

Wastewater Operator Certification Council Meeting
October 21, 2013 at 9:00 a.m.
195 N 1950 W, Great Salt Lake East #3134, Salt Lake City, Utah

MINUTES (Approved March 20, 2014)

1. Roll Call conducted by Dan James:
Council: Terral Dunn, Kerry Eppich, Dan James, Clifton Specht, Ed Macauley, Judy Etherington, Paul Krauth; **Not attending:** Ramesh Goel and Jim Callison
Workgroup: Lonn Rasmussen, Jim Faulkner, Leland Myers, Sharon Burton, Tom Holstrom
Later arrivals: Richard Jex and Laura Lockhart

2. Discussion and Approval of Minutes of Previous Meeting
 - a) Minutes of Open Meeting—August 5, 2013

Motion to accept the minutes: Motion by Clifton Specht; Seconded by Terral Dunn; Approved unanimously.

- b) ***Determination that Minutes of Closed Session Meeting are not required, but a signed affidavit is to be prepared for the record--Judy is to prepare it for Dan's signature.***
3. Discussion of what responsibilities for operator certification still reside with the Water Quality Board according to SB 21, and which now belong to the director of the Division of Water Quality, or the "division," so that the rule can properly reflect them—***At the beginning of this discussion, Laura Lockhart was not present, so Leland presented references found in Sections 19-5-104 and 19-5-106 to try to answer questions such as "who is responsible for appointments to the council" and "who is responsible for enforcing the program."***
4. Recommendations from the workgroup as to which specific items on the draft rule need to be discussed for possible changes. Create a priority list for discussion—***Judy introduced this by suggesting that the members determine what subjects and priority for discussion and whether there is a procedure that should be followed. Dan requested background information. Leland explained the reasons why the Board returned the proposed rule for further revisions before acting on it. The major points that he suggests that the council answer are:***
 - a) ***who should appoint council members--the director or the board;***
 - b) ***the composition of the council—what does the current council want to accomplish with the representation in today's world—such as the private companies who have not been required to have certified operators;***
 - c) ***exam reviews—whether they are to be continued, or not; and***
 - d) ***made a recommendation that there be an attendance requirement added to the rule.***

Leland suggests that the council make the recommendations and present them to the affected individuals for comment and support prior to presenting the changes to the

Water Quality Board for official rulemaking. If the council wants, they may make recommendations for rule changes that can change what the composition of the council is, as well as who makes the recommendations and appointments.

Discussion of specific items—

R317-10-8: Members of the council...appointed by whom? Then, Laura Lockhart arrived and Leland summarized his opinion that the board is responsible for the rules, and the director responsible for enforcement, and Laura concurred. Laura thinks that the real question is "who issues the certification." Purpose of SB21 -- split the responsibilities between the board and the director and his staff. The goal was to have the board only have rulemaking responsibility. There will be a "clean-up bill" sometime. She recommends that to the extent that the board may have authority to issue the certifications, the rule should delegate that authority to the director. Leland summarized by saying that if the board establishes the rule and authorizes the director to enforce the rules and issue the certifications—and authorizes what the council does, it would be safe and be consistent with a "clean-up bill" when it happens. The council would have duties and responsibilities that advise the director, but not enforcement authority.

Laura also clarified why she had recommended that the council be removed from rule—due to being subject to the open and public meetings act. She was concerned that it would be contrary to the act to correspond via e-mail when requesting recommendations for actions from the council, but has found out since then that emails are allowed. All of these communications and council meeting actions are in an advisory capacity to the director. Be careful of giving authority to "or his designee," "to the certification council." Due to the separation of powers in government, she does not believe that the board would be able to delegate responsibility to a body that is not established in statute, but she would be willing to check on it. The council's duties should be to "recommend," but not exceed that authority.

The subject of CEUs, R317-10-12. B. Discussion of "CEU criteria." Recommend changing to "...applicable to wastewater works operation." Leave the next sentence as rewritten. Remove paragraph C. Discussion about what the current value is of having a limit on credit from the annual meetings described in D. Recommend removing D so that the council is not limited by D when they evaluate CEUs per paragraph B. Our practice of tracking CEUs was compared to the way a professional engineer is expected to maintain his own records. Has anyone ever been refused renewal because they did not have enough non-conference education? "Yes." Recommend that we no longer track "conference" CEUs differently from "non-conference" CEUs. Changing E to C, but removed the last sentence that recommended technical training. Judy questioned whether the voluntary certifications that are currently being offered require CEUs for renewal.

Appointments under R317-10-8. Discussion of who should appoint the council members—the board or the director? Do the members want the recognition of the

board for recommendations, and the annual report? If appointments are through the board, it is a more open process and more transparent. Leave appointments by the board, but the purpose of the council is to make recommendations to the director.

Composition of the Board: Seven voting members seems to be a reasonable number of people to work with when coordinating a meeting, and a quorum is required to have a meeting, but decisions are by a quorum of those attending any particular meeting. Recommendations may be made...no reason to separate PWO and WEAU.

Recommendations are always solicited from those organizations on the list, but were accepted from others, also. The representation has usually favored the treatment operators, rather than the collection operators—even though there are now more collection operators than there are treatment operators. It is more difficult for the education representatives to attend due to conflicts with schedules.

