



STATE OF MARYLAND
BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS
MINUTES OF THE MEETING HELD ON:
Thursday, September 16, 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

- | | |
|---------------------|--|
| Jay Price | Sanitary Commission; Board Chair |
| Benjamin Thompson | County Government; Board Vice-Chair |
| Doug Abbot | Water Supervision |
| Bruce Darner | Agriculture; WWOA Liaison (arrived 10:06 AM) |
| Dominic Deludos | Industrial Superintendent |
| Hiram Tanner | Public-At-Large |
| Partha Tallapragada | Maryland Environmental Service |
| Rosann Ndebumado | Municipal Government (arrived 10:48 AM) |
| Eric Dutrow | Public-At-Large |

LIASONS, GUEST & STAFF PRESENT

- | | |
|------------------|---|
| Dee Settar | Board Secretary |
| Jennifer Bowman | Board Counsel |
| John Smith | Board Staff |
| Martin Fuhr | Board Staff |
| Pam Franks | Board Staff |
| Victoria Arbaugh | Board Staff |
| Shailaja Pelosi | MDE Liaison– Compliance Program |
| Tara Jones | MCET Liaison |
| Scott Harmon | MRWA Liaison |
| Sue Houghton | MRWA Liaison |
| Clark Howells | CWEA Liaison |
| Bill Shreve | TRE Committee Member; Retired Board Member |
| Tom McGrath | TRE Committee Member |
| Margo Falahee | Guest: MDE – Water Supply Program |
| Molly Michaelson | Guest: MDE – Mining Program (departed 11:13 AM) |
| John Carey | Guest: MDE – Mining Program (departed 11:13 AM) |
| Ronald Shartiger | Guest: MDE – Mining Program (departed 11:13 AM) |
| Tom Murray | Guest: MDE – Mining Program (departed 11:13 AM) |
| Jonathan Rice | Guest: MDE – Industrial Permits Program (departed 11:13 AM) |
| Conie Luffman | Guest, Superintendent |
| Cori Cameron | Guest, Superintendent |
| Scott Nipps | Guest, Operator |

01. CALL TO ORDER

Board Chair Jay Price called the meeting to order at 10:00 AM. Roll Call was done by Victoria Arbaugh, Board staff. The Board meeting was conducted online using Google Meet.

02. REVIEW AND ADOPTION OF PROPOSED MEETING AGENDA

Board Members reviewed the September 16, 2021 draft Agenda. Partha Tallapragada moved to adopt the proposed meeting agenda with amendments. Ben Thompson seconded the motion. The motion carried unanimously with Board Chair abstention.

03. REVIEW AND APPROVAL OF DRAFT FOR PRIOR MEETING MINUTES

Board Members reviewed the July 22, 2021 draft Meeting Minutes. Doug Abbott moved to adopt the minutes as amended with several corrections. Ben Thompson seconded the motion. The motion carried unanimously with Board Chair abstention.

04. REVIEW AND APPROVAL OF DRAFT FOR PRIOR MEETING MINUTES

Board Members reviewed the August 9, 2021 draft Emergency Meeting Minutes. Bruce Darner moved to adopt the minutes as amended with corrections. Ben Thompson seconded the motion. The motion carried unanimously with Board Chair abstention.

05. BOARD CHAIR'S COMMENTS

Board Chair Jay Price welcomed and thanked all Board Members, Staff, and Guests to the meeting. He specifically thanked Bill Shreve for joining the meeting, continuing to work on the TRE Committee and volunteering his expertise to other committees. He invited Dee Settar to begin the discussion with MDE's Mining and Industrial Permit Staff. Dee Settar in turn asked everyone in attendance to introduce themselves, describe their position and their purpose for attending the meeting.

06. MDE GUEST DISCUSSION – EXAMS AND OPERATOR CLASSIFICATIONS

Dee provided a brief summary of Board Staff's discussions with both the MDE Mining and Industrial Permit Programs and noted mining operators and some industrial wastewater operators currently hold the I2 certification. Dee conveyed concerns this classification and exam may not be suitable for this group of operators based upon treatment processes used, the Mining Program's request to amend an exam specifically for mining operators, and the Industrial Permits Programs input. She concluded that these operators have needs which are not supported by the current classification framework and suggested a subclassification could be created that is similar in purpose to the drinking water T5 subclasses.

