

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
September 17, 1987
Watertown, SD

Presiding Officer: William Craig, Chairman

Members Present: William Vissers, James Dornbush, John Evans, Greg Merrigan, and Cheryl Johnson

Others Present: Rob Kittay-Secretary, Richard Willer, Darron Busch, Leon Schochenmaier, Terry Keller, Dennis Davis, Steve Gage, Larry Corria, Vince Russo, and Dan DeWall

Call to Order: By Chairman Craig at 10:00 am.

Motion for Approval of Minutes: Kittay had previously sent the minutes from the meeting of March 11 to the members. Dornbush moved that the minutes be approved. Vissers seconded. Motion passed unanimously.

Status of Certification Program: Kittay presented information on the status of the Certification Program. Members were given information packets. Fourteen certifications were picked up since the last meeting. The Board feels that it may be difficult to get better compliance than exists at this time. It was asked if there any particular troublesome systems at this time. Kittay explained the situation at BDM RWS. The system has been in operation for approximately three years and no exams have been attempted. The operator has attended two training events at which exams were given and did take exam (Distribution Course in December, 1986 and RWS Expo, January, 1987). He also did not take one at the 1987 SDWWA Conference. Several letters have been sent to Arwin Heitmann, BDM Manager and Ralph Skare, BDM Chairman to urge BDM RWS to have an operator take an exam. Merrigan moved that the Secretary have the Attorney General contact BDM RWS in a manner similar to that used in the City of Jefferson's case in an effort to get compliance with the Operator Certification Law. Vissers seconded. Passed unanimously.

Old Business-Wastewater Plant Classification: Keller and Schochenmaier presented a new point structure for the classification of wastewater systems. This new system reflects some new technologies not accounted for on the old system. Examples were given as to how systems would be affected. It was also pointed out how some systems should be reclassified because of recently completed wastewater projects. Much discussion ensued. Chairman Craig curtailed the discussion saying that this was too large a subject to deal with at this meeting. Craig will call for a Board meeting in January to deal mainly with the wastewater classification system.

Direct Responsible Charge: Discussion was continued on direct responsible charge from the last meeting. The Secretary was asked as to how many Class III and IV exams were denied on the basis of lack of responsible charge. It was estimated at 1-2%. Kittay stated that some operators may not be submitting because they believe that they may not qualify because of this. No motion was forthcoming.

New Business-Reciprocity Requests: Laurie Henry of Minnehaha RWS requested a Class III Water Treatment certificate by reciprocity. Laurie holds a Minnesota Class B Water Treatment certificate. Requirements for this are a Bachelor's degree and two years of experience. Through substitution of education for experience, this is equivalent to the South Dakota Class III certificate. Dornbush moved that Laurie Henry be granted a Class III Water Treatment certificate through reciprocity. Evans seconded. Passed unanimously. It was noted that Minnesota does not certify distribution system operators in the manner South Dakota does. It was not felt that Laurie should also be granted a distribution certificate, but could test for it if and when she desired.

Jesse Hanschild of Mount Rushmore requested Class II Wastewater and Water Treatment certificates by reciprocity. Jesse holds California Grade Two Water Treatment and Wastewater Treatment certificates. Requirements for the water treatment certificate are high school graduation and one year experience while the wastewater certificate requires high school graduation and two years experience. These requirements correspond to the South Dakota Class I Water Treatment and Class II Wastewater Treatment certificates. Dornbush moved that Jesse Hanschild be granted a Class I Water Treatment certificate and a Class II Wastewater Treatment certificate through reciprocity. Johnson seconded. Passed unanimously.

Denied Exams: Kittay received two exams applications from people which he believed were not qualified for the exams requested. Steve Gage requested a Class III Water Treatment exam and was denied for the lack of

direct responsible charge. Brent Phinney requested a Class III Water Treatment and was denied because of the lack of direct responsible charge and his job duties indicated that he worked on the distribution system. After a phone call from their supervisor, Vince Russo, it was agreed that they could take the exams and the results would be thrown out if the Board agreed with the Secretary's decision.

Dornbush moved that Phinney and Gage be denied their exams because of the lack of direct responsible charge as stated on their applications and distribution system versus treatment plant job duties. Merrigan seconded. Much conversation ensued between the Board and Dick Willer, Vince Russo, and Steve Gage concerning responsible charge and maintenance people taking exams. Willer and Russo assured the Board that Gage and Phinney were in a position of direct responsible charge. Willer also stated that Sioux Falls will have to look into the matter of maintenance personnel having their salary tied into operator certification. It was suggested that the Board consider the applications separately. Dornbush withdrew his motion and Merrigan his second.

Vissers moved that Phinney be denied his application on the grounds that he works in distribution and wanted to take a water treatment exam. Merrigan seconded. Passed unanimously.

Johnson moved that Gage be allowed to take his exam because it was felt that he fulfills the direct responsible charge qualification. Vissers seconded. Passed unanimously.

Nominations for the Board: Three members (Vissers, Evans, and Dornbush) will have their terms expire on October 1, 1987. Some names had been submitted to the Secretary to be passed on to the John Smith, Secretary of DWNR. This list included James Housiaux, Charles Tiltrum, Rollin Sieveke, Greg Stack, John Wirtz, Robin Roussel, Tom Lesselyoung, Jerry Hemeyer, Todd Cambell, Steve Dravland, and Jim Zeck. Most discussion centered around the Faculty Position currently held by Dornbush. Two names were suggested, these being Del DeBoer and Wendell Hovey. DeBoer has indicated a willingness to serve after this semester. Dornbush also stated that he would be willing to stay on the Board until after the wastewater classification system issue was completed. Dan DeWall requested that his name be added to the list for consideration. Kittay will compile the list of nominations to be submitted to John Smith for his consideration.

Next Meetings: Chairman Craig will call a special meeting in Pierre during January to work on the wastewater classification system. The next regular meeting will take place during either the Wastewater Seminar or the Water Seminar. The meeting after that will be in Hot Springs during the 1988 SDWWA Conference.

Adjournment: Evans moved for adjournment. Vissers seconded. Passed unanimously. Meeting adjourned at 12:15 pm.

Rob Kittay-Secretary
Board of Operator Certification

Date

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
February 4, 1988
Pierre, SD

Presiding Officer: James Dornbush, Acting Chairman
Members Present: Tom Lesselyoung, Greg Stack, Greg Merrigan, and Cheryl Johnson
Others Present: Rob Kittay-Secretary, Terry Keller, Blaine Barker, and Del DeBoer
Call to Order: By Chairman Dornbush at 1:10 pm.

Motion for Approval of Minutes: Kittay passed out the minutes of the September 17 meeting to the members. Merrigan moved that the minutes be approved. Johnson seconded. Motion passed unanimously.

Old Business-Wastewater Plant Classification: Keller presented a review of the previous work on the wastewater plant classification scheme for the new members. There are additions on account of new technology not presently covered by the present scheme, i.e. I/P basins, mound systems, etc. Keller went through each addition as the Construction Grants Program would recommend. Points for total retention responsibility and recirculation pumping were eliminated by the Board. Points for raw waste flow and strength were made into separate line items. The Board added a line item for pretreatment for industrial sources (two points per source up to a maximum of six points). Kittay explained that some operators at a plant that would be classified at higher level through regulation change, not a construction project, would receive a restricted certificate for the new classification. This would only apply to operators that hold a certificate equal to the original plant rating. (Section 74:21:02:37) Kittay summarized the changes for the Board. Merrigan motioned that the Board accept this classification scheme and begin the rules change process. Stack seconded. Passed unanimously.

Kittay explained the rules change process. It was suggested that the public hearing be held in conjunction with the SDWWA Conference in Hot Springs.

New Business-Other Rules Changes: Kittay handed out some changes to the Examinations portion of the certification rules. These would be for housekeeping reasons. Lesselyoung moved that these changes be made at the same time that the classification changes are made. Merrigan seconded. Passed unanimously.

TM RWS: Merrigan asked about the TM RWS certification situation. Kittay explained that Larry Ernster had taken four exams and not received a passing grade on any. Conversation ensued concerning how long a situation where constantly failing grades were received on exams and the system was out of compliance. The Board asked Kittay to write to TM RWS telling them to pursue another avenue to compliance, i.e. allowing their other operator to attend training and take exams.

Adjournment: Johnson moved for adjournment. Lesselyoung seconded. Passed unanimously. Meeting adjourned 3:20 pm.

Rob Kittay-Secretary
Board of Operator Certification

MINUTES OF PUBLIC HEARING

BOARD OF CERTIFICATION

The Board of Certification convened at 9:00 am on Thursday, September 15, 1988 at Mueller Center in Hot Springs, South Dakota for the purpose of conducting a public hearing on the proposed rules numbered 74:21:02:49, 50, and 60.

Hearing Officer: Robert Kittay, Pierre, SD

Members of Board in Attendance: Richard Willer, Greg Stack, Tom Lesselyoung, James Dornbush, Greg Merrigan, and Cheryl Johnson.

Others in Attendance: Ron Greenwood-John Morrell and Co., Terry Keller-DWNR, LeRoy Backhaus-Vermillion, Andy Jensen-Brookings, Kevin Moad-Brookings, Reuben Roth-Brookings, Delvin DeBoer-SDSU, George Vansco-SDARWS, Randy Hedge-Miller, and William Aisenbrey-DWNR.

Written Testimony

No written testimony was received by the Secretary to the Board.

Oral Testimony

Terry Keller explained the background for the rules changes and why the changes were needed.

No other oral testimony was given.

Adjournment: 9:13 am

Respectfully submitted,

Robert Kittay
Secretary
Board of Certification

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
September 15, 1988
Hot Springs, SD

Presiding Officer: James Dornbush, Acting Chairman

Members Present: Greg Stack, Tom Lesselyoung, Dick Willer, Greg Merrigan, and Cheryl Johnson

Others Present: Rob Kittay-Secretary, Ron Greenwood-John Morrell and Co., Terry Keller-DWNR, LeRoy Backhaus-Vermillion, Andy Jensen-Brookings, Kevin Moad-Brookings, Reuben Roth-Brookings, Delvin DeBoer-SDSU, George Vansco-SDARWS, Randy Hedge-Miller, and William Aisenbrey-DWNR.

Call to Order: By Acting Chairman Dornbush at 9:15 am.

Approval of Minutes: Kittay had previously sent the minutes from the meeting of February 4 to the members. With no corrections the minutes will stand.

Election of Chairperson: Merrigan nominated Dornbush to chair the Board. Willer seconded nomination. Merrigan moved that nominations cease and a unanimous ballot be cast for Dornbush. Lesselyoung seconded. Motion passed.

Status of Certification: General-Information was passed out to the Board by Kittay. Non-compliance is up for the past six months. Reasons include an operator death, retirement, and turnover. Systems included in this group are Arlington, Avon, Deadwood, Hill City, Lake Preston, Clark, and Tyndall.

Jefferson-The Jefferson operator (Bill McKelvey) has taken three exams and scored in the 50's on each. Dornbush stated that if a threat to public health does not exist, a hard line approach to enforcement should not be pursued. Willer motioned that a letter be sent to Jefferson stating that "enforcement action may be taken or that an appearance before the Board would be required". Merrigan seconded. Motion passed.

BDM RWS-The BDM RWS operator (Arwin Heitmann) had received a 65 on his first attempt at the Class I Water Treatment exam. He was a no-show for an exam this summer. Kittay believes he can pass with a little more effort. (Heitmann has just sent in a application to take the exam on October 13 in Watertown.)

TM RWS-TM RWS has passed three exams in the last couple months. This non-compliance should be taken care of within the near future.

Others-Kittay indicated that a councilperson from Mission had visited him to discuss certification requirements for Mission. He wanted the AG to write a letter to the city in effort to get some action on this issue. Kittay will write a memo to the AG.

Reciprocity Cases: George Scott of the Badlands National Park and Gerald Riplinger of Clark were asking for certification thru reciprocity. Johnson moved that Scott be granted Class II Water Treatment and Wastewater Treatment certificates and Gerald Riplinger be granted Class I Water Treatment and Wastewater Treatment certificates. Willer seconded. Motion passed.

Enforcement Policy: The Board discussed the possibility of developing an enforcement policy. Members were asked to come to the next meeting with some ideas.

Vacant Board Position: Johnson indicated that she would like to serve on the Board for another term. Kittay will indicate this to DWNR Secretary Smith.

Next Meeting: The next Board meeting will be in Mitchell during the Wastewater Seminar which is scheduled for February 13-14.

Adjournment: Stack motioned for adjournment. Willer seconded. Motion passed. Meeting adjourned at 10:50 am.

Rob Kittay
Secretary

Date

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
February 15, 1989
Mitchell, SD

Presiding Officer: James Dornbush, Chairman

Members Present: Greg Stack, Dick Willer, Greg Merrigan, and Cheryl Johnson

Member Absent: Tom Lesselyoung

Others Present: Rob Kittay-Secretary, Ray Birchem, Blaine Barker, and Randy Hilding

Call to Order: By Chairman Dornbush at 6:50 pm.

Approval of Minutes: Kittay had previously sent the minutes from the September meeting to the members. Merrigan moved that the minutes stand with no corrections. Stack seconded. Passed unanimously.

Status of Certification: General-Information was passed out to the Board by Kittay. Compliance is up for the past six months. With six water distribution and wastewater collection classes in November and December, many certification deficiencies were filled.

Old Business-Enforcement: The Board stated that the emphasis of enforcement actions should be for the protection of the health of the public and the environment and the investment of the systems' finances in equipment. Willer moved to initiate the following enforcement policy:

Enforcement Timetable

When certification deficiency occurs-Send letter to system stating that a deficiency exists and how certificates can be obtained.

Six months after an operator is qualified to take an exam-Send warning letter that the Board is contemplating action through an informal hearing.

Twelve months after an operator is qualified to take an exam-Board informally discusses situation and decides whether to hold formal Board hearing. If so, system is notified of formal hearing.

Eighteen months after an operator is qualified to take an exam-Board holds formal hearing and decides whether to recommend legal enforcement proceedings by DWNR.

Stack seconded. Motion passed with Dornbush abstaining.

Distribution/Collection System Rating: This was discussed briefly at the last Board meeting. Some rural water system managers do not feel that distribution systems should be rated solely on total population served by a particular system. A particular point of contention was the practice of counting all people on a bulk hookup for a RWS, i.e. when Redfield hooks up to WEB RWS, 3006 people will be added to WEB's population total even though only one hookup is being added. One suggestion was to count bulk water hookups to a rural water system only if they are not required to have a certified operator. Another suggestion was to use the miles of pipe, number of reservoirs, number of pump stations, etc to rate systems. One comment on this method was that the same technology is needed to operate one pump station as ten pump stations although more time is required for the ten stations. The question of operator time versus operator technology was brought up. It was

decided to let the rural water people bring a proposal before the Board. (Dennis Davis was told of this discussion.)

