



STATE OF MARYLAND
BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS
MINUTES OF THE MEETING HELD ON:
Thursday, April 15, 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
Rosann Ndebumado	Municipal Government (arrived at 11:04 am)

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
Alex McNamee	Division Chief ETAD
Chris Watling	Division Chief SDWA
Zoe Goodson	ETAD Engineer
Fatimah Shaikh	ETAD Engineer
Doug Abbott	Guest / MRWA
Eric Barnhart	Guest / Operator

01. CALL TO ORDER

Board Chair called the meeting to order at 10:01 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

Joe Johnson moved to adopt the proposed meeting agenda with corrections, including but not limited to a change of order reversing “Ongoing Business” and “New Business”. Dominic Deludos seconded the motion. The motion carried unanimously. Board Chair Bill Shreve abstained.

03. REVIEW AND APPROVAL OF DRAFT FOR PRIOR MEETING MINUTES

Board Members reviewed the March 18, 2021 draft meeting minutes. Joe Johnson moved to adopt the minutes as amended with several 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 and participating in today’s meeting. Bill advised that he had no further comments and would turn floor over to the Acting Secretary.

05. BOARD STAFF’S REPORTS

A. Revenue & Expenditures Update

Acting Secretary Dee Settar presented the updated Revenue Report numbers for the previous month and prefaced her presentation with an explanation that she was only provided with “draft” figures from MDE’s Fiscal Services Program. Dee further advised the Board that the February 2021 numbers had now been “validated” by that Program. Dee will provide additional information upon receipt of data as available from MDE and explained the Board’s “unverified” revenue frequently does not agree with MDE’s Fiscal Services’ revenue data, due to budget coding issues and returned checks. No questions were posed by the Board regarding the revenue reporting.

B. Exam Updates

Martin Fuhr presented the examination pass / fail statistics by month and class. He noted 37 exams were proctored in March 2021 with overall monthly pass rate of 32%. He noted the T4 examination pass rates remains below the average pass rate. Martin also presented exam specific results and passing rates highlighting the fact that there was a 33% pass rate for on-line Industrial Wastewater Examinations. He explained that no web based examinations were being offered at MDE at this time due to social distancing restrictions.

Board Chair Bill Shreve commented the 5A examination passing rate was also below average, which concerned him. Martin concurred and noted a higher passing rate is observed when operators take the wastewater 5 and A exams separately. Dee Settar inquired whether the exam contents differed. Scott Harmon responded that he contributed to the wastewater exam review subcommittee several years ago and found the exam content did not vary. Martin added that both the 5 and 5A exams allow for a three hour exam period but both the 5 and A exams have only 100 questions while the 5A exam has 125 questions. As a result, Martin speculated that time may be the issue contributing to the lower pass rate for the combined examination.

Scott Harmon advised that he believed the 5, and 5A exams were good tests. Jay Price, who also sat on the wastewater exam review committee, concurred with Martin's theory that the increased number of questions may impact the passage rates. Bill Shreve advised the Board to collect information on which questions are being missed on all three exams in order to compare actual accuracy in results. Scott responded this matter was previously addressed and that bad / confusing / misleading questions had been tossed from the current examination model. Martin responded that he will obtain the data from ABC, who owns the exam content, regarding passing rates for all questions from the 5, A 5A exams. Scott noted that even after the exam review, the passage rates did not increase and believes adequate exam preparation and study is the paramount solution to increase passing rates. Bill Shreve asked the Board to review the passing rates for the T4 exam questions.

Dee asked Board Members if Martin's monthly summary of examination results are useful. Ben Thompson responded the numbers are useful but may be of more assistance if given bi-annually or quarterly to highlight trends in attendance, scoring and passing rate. Joe Johnson responded that the exam data should be given regularly as many employers require exam passage within a specific number of attempts. He suggested that the number be provided quarterly; Board Chair Bill Shreve concurred with that suggestion and directed Board Staff to provide quarterly numbers going forward.