Dee invited John Carey of MDE's Mining Program to continue the discussion and share his concerns. John noted that several mining treatment processes and compliance concerns crucial to mining compliance oversight should be present in the exam and are not included in the I2 exam. Mr. Carey noted that previous Board staff allowed the Mining Program to develop a separate exam which was proctored during a dedicated training event provided by the Mining Program staff. Dee conveyed her concern with having two different I2 exams in that when an operator passes "either" I2 exam and receives full certification, that operator is certified to work at any I2 facility without having passed the Board's conventional I2 exam. Martin Fuhr noted he reviewed the Mining Program's exam, confirmed the content was acceptable for an exam and agreed the I2 examination does not adequately address mining operations as explained by the Mining Program. Mr. Carey elaborated that most mining operations require

iron and manganese removal treatment for discharge, which is not included on the I2 exam. He also noted pH control is crucial. Dee responded that the I2 exam includes some content on pH control and sedimentation, but perhaps it does not ensure mining operators are competent in core treatment processes. John conveyed the Mining Program requests an exam that includes compliance content as well, including sample presentation, reporting and permit requirements that are not included in the current I2 examination.

Jonathan Rice of MDE's Industrial Permits Program agreed that mining processes for pH control and settling processes were more complex than that used by operators for whom he has concerns. These operators hold I2 or I5 certifications for groundwater remediation to remove organics via air stripping and asked if certifications were even required. Dee provided language from COMAR 26.06.01.05 that states an individual may not practice as an operator or superintendent in a works unless that individual has been certified by the Board in the appropriate classification; she also provided the definition of an industrial works to include a manufacturing process, business process, or the development of natural resources as stated in COMAR 26.06.01.01. Shailaja Pelosi asked if training was required after I2 certification was received and suggested mandatory training should be implemented. Dee concurred and added that there should be some form of mandatory training for all operators that addresses certification and compliance regulations, and that training for current technology and industry concerns should be readily available. Shailaja advised she has observed a plethora of site-specific treatment issues at different locations and believes the certification process should include the specifics for all operators. She also emphasized that it is unacceptable that I2 operators are exempt from continuing education requirements for renewal and added that it is essential to develop a regulatory scheme that makes training a priority especially when treatment processes are altered and / or operators change.

Dee Settar invited the Board Members to comment. Jay Price suggested a new classification and exam may be needed to address mining operations. Dominic Deludos advised that he believed an Industrial 7 (I7) Certification would best cover mining operations. Bill Shreve advised that he appreciated the communication from the Industrial Discharge Permit Program and Compliance Program; he also noted that the I7 has always been an interesting certification and any change to the classification structure would take several years. As a result, he agrees the I7 can be used to contemplate mining operations under its "site specific" requirements. Dee Settar added that in the future subclasses could potentially be added to the I7 under the current regulatory scheme. Doug Abbott concurs the I7 would be the best means to address the issue.

John Carey asked for a detailed explanation of air stripping and does not think it is often used in coal mining, and Jonathan Rice explained the technical details. Doug Abbott noted that the process is not represented by the current regulatory scheme. Partha Tallapragada agreed that the I2 does not include the air stripping process. Jay Price noted that the I7 is the best option to address the process since the I2 is not adequate. Doug Abbott agreed and stated removal of iron and manganese is an oxidizing process that is not included in the I2 classification and that perhaps it is best to require the I7 for most mining operations. Hiram Tanner agreed "there is no need to re-invent the wheel" and since the I7 can address the concerns, it is the best option. Ben Thompson concurred that expanding the I7 to include mining operations would be the best and most efficient solution to the problem. Jay Price recommended that the Board wait until the October meeting to vote on whether to expand the I7 to allow Board members to digest and research the matter. Board Members concurred.

07. BOARD STAFF'S REPORTS

A. Revenue & Expenditures Update

Board Secretary Dee Settar presented the August draft Revenue Report to the Board and explained that she had not yet been provided with the FY22 Appropriation amount from MDE's Water and Science Administration (WSA). She is also awaiting the August Expense Report from WSA and will share the information at the October meeting.

B. Board Staff Updates

Dee Settar advised the new database is moving towards completion and that the cash receipts portion will be ready for testing within the next month. She also noted MDE experienced an extensive department-wide problem with printing due to IT updates, which further delayed printing of certificates. She advised the Board of plans to make renewal applications available on-line, similar to the posted list of active operators. Dee added Board staff is investigating the capacity to email certificates and presented the new template to the Board. Ben Thompson applauded the Board for coming into the 21st Century. After a lively discussion, Board Members agreed the fee to provide a duplicate physical certificate would remain as \$15 but a request for a duplicate emailed copy should be provided at no charge.