New Business-Reciprocity: Jerry Statler, City of Madison-Jerry holds Class I Water Treatment and Class II Wastewater Treatment certificates from Iowa. The requirements for these Iowa certificates are:

Class I-High school graduation and one year of experience.

Class II-High school graduation and two years of experience. Written exams were required for both.

Willer moved to grant Class I Water Treatment and Class II Wastewater Treatment certificates to Statler by reciprocity. Stack seconded. Passed unanimously.

Robert Dvorak, City of Wagner-Robert holds a "Certificate of Training" in water treatment from the Department of the Army. He received this certificate after passing an exam at the conclusion of a course consisting of six weekends of classroom study and a two week "hands-on" training session. There is no minimum education and experience requirement to be assigned by the SD Army National Guard to this particular training. This information was obtained from Major Johnson with the USAR in Sioux Falls.

Merrigan moved to deny any certificate because the education and experience requirements are not consistent with any South Dakota certificate. Willer seconded. Passed unanimously.

Septic Tank Installer Certification Program: Dornbush reviewed with the Board the fact that this Board would handle the Septic Tank Installers Certification Program if the Governor's Environmental Bill passed the Legislature in its present form.

Dave Hazen's Distribution Certification: Kittay recently denied a Water Distribution III exam to an operator from Rapid City, Dave Hazen, on the basis that very little of his time was spent in distribution and most of his time was spent in water treatment. This was confirmed by his supervisor, John Wagner. He had been given a Water Distribution II exam in RC on December 15 because he had indicated on his application that he operated the water distribution system. Kittay felt he was in error in giving him this Class II exam. Hazen was questioning the fact as to how much time must be spent in a field to test. Kittay gave to the Board a copy of the time frames used to evaluate the applications. (Copy attached.) Hazen also questioned what qualifies for distribution work and what is treatment work. He was also arguing that old question of maintenance versus operation.

Mr. Hazen was told by letter that he could address the Board during the meeting. Hazen indicated that he would send a letter to the Board fully explaining his job duties. No letter was received and no-one appeared before the Board on Hazen's behalf. Kittay spoke to Hazen and Sam Webster in Rapid City. They indicated that they work both water treatment and distribution all the time. They operate the valves and reservoirs from the plant rather than physically being out in the distribution system.

Willer indicated that he associates distribution work with not only operation of valves and reservoirs, but also main repair, water tap installation, work out in the field, etc. He said that very little time would be associated with the checking of reservoir levels, pump status, etc. from the plant location.

Merrigan moved that Hazen's Class II Water Distribution certificate be withheld and that he should not be allowed to take any water distribution exams in his current position. Willer seconded. Passed unanimously.

(Note: From ARSD 74:21:02:50, "Fees from applicants who take the examination but are later determined to be ineligible shall not be returned".)

Operators Previously Taking Exams Without Being Qualified: Kittay brought up the problem of operators wanting to take exams because their peers had been allowed to do so although perhaps in error. The Board felt that allowing these new individuals to test because their peers had done so would compound previous errors. Merrigan moved that applicants be judged on an individual basis as to their qualifications without regard to their co-workers status. Willer seconded. Passed unanimously.

Next Meeting: The next Board meeting will be held during the South Dakota Water and Wastewater Association (SDWWA) Annual Conference in Pierre in September. It is suggested to the Board members that reservations be obtained now from the Ramkota for sleeping rooms.

Adjournment: Merrigan motioned for adjournment. Willer seconded. Motion passed. Meeting adjourned at 8:15 pm.

Rob Kittay
Secretary

Date

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
September 14, 1989
Pierre, SD

Presiding Officer: James Dornbush, Chairman

Members Present: Greg Stack, Dick Willer, Tom Lesselyoung, Greg Merrigan, and Cheryl Johnson

Others Present: Rob Kittay-Secretary, Dave Hazen, Bill Baer, Joe Bowar, John Wagner, Rodger Krueger, Ray Bircham, Randy Hilding, George Vansco, Dennis Davis, Dan Bjerke, Dominic Jones, Steve Pirner, and Joe Nadenicek

Call to Order: By Chairman Dornbush at 9:32 am.

Hazen Hearing: Dornbush turned the meeting over to Nadenicek for the purpose of conducting a hearing concerning the revocation of Dave Hazen's Class II Water Distribution certificate and his eligibility to take the Class III Water Distribution exam. A transcript of the hearing is being prepared. (These minutes contain only Board proceedings that took place outside of the Hazen hearing.)

The meeting was then turned back over to Dornbush. Stack moved that the Board go into Executive Session. Willers seconded. Roll call vote with five ayes and Dornbush voting nay.

Merrigan moved that the Board go out of Executive Session. Lesselyoung seconded. Motion Passed.

Merrigan moved that Hazen's Class II Water Distribution certificate be revoked on the basis of not spending enough time in distribution and direct responsible charge in distribution. Lesselyoung seconded. Roll call vote with six ayes.

Willer moved that Hazen not be eligible too take the Class III Water Distribution exam. Merrigan seconded. Roll call vote with six ayes.

Approval of Minutes: Kittay had previously sent the minutes from the September meeting to the members. Merrigan moved that the minutes stand with no corrections. Stack seconded. There was some discussion as to whether the section concerning the Hazen hearing in Mitchell should be deleted as the hearing was incorrectly held. Since this part of the minutes was read into the hearing held in Pierre, nothing was deleted. Passed unanimously.

Status of Certification: General-Information was passed out to the Board by Kittay. Compliance is up for the past six months. Willer moved that Alexandria, Avon, Bridgewater, Deadwood, Elkton, Faith, Jefferson, Mission, Pollock, and Saint Francis have informal hearings at the February Board meeting as per the enforcement schedule. Merrigan seconded. Passed unanimously.

Distribution/Collection System Classifications: Merrigan reported on the findings of a group of RWS operators that wanted to classify systems by technicality of operation rather than strictly population. It was found that the classifications would be similar or be higher when rated this way. No motion was forthcoming.

Septic Tank Installer Certification: Joe Bowar reported to the Board on the progress of this new program. He indicated that the DWNR wants to advertise a public hearing for rules adoption for the next Board meeting. Willer moved that the Board hold a special meeting in November or December with the DWNR staff to familiarize the Board with the rules and that the public hearing be held in conjunction with the February meeting. Merrigan seconded. Passed unanimously. Bowar and Bill Baer will setup the special meeting.

Reciprocity: Greg Mohr, City of Pierre-Greg holds a Class I Wastewater Treatment certificate from Virginia. The requirements for the Virginia certificate is:

A bachelor's degree and two years of experience in a Class II plant

Willer moved to grant a Class III Wastewater Treatment certificates to Mohr by reciprocity. Johnson seconded. Passed unanimously.

Next Meeting: The next meeting will be scheduled by Baer and Bowar. The February meeting will be at 3:00 pm on February 6 at the Sioux Falls Ramkota in conjunction with the South Dakota Water and Wastewater Association (SDWWA) Water Seminar.

Adjournment: Merrigan moved to adjourn. Willer seconded. Passed unanimously. Meeting adjourned at 12:14.

Robert Kittay
Secretary

Date

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
November 7, 1989
Pierre, SD

Presiding Officer: James Dornbush, Chairman

Members Present: Greg Stack, John Scheltens, Tom Lesselyoung, and Greg Merrigan

Member Absent: Cheryl Johnson

Others Present: Rob Kittay-Secretary, Bill Baer, Joe Bowar, Ray Bircherm, Steve Pirner, John Miller, Mark McCarty, Rodger Seefeldt, and Joe Nadenicek

Call to Order: By Chairman Dornbush at 1:32 pm.

New Member: As this was Scheltens' first meeting as a Board member, he was introduced to the rest of the Board.

Approval of Minutes: Kittay had previously sent the draft minutes from the September meeting to the members. Final copies of the minutes were handed out. Merrigan moved that the minutes stand with no corrections. Stack seconded. Passed unanimously.

Individual and Small On-Site Wastewater Systems Installers (ISWSI): This meeting was held to familiarize the Board with the proposed ISWSI certification regulations. Baer gave some background for the rules. The success at controlling these systems has been limited with the present rules. Many installers are not aware of the current rules. The new rules are an attempt to educate the installers. The schedule for the program includes rule adoption, identify the affected parties (plumbers, water/sewer contractors, land improvement personnel, etc.), training, exam development and procedures, certificate issuance, and enforcement.

Baer went through the individual sections of the rules. Discussion followed each section.

Board recessed at 2:55 and reconvened at 3:10.

A question was brought about concerning ISWSI representation on the Board. Much discussion centered about suspension vs. revocation. It was decided to delete the third sentence from Section 74:03:01.01:07.

Section 74:03:01.01:08 was reworded to read "Recertification following suspension or revocation. An installer whose certification is suspended shall be eligible to apply for recertification no sooner than six months from the date of suspension. An installer whose certification is revoked shall be eligible to apply for recertification no sooner than three years from the date of revocation. Recertification requires successful completion of the examination as required in 74:03:01.01:04."

Merrigan moved that the DWNR publish an advertisement for a public hearing to be held on February 6, 1990 in Sioux Falls for these rules. Scheltens seconded. Passed unanimously.

Next Meeting: The next meeting will be on February 6 at the Sioux Falls Ramkota at 3:00 pm in conjunction with the South Dakota Water and Wastewater Association (SDWWA) Water Seminar.

Adjournment: Stack moved for adjournment. Merrigan seconded. Meeting adjourned at 3:55 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
February 6, 1990
Sioux Falls, SD

Presiding Officer: James Dornbush, Chairman

Members Present: Greg Stack, John Scheltens, Tom Lesselyoung, and Greg Merrigan,

Member Absent: Cheryl Johnson

Others Present: Rob Kittay-Secretary, Bill Baer, Joe Bowar, Ray Birchem, Joe Nadenicek, Lyle Johnson, Glenn Molsberry, Marlon Leneagh, Jay Cofer, and three septic tank installers.

Call to Order: By Chairman Dornbush at 3:01 pm.

Approval of Minutes: Kittay had previously sent the minutes from the November meeting to the members. Merrigan moved that the minutes stand with no corrections. Stack seconded. Passed unanimously.

Old Business-Informal Hearings: Mission-Marlon Leneagh, Mayor, appeared on behalf of Mission. Kittay reviewed the case. Mission is lacking certification in all categories. Roger Larvie had attended one training class during 1989-90. They have a poor fluoride sampling record (seven of 12 samples out-of-range). Brad Hunger who had taken exams previously is no longer employed by the City. Leneagh wanted the city engineering consultant who lives in Valentine, NE to be able to take the exams. Merrigan and others indicated that the operators in direct responsible charge (DRC) are the ones that need to be certified. Mission had a certified operator at one time. The mayor was asked if that had been a very unusual person for Mission. Merrigan moved that Mission be moved to the next level of enforcement (formal hearing at the next Board meeting). Stack seconded. Motion approved unanimously.

St. Francis-No one appeared for St. Francis. Kittay reviewed the case. St. Francis is lacking certification in all categories. Everett Crow had attended one training class during 1989-90. Three exams have been attempted unsuccessfully since May, 1986. Discharge Monitoring Reports (DMR's) have not been submitted on an annual basis as required by the NPDES permit. The fluoride record shows one failure to monitor and two samples out-of-range. A child had recently drowned in the stabilization pond. St. Francis will be served with a microbiological Notice of Violation (NOV). St. Francis was required by ODW to issue two public notices (PN) for microbiological violations, but did not issue them. ODW issued the PN's on their behalf. Stack moved that St. Francis be moved to the next level of enforcement (formal hearing at the next Board meeting). Scheltens seconded. Motion approved unanimously.

Faith-No one appeared for Faith. Kittay reviewed the case. Faith is lacking certification in three categories as Faith is served by rural water. Tom Lesselyoung has attended two training class during 1989-90. Two exams have been attempted unsuccessfully since April, 1988. Kittay had spoken to the mayor (William Hibner) concerning the situation. Some suggestions for individual help for the operator were made in writing. No response on this has been received. Stack moved that Faith be moved to the next level of enforcement (formal hearing at the next Board meeting). Merrigan seconded. Motion approved unanimously.

Jefferson-No one appeared for Jefferson. Kittay reviewed the case. Jefferson is lacking certification in all categories including Class II in Water Treatment. Bill McKelvey has attended one training class during 1989-90. Five exams have been attempted unsuccessfully since June, 1987. Only one DMR has been submitted since 1985. DMR's are to be submitted on an annual basis as required by the NPDES permit. Jefferson's pond was built for a population of 450, but Jefferson has a population of 592. According to LWQ, the pond

either leaks badly or has unreported discharges. Bowar indicated that there is never water in the pond. Stack moved that Jefferson be moved to the next level of enforcement (formal hearing at the next Board meeting). Lesselyoung seconded. Motion approved unanimously.

Alexandria-No one appeared for Alexandria. Kittay reviewed the case. Alexandria is lacking certification in three categories as Alexandria is served by rural water. Bill Bennett who had taken some exams is no longer with the City. Dennis Boggs has attended one training class during 1989-90. One exam has been attempted unsuccessfully since December, 1989. DMR's have been submitted only since 1988 as a result of an EPA Administrative Order. A new permit for "no discharge" will be issued. Merrigan moved that Alexandria be moved to the next level of enforcement (formal hearing at the next Board meeting). Stack seconded. Motion approved Dornbush dissenting.

Elkton-No one appeared for Elkton. Kittay reviewed the case. Elkton is lacking certification in all categories. John Henningsen has attended three training class during 1989-90. Henningsen does have a reading problem; however, did not appear for a public hearing several years ago that would have allowed for oral exams. Seven exams have been attempted unsuccessfully since September, 1986. The fluoride record shows one failure to monitor and two samples out-of-range. Elkton will be served with a microbiological Notice of Violation (NOV). Elkton was required by ODW to issue three public notices for microbiological violations, but only issued one of them. ODW issued the other two PN's on their behalf.

Elkton is looking into a contract arrangement with Flandreau. A letter was received from Elkton concerning this. Kittay read a memo to the Board, "In reference to the letter of February 1, 1990, from Elkton, in my phone conversation with Cal Steen prior to this letter in no way did I approve a contract arrangement between Flandreau and Elkton. Steen brought up the idea of this arrangement and was told to make a presentation to the Board at the Feb 6 meeting during the hearing on Elkton's lack of certification. The Board would decide on guidelines for contract arrangements." Timber Lake also contacted Kittay concerning contract operation and was told to appear before the Board on this date.

