



**STATE OF MARYLAND**  
**BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS**  
**MINUTES OF THE MEETING HELD ON:**  
**Thursday, October 21, 2021 At 10:00 A.M**  
**Virtual Video Conference Meeting via Google Hangouts**

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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.

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**BOARD MEMBERS PRESENT**

Jay Price	Sanitary Commission; Board Chair
Benjamin Thompson	County Government; Board Vice-Chair (left at 10:50 am)
Doug Abbot	Water Supervision
Bruce Darner	Agriculture; WWOA Liaison
Dominic Deludos	Industrial Superintendent
Hiram Tanner	Public-At-Large
Partha Tallapragada	Maryland Environmental Service
Rosann Ndebumado	Municipal Government (arrived 10:32 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
Victoria Arbaugh	Board Staff
Shailaja Pelosi	MDE Liaison– Compliance Program
Scott Harmon	MRWA Liaison
Clark Howells	CWEA Liaison
Bill Shreve	TRE Committee Member; Retired Board Member
Sue Houghton	Guest, MRWA Liaison
Jonathan Rice	Guest, MDE – Industrial Permits Program
Mike Eisner	Guest, MDE – Wastewater Permits Program
Susan Springer	Guest

**01. CALL TO ORDER**

Board Chair Jay Price called the meeting to order at 10:01 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 October 21, 2021 draft Agenda. Partha Tallapragada moved to adopt the proposed meeting agenda with amendments. Bruce Darner 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 September 16, 2021 draft Meeting Minutes. Ben Thompson moved to adopt the minutes as amended with several corrections. Bruce Darner seconded the motion. The motion carried unanimously with Board Chair abstention.

### **04. BOARD CHAIR'S COMMENTS**

Board Chair Jay Price welcomed and thanked all Board Members, Staff, and Guests to the meeting. He invited Dee Settar to begin the discussion with of the Board Staff Reports.

### **05. BOARD STAFF'S REPORTS**

#### **A. Revenue & Expenditures Update**

Board Secretary Dee Settar presented the Draft September Revenue & Expense Report to the Board and explained that the figures had not yet been confirmed by MDE Fiscal Services Program. She explained the Board expenses should be considered tentative and included the ABC encumbrance, which is not yet resolved. She also provided the FY22 Appropriation and commented the amount exceeds that of previous years. Board Chair Jay Price asked if the Board was losing money due to the fee reduction required several years ago. Dee agreed and noted that may be the reason for increased Federal funding.

#### **B. Exam Statistics – 3<sup>rd</sup> Quarter**

Martin Fuhr, Board Staff, discussed the examination statistics for the months of July, August and September, 2021. There were 50 total exams taken in July, with an overall pass rate of 28%. Twenty operators sat for the paper water exams, scoring a pass rate of 45%; four operators sat for the online (AMP) water exams, scoring a pass rate of 50%; twenty-three operators sat for the paper wastewater and industrial wastewater exams, scoring a pass rate of 13%; and three operators sat for the online (AMP) wastewater and industrial wastewater exams, scoring a pass rate of 0%.

In August, 2021, a total of 72 exams were taken, with an overall pass rate of 33%. Twenty-six operators sat for the paper water exams, scoring a pass rate of 31%; one operator sat for the online (AMP) water exams, scoring a pass rate of 100%; thirty-six operators sat for the paper wastewater and industrial wastewater exams, scoring a pass rate of 19%; and nine operators sat for the online (AMP) wastewater and industrial wastewater exams, scoring a pass rate of 90%.

In September, 2021 a total of 84 were exams taken, with an overall pass rate of 31%. Thirty-five operators sat for the paper water exams, scoring a pass rate of 23%; four operators sat for the online (AMP) water exams, scoring a pass rate of 25%; forty operators sat for the paper wastewater and industrial wastewater exams, scoring a pass rate of 38%; and five operators sat for the online (AMP) wastewater and industrial wastewater exams, scoring a pass rate of 40%.

#### **C. Board Initiatives & Updates**

Dee Settar introduced Mike Eisner, the new Executive Director for MDE's Marine Contractors Board, stating Mike was attending in order to observe Board meeting functions and advised that certain topics could only be addressed in Closed Session.

Dee Settar then summarized the regulatory change process and the proposed regulatory changes that were provided to Water and Science Administration. If approved, the proposed changes will be forwarded to the Governor's Office. Dee noted the list provided was only partial and that Jenn Bowman, Board Counsel, would provide additional information during Closed Session.

Dee Settar advised the Board that the new database was nearing full implementation, as the accounts receivable portion was in test mode prior to a full crossover. Dee thanked John Smith, Water Supply Program staff, for his ongoing efforts. She noted the new database is the first step towards implementing online payments. Bruce Darner made an inquiry about water system sampling schedule notices; Dee responded that was an initiative for a different database in Water Supply Program and that she would refer the question to Division Chief Chris Watling for a response.