C. Other Board Initiatives

Acting Secretary Dee Settar updated the Board of the launch of the Board's new database and updated renewal application form. She thanked John Smith for all of his work on the database. Martin Fuhr explained that the database is now live and is a monumental achievement and much needed upgrade.

Martin Fuhr and Dee Settar advised the Board that they had worked with Jay Price to finalize an exam

schedule that follows the Short Course dates and the exams would be available first to Short Course registrants. Jay alerted the Board of the many scholarships available at that time. Martin relayed he received several exam applications for the sessions following the Short Course, which will be held at MDE and at locations in Denton and Hancock. Jay noted 33 people registered for the Short Course on the first day of registration. Dee asked the Board to please spread the word about the examination initiative so operators can register and additional exam dates could be added, if necessary.

Dee discussed the Board's Attendance Report and the statutory regulations regarding minimum attendance of 50% of all Board meetings or else would be considered resigned. Board Counsel Jenn Bowman noted that this is a legal minimum attendance requirement created by regulation and not a discretionary policy. As a result, she warned Board members that they must meet the requirement or else be deemed resigned from the Board. Jen also emphasized that the current trend of "pandemic leniency" by the Governor's Appointments Office would eventually conclude, and continued failure to attend could likely result in involuntary resignation.

08. ON-GOING BUSINESS

A. COVID-19 (Number of Operators in Administrative Extension & MDE Letter to Operators)

Acting Secretary Dee Settar updated the Board that approximately 1,100 operators are in the extension period and are expected to renew. As such, Board Staff have been working diligently to prepare for the anticipated rush for applications, examinations and renewals. Dee advised Board staff will mail letters to operators who have not yet renewed which advises the termination of the renewal extension on June 30, 2021. The mailing will include a letter from MDE, signed by the Water Supply Program Manager, Saeid Kasraei, that outlines penalties for failing to renew before the termination date. Joe Johnson noted that the operators were advised that they would have 30 additional days after the State of Emergency is lifted by the Governor. Dee responded that letters would be sent out in early May, which allows for the 30 day notification.

B. TRE Policy Updates

Dee asked the Board Counsel for her advice on flexibility in fee schedules. Jen explained that all continuing education course approval fees must be uniform, and not give an unfair competitive edge to any entity. Jen expounded that a change to the fee schedule would require a regulation change. The Board Chair emphasized that there should be a difference in the fees charged to non-profit and for profit courses. Jen explained that policy, on its face, creates an unfair competitive edge to non-profit entities. Victoria Arbaugh suggested placing a cap on the number of courses which could be submitted without fees each year. Martin Fuhr expounded that ten courses annually would be a good baseline and most non-commercial entities submit ten or fewer courses per year. Dee advised the Board that she would collect more data then suggest a cap number to the Board based upon an analysis of the historical data.

C. Certification Structuring & Discussion with MDE - ETAD

To follow a previous discussion on industrial facilities required to retain certified operators, Secretary Dee Settar updated the Board that she and Martin Fuhr met with MDE staff Greg Busch, Water Supply Program Deputy Director, and Yen-Der Cheng, Wastewater Permit Program Division Chief, to discuss the federal definition of a Significant Industrial User:

An industry which discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8 (f)(6)).

She advised the discussion concluded with an agreement that the Board's updated Operator Application would include information specific to employment by a Significant Industrial User. Bill Shreve noted that there is not a consistent understanding or agreement within the prevailing industry as to what constitutes being deemed a "significant" industrial user or even if they are 5% or more an industrial user. Martin concurred that only the receiving plant itself would know whether 5% or more was industrial use. Dee advised the Board that staff will begin tracking certifications using the PWSID or NPDES to determine correct classifications in the new database. The Board Chair and Secretary determined that this discussion would be revisited after the regulations could be reviewed by all Board Members.