DMR's have only been submitted when "no discharge" occurs. DMR's have not been submitted after a discharge as required by the permit. Results of discharges are known only because of MESP. Results of discharge sampling are to be reported via DMR's. Paperwork is not correct. Elkton has been out of compliance with the following parameters-BOD, TSS, NH₃-N, and pH. Elkton has not sampled fecal coliforms as required.

Stack moved that Elkton be moved to the next level of enforcement (formal hearing at the next Board meeting). Lesselyoung seconded. Motion approved unanimously.

Kittay will notify these systems of their formal hearing details.

New Business-Eligibility to Test: Tim Weber-Weber's eligibility to take a Class I Water Distribution exam was judged on the application as no one appeared at the meeting. The application indicated the job duties as being "Operates treatment plant, performs maints. (maintenance) on pumps, electrical equipment, chlorinators, chem feed equipment, buildings, reservoirs, electric valves". The job position was indicated as "Plant Maintenance (Maintenance) I". Stack moved to deny the application on the grounds that he is not a water distribution operator. Lesselyoung seconded. Motion passed unanimously.

Robert Gillespie-Gillespie applied to take a Class III Water Treatment exam. Molsberry and Johnson appeared on Gillespie's behalf. Kittay had conferred with Johnson on the qualifications but decided to let Board decide. Gillespie is a shift operator without direct supervision. He must make some decisions immediately and be responsible for them. He can then call his supervisor. Molsberry is the Operations Supervisor and in charge of 11 operators. Each operator is on duty with a slaker person. They have guidelines and parameters they must work within. Three other SF operators have taken the Class III Water Treatment exam while Kittay has been administering the program. Merrigan moved that Gillespie be allowed to take the Class III Water Treatment exam. Scheltens seconded. Passed on roll call with all voting aye and Stack abstaining. Molsberry was asked to tell Gillespie that he may take the exam on February 8, 1990.

The next two applications were reviewed by the Board without the knowledge of the operators. They had been received by Kittay on February 5. If they had not been reviewed at this time, they could not have been reviewed until the next Board meeting.

Dave Martin-Martin's application was to take the Class IV Wastewater Collection exam. Because of a possible deficiency in meeting the minimum qualifications to take the exam, it was given to the Board of Operator Certification to act on. The eligibility was judged entirely on the application and a letter of reference from Rodger Kruger. The application was not filled out very clearly. Kruger indicated that he was a Utility Foreperson for three years. It appeared that it MAY be the only time when he was regularly in DRC. He did not indicate clearly on his application if and when he met the DRC qualification. Because he submitted a very out-of-date application form, there was not a space for him to spell out his DRC qualifications. Kruger also stated "If a supervisor position was to become open in his area of work, he would be serious (seriously) considered for such a job." This was interpreted to mean that he is not in a supervisory position at this time.

Stack moved to deny the application based on the lack of eight years of DRC as presented on the application and the Kruger letter of reference. Merrigan seconded. Motion passed unanimously.

Jim Rippe-Rippe applied to take a Water Distribution I exam. This was submitted on a 1980 application. The job duties were all distribution related. Stack moved for approval. Scheltens seconded. Motion passed unanimously. Kittay will have him submit a proper form.

Contract Agreements: Contracting for the services of a certified operator to comply with the Certification Law is a possibility for some systems. Contract information from the surrounding states had been mailed to the Board. There are no guidelines for contract operations at the present time. Nadenicek advised the Board to adopt a policy and suggest that the Secretary enact it as a rule. Scheltens stated that the contracted service must fulfill all the requirements that are expected from any other operator. Daily visits may not be necessary; however, three times a week would certainly be possible. The Board directed Kittay to draw up some suggested guidelines for the next meetings. Kittay asked for the Board members to submit some suggestions to him.

Sioux Falls Construction Crew: Johnson appeared before the Board. Sioux Falls may reorganize and form a construction crew for work on distribution and collection systems. The employees were concerned about the retention of their presently held certificates and about future testing. Kittay explained that people holding certificates are allowed to keep renewing if they are still involved with water/wastewater in some way. It appears that this construction crew will fit into this scenario. Dornbush stated that this may affect only two or three systems. The Board will judge each individual on a case-by-case basis for future testing.

New Design for Certificates: Herb Scheele of Huron indicated to Kittay that the use of "Certificate of Competency" has a negative connotation. Kittay will look into a new design and report to the Board.

Status of Certification: Material was passed out to the Board. Operators have quit at Miller, Box Elder, Castlewood, and Arlington. Huron Dressed Beef and Dakota Pork have been added to the list of regulated utilities. Kittay feels that the enforcement policy has brought results from systems that have then had operators pass exams. Merrigan moved that BDM RWS, Avon, McCook Lake Sanitary District, and Lead have informal enforcement hearings at the next Board meeting. Stack seconded. Motion passed unanimously.

Black Hawk and Chapel Lane have the same operator. This may be a contract operation. Kittay was directed to find out the details of these situations.

Continuing Education Units (CEU): Stack discussed the use of CEU to meet the education requirements for testing. CEU's are covered by the regulations. Kittay pointed out that it would take many CEU courses to make a dent in the education requirements.

Next Meeting: The next meeting will be Tuesday, September 11, 1990 at the Huron Crossroads in conjunction with the South Dakota Water and Wastewater Association (SDWWA) Annual Conference.

Adjournment: Dornbush moved for adjournment. Stack seconded. Motion passed. Meeting adjourned at 4:57 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

Public Hearing
South Dakota Board of Operator Certification
February 6, 1990
Sioux Falls, SD

Presiding Officer: James Dornbush, Chairman

Members Present: Greg Stack, John Scheltens, Tom Lesselyoung, and Greg Merrigan

Member Absent: Cheryl Johnson

Others Present: Rob Kittay-Secretary, Bill Baer, Joe Bowar, Ray Birchem, Joe Nadenicek, Larry Boerger, Larry Vander Voort, Engled Engebretson, Neal Scadden, Daryl Hagen, Richard Woelber, Curtice Krary, Chet DeYoung, Andrew Wood, Martin Stofferan, Charles Kranz, Carroll Kranz, Jeff Carruthers, Jane Van Hunnick, Andrew Close, and Jay Cofer.

Call to Order: By Chairman Dornbush at 5:05 pm.

Dornbush introduced the Board members to the attendees. Baer made an introductory presentation on the history of the Installers Certification Program. The section of the statute authorizing the program was read. Five steps were identified for the program-adopt rules, identify and notify the affected parties, establish a training program, develop an exam, and have enforcement procedures. Preliminary rule development session was held on November 7, 1989. At that time, the Board voted to proceed with the public hearing. Approximately 1000 notices were sent in addition to the newspaper notices.

Requests for copies of the rules were received from:

James Merrill-Pine Ridge
Al Weber-Hoven
Henry Amert-Madison
Clarence Josten-Sioux Falls
Carroll Kranz-Bellingham, MN

Written comments were received and read into the record from the following:

Rod Grismer-Brown County Planning/Zoning
Fred Magee-State Plumbing Commission
Duane Olson-Rapid City
John Talley-Hill City
Charles Howe-Custer
Fred Magee, Jr.-Pierre
Fred Magee-Pierre

Baer reviewed the suggested changes from Rosemary Quigley, Legislative Research Council (LRC). A copy of these changes is attached as Appendix A.

Baer reviewed two changes recommended by DWNR. In Section 2, insert "an individual or small" before "on-site" in each sentence. Scheltens indicated that the same change should be made to the definition of installer.

Dornbush indicated that this program was given to this Board rather than the Plumbing Board. Baer read the definition of plumbing according to the Plumbing Handbook. "Plumbing", according to the definition, goes only "to the point of connection to the public disposal or other regulated terminal". The plumbing code only covers communities over 1500 people.

Dornbush turned meeting over to Nadenicek to receive the oral public comments. The ground rules for receiving the comments were given to the public. Nadenicek then opened the meeting for comments.

Kittay indicated that the Board must adopt certification of some type whether it be now or at another time. Refusing to adopt any rules was not an option.

Larry Vande Voort-He asked if licensed contractors would have to obtain this certification. Nadenicek indicated that if they were to install these systems that they would have to obtain the certification. He asked who would be doing the certifying. Baer referred to the proposed rules saying that "the Secretary of Department of Water and Natural Resources or his authorized representative" would perform this function. Baer described the intended testing process.

Chet DeYoung-He asked if there was a duplication of the contractors exam. Baer indicated that on-site wastewater systems are not part of the Plumbing Code and are therefore not tested on by them. Baer indicated that four counties provide inspections of the systems. DeYoung indicated that the three year renewal period seemed short.

Carroll Kranz-He asked about the training program, reciprocity, and on-going education requirements. Baer indicated that there would not be reciprocity with any other states.

Jane Van Hunnick-She made some comments about the Minnehaha County permitting and inspection program. She did not think people should be able to install their own system. She cited some statistics concerning this. She also indicated that the LRC change from "their" to "his" should be to "his/her". The DWNR can take action against a violating system installed by an individual homeowner. Electrical and plumbing codes allow for an individual to do their own work.

Andy Wood-He was concerned over where the money for this program and its enforcement would come from. There would be no charge for the testing. Bowar indicated how the program currently operates. Birchem indicated that the few failing systems cost many dollars compared to a good preventative program.

The public comment period was closed.

Birchem offered that the renewal period be changed to every five years unless the regulations change. Scheltens moved that the renewal period be changed to five years. Lesselyoung seconded. Bowar indicated that DWNR would have no objection to the change. Motion passed with Merrigan voting nay.

Scheltens motioned that the DWNR changes (Section 2-insert "an individual or small" before "on-site" in each sentence as well as in the definition of installer) and the LRC changes be adopted (except for changing "his" of the LRC changes to "the" in Sections 6 and 10 and leave "per" as was originally written in Paragraph 5 in Section 1). Lesselyoung seconded. Scheltens changed his motion so that "their" is used before "residence" in Section 10. Lesselyoung seconded the change. Kittay reviewed the changes line-by-line. Scheltens then changed his motion to show "his/her" before "certification" in Line 6 of Section 6 and "his/her" before "residence" in Section 10. Lesselyoung seconded. Motion passed unanimously.

Merrigan moved to adopt Rule 74:03:01.01 as amended. Lesselyoung seconded. Scheltens wanted to clarify the position of the Plumbing Code. Motion passed on roll call vote with all voting aye.

Meeting adjourned at 7:10 pm.

Robert Kittay-Secretary
Board of Operator Certification

Date

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
September 11, 1990
Huron, SD

Presiding Officer: James Dornbush, Chairman

Members Present: Greg Stack, John Scheltens, Tom Lesselyoung, Greg Merrigan, Cheryl Johnson

Others Present: Rob Kittay-Secretary, Bill Baer, Ray Birchem, Joe Nadenicek, Marlon Leneagh, Jay Cofer, Ron Greenwood, Tim Donovan, George Vansco, Keith Nelson, Morris Elcock, Randy Hilding, Blaine Barker, and Rob Roussel.

Call to Order: By Chairman Dornbush at 3:00 pm.

Approval of Minutes: Kittay had previously sent the minutes from the February meetings to the members. Sheltens moved that the minutes stand with no corrections. Merrigan seconded. Passed unanimously.

Public Hearing for Small On-Site Wastewater System Installers: Baer made introductory presentation on the regulations adopted at the last meeting. The Interim Rules Committee suspended the section pertaining to the exemption for a person installing their own disposal system (ARSD 74:03:01.01:10). The DWNR suggestion was to repeal this section. Also a comma (,) was to be inserted after "to" in line 5 and insert "The decision of the secretary is final." after "chapter 74:03:01" in line 8 of ARSD 74:03:01.01:07. The secretary's decision would be a final agency determination, but could still be appealed to circuit court. The DWNR is hesitant to go to the Legislature to get the exemption in statute form. Electrical and plumbing exemptions are specific in those statutes. No comments were received from those present at the hearing and no written comments were received by DWNR. Vansco asked about training for this program. Baer indicated that the exams were to be "open book" and there will be classes offered by DWNR. Motion by Scheltens to repeal section 10 and make two changes to section 7. Merrigan seconded. Roll call vote 6-0 in favor of the motion. Board members then signed the necessary paper work.

Old Business-Contract Operation: Dornbush asked for the Board's general feelings on contract operations. Kittay compiled some check points for contract approval for a starting point for the Board. Stack questioned the supervision of repair projects for a contracted operator. Merrigan stated the size of the project would dictate whether an operator or a professional engineer would be needed. The options for the Board in this area are either adopt a policy, adopt rules, or have the Legislature pass statutes. The Board is only interested in contract operations for the purpose of satisfying certification requirements. The minimum amount of time would not be set by the Board, but would have to be stated in the contract. Birchem indicated that most O&M manuals indicate a suggested number of man-hours that are needed to operate a particular wastewater system. The Board wants to make sure that systems are not "buying their way out" of a lack of a certified operator. Merrigan indicated that liability insurance would be needed by the contracted individual and a backup operator would be designated. The contracted certified individual would have to go do the actual work, not a hired non-certified person. Scheltens moved that Kittay draw up some further ideas in a check list form for approving contracts for the Board to work with at the next meeting so that formal action could be taken. These would be sent to the Board before the meeting. Merrigan seconded. Approve unanimously. Attendance at monthly meetings would be if requested by the system. Motion passed unanimously.

New Business-Certification Law Changes: Kittay explained that the Surface Water Treatment Rule will require surface/groundwater under the influence of surface water to "be operated by qualified personnel who meet the requirements specified by the State". He outlined the proposed change to the law as follows:

34A-3-4 Plants and systems for which certified operators required. All water treatment plants, wastewater treatment plants, water distribution and wastewater collection systems, serving a demand equal to five hundred or more persons and all water treatment plants using surface water or groundwater under the direct influence of surface water, in whole or in part, whether publicly or

privately owned, must be under the supervision of an operator whose competency is certified to by the secretary in a grade corresponding to the classification of the portion of the system to be supervised.

Kittay also spoke about the Strawman Ground Water Disinfection Requirements (GWDR) dated 4/18/90, "All systems using disinfection must be operated by qualified operators as determined by the State. (Alternative Option: Requirement does not apply to non-community systems unless they serve more than 100 people." There was some discussion as to whether to go to the Legislature once or twice.

There was also discussion about the makeup of the Board with a limited number of people to draw from for the faculty position. Kittay proposed the following:

34A-3-5 Board of certification created--Functions--Composition of board. There is hereby created a board of certification to advise and assist the secretary of water and natural resources in the administration of the program of certification. The board shall consist of six members appointed by the secretary of the department of water and natural resources as follows:

(1) ~~Four~~Five shall be employed as water and wastewater works operators and shall hold valid certificates provided for in this chapter.