#### **06. OLD BUSINESS –EXAM/ OPERATOR CLASSIFICATIONS; RENEWAL EXTENSION UPDATE**

Dee Settar invited Jonathan Rice to clarify his concerns to the Board. Referring the Board's September meeting, Jonathan advised that air stripping for industrial wastewater was a separate issue from mining discharge treatment, and hoped a separate subclass would be considered for operators working with air stripping. Board Chair Jay Price referred back to the proposal to use the Industrial 7 classification to include subclasses for both mining processes air-stripping. Dee reminded the Board that no existing classification or examination currently contemplates any aeration processes, including air-stripping. Jonathan Rice advised the Board that the MDE Industrial Permit Writers Division routinely receives pushback from the regulated community that believes a "waiver" should be granted to perform aeration processes, and noted that he is comfortable with an I7-subclass if the Board approves. Dee noted that specific I7 subclasses may be the best solution to address additional industrial wastewater processes not expressly covered in the regulations. Jonathan responded that he agrees that air-stripping should be regulated as a subclass. It was decided that the discussion would continue in the closed meeting.

Dee presented statistics on applications received during the Governor's extension period for certificate renewals April 1, 2020 to August 1, 2021 and noted a significant number of operators have not yet renewed. Board Chair Jay Price expressed concerns and remarked that he hoped renewal data improves by the end of the year. Dee agreed and noted the information would be also be helpful to MDE's compliance programs if the Board's database contained plant information for those expired operators. Shailaja advised that MDE's Compliance Program does not have a list of operators by plant or location, which complicates the effectiveness of sharing the information.

#### **07. NEW BUSINESS –EXAM AND MEETING SCHEDULE**

Martin Fuhr presented the proposed CY2022 Examination Schedule to the Board. He noted that he had secured five (5) different locations across the State and that all, except MDE, can accommodate at least fifty examinees: the College of Southern Maryland, Havre De Grace, Hancock and Easton. Martin has also scheduled exams that can accommodate up to 200 examinees following the Short Course training event and 50 examinees at the Tri-Association Conference (Tri-Con). Jay Price complimented the plan and testing strategy. Martin thanked Eric Dutrow for his efforts in securing an accommodating venue in Hancock/ Western Maryland. Jay Price inquired if / when MDE would expand its seating capacity past the 25 person capacity limit. Martin responded that he hoped capacity at MDE would increase shortly but that it is entirely dependent on Baltimore City government and Montgomery Park building management.

Doug Abbott asked Board Staff if / when electronic exams would be held at MDE. Martin explained the MDE  
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computer lab can only accommodate 18 computers, all of which require time-consuming updates prior to use. In addition, proctoring examinations in computer lab also presents a security concern, as all visitors must be escorted individually at the start and finish of each exam, which requires additional staff time. Martin noted he has observed an increase in the number of third-party proctored “AMP/PSI” exams and explained that operators get results immediately after completing an exam. Conversely, operators may wait up to four weeks to receive results for paper exams that are dependent upon vendor promptness. Dee Settar added that she is planning to add a mechanism to track exam dates and results electronically to expedite renewal processing.

Dee Settar presented the CY2022 Board Meeting Schedule, which included most meetings to be held on-line. Jay Price noted he prefers online meetings in most cases due to accessibility. Hiram Tanner concurred. Dee asked the Board Members for their thoughts on holding an August Meeting in 2022, which is usually cancelled due to conflicting schedules with the Maryland Association of Counties Conference. Dee noted it was easier to cancel a meeting than to add a meeting, as inclusion of a public meeting in the Maryland Register necessitates at least 6 weeks advance notice, while a cancelled meeting requires no prior notice. Hiram Tanner made a motion to add the August 2022 Meeting to the schedule and Partha Tallapragada seconded. The motion passed unanimously with the Board Chair abstaining.

## **08. REVIEW OF APPLICATIONS**

Martin Fuhr presented the following applications for Education Substitution, Reciprocity & Experience:

Davina Yutzy

Based upon Ms. Yutzy’s extensive college experience in science, Martin recommended she be granted one year of education substitution and one year experience credit toward her Water Treatment 4 operator certification, making her eligible for full certification immediately. Doug Abbott made a motion to approve the recommendation, Hiram Tanner seconded. The motion passed unanimously.

Richard Tripp

Mr. Tripp applied for education substitution toward the minimum time requirement toward his Water Treatment 4 operator certification. Based upon his transcript, Martin made the recommendation he be granted twelve months credit, making him eligible on January 1, 2023. Doug Abbott made a motion to approve, and Bruce Darner seconded the motion. The motion passed unanimously.