Board Chair Bill Shreve moved the conversation to other matters relating to operator certification structure: PFAS removal treatment, water re-use pilots, and other concerns. He addressed the hesitancy to combine the W4 into the W5 and noted that many plants are probably classified improperly, especially a significant number of Class 3 Plants that should be designated as Class 5 Plants. Guest Attendee Doug Abbott concurred and stated that he believes all plants must be properly classified in order for operators to be properly certified. He added that he is happy to assist the Board in this endeavor in any way possible. Jay Price agreed with Doug. He also urged the Board to make the classes both progressive and inclusive in wastewater processes as well as water processes. Eric Dutrow commented that many operators are concerned about the accuracy of their classifications. He has found this to be especially true among T4 Operators who are concerned that many examination questions are excessive and superfluous.

Dee transitioned the discussion to specifically address drinking water classifications. She referred the Board to the current classification, noting an operator at a small daycare center with iron removal by ion exchange is required to have a higher operator classification, and thus more technical knowledge and continuing education, than an operator feeding caustic soda for pH control at a municipal water system. She would like to reconcile these concerns invited MDE Staff for input. At this time, Alex McNamee, Division Chief of the Water Supply Program's Engineering & Technical Assistance Division (ETAD), was asked to address the Board. He explained that his staff performs routine site visits to examine and assess plant processes. ETAD would like all operators to understand the risks associated with their position as well as understand the daily processes they perform on a daily, weekly and monthly basis. Ideally, all operators would understand the potential risks and be prepared if tasked with addressing a new or novel concern.

Zoe Goodson, ETAD Regulatory & Compliance Engineer, added that there is an undue burden on many small systems. Specifically, the current requirement for an Operator in Charge (OIC) supervising an Operator in Training is particularly cumbersome for very small systems such as daycares. She asked if the OIC requirement could be waived for small systems. Alex agreed with Zoe's concerns, adding that the operational expenses adversely and disproportionately impact very small systems (that serve populations of less than 100 people). Dee informed Board Members that an OIC is required for operations ranging from schools and daycares to small businesses and industrial parks under regulatory requirements. She agrees that it is often very burdensome for these small water systems. Dee suggested plant classifications based on flow could offer a possible resolution and noted the practice is common in many other states. She also noted some states require endorsements onto primary plant classifications, which may offer another solution. Dee noted the Well Driller Board requires a license to install and service water treatment systems at public water systems, and could possibly act as the operator for that water system.

Alex McNamee agreed a water softener installer could should obtain operator certification. Conversely, he believes the class- G water certifications may need to be abolished as they do not seem necessary if there is no actual treatment to water. He emphasized that the focus should be public health. Alex explained the EPA has hinted operators may soon be required for transient water systems, many of which have no treatment or passive treatment like softening and ultraviolet light. He continued that class- G Operators add no chemicals and that installers provide most service to the equipment so the operator is unnecessary. Dee returned to the requirement that installation of any water conditioning treatment is licensed by MDE's Board of Well Drillers Board, and licensees must be bonded, complete continuing education requirements, and the employers must be insured. Alex agreed with Dee's observations and added that the requirement for passing the operator exam may act as a hindrance to certification, and the focus should be on training and education, and not an examination. Bruce Darner echoed Alex's concerns. Zoe elaborated that since they spend no time actually dealing with water, but focus on installing and servicing systems the focus should be on training. Board Chair Bill Shreve noted that waiving an exam would require a regulation change.

Chris Watling commented that he is concerned by the fact that many small systems struggle with limited resources. He suggested that the G Certification should possibly become a limited class that includes language to restrict the system / system operator to a limited and specifically defined treatment type. Eric Dutrow agrees with the philosophy that public safety is the primary goal in regulating operators. He noted that many small systems simply do not have the staff or the capital to designate or employ a full time operator. Alex McNamee brought the conversation back to the practical contributions from ETAD Engineers by explaining that their goal is and has been to educate on-site staff as to proper practices. He emphasized that informed and competent on-site staffing of even the smallest and least complex system is still preferable to a contractor who only visits to service the system every other month. He argued that having a capable system servicer on-site is best for the health of the public and that is why he remains convinced that some form of less burdensome licensing is the best direction to ensure drinking water safety.