(2) One shall be an employee of a municipality which is required to employ a certified operator and shall hold the position of city manager, city engineer, director of public works, or an equivalent position.

~~(3) One shall be a faculty member of a college, university or professional school operated within this state, and whose major field is related to sanitary engineering.~~

Scheltens moved to change SDCL 34A-3-4 as proposed. Johnson seconded. Motion passed unanimously.

Formal Enforcement Hearings: Mission-Marlon Leneagh, Mayor of Mission, was present representing Mission. Mission is currently pursuing a contract with the Rosebud Sioux Tribe and Taoufic Beardt who is certified in water treatment only. Leneagh indicated that Mission may pursue a contract with a private firm after hearing the discussion at this meeting. Merrigan moved that no further action be taken against Mission while the contract policy is being developed. Stack seconded. Motion passed unanimously.

Elkton, Alexandria, St. Francis, and Jefferson-No-one was present to represent these systems. Greenwood did talk to Jefferson concerning a possible contract; however, he was not representing Jefferson. Test results and training for these systems was outlined for the Board. Kittay asked if Elkton should have no further action taken because of a possible contract. Hilding spoke about individual training for systems. Kittay indicated none of these systems have requested individual training. Kittay has made extra efforts to make sure flyers have been sent to these systems. Johnson moved that the Department of Water and Natural Resources (DWRN) take legal enforcement actions through the Attorney General's Office for Alexandria, Elkton, St. Francis, and Jefferson for lack of a certified operator. Stack seconded. Motion passed with Lesselyoung and Dornbush dissenting on a roll call vote.

Informal Hearings: McCook Lake Sanitary District and Lead-Kittay outlined the situation concerning McCook Lake and Lead. McCook Lake is lacking a Class I operator in all four categories. Lead has passed the Class I Wastewater Collection and was to take the Class II exam on September 12. No-one appeared on behalf of either system. Stack moved that Lead and McCook Lake have a formal hearing at next Board meeting. Motion died for lack of a second.

Stack moved that McCook Lake have a formal hearing at next Board meeting. Lesselyoung seconded. Motion passed with Dornbush dissenting on a roll call vote.

Stack moved that Lead have a formal hearing at next Board meeting if Cliff Rook fails his exam on September 12, 1990. Lesselyoung seconded. Motion passed with Dornbush dissenting on a roll call vote.

Lab Personnel Taking OpCert Exams: Stack had been questioned on the policy concerning lab people taking exams. People working solely in a lab are given credit for half of the time worked. Some states have a lab certification program. There are very few people that fall into this category. No motion was forthcoming.

Change in Enforcement Policy: Stack reviewed some possible changes in the enforcement policy to speed up the length of time for a complete enforcement action.

Status of Certification: Kittay reviewed the current status of the program. The enforcement policy appears to be working. Compliance has increased. Numerous papers were given to the members. Merrigan moved that an informal hearing be held at the next Board meeting for Timber Lake (WT, WW, and WWC), Baltic (WWC), Plankinton (WWC), Herreid (WD), Faulkton (WWC), and Ipswich (WWC). Lesselyoung seconded. Motion passed unanimously.

Election of Chairperson: Three people will have terms ending October 1, 1990. The Board decided to elect a chairperson at the next meeting.

Next Meeting: Merrigan moved that the next meeting will be Tuesday, March 19, 1991 at the Pierre Ramkota in conjunction with the South Dakota Water and Wastewater Association (SDWWA) Wastewater Seminar. Stack seconded. Motion passed.

Adjournment: Merrigan moved for adjournment. Stack seconded. Motion passed. Meeting adjourned at 6:10 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
March 19, 1991
Pierre, SD

Presiding Officer: Cheryl Johnson, Acting Chairperson
Members Present: Greg Stack, John Scheltens, Tom Lesselyoung, Greg Merrigan, and Del DeBoer
Others Present: Rob Kittay-Secretary, Joe Nadenicek, Harlan Quenzer, Diane Best, and Jack Devaney
Call to Order: By Chairperson Johnson at 3:00 pm.

Election of Chairperson: As the previous chairperson had retired from the Board, an election was held for a replacement. Scheltens nominated Johnson and Merrigan nominated Stack. Merrigan then moved that nominations cease. Scheltens seconded. Motion passed unanimously. The chairperson should be elected each year. Ballots were passed out. Kittay counted the ballots and announced the Stack had the majority vote. Stack then took over the meeting.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Merrigan moved that the minutes stand with no corrections. Johnson seconded. Passed unanimously.

Old Business-Contract Operations: Kittay had prepared a contract operations checklist for use in approving a contract to satisfy their certification requirements. Each contract would be reviewed on a case-by-case basis with the checklist being used as guidance. Merrigan brought forth the idea of requiring a contract operator to have liability insurance. The Board felt that that should be the contractee's responsibility and the Board was concerned only with the fulfillment of the certification requirements. Scheltens moved that the checklist be adopted as the Board's guidelines when reviewing/approving contracts for operation. Merrigan seconded. A copy of the checklist had been sent to Nadenicek. He also suggested that a rule be adopted authorizing the chairperson to sign an approval for a contract operation. Scheltens amended his motion that so that a time limit of five years be put on each approval. Merrigan amended his second to the original motion. Amendment passed unanimously by roll call vote by a count of 6 aye-0 nay. Original motion as amended passed unanimously by roll call vote by a count of 6 aye-0 nay.

Merrigan moved that the Board pursue a rule change to give the chairperson authority to approve these contracts. Scheltens seconded. The public hearing would be held in conjunction with the next Board meeting. Motion passed unanimously.

Formal Enforcement Hearing-McCook Lake Sanitary District (MLSD): Jack Devany, Attorney and Harlan Quenzer, Engineer appeared representing MLSD. Quenzer indicated that on February 14 MLSD started advertising in numerous newspapers. Seven applications were received. Five of seven had no background in water or wastewater. The other two were certified operators. The job was offered to an operator with three Class II certificates. He first accepted the job and then turned the MLSD down. The other operator had several problems upon checking with the references and MLSD did not want to get into a bad situation with this person. The search is now continuing with more extensive advertising. They are trying to get a person with all Class II certificates. It was also indicated that MLSD will be over 1500 people and will be Class II in WWC and WD. Scheltens indicated that a good faith effort is being made. Scheltens moved that that any action on MLSD be continued until the next meeting of the Board. Lesselyoung seconded. Stack indicated that proof of each ad that was issued should be sent to Kittay. Motion passed by roll call vote with 6 ayes-0 nays. Devaney indicated that he is concerned with a liability problem and the "ball will not be dropped". He was brought into this matter in September, 1990.

New Business-Baltic and Timber Lake Informal Hearings: There were to be five informal hearings but because of various reasons (exams passed, population drops, operator retirement, etc) only two hearings were conducted. Baltic's operator has been with three certificates (WT, WD, and WWT) for a number of years.

Timber Lake's operator passed the WD but Kittay felt that the chances of him passing more are slim. Stack moved that Baltic and Timber Lake have formal enforcement hearings at the next Board meeting. Scheltens seconded. Motion passed unanimously.

Progress on Cases Turned over to AG: Diane Best is now representing the Board for the AG's Office. She is various stages of communication with the systems that have been turned over. She is trying convey the seriousness of a liability issue for each system. She has not filed the Class II misdemeanor charges. Normally misdemeanors are given to the county State's Attorneys; however, in these cases, two of the four city attorneys are the States Attorney. Best mentioned about possibility of filing charges against the individual operators or filing an injunction. Scheltens pointed out that the systems are at fault, not the operator. The problem with the injunction method is that the water would have to be shut off and that is not possible in reality.

Nadenicek suggested that the Class II misdemeanor be changed to a more serious penalty than a one time \$100 fine or a civil penalty. He said he would be pleased to work on this issue. Scheltens moved that the Board direct Nadenicek to initiate an action issue for legislation to have systems incur a more serious penalty for lack of a certified operator. Merrigan seconded. Motion passed unanimously.

Merrigan asked if a public notice or a press release should be issued. Discussion ensued. Merrigan moved that a public notice release to systems officials and the legal newspaper be added as a step on the enforcement policy for the formal hearing and of a case being turned over to the AG's Office. Lesselyoung seconded. Motion passed unanimously. Stack moved that DENR to issue a notice concerning the Alexandria, St Francis, and Jefferson lack of certification status. Merrigan seconded. Motion passed unanimously.

Reciprocity Cases: Kittay mentioned that some states have qualifications that are not quite up to South Dakota's. Some states are not requiring an education requirement. Also some states did not require DRC. The regulations indicate that reciprocity may not be granted to someone from a state with standards lower than South Dakota.

Spyros Avonellos from New Mexico-Merrigan moved that certification thru reciprocity be granted for WW II and WT II. Lesselyoung seconded. Motion passed unanimously.

Bruce Cramer from North Carolina-NC will grant reciprocity to operators from ABC partner states only. Merrigan moved to deny certification in this case. Johnson seconded. Motion passed unanimously.

Wes Rasmussen from Minnesota-Scheltens moved to grant a Class I WW certificate thru reciprocity. Lesselyoung seconded. Motion passed unanimously.

Ageena Wyatt from Missouri-Missouri does not require high school graduation for its Class D certificate but may be substituted for with six months of experience. Johnson moved that a Class I WW certificate be granted. Scheltens seconded. Nadenicek emphasized that the regs said that the requirements of the other state must be equal or higher than South Dakota. Motion passed by roll call vote with 5 ayes and 1 nay (Stack).

Joe/Jake Prentiss from Colorado-Lesselyoung moved that no certification be granted until an application is received. Scheltens seconded. Motion passed unanimously.

Status of Certification: A written report was given to the Board. Kittay recommended that Miller, Tripp, and Bridgewater have informal hearings scheduled. Irene, Herreid, and Dupree are dropping below 500 in population and White is going over. There are 14 systems to be required certification because of surface water requirements and 140 systems to be required because of disinfection. Merrigan put Kittay's recommendation in the form of a motion. Lesselyoung seconded. Stack asked about Kadoka and Kittay indicated that the operator was not eligible yet. Motion passed unanimously.

Suspension of Rules: Stack moved to suspend the rules to discuss an item not on the agenda. DeBoer seconded. He wanted to discuss the possibility of Sioux Falls use the Operator Certification Program as a testing service. Motion passed with some abstentions. Kittay explained that SF wanted him to administer wastewater exams similar to a civil service exam. The rules say that an operator must be qualified to take an exam. He also said that he has enough exams to correct each year without adding more. Stack said that if someone from Sioux Falls made up the exam, there could be a charge of bias. Merrigan indicated that this

falls outside the purpose of this Board. Nadenicek said this would have to be made available to all systems. No motion was forthcoming.

Next Meeting: Merrigan moved that the next meeting be at 3:00 pm at the Golden Hills Resort-Lead on September 10. Scheltens seconded. Motion passed unanimously.

Adjournment: Scheltens moved for adjournment. Johnson seconded. Motion passed. Meeting adjourned at 6:10 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
September 10, 1991
Lead, SD

Presiding Officer: Greg Stack, Chairperson

Members Present: Greg Stack, John Scheltens, Tom Lesselyoung, Greg Merrigan, and Del DeBoer

Others Present: Joe Nadenicek, Dominic Jones, George Vansco, Leonard Heinemann, Jerry Hemeyer, Todd Campbell, Art Pederson, Homer Rogers, Ken Noren, Mike Kyte, Randy Hilding, and Ray Birchem.

Call to Order: By Chairperson Stack at 3:00 pm.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Merrigan moved that the minutes stand with no corrections. Lesselyoung seconded. Passed unanimously.

Public Hearing for Rules Amendment: Nadenicek gave a brief introduction on the rules to be adopted for contract operators and the rules adoption process. Two written comments from Dakota Pork Industries and Brookings-Deuel RWS were read into the record. Stack called for comments from those present.

Mike Kyte asked who would have to enter into the contract. The legal entity that was required to have a certified operator would enter into the contract.

Art Pederson asked who would be ultimately responsible for problems with the system. Stack indicated that a contract should spell out responsibilities. Nadenicek explained that for purposes of a lawsuit everyone involved would probably named.

George Vansco asked possibility of liability of the board for saying a certified operator is qualified for contracts. Nadenicek indicated that operators not under contracts could be in the same position.

Leonard Heinemann indicated that his system currently contracts to perform functions in a town and the system is working well. He reinforced the idea of not allowing this to be a loophole in the certification rule.

Nadenicek explained the section 69 of the proposed rule. This was put together in an effort to avoid having these amendments as being a loophole.

Jerry Hemeyer indicated that the contract operator should be the only one to have access to the facilities.

Dominic Jones indicated the uncertified people are allowed to work in systems and this would be a similar situation under contracts where the contracting entities would still have an uncertified utility manager.

Vansco asked if there would be some follow-up to be sure that the contract operator is actually doing the on-site activities. Stack indicated that the Department surveys and O&M inspections could be used for some of this. He also asked if contracts for more complex systems would have to be more detailed. Stack indicated that each contract would be evaluated separately and more technical systems would have a more detailed and time consuming contract.

Stack closed the public comment and opened the floor for Board discussion. Nadenicek indicated the rules have been reviewed by the LRC for form and legality. LRC stated that the word "reasonable" must be defined or that line be deleted. Merrigan indicated that "reasonable" be defined by a time function rather than distance.

He offered that "one hour" be a reasonable distance. Thirty minutes was also discussed. Merrigan moved that "one hour" be substituted for "reasonable" in section 69. Johnson seconded. Stack called for discussion. Motion passed.

Merrigan indicated that he would like more information on the checklist to be used for approving the contracts.

Jones asked if someone working for a water system wanted to contract with another system for his services if he would need permission of his original employer. Stack indicated that it would be up to him or his original employer.

Merrigan moved that the rules should be approved and to recommend to Robert Roberts that the rules be adopted. Lesselyoung seconded. Motion passed by roll call vote.

Nadenicek had the board sign the appropriate paperwork.

Old Business-Mission: Mission sent in a contract for review. Johnson moves to deny contract based on lack of information of the contract operator with Kittay notifying the City. Merrigan seconded. There was no minimum number of visits or time indicated. There was no-one present representing Mission at the Board meeting. Kittay had written to Mission concerning the number of visits and hours. Motion passed.

New Business-Enforcement Hearings-Timber Lake (Formal Hearing)-No-one was present to represent Timber Lake. Merrigan moved that the Timber Lake case be turned over to the Attorney General. Scheltens seconded. No discussion. Motion passed. Nadenicek indicated what would happen next. He also stated that the Department would be sponsoring a bill in the next legislative session to attach stronger penalties to the Operator Certification Law. Scheltens stated that the Board should be informed when testimony begins.