In 1. change to four members...with at least two being collection operators. We will not address what level of certification the operators should have, since that would limit the flexibility. If the operator has only a lower certification, there may be a problem if an operator is reviewing test questions for exams that they may be taking in the future.

In 2. the management position should remain as revised.

In 3. "one member who is at large and may represent an educational institution;"

In new 4. leave the new language.

In new 6, change to "at least two non-voting division staff members should be..."

C. 2. recommend setting attendance requirements similar to R305-8-103. Put language in as a place holder "a member who does not attend at least 50 percent of the meetings during a year of service may be replaced at the discretion of the board."

Change organization of the rule - Make A, B, C, F as A. Membership, with parts A, B, C, & F under Membership. Then make E as B "Duties."

R317-10-11. Add under A. "Certificates are issued by the Director." Then, change A to B. Change old G to read "G. In the past, certain individuals received a grandfather certificate. 1. Grandfather certificates were issued under authority of Section 19-5-104." Then delete the rest of the text down to current 3 which will be changed to 2.

R317-10-10.

In D. Discussion of offering exams orally. We had adopted a policy of offering exams orally only if the individual had passed the lower level. Is this a violation of ADA or treating individuals unequally? We need to be consistent. Do we have to offer an oral? Remove the new D.

Exam review discussion—In order to reduce costs under the new contract, reviews will now be held twice a year, after the second exams. Pros and cons of reviews; approximate number of operators who take advantage of them; does it help them? Most other certification/licensing exams do not allow reviews. Most questions in the databank have been evaluated and cleaned-up over the years. There are still some subject areas where questions are being asked that may not really be "need-to-know," even though they are supposed to be. The operators want to see where they have questions—and most are not able to memorize the questions. Initially, we were

concerned that there would be additional costs to the operators for reviews. Change new E to D, then renumber old C as E and put the same language about exam review back in. Keep the new F.

Question about the experience requirements for a certification without restriction. Some individuals with experience in the private sector may not be getting credit for operating experience that meets the requirements for certification. There are flaws in the system, but changes have been made over the years to try to minimize the inconsistencies. We don't specify in detail the requirements for the experience as some other states do. Also comments about the Part 5 systems sometimes being required to have a certified operator.

Question posed by Judy "does the statute really allow a new facility to not have a certified operator until after it has been run for a year?" Is it our intent to regulate the facility, or the operator? That is where it gets confusing, because we need to have the rule cover both. Do we need more clarification for the qualifications to "deem a plant operable?" Does that need to include having someone hired?

Judy is to create another draft version and disburse.

5. *Suggestion for an alternate exam location, use Utah Local Governments Trust new facility in North Salt Lake.*
6. Review August (RWAU) 2013 Scores - No answer sheets are available at this time, so Question/Comment Forms will be reviewed once they are available.

Mandatory

GRADE EXAM	TOTAL EXAMINEES	MEAN SCORE	HIGH SCORE	LOW SCORE	# PASS (≥70%)	# FAIL (<70%)	PASS %
C-I	1	87.0	87	87	1	0	100
C-II	NA	NA	NA	NA	NA	NA	NA
C-III	5	68.4	78	59	2	3	40
C-IV	6	70.83	90	50	4	2	67
SLS-I	5	84	87	80	5	0	100
T-I	4	67	73	60	2	2	50
T-II	9	70.8	88	57	4	5	44
T-III	2	68.5	69	68	0	2	0
T-IV	NA	NA	NA	NA	NA	NA	NA
TOTAL	32	NA	NA	NA	18	14	56

Voluntary

GRADE EXAM	TOTAL EXAMINEES	MEAN SCORE	HIGH SCORE	LOW SCORE	# PASS (≥70%)	# FAIL (<70%)	PASS %
B-II	1	71.0	71	71	1	0	100
M-I	2	77.5	80	75	2	0	100
M-III	2	76.5	84	69	1	1	50

7. Determination of CEUs, if any—*after brief discussion, members had to leave so there was no quorum left in the meeting. Judy will send email to ask for recommendations on whether any CEUs should be given for these and to arrange for exam proctors.*
- a) "Supervisory Skills Program" of The Employers Council, ending 9/12/13.
 - b) Orem City Water Reclamation Section "Safety Committee Meeting", 4/10/13, 2 hrs.
 - c) "Team Building Workshop", 9/18/13, 5 hrs.
 - d) "Drinking Water: Flushing & Disinfection (Hydrants & Flushing)(1 hr.), Water Sampling (Rules, Tips & Practices) (2 hrs.), Cross-Connection 101 (3 hrs.), 9/18/13, Kanab.
 - e) "Drinking Water: Water Sampling (Rules & Tips) (2 hrs), Hydrants & Flushing (Unidirectional Flushing) (3 hrs), Chlorine Treatment to Reporting (1 hr.), 10/23/13, Brian Head.
 - f) Drinking Water: Hydrants and Flushing (2 hrs.), Water Sampling--Rules, Tips & Practices (2 hrs.), Source Protection (2 hrs.), 9/10/13