Board Chair Bill Shreve advised he agreed with Alex's focus on public safety and treating Class G Operators as front line public safety guarantors. He suggested that the best way to ensure competency for Class G Operators would be some form of mandatory training akin to the Superintendent's Training. This would educate G operators on essential knowledge and ensure the needs of the communities

served by Class G operators are being adequately met. He noted the Board would need to explore and revisit this proposal. Zoe Goodson agreed and noted that either the Superintendent model or mandatory on-line courses would be ideal to achieve the goal of educating Class G operators. Alex McNamee suggested having MCET design and deliver the training for the class. Dee Settar noted that all such training would require open bid for contract, and that MCET would need to be awarded a contract to provide such a service. She also added that a mandatory bi-annual course similar to the Superintendent model would probably best serve the needs of Class G operators. Dee further explained that she would be continuing the discussion with ETAD in another meeting to be held later in the day. Alex expressed his disappointment that so many obstacles to working directly with MCET were now arising. Ben Thompson suggested that an online course be created or commissioned which could be directly accessed via MDE's Website. Dee agreed that would be a great idea and she has hopes to one day include a mandatory training portal through the MDE web page.

09. NEW BUSINESS

A. Request delay of TRE Meeting to July 7, 2021

Dee Settar advised the Board that Board staff is formally requesting a delay of the TRE Meeting until July 7, 2021, as the scheduled date of June 9, 2021 conflicts with the Short Course dates. Board Chair Bill Shreve stated moving the date was an administrative decision and he did not object. He asked if any members of the Board had objections and was advised unanimously that there were no objections.

B. Superintendent Training – April 21, 2021

Dee Settar advised the Board that the dry run had been successful and indicated that she believed there would be great value in creating a similar mandatory course for all operators. She also advised the Board that she would provide an update on the upcoming Superintendent training at the May 2021 Board Meeting.

C. MDE Mandated and Recommended (onsite) Training / Request for Sub-Committee

Board Members discuss Dee Settar's proposal for mandatory training for renewal and agreed a committee would be established to develop mandatory courses for water and wastewater Operators, as well as Superintendents. Ben Thompson revisited his suggestion that a mandatory class be created for G Operators in lieu of an examination. Victoria Arbaugh suggested that the committee investigate both potential mandatory courses. Board Chair Bill Shreve asked for committee volunteers tasked with investigating both mandatory courses for all operators and for G Operators. It was determined that Dee Settar and Board Staff would work with volunteers Ben Thompson, Scott Harmon and Jay Price. At that time, Doug Abbott also volunteered to be a member of subcommittee. Dee Settar suggested that the exploratory committee should also include at least one employee from the ETAD Staff and comments from Shailaja Pelosi of MDE's Compliance Program should be solicited for the wastewater training. Dee advised that she would seek out assistance from them to participate and provide practical guidance on behalf of MDE.

10. DISCUSSION WITH BOARD LIAISONS AND GUESTS

Tara Jones (MCET) – Nothing to Report.

Sue Houghton (MRWA) – Nothing to report.

Scott Harmon (MRWA) – Advised that he is working on training at WSSC and is still putting together training for a PFAS treatment class that is coming soon.

Clark Howells (CWEA) – Advised that several scholarships, with extended deadline, are still available from CWEA and asked everyone to please spread the word.

Bruce Darner (WWOA) – Nothing to Report.

Jay Price (CSAWWA) – Advised that they will be holding the conference virtually in late June. Tri-Con will be held in person in August. Eric Dutrow expressed his enthusiasm and asked participants to practice with meters for the competition.

Doug Abbott (Guest) – Advised that he was happy to see old and new friendly faces. He thanked the Board for its service and advised that he was happy to observe the meeting and looking forward to participating in the exploratory mandatory training committee. The Board Chair and Dee responded that they were happy to receive his application to the Board and appreciate his time and contributions to the industry and the Board.

12. ADJOURNMENT

Joe Johnson moved to adjourn the virtual conference meeting at 12:15 PM. The next meeting will be held on **May 20, 2021 Video Conference Meeting held via Virtual Google Hangouts.**