Tripp and Bridgewater (Informal Hearing)-No-one was present to represent either city. Stack moved that these cities have a formal hearing at the next Board meeting. Johnson seconded. Motion passed.

Reciprocity Between States: Stack believed that some licenses from other states do not require as strict requirements as SD. He is concerned that there may be a problem with future reciprocity requests.

Reciprocity Cases: Jake Prentiss (Spearfish)-Desired a WW II and WT II. He holds Class C WW and Class C WT licenses in Colorado.

Duane Stokes (Clark RWS)-Desired a WW II and WT II. He holds Class C WW and Class C WT licenses in Minnesota.

Pete Eivens (McCook Lake)-Desired a WW II and WT II. He holds Grade II WW and Grade II WT in Iowa.

Sheltens moved to approve all the reciprocity cases as long as the certificates are valid. DeBoer seconded. Motion passed. Kittay will be instructed to check again on the certificates.

Status of Certification: Merrigan moved that Lennox (WTII), Scotland (WWII), and Springfield (WT III) have informal enforcement hearings at the next Board meeting. Lesselyoung seconded. Motion passed.

Next Meeting: Merrigan moved that the next meeting be at 3:00 pm at the Ramkota-Pierre on Tuesday, March 10. Johnson seconded. Motion passed unanimously. The next agenda should include discussion on the EPA book on certification. The members proceeded to sign the rules amendment papers.

Adjournment: Merrigan moved for adjournment. Johnson seconded. Motion passed. Meeting adjourned at 5:45 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
March 10, 1992
Pierre, SD

Presiding Officer: Greg Stack, Chairperson

Members Present: Greg Stack, John Scheltens, Tom Lesselyoung, Greg Merrigan, Cheryl Johnson, and Del DeBoer

Others Present: Russell Weller, Harvey Herman, George Vansco, Joe Nadenicek, Jerry Hemeyer, David Dirks

Call to Order: By Chairperson Stack at 3:00 pm.

Election of Chairperson: The Board elects a chairperson each year at the Spring Meeting. Stack called for nominations. Scheltens nominated Merrigan. DeBoer seconded. DeBoer moved that nominations cease at this time. Lesselyoung seconded. Motion passed. Stack moved that Merrigan be accepted unanimously. DeBoer seconded. Motion carried. Stack turned the meeting over to Merrigan.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Johnson moved that the minutes stand with no corrections. Lesselyoung seconded. Motion passed unanimously.

Informal Enforcement Hearings: Hearings were scheduled for Lennox (WT II), Springfield (WT III), and Scotland (WW II). Kittay reviewed the most recent histories of these systems. Scheltens moved that formal hearings be scheduled for these systems at the September meeting. Stack seconded. Motion passed.

Formal Enforcement Hearings: Hearings were scheduled for Bridgewater and Tripp (WW I and WWC I). The Bridgewater operator passed an exam so that hearing was cancelled. The Mayor of Tripp, Russell Weller, was recognized by the Board at this time. Kittay reviewed the most recent history for Tripp. Don Frey is certified in WT and WD. Two operators have been taking the exams. No-one from Tripp had attended their informal hearing in Lead. Mr. Weller requested that the Board allow a little more time for an operator to pass the exam. He was also under the false impression that a city person (councilperson, mayor, etc) could take an exam. DeBoer moved to table any action on Tripp until September. Scheltens seconded. Motion passed with Stack dissenting. Kittay suggested that the Tripp operator take the WWC exam first.

City of Mission Contract Review: Action on Mission's contract had been tabled at the last meeting pending more information. No minimum amount of time spent had been specified. Scheltens moved that the Mission contract for a certified operator be approved. Johnson seconded. Motion passed.

Contact Hours Review: Merrigan spoke about the strength of our contact hour requirement versus the rest of the nation. Presently ten contact hours are needed every four years. There is also a two year time period where a certificate would be suspended before being revoked. Much discussion ensued.

Reciprocity: Brian Swanson-Jefferson requested WT I and WW I from Minnesota. DeBoer moved to grant reciprocity. Lesselyoung seconded. Motion passed.

Tom Haluzak-Gregory requested WT I and WW I from Minnesota. Stack moved to grant reciprocity. Lesselyoung seconded. Motion passed.

Mike Hamilton-COE requested WT I, WW I, and WD II from North Dakota. Johnson moved to grant reciprocity. Stack seconded. Motion passed.

Steve Lamborn-Sioux Falls requested WW IV from Nebraska. Stack moved to grant reciprocity. DeBoer seconded. Motion passed.

Kittay had recommended that all certificates be granted.

Status of Certification: Kittay passed out data on compliance of the systems. Kittay reinforced the idea that the enforcement policy of the Board appears to be working. A number of the surface water systems are now in compliance with the Law. The Board went thru each system. Stack moved that Faith, Pollock, NBSS RWS, VA Center-Hot Springs, Hart Ranch, and Lake Andes have informal enforcement hearings at the next Board meeting. Motion dies for lack of a second.

Time for an Exam to be Corrected: Merrigan fielded some complaints concerning the length of time that it takes an exam to be corrected. Kittay indicated that not only are the examinees told that it takes four weeks for correction but it is also written on their answer sheet.

Legislative Action: Nadenicek summarized the activity during the last legislative session. The Board had asked Nadenicek to push thru a larger civil penalty (\$1000 per day) for lack of a certified operator. This bill was passed and will take effect on July 1, 1992.

Next Meeting: The next meeting be at 3:00 pm at the Ramkota-Sioux Falls on Tuesday, September 15.

Adjournment: Scheltens moved for adjournment. Johnson seconded. Motion passed. Meeting adjourned at 4:42 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

Minutes of the South Dakota Board of Operator Certification
September 15, 1992
Sioux Falls, SD

Presiding Officer: Greg Merrigan, Chairperson
Members Present: Greg Stack, John Scheltens, Tom Lesselyoung, Greg Merrigan, and Del DeBoer
Member Absent: Cheryl Johnson
Others Present: Gary Sedlacek, Gary Loukota, George Vansco, Norman Hieb, and Rod Senger
Call to Order: By Chairperson Merrigan at 3:00 pm.

The Board members introduced themselves to those present.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. DeBoer moved that the minutes stand with no corrections. Stack seconded. Motion passed.

Old Business: Enforcement action for Tripp-This matter was tabled at the last meeting. The mayor had stated that someone would be certified in wastewater treatment or collection by this meeting. No exams had been attempted since the last meeting. No-one was present to represent Tripp. Stack moved that the Tripp case be turned over to the AG Office. Scheltens seconded. Motion passed. Scheltens pointed out that the civil fine is now \$1000 per day.

Formal Enforcement Hearings: Springfield-Gary Sedlacek and Gary Loukota were present to represent Springfield which is lacking a certified Class III Water Treatment operator. Sedlacek indicated that he was taking a test on September 16. He has failed the exam by only a couple points. He also said that there was a lack of advanced water treatment training available to the operators. The last advanced class was in 1987. Kittay suggested that the Board wait until November 15 to turn the matter over to the AG Office. There would be another test date in Sioux Falls on October 29 in case Sedlacek failed on September 16. Scheltens moved to postpone any further action until the next Board meeting. Lesselyoung seconded. Stack indicated that the Board should be acting faster and with the Board meeting every six months, the enforcement process was taking too long. Motion passed with Stack dissenting.

Scotland-Scotland lacks a Class II Wastewater Treatment operator. No-one was present to represent Scotland. Stack moved that this case be turned over to the AG Office. Scheltens seconded. Motion passed.

Timber Lake Remedy: Rod Senger and Norm Hieb were present to speak to the Board about Timber Lake's lack of a certified operator in WT, WW, and WWC. Senger holds a WT II and works at TC & G RWS. Hieb and Senger are formulating a plan to present to the Timber Lake City Council that will satisfy the Board and the City. Senger wants to work as a city employee part time on a daily basis in addition to his duties at TC&G. He could not take a WW or WWC exam for at least a year because of no experience in those fields. Kittay indicated that from his discussions with Diane Best when a system hires an operator, there is a one year allowance to gain experience. Merrigan indicated that Senger should be in responsible charge of the WT, WW, and WWC systems. Scheltens moved that Senger will satisfy the Board needs at Timber Lake for WT, will be able to test in one year for WW and WWC, and that the AG Office halt enforcement activities. Lesselyoung seconded.

More discussion ensued. Stack indicated that the City should develop a job description indicating his supervision of certain areas of the utilities. Senger indicated that he was in charge of all management activities at TC&G. Stack moved that an amendment to the original motion be that a job description be sent to DENR by Timber Lake. DeBoer seconded. Stack asked for a roll call vote. Voting aye: Stack and DeBoer. Voting nay: Lesselyoung, Scheltens, and Merrigan. The amendment was defeated.

Merrigan called for a vote on the original motion. Stack called for a roll call vote. Voting nay: Stack. Voting aye: Lesselyoung, DeBoer, Scheltens, and Merrigan. Motion passed.

Contact Hours: Merrigan wanted to discuss the contact hour requirement again. Discussion centered around the type and amount of training available. The Board asked Kittay to develop a summary from the EPA document of certification.

Individual On-Site WW System Installers: Bill Baer prepared a written summary to give to the Board. Kittay gave it a short introduction.

Who needs to be certified?: Kittay has run into a number of situations where it is questionable as to whom has to be certified. One situation is where a Culligan service man maintains a chlorinator for a water system. The Board decided that the system is responsible to have a certified operator regardless if it is an association member or an outside agent. If the system wants the Culligan man running the system, he should be certified.

The Board also discussed several COE installations. At Indian Memorial near Mobridge, the COE wanted to allow a person in Pierre to have the certification. The Board decided that Mobridge was too far away from Pierre and also the fact that Indian Memorial was a surface water system came into play.

Other installations discussed were Big Bend Dam and a Hot Springs recreation area. The Board said in these cases, field supervisory personnel could be certified. Scheltens indicated that the Board should take a conservative approach and require someone within a reasonable response time to be certified. This is also in line with the precedent set with the contract check list.

Small Water Treatment System (SWTS) Exam: Kittay has developed an exam for small water treatment systems. ABC has initiated this idea for small systems. The exam will be a Class I exam for only groundwater systems serving less than 500 people. No regulation or law change would be necessary. The exam would cover chlorination, regulations, aeration, and general groundwater information. A system could into compliance with the Operator Certification Law by passing either the Class I Water Treatment or the SWTS exam. Stack moved that the Board adopt the use of the SWTS exam. DeBoer seconded. Motion passed.

Reciprocity: Ron Fullerton-McCook Lake Sanitary District He requested Class I WT and WW certificates. He had certificates that were issued thru ABC; however, a written exam was not required for these. They were obtained thru the Reciprocity Register. ABC will review a certifying body's exams and make a judgement as to whether they meet a certain standard. If the exams meet this, then a holder of these certificates can be put on the register. It is an attempt to allow operators to move from state to state with more ease. The original certificates were issued by the Air Force. The regulations indicate-"Certificates of an equivalent grade may be issued, without examination, to any person who holds a certificate in any state, territory, possession of the US, or any foreign country..." Kittay consulted with Joe Nadenicek who indicated that the Air Force is none of those entities and reciprocity cannot be granted. With Chairperson Merrigan's permission, Kittay sent a letter denying reciprocity.

Steve Gerdes-Aberdeen He has requested a Class IV WT certificate. He holds an Iowa Grade IV Water Treatment and a Kansas Class IV Water Supply. His Kansas certificate is thru reciprocity from his Iowa certificate. Iowa requirements for a Class IV-

1. HS graduation and four years post HS education
2. Four years experience with one year supervisory experience in a Grade III or IV plant

Because of the lesser DRC requirement for the Iowa certificate when compared to SD, Kittay recommended granting a Class III certificate instead of the Class IV requested. Stack moved to grant a Class III WT certificate to Gerdes. Merrigan seconded. Motion passed.

Status of Certification: Kittay passed out data on compliance of the systems. He reinforced the idea that the enforcement policy of the Board appears to be working. The Board went thru a number of systems. Kittay will check on the amount of experience for Shelly Seager at Philip. Stack moved that Faith, Pollock, VA Center-Hot Springs, Pickstown, Hart Ranch, and Lake Andes have informal enforcement hearings at the next Board meeting. Lesselyoung seconded. Motion passed.

Board Term Ending: Merrigan and Scheltens will have their terms on the Board conclude on October 1. They both indicated that they would like to remain on the Board.

Next Meeting: The next meeting be at 3:00 pm at the Ramkota-Pierre on Tuesday, March 16.

Adjournment: Stack moved for adjournment. Lesselyoung seconded. Motion passed. Meeting adjourned at 5:14 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
March 16, 1993
Pierre, SD

Presiding Officer: Greg Merrigan, Chairperson

Members Present: Greg Stack, John Scheltens, Tom Lesselyoung, Greg Merrigan, Cheryl Johnson, and Del DeBoer

Others Present: Randy Hilding-DENR, George Vansco-SDARWS, Dominic Jones-Canton, and Greg White-WEF

Call to Order: By Chairperson Merrigan at 3:00 pm.

Election of Chairperson: The Board elects a chairperson each year at the Spring Meeting. Merrigan called for nominations. DeBoer nominated Merrigan. Stack moved that nominations cease at this time. DeBoer seconded. Motion passed. Merrigan was elected chairperson.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Scheltens moved that the minutes stand with no corrections. Johnson seconded. Motion passed.

Old Business-Contact Hours: Merrigan wanted to bring the subject of contact hours up again to see if any changes were needed. Kittay supplied the Board with a summary sheet of the contact hour requirements for the various states. Stack moved that the regulations be changed to double the contact hours to ten hours every two years. Lesselyoung seconded. Much discussion ensued concerning the type of training available, would an increase in contact hours lead to better operation of the State's plants, would this be a hardship on the systems/operators, and should only Class III and IV operators have their contact hours increased. Merrigan called for a vote. Motion failed. Kittay will develop a survey with Merrigan's assistance for both the operators and systems.

New Business-Informal Enforcement Hearings: Hearings were scheduled for Faith (WW I), Pollock (WW I), VA Center-Hot Springs (WD I), Pickstown (WT II), Hart Ranch (WT I), and Lake Andes (WT II). Faith and Hart Ranch had passed an exam recently and are now in full compliance. Kittay reviewed the most recent histories of these systems. Stack moved that formal hearings be scheduled for Pollock, VA Center-Hot Springs, Pickstown, and Lake Andes at the September meeting. Scheltens seconded. Motion passed.

