial User" (SIU).

Bill Shreve relayed that discharge volume is not the only criteria and additional characteristics could trigger the determination of a SIU. He suggested that the matter may require legal review. Board Counsel Jenn Bowman asked Board Staff to request any specific questions by email. Dee Settar noted these regulations could be clarified to minimize confusion and the need for further inquiry by the regulated community. Board Members agreed to revisit the issue prior to the retirement of Joe Johnson or Bill Shreve as their expertise and historical knowledge would be essential to such discussions.

D. Board Appointments

Acting Board Secretary Dee Settar updated the Board that Rosann Ndebumado and Ben Thompson were confirmed by the Senate and now official Board Members representing Municipal Government and County Government, respectively. Dee also noted that Partha Tallapragada, who was appointed to the Board in May 2020, was also recently confirmed by the Senate and will continue to represent the Maryland Environmental Service; Board Counsel Jenn Bowman requested Dee forward the citation from the Governor's Appointments Office regarding appointments during Senate recess. Dee further noted Eric Dutrow was appointed by MDE Secretary Ben Grumbles to the Board to represent the second Public-At-Large seat.

In addition, Dee advised an application was recently received for Board Membership wherein the applicant qualifies for Water Supervision and Wastewater Supervision; both positions are expected to be vacated this summer when Joe Johnson and Bill Shreve, retire from employment and thus the Board, respectively, in July 2021. As the Governor's Appointments Office asked her for which position the applicant should be considered, Dee shared her thoughts privately with Joe before responding that, given the numerous changes in Board Membership over the past year, retaining the Board Chair for as long as possible would provide the most stable transition, to which Joe agreed. Depending upon the timeliness of the appointment, Joe plans to continue assisting the Board with his historic knowledge and valuable expertise for as long as possible, even as a guest.

Eric Dutrow addressed the Board stating it was an honor to be appointed and he wished to clarify some concerns regarding ethical duties. He requested written guidance (i.e. a handbook) on the Board's ethic policies and advised he will come to the Board with any specific questions or concerns as they may arise in his day to day dealings with operators as employed by Maryland Rural Water Association. Board Chair Bill Shreve advised that there is no conflict when providing his personal opinion but he should refrain from speaking on behalf of the Board. Bill also suggested that all Board members should direct inquiries / petitions to the Board and bring along interested parties as guests to resolve difficult questions or concerns. Both Joe Johnson and Dee Settar emphasized the need to abstain from votes when presented with a conflict of interest or even the appearance of a conflict of interest.

E. Overview of Board & EPA Certification Programs

Acting Board Secretary Dee Settar provided an overview of the EPA's Safe Drinking Water Act that frame the water treatment and distribution certifications due to federal funding of the Board. She noted certification compliance must be reported annually to the EPA and that any regulatory changes related to drinking water certification must be approved by the EPA. Board Chair Bill Shreve concurred with EPA's oversight and noted the Board does not deal with employment or compliance issues.

07. COMMITTEE REPORTS

A. TRE Committee Recommendations

The TRE Committee met on March 10, 2021 to review applications for continuing education. Martin Fuhr presented the Committee's recommendations to Board Members. Joe Johnson moved to adopt the recommendations without corrections. Jay Price seconded the motion. The motion carried unanimously; Joe Johnson abstained from voting on all training sponsored by WSSC, Jay Price abstained from voting on all training sponsored by the Short Course, and Eric Dutrow abstained from voting on the Short Course Superintendent course and all training sponsored by the Maryland Rural Water Association; Board Chair Bill Shreve abstained from all voting.

B. TRE Committee Updates

Board Counsel has a concern with the TRE policy updates; the matter will be tabled until April per the Board Chair. The Board Counsel advised that the policy must go to oversight review by MDE after it is reviewed and approved for legal sufficiency.

08. ON-GOING BUSINESS

A. COVID- 19 Impacts

Board Chair Bill Shreve asked about the current status of the Governor's amended Executive Order which administratively extends certification renewals. Acting Secretary Dee Settar advised that the Board would discuss the issue matter in the following Closed Meeting. Dee also advised she would provide data regarding the number of certificates that had not been timely renewed at the April meeting.

B. Certification Structuring

Dee Settar advised the Board would table this matter to the April meeting due to time constraints.

09. NEW BUSINESS

A. Water Re-Use Pilot Studies & Need for Certification

Ben Thompson requested to discuss the certification of operators treating water contaminated by indirect potable reuse. He referenced two anticipated water indirect-reuse pilot projects in Maryland and inquired to the required certification required for these operators. He also noted that the technology expected elsewhere in the State; Bill Shreve agreed that indirect reuse will be implemented in Maryland and requested Board Staff include this on the Board's list of pending regulations to address. Dee Settar noted that operators involved in reuse should have experience with both water and wastewater processes. Bill noted that such expertise would be dependent upon the type of re-use such as potable or industrial. Dee will invite an engineer working with one of these projects to a future Board Meeting to discuss the matter. Bill noted Charles County met with MDE several times to discuss the issue.