C. Discuss 3 Certification Inquiries

Martin Fuhr stated he received several operators' inquiries for Board Member advice. Martin asked if an applicant must possess a high school diploma or GED to obtain an Operator in Training (OIT) Certification. Bill Shreve responded that, in his opinion as a former Board Member, a diploma or GED should be required since it is required for full operator certification. Jay Price stated that, while it is required for a full operator certification, it should not be required for the OIT and suggested the Board vote. Eric Dutrow noted that he believes an applicant should be able to obtain an OIT without a high school diploma and noted an OIT has three (3) years to obtain a diploma/ GED in order to become fully certified. Ben Thompson concurred with Eric, noting that perhaps a diploma/ GED should be required for future OIT applications. Jay noted that if OIT certification is granted without a diploma, Board staff must verify possession of the diploma prior to issuing full operator certification. Dee Settar presented COMAR 26.06.01.16 and noted the issue is not clear. After reviewing the regulations, Board Members agreed that while a diploma or GED is required for full operator certification it is not required for the OIT certification. Board Chair Jay Price emphasized that Board Staff ensure proof of the diploma / GED when granting Operator status.

Martin then asked if an individual working with a mobile car wash should obtain a wastewater operator certification due to discharge. Dee Settar noted COMAR 26.06.01.03 exempts car washing facilities as industrial wastewater works. Bill Shreve suggested the inquirer be referred to MDE's General Discharge Permit Program, as other permits might be required. Shailaja Pelosi asked that the matter be referred to the Compliance Program for handling and resolution.

Martin then conveyed a particular municipality is interested in hiring an individual who has active operator certifications but recently expired superintendent certifications, and that Martin advised the individual he would need to re-apply for superintendent certification and submit his appointment by the new employer. Bill Shreve suggested if the lapse in superintendent certification has been several years, the individual could be required to attend the New Superintendent Training. Jay Price concurred.

08. REVIEW OF APPLICATIONS

Martin Fuhr presented the following applications for education substitution an experience credit:

Scott Nipps

Based upon Mr. Nipps' applicable college credits, Martin recommended he be granted one year education substitution, making him eligible for his Wastewater 5A operator certification immediately. Bruce Darner made a motion to accept the proposal, and Dominic Deludos seconded. The motion carried unanimously with Board Chair abstention.

Michael Case

Based upon Mr. Case's applicable college credits, Martin recommended he be granted one year education substitution, making him eligible for his Water 4 operator certification on November 1, 2022. Hiram Tanner made

a motion to accept the proposal, and Ben Thompson seconded. The motion carried unanimously with Board Chair abstention.

Elliott Georg

Based upon Mr. Georg's applicable college credits, Martin recommended he be granted one year education substitution, making him eligible for his Wastewater 5 operator certification on December 1, 2021. Martin also recommended he be granted the same time credit once he passes the Wastewater "A" exam. Bruce Darner made a motion to accept the proposal, and Partha Tallapragada seconded. The motion carried unanimously with Board Chair abstention.

Steven Golob

Based upon Mr. Golob's applicable college credits, Martin recommended he be granted one year education substitution, making him eligible for his Wastewater 5 operator certification on November 1, 2021. Ben Thompson made a motion to accept the proposal, and Hiram Tanner seconded. The motion carried unanimously with Board Chair abstention.

Jeremy Mose

Based upon Mr. Mose's applicable college credits, Martin recommended he be granted one year education substitution, making him eligible for his Water 4 operator certification immediately. Bruce Darner made a motion to accept the proposal, and Partha Tallapragada seconded. The motion carried unanimously with Board Chair abstention.

Jeffrey Price

Based upon Mr. Price's applicable college credits and proof of experience for credit, Martin recommended he be granted one year education substitution and six months experience substitution, making him eligible for his Water 4 operator certification immediately. Ben Thompson made a motion to accept the proposal, and Partha Tallapragada seconded. The motion carried unanimously with Board Chair abstention.

09. SUBCOMMITTEE REPORTS

A. Exam Subcommittee Update

Dee Settar advised that the Exam Committee held its first meeting and decided the first exams to be reviewed should be the wastewater 5 and 5A examinations. Jay Price noted the subcommittee will also review the exams to confirm parity between the paper and online formats. Board staff have requested exam question pass rate data from the Association of Board Certifications (ABC), owner of exams used by the Board, to evaluate those exam questions with poorest passing rates. Shailaja Pelosi requested to be included in the subcommittee. Dee Settar advised that she will review the water T3 paper exam for questions that do not reflect that classification as well.