Reciprocity Requests: Joel Anderson-Canton holds Class D Wastewater Treatment and Water Supply certificates from Minnesota. SD has granted reciprocity to many operators from MN as their requirements are similar to ours. Kittay recommended granting a Class I Water Treatment and Wastewater Treatment certificates to Anderson. DeBoer moved that Anderson be granted Class I Water Treatment and Wastewater Treatment certificates via reciprocity. Stack seconded. Motion passed.

Michael Baragary-Sioux Falls requested a Class IV WT certificate. He holds a Kansas Class IV Water Supply. Kansas requirements for a Class IV are-

1. HS graduation and four years of college.
2. A minimum two years actual job experience.

The above requirements could be comparable to the SD Class III certificate if you took the extra two years of college KS requires and consider that equivalent to the extra two years of experience required by the SD Class III. However, no DRC is required for the KS Class IV. Because of the lesser DRC requirement for the KS certificate when compared to SD, Kittay recommended granting a Class II certificate instead of the Class IV requested. Johnson moved that Baragary be granted a Class II certificate via reciprocity. Lesselyoung seconded. Motion passed with Stack abstaining.

Approval of Contracts: Peever and Vine Marks-Peever needs a Class I Water Treatment certificate. Peever sent a letter to update the original contract to indicate the number of visits to be made and the amount of time to be spent on-site each week. Stack moved for approval with the following additions-

1. visits/hours to be noted
2. maintain records to document that all contract provisions have been met.

Scheltens seconded. Motion passed.

Eastwinds MHC and Jerry Busby-Eastwinds needs a Class I Water Treatment certificate. There was no mention in the contract concerning the specific duties to be performed. There was a general mention of "the contractor to do testing and chemical control of the water system". There was also some concern about "this contract does not hold the contractor for any negligence on the part of water purification". The Board felt that Busby had no responsibility with a clause like that. It was felt that the contract was lacking specific time/visits, who is in charge of the system, and job duties. Scheltens moved that the contract not be approved. Stack seconded. Motion passed.

Box Elder CCC-There was some question about approving a contract that was open ended. Stack moved to approve this contract contingent that a properly certified operator within a reasonable distance of the site be awarded this contract. Scheltens seconded. Motion passed.

Jefferson and Craig Carroll-Scheltens moved for approval. DeBoer seconded. There was some question on whether Carroll was a contractee or an employee as the word "employee" was used many times. Scheltens amended the motion to approve the contract if Jefferson states that the relationship between itself and Carroll is one of a contractor/contractee. DeBoer amended his second. Merrigan noted that one of the certificates was incorrectly named. It should have been "wastewater treatment" operator. Motion passed.

"Need-to-Know" and Exam Review: Kittay and Hilding made a presentation to the Board. They requested that the Board develop a definitive "need-to-know" for each of the categories of the exams and levels. The exams and training would be based on these descriptions. It would lend credibility to the entire program. A general review of the current exams is also needed. Kittay will mail copies of exams and sample sections of an ABC "need-to-know" pamphlet.

Status of Certification: The Board was previously sent data on compliance of the systems. Kittay reinforced the idea that the enforcement policy of the Board appears to be working. The Board went thru a number of systems. Stack moved that St. Francis, Philip, White River, Alexandria, and Avon have informal enforcement hearings at the next Board meeting. Lesselyoung seconded. Motion passed.

Next Meeting: The next meeting will be at 3:00 pm at the Brookings-Holiday Inn on Tuesday, September 14, 1993.

Adjournment: Stack moved for adjournment. DeBoer seconded. Motion passed. Meeting adjourned at 5:30 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
July 12, 1993
Pierre, SD

Held over Rural Development Television Network

Presiding Officer: Greg Merrigan, Chairperson

Members Present: Greg Stack, John Scheltens, Tom Lesselyoung, Cheryl Johnson, and Del DeBoer

Others Present: Randy Hilding-DENR and Rob Kittay, Secretary

Call to Order: By Chairperson Merrigan at 3:05 pm.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Scheltens moved that the minutes stand with no corrections. Stack seconded. Motion passed.

Old Business-Contact Hours: A review was made of the recent survey sent out to operators and systems required to have certified operators. Kittay had previously sent out a summary of the results of responses. A question was brought up if there was enough advanced training. Some operators stated that attending basic courses for the sake of acquiring contact hours was a waste of time and money. No motion was forthcoming.

New Business-Minimum time on job: Stack indicated that it was a policy of the Board that an operator switching between fields such as from wastewater treatment to water treatment could carry half of his experience with him; however, could that operator take an exam right away or did he have to have a minimum of experience in his new field? After some discussion, Scheltens moved that an operator must have a minimum of six months experience in his new field. Stack seconded. Motion passed on roll call vote.

Workman's compensation and operating experience: It has been brought to the Board's attention that an operator that has passed a Class IV exam had approximately four years of workman's comp when very little actual operating time occurred that was used to fulfill the work experience requirement. It was decided to speak to Joe Nadenicek on a course of action and to discuss this more in depth at the next meeting.

Johnson entered meeting at 3:50.

Status of Certification: The Board was previously sent data on compliance of the systems. Kittay reinforced the idea that the enforcement policy of the Board appears to be working. The Board went thru a number of systems.

Next Meeting: The next meeting will be at 3:00 pm at the Brookings-Holiday Inn on Tuesday, September 14, 1993.

Adjournment: Stack moved for adjournment. Lesselyoung seconded. Motion passed. Meeting adjourned at 4:00 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
August 10, 1993
Pierre, SD
Held via Telephone Conference Call

Presiding Officer: Greg Merrigan, Chairperson
Members Present: Greg Stack, John Scheltens, and Tom Lesselyoung
Members Absent: Cheryl Johnson and Del DeBoer
Others Present: Rob Kittay, Secretary and Joe Nadenicek
Call to Order: By Chairperson Merrigan at 2:30 pm.

Old Business-Workman's compensation and operating experience: Stack had requested Merrigan to call this special meeting. Merrigan gave introductory information on Greg Anderson of Sioux Falls passing his Class IV Water Treatment exam but used at least 3 1/2 years of workman's comp as part of his experience. Stack indicated there were three options available-

1. Develop new regulations to cover this in the future
2. Hold a hearing in an attempt to revoke Anderson's certificate
3. Do nothing

Nadenicek indicated that in his opinion Anderson did not do anything that would allow for revocation according to the current regulations. This was similar in nature to the Hazen case. He also emphasized that the Board makes a recommendation to the Secretary who makes the final decision.

Stack moved that the Board make regulatory changes to have a minimum actual operating time required with Kittay and Nadenicek determining the final wording. A public hearing would be held on September 14. Lesselyoung seconded. Motion passed 4-0 on roll call vote.

Adjournment: Lesselyoung moved for adjournment. Stack seconded. Motion passed. Meeting adjourned at 2:55 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
September 14, 1993
Brookings, SD

Presiding Officer: Greg Merrigan, Chairperson

Members Present: Greg Stack, Del DeBoer, John Scheltens, and
Tom Lesselyoung

Members Absent: Cheryl Johnson

Others Present: Rob Kittay, Secretary, George Vansco, Mike Lund, Shelley Seager, Alvin Van Zee,
Dennis Moser, and Randolph Hilding

Call to Order: By Chairperson Merrigan at 3:00 pm.

Kittay gave a short narrative of the background of the rules amendments. The notice of public hearing was sent to 13 newspapers and all systems requiring a certified operator. ARSD 74:21:02:40 puts a Board policy into regulation form requiring applications to be received at least two weeks before the exam date. ARSD 74:21:02:48 amended the percent of actual operating experience needed. This allows for people that are employed by a utility but were not actually operating all the time. ARSD 74:21:02:57 allows for another reason for the suspension or revocation of a certificate.

Merrigan called for public testimony. There was no testimony

Kittay indicated that there were no written comments received.

Merrigan opened the floor for Board discussion. There was some question on the percentage of operating time. DeBoer felt that 80% operating time was a better percentage. DeBoer moved that the percentage of operating time be amended to read "80%". Lesselyoung seconded. More discussion ensued. Motion passed.

DeBoer moved to recommend to the Secretary of DENR passage of these regulation changes. Lesselyoung seconded. Lund had some questions about small system operators being able to get certified in all four areas of certification versus himself at Brookings only being able to get certified in one area. It was explained that he could get certified up to a Class IV while the small system operator could only go as high as a Class II in each category. Motion passed.

Merrigan closes public hearing at 3:30 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
September 14, 1993
Brookings, SD

Presiding Officer: Greg Merrigan, Chairperson

Members Present: Greg Stack, Del DeBoer, John Scheltens, and Tom Lesselyoung

Members Absent: Cheryl Johnson

Others Present: Rob Kittay-Secretary, George Vansco, Mike Lund, Shelley Seager, Alvin Van Zee, Dennis Moser, and Randolph Hilding

Call to Order: By Chairperson Merrigan at 3:31 pm.

Approval of Minutes: Kittay had previously sent the minutes from the last two meetings to the members. Stack moved that the minutes stand with no corrections. Lesselyoung seconded. Motion passed.

Formal Enforcement Hearings: Pollock-Dennis Moser-Mayor appeared on behalf of Pollock. Pollock lacks a Class I Wastewater Treatment certificate. He explained that two people had previously taken an exam in January, 1993. One person was from Mid-America Dairy and not directly employed by Pollock. Pollock has a population equivalent of several thousand people. Pollock will have two people attend a workshop in Pierre in October and take the exam. The Board mentioned that if the Mid-America Dairy passed, he would then need to be under a contract with Pollock. Hilding indicated that there was a Basic Wastewater Workshop on June 1-3. The system is currently under construction. Kittay indicated that their classification could change after the construction was completed. Stack moved that any further enforcement action be tabled until the next meeting with the stipulation they attend all exam opportunities in Pierre and Aberdeen. DeBoer seconded. Motion passed.

VA Medical Center at Hot Springs-No action was taken as a contract was submitted that would be considered later in the meeting.

Pickstown-No-one was present representing Pickstown. Dennis Hoilien has now passed the Class I Wastewater Treatment exam; however, a Class II is needed. A number of classes have been attended until he passed the Class I. A question was raised as to whether the City thinks they are in compliance because they passed their Class I. Jerry Hemeyer of SDARWS said that the operator at Pickstown indicated "he had passed his test". Alvin Van Zee of Randall RWS concurred with that statement. DeBoer moved that any action be tabled until the meeting in March with a letter being sent to Pickstown explaining the situation. Scheltens seconded. Stack indicated he wanted a response from the Town within 30 days. DeBoer amended his motion to ask for a response within 90 days. Scheltens accepted the amendment. Motion passed.

Informal Enforcement Hearings: St. Francis-The Town had passed the WD I but had now gone back thru the enforcement process again. They lack WT I, WW I, and WWC I. There was some question about starting the enforcement process completely over after passing an exam. Scheltens moved to schedule St. Francis for a formal hearing at the March meeting. Stack seconded. Motion passed.

Philip-Shelley Seager, Water Superintendent, was present to represent Philip. Philip lacks a Class III certificate. She indicated that there was a lack of advanced water treatment training. Mni Waconi is also to serve Philip. Philip will have operators attend the Fort Meade and Pierre water treatment classes. She has been eligible to take the exam for six or seven years. She has not taken the exam since 1982. Vansco indicated that this was similar to the Springfield situation in that she has no peers at her plant to train with and learn from. Hilding indicated that he would offer an advanced water class in February or March, 1994. Seager indicated that she would attend. Scheltens moved to table any enforcement action until the March meeting. Lesselyoung seconded. DeBoer indicated that he had no sympathy for waiting for Mni Waconi. Motion

passed. Stack then made some follow-up comments concerning travel distance and money matters for systems.

Alexandria-No-one was present to represent Alexandria. They are lacking WD I and WWC I. This situation is similar to St. Francis in that they had gone thru enforcement proceedings and had been turned over to AG's Office. They then passed an exam and are going thru enforcement process again. Scheltens moved to have formal enforcement hearing at March meeting. Stack seconded. Motion passed.

Need-to-Know/Exam Review: Scheltens reviewed the AWWA action with ABC. Kittay and Hilding indicated they would at least like to have the exams reviewed.

Unsigned Complaints: Merrigan reviewed the previous experience with an unsigned complaint letter. DeBoer indicated that letters dealing with general policy or direction should be looked at versus complaints aimed at a particular operator.

Contract Review: VA Center at Hot Springs and Alvin Harris-The VA Center's intent is to get their own certified operator. Merrigan thought the contract was rather vague. Scheltens indicated that specific duties were not mentioned. Stack moved that the contract not be approved because specific duties, DRC, and 24 hour per day availability have not been dealt with. DeBoer seconded. Motion passed with Scheltens abstaining.

Plainsview Mobile Manor and Paul Mannhaupt-Stack questioned the statement "Reporting procedures are not changed". Scheltens suggested that Kittay and Nadenicek prepare a sample contract for distribution. DeBoer moved for approval of the contract with "South Dakota Environmental Protection Agency" being corrected to "SD DENR" and the "Reporting procedures are not changed" is clarified. Stack seconded. Motion passed.

More Meetings?: The Board discussed the possibility of meeting more now that the RDTN is available. Scheltens suggested that it be used for follow-up matters and not new business. DeBoer thought that RDTN should be used as needed and the Chairperson could decide.

Status of Certification: The Board was previously sent data on compliance of the systems. Kittay reinforced the idea that the enforcement policy of the Board appears to be working. The Board went thru a number of systems. Stack moved that Elkton, Corsica, Bridgewater, White, Aurora, and Dakota Pork (if they have not hooked up to City of Huron) have informal enforcement hearings at the next meeting. Lesselyoung seconded. Motion passed.

Other Business: An operator from Mitchell wrote indicating there was a huge gap in experience between what is required to take a Class II exam (two years) and a Class III (eight years) exam. The Board noted the letter for the record and took no action.

Stack moved that enforcement action should not go back to ground zero just because one certificate out of two, three, or four is earned. DeBoer seconded. Motion passed.

The Board notes that the contract operator for Mission is now employed by White River.

Next Meeting: The next meeting will be at 3:00 pm at the Pierre Ramkota on Wednesday, March 16, 1994.

Adjournment: DeBoer moved for adjournment. Stack seconded. Motion passed. Meeting adjourned at 6:15 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
March 16, 1994
Pierre, SD

Presiding Officer: Greg Merrigan, Chairperson

Members Present: Greg Stack, Del DeBoer, John Scheltens, Cheryl Johnson, and Tom Lesselyoung

Others Present: Rob Kittay-Secretary, Bill Maule, Jake Prentiss, Pete Hesla, Gary Englund, Bob Kappel, and Randolph Hilding

Call to Order: By Chairperson Merrigan at 3:05 pm.