B. Discussion of Possible Apprenticeship Program

Ben Thompson proposed the possibility of Board-sponsored apprenticeships, with an emphasis on apprenticeships for interns that does not include Operator In Training (OIT) certification. Tara Jones noted that, from her experience, facilities are reluctant to pay for OIT certifications without assurance of employment. As a result, she is working to create a “pre-apprenticeship” grant program that includes shadowing operators to prepare for the Operator in Training certification. Dee Settar noted promotion on a federal level for States to recruit veterans into the water sector. Board Chair Bill Shreve advised outreach with DLLR and DOD has been successful in recruiting but the entire industry has a recruitment and retention issue. Tara Jones concurred. Bill recommended the Board do everything it can to promote recruitment and interest in the industry.

Eric Dutrow advised the Board that MES was originally charged with recruiting and hiring veterans. Ben Thompson asked if there is a specific agency used to recruit from the military. Dee Settar suggested partnering with Veterans Affairs. She emphasized the importance that MDE places on the value of a certified operator. She also explained that some smaller systems under-estimate the value of certified operators. Bill Shreve expounded that they needed to be apprised of the liability that may arise from not having a qualified operator and that the industry must learn to appeal to millennials in order to replenish the work force.

10. DISCUSSION WITH BOARD LIAISONS AND GUESTS

Tara Jones (MCET) – She is happy to announce that MCETs contract with MDE has been renewed for another year. In addition, she is working on a grant for apprenticeship preparedness as previously noted. Regrettably, the fall schedule will be entirely virtual. She advised that she is hoping for in person classes to resume in Spring of 2022.

Sue Houghton (MRWA) – Nothing to report.

Scott Harmon (MRWA) – Advised that he is working on putting together training for PFAS treatment and will update the Board as needed.

Clark Howells (CWEA) – No updates at this time since the CWEA Meetings are held at the same time as Board Meetings but he will provide a summation of any updates at the next meeting.

Bruce Darner (WWOA) – Advised that WWOA has funded 16 scholarships out of 18 applications. However, during their meeting yesterday, they found all of the applicants had great merit and decided to provide scholarships to the final two applications, making a total of 18 scholarships. He read out the names of all 18 worthy recipients.

Jay Price (CSAWWA) – Advised that they will be holding the Short Course virtually in early June. Tri-Con is a go for August and the Short Course is up with a cut-off of one week prior to the course and that the course includes a link to scholarship applications.

11. Board Vote to Move into Closed Session

Pursuant to General Provisions Article (“GP”) § 3-305(b), on a motion made by Joe Johnson and seconded by Bruce Darner, the following Board members voted in favor to move into closed session on March 18, 2021 at 12:04 PM via Google Hangouts video/ teleconference for the purpose of complying with certain provisions of the Open Meetings Act: Joe Johnson, Dominic Deludos, Ben Thompson, Bruce Darner, Jay Price, Hiram Tanner, Eric Dutrow, and Partha Tallapragada; Chairman Bill Shreve abstained. The motion carried.

12. ADJOURNMENT

Jay Price moved to adjourn the virtual conference meeting at 12:04 PM. The next meeting will be held on **April 18, 2021 Video Conference Meeting held via Virtual Google Hangouts.**

Call to Order and Purpose of Closed Meeting

With a quorum present, Chairman Bill Shreve called the meeting of the closed session to order at 12:05AM to perform administrative functions, pursuant to the following provisions of GP § 3-305(b):

GP § 3-305(b)(2) To protect the privacy or reputation of certain individuals concerning a matter not related to public business.

GP § 3-305(b)(7) To consult with Board Counsel to obtain legal advice

GP § 3-305(b)(8) To consult with staff, consultants or other individuals about pending or potential litigation pertaining to certain individuals.

During the closed meeting, the following Board members were present: Chairman Bill Shreve, Vice-Chairman Joe Johnson, Jay Price, Hiram Tanner, Ben Thompson, Eric Dutrow and Partha Tallapragada. The following MDE staff were also present during the closed meeting: Jenn Bowman, Dee Settar (self-recused Board Member), Martin Fuhr, Pam Franks, Victoria Arbaugh and Shailajah Pelosi. The following Board Members were not present: Dominic Deludos and Roseann Ndebumado.

Topics Discussed in the Closed Session Meeting

Board Members adopted the Closed Meeting agenda and reviewed the Minutes from the February 18, 2021 Closed Meeting. Board Members also discussed matters related to the Governor’s amended Executive Order which administratively extends certification renewals, as well as a Public Information Act request, a complaint of falsification, an inquiry regarding certification and felony convictions, and the Board Attendance report for CY2020.