Zachary Schley

Mr. Schley applied for experience credit toward his Wastewater 5A temporary certification. Despite having passed the corresponding examination, and clocking 933 hours beyond the minimum time required for full certification, Martin recommended he be denied as he lacked three years’ experience. Jay Price pointed out while this is may be the case, he is still eligible to apply for experience credit. It was then proposed this application be shelved until November’s meeting until documentation of experience could be obtained, at which time this application would be revisited.

James Ferris

Mr. Ferris submitted an application for reciprocity from the state of New Jersey to obtain a Maryland Industrial 7 certification. Martin’s research showed that Mr. Ferris has previously held Industrial 7 certification in Maryland but is expired as of March 1, 2017. Martin pointed out that per COMAR, operator certifications which have been expired greater than two years cannot be reinstated, and the applicant must apply for temporary certification, effectively beginning anew. Based upon that regulation, Martin recommended the application be denied. With that, Dominic DeLudos made a motion to accept Martin’s recommendation, with Rosann NdeBumadu offering up a second. The motion passed unanimously.

Thomas Lanier

Mr. Lanier applied for Maryland Water Treatment 1 certification via reciprocity from Virginia. Based upon Mr. Lanier's limited experience as a certified operator there (three months), Martin recommended his request be denied. Martin also recommended Mr. Lanier apply for temporary Maryland certification immediately, as he stated he is "assisting" with supplemental disinfection systems in Maryland. Hiram Tanner made a motion to accept Martin's recommendation, and Dominic DeLudos seconded. The motion passed unanimously.

## **09. SUBCOMMITTEE REPORTS**

### **TRE Committee Proposal.**

Martin Fuhr presented the TRE Committee proposal regarding the Chesapeake AWWA Mid-Atlantic Utility Conference to be held on November 9 - 10, 2021. Bruce Darner made a motion to grant the credits requested under the Conference Rule. Doug Abbott seconded the motion. The motion passed unanimously with the Board Chair abstaining.

### **Exam Subcommittee Update**

Dee Settar advised that the Exam Committee did not meet yet this month and is awaiting exam question statistics for the T4 and W5A/ W5/ WA exam set.

### **T3 Exam Review & In-House Findings**

Dee advised she reviewed the paper T3 exam and will discuss the matter in Closed Session. She also recommended the Water Supply Program's Engineering and Technical Assistance Division (ETAD) assist with the exam review.

## **10. DISCUSSION WITH BOARD LIAISONS AND GUESTS**

**Clark Howells (CWEA)** – Advised that the exhibition hall is nearly sold out for CY22 Tri-Con and due to high interest and bookings they are looking into additional hotels. He asked everyone to push the H2O Program to more private employers.

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

**Jay Price (CSAWWA)** – Reminded everyone about the Mid-Atlantic Utility Conference on November 9th and 10<sup>th</sup> in Ellicott City at Turf Valley Country and encouraged everyone to attend.

**Scott Harmon (MRWA)** – Advised that he was on the prior examination review team and would like to participate when possible. He noted that from his prior experience in reviewing the examinations that the high failure rate was a predominantly an education and not an exam issue. The Board Chair concurred noting that operators who completed either the Short Course or MCET Prep Course had consistently higher pass rates. Dee re-iterated her prior concerns and recommended that ETAD be included in all of the examination review. Eric Dutrow concurred and advised that he wants exams to be both pragmatic and adequate for the specific classification

## **11. BOARD VOTE TO MOVE INTO CLOSED SESSION**

Pursuant to General Provisions Article (“GP”) § 3-305(b), on a motion made by Doug Abbott and seconded by Bruce Darner, the following Board members voted in favor to move into closed session on October 21, 2021 at 12:07 PM via Google Meet video/ teleconference for the purpose of complying with certain provisions of the Open Meetings Act: Dominic Deludos, Bruce Darner, Partha Tallapragada, Rosann Ndebumado, Doug Abbott, Eric Dutrow, and Hiram Tanner; Board Chair Jay Price abstained. The motion carried.

## **12. ADJOURNMENT**

Bruce Darner moved to adjourn the open meeting at 12:07 PM. The next meeting will be held on **November 19, 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 12:15 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, Rosann Ndebumado, Doug Abbott, Hiram Tanner, Dominic Deludos, Bruce Darner, Partha Tallapragada, and Eric Dutrow. 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: Ben Thompson.

## **TOPICS DISCUSSED DURING CLOSED MEETING**

Board Members reviewed Closed Minutes for the September 16, 2021 meetings and discussed the following items: proposed regulatory changes; proposed changes to application format; concerns with exam content; and potential alignment of certificate expiration dates for superintendents.

***The October 21, 2021 Open Meeting Minutes were approved by WWSO Board on November 18, 2021 and submitted for website posting on November 23, 2021***