Election of Chairperson: The Board elects a chairperson each year at the Spring Meeting. Merrigan turned meeting over to Kittay who called for nominations. DeBoer nominated Merrigan. Scheltens seconded. DeBoer moved that nominations cease at this time and that a unanimous ballot be cast. Stack seconded. Motion passed. Merrigan was elected chairperson.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Stack moved that the minutes be approved. Scheltens seconded. Motion passed.

Eligibility to Take Exam: Kittay asked the Board to determine if Steve Nafus of Belle Fourche was eligible to take operator certification exams. Nafus and Chuck Snoozy were both present. Nafus is now doing more operating than in the past. Snoozy wants more certified operators in Belle Fourche. Kittay asked about numerous distribution job duties as to who performs the individual tasks. Johnson moved that Nafus be allowed to take certification exams. Lesselyoung seconded. Motion passed.

Reciprocity Cases: Brad Mohror-Yankton holds a Class II Water Distribution certificate from Wyoming. WY does not require a minimum level of education for any certificate. Stack moved that no certification be granted because of the lower standards of Wyoming. Lesselyoung seconded. Motion passed.

Donald Mitchell-Ellsworth AFB holds a Grade III Wastewater Treatment certificate from Arizona. Arizona requires an operator to hold a Grade II certificate for six months before they can take the Grade III. The requirements for the Grade II are:

1. Six months experience and
2. High school graduation plus some additional related training at a community college or vo-tech (The responder could not tell exactly what the amount of related training had to be as their regs are vague and they judge on a case-by-case basis.)
3. No DRC is required.

It appears that you would need 12 months of experience and high school graduation with some amount of additional related training to be eligible for the Grade III. DeBoer moved that a Class I certification be granted because of the lower standards of Arizona. Stack seconded. Motion passed.

Tabled Informal Hearing: Philip (WTIII) informal enforcement hearing-This item was tabled from last meeting. No-one was present to represent Philip. Shelly Seager had taken the Water Treatment Class IV exam twice and attended the DENR Advanced Water Class since the last meeting. Stack moved that Philip have an a formal hearing in October. Merrigan seconded. Discussion ensued. DeBoer stated that we should remind Philip that they need a Class III-not Class IV. Merrigan withdrew his second. Lesselyoung then seconded the motion. Motion failed. Scheltens was absent for vote.

DeBoer moved to table the informal hearing until October. Johnson seconded. Motion passed.

Informal Hearings: Elkton (WDI, WWI, WWCI) No-one was present to represent Elkton. Royal Grindeland had taken two exams in October. Scheltens moved for formal hearing in October. Lesselyoung seconded. Motion passed.

Corsica (WTI, WDI, WWI, WWCI) No-one was present to represent Corsica. No exams had been attempted by any operators. Fred Weerheim is eligible for exams while Rod Miller is not eligible. Lesselyoung moved for formal hearing in October. DeBoer seconded. Motion passed.

Bridgewater (WWCI) No-one was present to represent Bridgewater. An exam was passed since the last meeting. Scheltens moved to table the hearing until October. Johnson seconded. Motion passed.

White (WDI, WWI) No-one was present to represent White. An exam was passed since the last meeting. Scheltens moved to table the hearing until October. DeBoer seconded. Motion passed.

Aurora (WDI, WWI, WWCI) No-one was present to represent Aurora. An exam was taken since the last meeting; however, this operator has quit and a new one hired on March 1, 1994. The original operator quit in September, 1992. Johnson moved to table the hearing until October. DeBoer seconded. Motion passed.

Tabled Formal Hearings: Pollock (WWI) formal enforcement hearing-This item was tabled from last meeting. No-one was present to represent Pollock. Pollock was to take tests at each opportunity at Aberdeen and Pierre. Several exams were attempted; however, the Pierre exam sessions on 12/15/93 and 2/25/94 were missed. Pollock has been out of compliance since March, 1990. Lesselyoung moved to turn case over to the Attorney General. Stack seconded. Further discussion ensued. Motion passed.

Pickstown (WTII) formal enforcement hearing-This item was tabled from last meeting. Mayor Maule was present to represent Pickstown. Randall RWS has contacted Kittay about a contract situation and has passed a motion "to assist Pickstown with their water problems on a temporary basis and consider a possible contract with the city". Johnson moved to table any further enforcement action until the October meeting. Lesselyoung seconded. Scheltens moved to amend motion to have Pickstown operator pass his exam or have Pickstown established a contract by July 1, 1994. Stack seconded amendment. Discussion on amendment ensued. Amendment passed. More discussion on the now amended motion. Motion passed.

Formal Hearings: St Francis (WTI, WDI, WWI, WWCI) No-one was present to represent St Francis. The new operator will be eligible for exams in July, 1994. Scheltens moved to this over to the Attorney General's Office. Stack seconded. Discussion ensued. Motion passed.

Need-to-Know and Exam Review: No action has been taken by Board. Kittay has the Board members at least review the exams.

Status of Certification: The Board was previously sent data on compliance of the systems. Kittay reinforced the idea that the enforcement policy of the Board appears to be working. The Board went thru a number of systems. Scheltens moved that SS/NB RWS, Oahe Plains, Oahe Powerplant, Indian Memorial, West Whitlocks, and Whetstone have informal enforcement hearings at the October meeting. Stack seconded. Motion passed.

Kirby Commission: Merrigan summarized the activities of the Kirby Commission and its possible effects on the Board of Operator Certification. Numerous letters have been sent to the Governor concerning this issue from operators and various water/wastewater organizations. Scheltens noted that from the text of the speech that the Governor does not know what the Board does.

Jerry Busby Letter: Busby from Yankton sent a letter concerning the use of DRC in determining whether an operator can take a Class III or IV exam. Kittay stated that Busch and Bircherm said that there were supposed to be two significant levels of certification of managers versus non-managers. Kittay thought that because of the two week deadline for applications and the fact there is a specific question asking about DRC that the applications were scrutinized better than before for DRC requirements. The Board indicated the eligibility determinations were being made correctly in accordance with the current regs. The Board made note of the letter for the record.

SD Operator Certification and ABC: Scheltens gave a presentation on ABC and desires that SD join that organization. Kittay indicated that if the Board voted to join ABC, it would still have to be approved by the

Department. There is money in the OpCert budget to join. The Board thought that it could decide in July as to whether to join so that some more info could be obtained on certain questions as well as having the Kirby Commission issue its report.

Other Business: Three members were just reappointed to the Board by the DENR Secretary.

A sample contract was given to the Board for review.

The Board discussed the finances of the program.

Next Meeting: The next meeting will be a teleconference or via RDTN in July to follow-up on a couple issues. The Fall meeting will be at 3:00 pm at the Lead Golden Hills on Tuesday, October 25, 1994.

Adjournment: DeBoer moved for adjournment. Stack seconded. Motion passed. Meeting adjourned at 6:20 pm.

Robert Kittay
Secretary

Date

Agenda items for July-
Pickstown-Pass exam or contract
Plainsview MHC contract
ABC membership

APPROVED MINUTES

South Dakota Board of Operator Certification
October 25, 1994
Lead, SD

Presiding Officer: Greg Merrigan, Chairperson

Members Present: Greg Stack, Del DeBoer, Cheryl Johnson, and Tom Lesselyoung

Member Absent: John Scheltens

Others Present: Rob Kittay-Secretary, John Bartel-COE, Leon Aasby-Oahe Plains, another person from Oahe Plains that did not sign in, and Randolph Hilding

Call to Order: By Chairperson Merrigan at 3:01 pm.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Lesselyoung moved that the minutes be approved. Johnson seconded. DeBoer asked for a point of clarification. Motion passed.

Stack enters meeting.

Reciprocity Request: Tim Olson-Morrell's holds Class D Wastewater Treatment and Water Supply certificates from Minnesota. SD has granted reciprocity to many operators from MN as their requirements are similar to ours. Kittay recommended granting a Class I Water Treatment and Wastewater Treatment certificates to Olson. DeBoer moved that Olson be granted Class I Water Treatment and Wastewater Treatment certificates via reciprocity. Stack seconded. Motion passed.

Informal Enforcement Hearings: Philip (WTII)-Enforcement action on Philip had been tabled at the previous meeting. Stack moved to take the Philip issue off of the table and discuss the matter again. Lesselyoung seconded. Motion passed. No-one appeared to represent Philip. Shelley Seager has now quit and Les Wintrode is now the water manager. Wintrode has nine years of experience, and there is a question of whether he is eligible for the Class III because of the DRC requirement. There is no substitute for DRC. He has just passed the Class I exam. Johnson moved to contact Philip to clarify a time schedule for taking the Class III. Lesselyoung seconded. Motion passed.

The agenda was amended to have informal hearings for White and Aurora as their hearings were tabled at the last meeting.

White (WWCI)-Stack moved to take the White issue off of the table and discuss the matter again. Lesselyoung seconded. Motion passed. No-one appeared to represent White. DeYoung has passed another exam so that White is in compliance with two of three categories. He has failed the WWC exam twice and is scheduled to take the exam again in Watertown on November 16. DeBoer moved to table issue to next meeting. Johnson seconded. Motion passed.

Aurora (WDI, WWI, & WWCI)-Lesselyoung moved to take the Aurora issue off of the table and discuss the matter again. DeBoer seconded. Motion passed. No-one appeared to represent Aurora. Aurora has hired another new operator in the spring. He will not be eligible until the Spring of 1995 to take exams. Lesselyoung moved to table issue to next meeting. Johnson seconded. Motion passed.

S Spink/N Beadle RWS (WTII): No-one appeared to represent S Spink/N Beadle RWS. Kittay gave a review of the situation. One exam had been taken since the last exam. Stack moved to hold a formal hearing at the next meeting. DeBoer seconded. Motion passed.

Oahe Plains RWS (WTII): Leon Aasby and the secretary of Oahe Plains appeared on behalf of Oahe Plains. They will be connected to Mid-Dakota RWS in two years. A letter was also received for the Board of Directors. He has passed the WTI. The RWS secretary indicated that they could not afford to hire a certified operator. DeBoer moved to table issue to next meeting. Lesselyoung seconded. Motion passed.

Indian Memorial (WTII): John Bartell appeared to represent Indian Memorial. Terry Thomas has attempted the WTII twice. Karl Jarvis, who works out of Pierre, has a Class II also operates the plant. He visits the plant at least on a weekly basis and very often two or three times a week. Bartell said that he did not find any reg or law that indicated a distance factor for an operator. IHS may be building a water plant in the area; however, this is very much in the future. She will be continuing to take the exams. The Board had previously indicated that an operator in Pierre was too far away to be the certified operator for a plant in Mobridge. The Board had applied the same criteria as would be used for a contract operator. Bartell indicated that he had discussed some work with Mobridge but liability was a problem. The system operates only four months per year and serves a transient population. Johnson moved to table issue to next meeting. Lesselyoung seconded. Motion passed.

Discussion now centered on a larger question of whether there is legal backing for the Board to say that an operator in Pierre cannot be a certified operator for a system in Mobridge.

Formal Enforcement Hearings: Corsica (WTI & WWCI)-Kittay gave a review on the situation. The WDI and SPI had been passed since the last Board meeting. No-one appeared to represent Corsica. Kittay had spoken to Rod Miller prior to the meeting. Lesselyoung moved to table issue to next meeting. DeBoer seconded. Motion passed.

Certified Water Distribution Operator for Bulk Water Supplier: Kittay explained the current situation at Lead-Deadwood Sanitary District concerning the fact that they are a bulk water supplier with no retail customers of their own. They may have very little actual distribution system. DeBoer moved to table this issue to the next meeting and inquire to the actual extent of their system. Lesselyoung seconded. Motion passed.

Exam Review: Merrigan directed Kittay to send a memo in two weeks to the Board members requesting the exams to be returned with or without comments.

Status of Certification: The Board had been previously sent papers on the current certification status. DeBoer moved that Avon, Federal Beef, and Sisseton be scheduled for an informal hearing at the next meeting. Lesselyoung seconded. Motion passed.

Other Items: With Scheltens not being present, the ABC issue will be discussed at the next meeting. Scheltens would like any suggestions for guidelines for a national certification to be supplied to him by November 5.

Mark Anderson wanted clarification as to whether he could continue to renew his certificates as he was no longer working for Crooks but was in an environmental field with Morrell's. Johnson moved to allow renewal. Stack seconded. Motion passed.

Merrigan noted Governor Miller's letter to ABC concerning the fact that the Board would not be abolished.

Next Meeting: The next meeting will be at 3:00 pm CST at the Pierre Ramkota on Wednesday, March 15, 1995.

Adjournment: DeBoer moved for adjournment. Stack seconded. Motion passed. Meeting adjourned at 5:00 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
March 15, 1995
Pierre, SD

Presiding Officer: Greg Merrigan, Chairperson

Members Present: Greg Stack, John Scheltens, Del DeBoer, Cheryl Johnson, and Tom Lesselyoung

Others Present: Rob Kittay-Secretary; John Bartel-COE; and Roger Hauger, Dave Van Cleave, and Fred Balleweg, Vermillion.

Call to Order: By Chairperson Merrigan at 3:10 pm.

Approval of Agenda: Scheltens moved that the election of the chairperson be moved to item number 13 agenda. Stack seconded. Motion passed.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. DeBoer moved that the minutes be approved. Johnson seconded. Motion passed.

Reciprocity Request: Mike Boerger-Watertown holds Class V Wastewater Treatment certificate from California. CA does not require DRC for their Class V certificate and will only grant reciprocity for Class I and II certificates. Kittay recommended granting a Class II Wastewater Treatment certificate. Stack moved that Boerger be granted Class II Wastewater Treatment certificate via reciprocity. Lesselyoung seconded. Motion passed.

Kittay gave a brief explanation as to why no certificates could be granted to Bruce Schepers of Whitewood thru reciprocity.

Tabled Informal Enforcement Hearings: Philip-The hearing was cancelled as the operator passed the exam.

White (WDI)-DeBoer moved to take the White issue off of the table and discuss the matter again. Stack seconded. Motion passed. No-one appeared to represent White. Dan DeYoung had failed the exam in November, 1994 and is scheduled to take the exam again in Sioux Falls on April 20. Scheltens moved to table issue to next meeting. Lesselyoung seconded. Motion passed.

Aurora (WDI, WWI, & WWCI)-Scheltens moved to take the Aurora issue off of the table and discuss the matter again. Stack seconded. Motion passed. No-one appeared to represent Aurora. Aurora had hired another new operator in 1994. He became eligible to take exams in February, 1995 and is scheduled to take an exam on March 17. Johnson moved to table issue to next meeting. Lesselyoung seconded. Motion passed.