B. Training Review and Evaluation (TRE) Committee

Martin Fuhr presented the Training, Review and Evaluation (TRE) Committee's training recommendations from their September 8, 2021 meeting. Bill Shreve requested to remain on the Committee and will be present at the next meeting. Dee Settar noted that it may be helpful to trainers and operators if the TRE Committee met six (6) times per year as opposed to the current quarterly schedule. Bill Shreve reminded Dee that urgent courses could be brought directly to the Board for review. He also expressed concern, as a former Board Member, with the required Water and Science Administration (WSA) review process which could delay approval of training. Dee responded that WSA only reviews Board decisions for course denials. Board Chair Jay Price agreed that was a good idea to meet

six (6) times a year and suggested the Committee Members should determine the meeting schedule.

The Board discussed the TRE Committee recommendations and agrees with the Committee's recommendations, including the requirement for additional information to approve one particular course. Doug Abbott made a motion to adopt the recommendations of the Committee. The motion was seconded by Bruce Darner. The motion carried unanimously with Board Chair abstention.

10. DISCUSSION WITH BOARD LIAISONS AND GUESTS

Tara Jones (MCET) – Advised that water and wastewater classes just started. So far the semester is going well and attendance looks good for the Spring semester. Please continue to refer interested persons into the programs.

Eric Dutrow (MRWA) – Advised the MRWA will hold a meeting in October and interested parties should contact him for any questions or concerns.

Bruce Darner (WVOA) – Provided no update today and will provide an update at next meeting.

Corey Cameron (Guest) – Advised that the City of Salisbury has started an apprenticeship program with local vocational high school students. She is requesting the Board's input since the participants will be under 18 and still working towards their diplomas. Dee Settar checked the regulations and did not find any prohibitions based on age. Bill Shreve applauded the program and reminded Cory that "on the job" experience cannot be credited until the OIT Certificate was obtained. Cory advised she will ensure that the OIT are effective upon apprentices' start date.

Clark Howells (CWEA) – Advised that there was a meeting at Tri-Con which he was unable to attend due to a schedule conflict. He reported that WSSC won the pipe cutting contest and split the winnings with Howard County. He will provide more information at the October Meeting.

Jay Price (CSAWWA) – Reminded everyone about the Mid-Atlantic Utility Conference on November 9th and 10th in Ellicott City at Turf Valley Country. They have booked great speakers and the sessions are short so attendees do not lose focus / interest. He noted that ALL operators are being recognized for their Covid 19 efforts.

Bill Shreve (TRE Committee; Retired Board Member) – Reminded everyone that he is available as needed and would like to remain an active member of the TRE Committee as well as serve in other capacities as needed.

11. BOARD VOTE TO MOVE INTO CLOSED SESSION

Pursuant to General Provisions Article ("GP") § 3-305(b), on a motion made by Ben Thompson and seconded by Hiram Tanner, the following Board members voted in favor to move into closed session on September 16, 2021 at 12:55PM via Google Meet video/ teleconference for the purpose of complying with certain provisions of the Open Meetings Act: Dominic Deludos, Bruce Darner, Partha Tallapragada, Ben Thompson, Doug Abbott, Eric Dutrow, and Hiram Tanner; Chairman Jay Price abstained. The motion carried.

12. ADJOURNMENT

The Board Chair moved to adjourn the open meeting at 12:50 PM. The next meeting will be held on **October 21, 2021 Video Conference Meeting held via Google Meet.**

CALL TO ORDER AND PURPOSE OF CLOSED MEETING

With a quorum present, Chairman Jay Price called the meeting of the closed session to order at 1:02 PM 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 individuals concerning a matter not related to public business

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

During the closed meeting, the following Board members were present: Chairman Jay Price, Vice-Chairman Ben Thompson, Doug Abbott, Hiram Tanner, Dominic Deludos, Bruce Darner and Partha Tallapragada. The following MDE staff were also present during the closed meeting: Jenn Bowman, Dee Settar, Martin Fuhr, and Victoria Arbaugh. The following Board Members were not present: Rosann Ndebumado.

TOPICS DISCUSSED DURING CLOSED MEETING

Board Members reviewed Closed Minutes for the July 15 and August 9, 2021 meetings, discussed Department concerns regarding a particular certificate holder, and considered Department concerns regarding the Board's Medical Marijuana statement.

Open Meeting Minutes approved by WWSO Board on October 21, 2021