Oahe Plains RWS (WTII): The hearing was cancelled as the operator passed the exam.

Indian Memorial (WTII): DeBoer moved to take the Indian Memorial issue off of the table and discuss the matter again. Stack seconded. Motion passed. John Bartell appeared to represent Indian Memorial. Karl Jarvis, who works out of Pierre, has a Class II also operates the plant. He visits the plant at least on a weekly basis and very often two or three times a week. Kittay said that he did not find any reg or law that indicated a distance factor for an operator. IHS may be building a water plant in the area; however, this is very much in the future. Terry Thomas will be taking the exam in April. The system operates only four months per year and serves a transient population. The Board has decided that Indian Memorial appears to be in compliance as there is no regulation that indicates how far away a directly employed certified operator can live from the system.

Discussion now centered on whether the Board needs to change the rules to regulate how far away a certified operator can live from a system. Kittay passed out a possible change to the regs. The Board decided to take no action at this time.

Informal Enforcement Hearings: Avon (WWI)-No-one appeared to represent Avon. No exams have been taken since last Board meeting. Scheltens moved that Avon be scheduled for a formal hearing at the next Board meeting. Stack seconded. Motion passed.

Sisseton (WTII & WWCII)-No-one appeared to represent Sisseton. No exams have been taken since last Board meeting. DeBoer moved that Sisseton be scheduled for a formal hearing at the next Board meeting. Stack seconded. Motion passed.

Federal Beef (WWII)-No-one appeared to represent Federal Beef. An exam has been passed since last Board meeting. Lesselyoung moved that the Federal Beef issue be tabled. Sheltens seconded. Motion passed.

Tabled Formal Enforcement Hearings: Corsica-The hearing was cancelled as the operator passed the exam.

Formal Enforcement Hearings: S Spink/N Beadle RWS (WTII): No-one appeared to represent S Spink/N Beadle RWS. Kittay gave a review of the situation. No exams have been taken since the last exam. Stack moved to pass on to AG. Lesselyoung seconded. Motion passed.

Direct Responsible Charge Question: Roger Hauger of Vermillion had his certification application for a Class III exam turned down by Kittay on the basis that not enough DRC had been accumulated. He only gets a few days of DRC each year on a very irregular basis. The definition of DRC was discussed for large plants. DRC can be either being in charge of a section of a plant or a crew. Much discussion ensued.

Status of Certification: The Board reviewed the current certification status. Scheltens moved that Belvidere KOA be scheduled for an informal hearing at the next meeting. Stack seconded. Motion passed.

Johnson moved that Blunt and Harrold scheduled for informal hearings at the next meeting. Stack seconded. Motion passed.

Stack moved that Agar and Batesland be scheduled for informal hearings at the next meeting. Johnson seconded. Motion passed.

ABC: Scheltens led the discussion concerning joining ABC. Kittay will make a specific list of the Program's needs and how ABC may fulfill them.

Out-of-State Operators Taking Exams: The Board confirmed that an operator must be working for a South Dakota utility to take one of our exams.

Morrell's Operators: Ron Greenwood and Barry Milbauer have pled guilty to falsification of data. They have not renewed for two years. Nadenicek has advised that they do not have licenses at the current time because of no renewal and that renewal could be denied. The licenses will be permanently revoked on 2/1/96.

Election of Chairperson: The Board elects a chairperson each year at the Spring Meeting. Merrigan turned meeting over to Kittay who called for nominations. Scheltens nominated DeBoer. Merrigan moved that nominations cease at this time and that a unanimous ballot be cast. Lesselyoung seconded. Motion passed. DeBoer was elected chairperson. Merrigan was thanked for his years as chairperson.

Next Meeting: The next meeting will be at 3:00 pm CDT at the Aberdeen Ramkota on Tuesday, September 19, 1995.

Adjournment: Johnson moved for adjournment. Lesselyoung seconded. Motion passed. Meeting adjourned at 5:00 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
December 1, 1995
Pierre, SD

Presiding Officer: Del DeBoer, Chairperson

Members Present: Greg Stack, John Scheltens, Greg Merrigan, and Tom Lesselyoung

Members Absent: Cheryl Johnson

Others Present: Rob Kittay-Secretary and Randy Hilding

Call to Order: By Chairperson DeBoer at 1:16 pm.

Approval of Agenda: Kittay indicated that the reciprocity request for Marvin Arp be changed to WWI only, that Jim Jester (WDII) be added under reciprocity, that Patricia Caspers reciprocity request be deleted, that White, Agar, and Federal Beef be deleted under Informal Hearings, and Other Business to be added. Merrigan moved that the agenda be accepted as amended. Stack seconded. Motion passed.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Lesselyoung moved that the minutes be approved. Stack seconded. Motion passed.

ABC: A presentation was made in Aberdeen to the Board but no decision could be made because of the lack of a quorum. The cost to join would be approximately \$1000. There would then be several ways we could have exams made for us. If a decision was made to join ABC, it would have to be approved by the DENR, etc. Scheltens moved that SD join ABC. Merrigan seconded. Kittay volunteered to find out the proper procedure for joining ABC. Scheltens and DeBoer volunteered to meet with DENR concerning ABC and operator certification. DeBoer summed up the objectives as upgrading the exams, participating in the national lobbying effort and national meetings, shaping the forthcoming national guidelines, and reciprocity agreements. Motion passed.

Reciprocity Requests: Marvin Arp-Holds Class I Lagoon certificate from Iowa. Kittay recommended granting a Class I Stabilization Pond certificate. Stack moved that a Class I Stabilization Pond certificate be granted via reciprocity. Lesselyoung seconded. Motion passed.

Jerald Burns-Holds a Class I Water Distribution certificate from the Florida Water/Pollution Control Association. This is a voluntary certificate. They will not accept operators from SD so we cannot grant a certificate to anyone from there. No action taken.

Lori Ekrich-Holds a Class B Wastewater Treatment certificate from Minnesota. No DRC is required in Minnesota. Because of this, Kittay recommended that a Class II WW be granted. Merrigan moved that a Class II WW certificate be granted via reciprocity. Stack seconded. There was again some discussion concerning the lack of DRC in other states and how some operators do not receive an equivalent certificate in SD because of this. Motion passed.

Michael Norton-Holds a Class III Wastewater Treatment certificate from Iowa. No DRC is required in Iowa either. Because of this, Kittay recommended that a Class II WW be granted. Stack moved that a Class II WW certificate be granted via reciprocity. Merrigan seconded. Motion passed.

Jim Jester-Holds a Class II Water Distribution certificate from Illinois. The requirements in IL are somewhat lower than in SD so Kittay recommended that a Class I WD be granted. Merrigan moved that a Class I WD certificate be granted via reciprocity. Lesselyoung seconded. Motion passed.

Tabled Informal Enforcement Hearings: Aurora (WDI, WWI, & WWCI)-Kittay reviewed the situation. No-one appeared to represent Aurora. Aurora had hired another new operator in 1994. He became eligible to take exams in February, 1995 and has taken three exams while passing none. Scheltens moved that a formal hearing be held at the next Board meeting. Lesselyoung seconded. Motion passed.

Informal Enforcement Hearings: Blunt (WTI)-No-one appeared to represent Blunt. Jan Harkless did not appear for an exam on November 30, 1995 or the class prior to it. One exam was attempted on July 22, 1993 by Jan Harkless but was failed. He has been eligible to take the exams for many years. Merrigan moved that Blunt be scheduled for a formal hearing at the next Board meeting. Stack seconded. Motion passed.

Harrold (WTI)-No-one appeared to represent Harrold. One exam was attempted on July 22, 1993 by Jan Harkless who is longer at Harrold. A new operator was hired in July, 1995. Scheltens moved that Harrold be scheduled for a formal hearing at the next Board meeting. Stack seconded. Motion passed.

Batesland (WTI)-No-one appeared to represent Batesland. No exams have been taken. Hilding indicated that there are wastewater problems there also. Merrigan moved that Batesland be scheduled for a formal hearing at the next Board meeting. Stack seconded. Motion passed.

Formal Enforcement Hearings: Avon (WWI)-No-one appeared to represent Avon. No exams have been taken since May, 1994 in WW. Scheltens moved that Avon be turned over to the Attorney General's Office. Stack seconded. Motion passed.

Kittay noted that everyone on the agenda received a notice of the rescheduled Board meeting.

Sisseton (WWCII)-No-one appeared to represent Sisseton; however, a letter was submitted with an explanation of actions. Kittay noted that Ken Cordie said that he would attend a WWC class that will begin within two weeks and take an exam. Scheltens moved that the Sisseton issue be tabled. Stack seconded. Motion passed.

Approval of Contract Philip-The Board reviewed a proposed contract for Philip. Kittay questioned the amount of time to be spent at the plant. The contract indicated only two hours per week. DeBoer went thru the checklist for contract approval. Merrigan thought that the certified operator should be there at least one hour per day. Also the chemical feed levels need to be monitored and lab analyses/samples need to be performed. Scheltens indicated that we are talking about "contract operation"-not "contract supervision". He also stated that the contract should state that the contract operator is in responsible charge of the system.

The Board took a short break.

Kittay passed out a sample contract to the Board. The Board did not take any action on the contract but directed Kittay to respond to Philip with the Board's comments in case they wanted to renew it.

Boost Chlorination: Kittay wanted a clarification as to whether a boost chlorination system be part of water treatment or water distribution for purposes of being eligible to take an exam. Hilding indicated that the Board has minimum time lines for purposes of taking exams. This may be a way of determining whether an exam may be taken in this case. Humboldt is an example where boost chlorination is used.

Status of Certification: The Board reviewed the current certification status.

Scheltens left the meeting at 3:15 pm.

Merrigan moved that any system out of compliance for more than 18 months be moved to an informal hearing at the next meeting. Merrigan then withdrew his motion.

Merrigan moved that Estelline, Crooks Sanitary District, Alcester, Eagle Butte, Waubay, Vivian Sanitary District, and Mobile Manor be scheduled for an informal hearing at the next meeting. Stack seconded. Motion passed.

Merrigan wondered how DENR finds out about operators that leave a system. Kittay indicated that notifications, surveys, and renewal are used.

DENR Training Program: Hilding indicated previously that despite the manpower reduction, he will still hold as many classes as before; however, major changes/updates in a class will not be possible.

Other Business: Kittay indicated that there are some water systems with certified operators that have gross failure to monitor violations of the lead/copper rule. These systems are EGC RWS, Centerville, and Irene.

Kittay would like to pursue revocation of certificates for these operators. Merrigan moved to proceed with these Pb/Cu FTM systems. Lesselyoung seconded. Motion passed.

John Scheltens and Greg Merrigan were reappointed to Board as of September 26, 1995.

Kittay will supply a new list of members to the Board.

Next Meeting: The next meeting will be at 3:00 pm CST at the Oacoma Cedar Shores on Wednesday, March 13, 1996 prior to the SDWWA Wastewater Seminar.

Adjournment: DeBoer moved for adjournment. Stack seconded. Motion passed. Meeting adjourned at 4:00 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
March 13, 1996
Oacoma, SD

Presiding Officer: Del DeBoer, Chairperson

Members Present: Greg Stack, Cheryl Johnson, Greg Merrigan, and Tom Lesselyoung

Members Absent: John Scheltens

Others Present: Rob Kittay-Secretary; Jan Harkless-Blunt; Spike King-Blunt; and Randy Hilding-DENR

Call to Order: By Chairperson DeBoer at 3:03 pm.

The Board introduced themselves to those present.

Approval of Agenda: Kittay indicated that Kurt Brennemann and John Scheetz be added under reciprocity requests and that Aurora should be added as a tabled formal hearing. Merrigan moved that the agenda be accepted as amended. Lesselyoung seconded. Motion passed.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Lesselyoung moved that the minutes be approved. Johnson seconded. Motion passed.

Reciprocity Requests: Rod Hart-Holds Class I Water Systems, Class III WW Treatment, and Class II WWC certificates from WY. Kittay recommended granting no certificates as WY has no minimum education requirement. Merrigan moved that no certificates be granted as there is no minimum education requirement in WY. Lesselyoung seconded. Motion passed.

Kurt Brennemann-Holds a Class I WD certificate from UT. The requirements are identical to SD. Johnson moved that a Class I WD certificate be granted thru reciprocity. Merrigan seconded. Motion passed.

John Scheetz-Holds a Class A WW certificate from SC. This is SC's highest certificate. No DRC or post-secondary education is required. Merrigan moved that a Class II WW certificates be granted as this certificate's requirement most closely match the SC certificate requirements. Lesselyoung seconded. Motion passed.

Informal Enforcement Hearings: Estelline (WTI, WDI, WWI, & WWCI)-Kittay reviewed the situation. No-one appeared to represent Estelline. Lyle Vohlken had taken one exam prior to meeting. The Board received a letter from John West, Mayor, concerning the situation. Johnson moved that a formal hearing be held at the next Board meeting. Lesselyoung seconded. Motion passed.

Crooks Sanitary District (WTI, WDI, WWI, & WWCI)-Kittay reviewed the situation. No-one appeared to represent Crooks Sanitary District. No exams had been taken prior to the meeting. Merrigan moved that a formal hearing be held at the next Board meeting. Johnson seconded. Motion passed.

Alcester (WDI & WWII)-Kittay reviewed the situation. Vern Johnson had passed the Class I WWC exam on January 11, 1996. No-one appeared to represent Alcester. Merrigan moved that the case be tabled. Lesselyoung seconded. Motion passed.

Eagle Butte (WWI & WWCI)-Kittay reviewed the situation. Eagle Butte had hired an operator with WD & WT certificates. No-one appeared to represent Eagle Butte. Jon Ganje indicated he would attend the Spearfish Stabilization Pond class (4/17-18). Johnson moved that the case be tabled. Lesselyoung seconded. Motion passed.

Stack enters meeting at 3:20.

Waubay (WTI & WWI)-Kittay reviewed the situation. Don Breske had passed the WWCI and WDI exams in early 1995. No-one appeared to represent Waubay; however, a letter from the finance officer was presented to the Board. Lesselyoung moved that the case be tabled. Stack seconded. Motion passed.

Vivian (WTI)-Kittay reviewed the situation. No-one appeared to represent Vivian. The Board received a letter from Lonis Wendt, Board Member, concerning the situation. Merrigan moved that a formal hearing be held at the next Board meeting. Johnson seconded. Motion passed. The Board indicated that Vivian should be made aware that if one of their Board members may be qualified to take the exam, that this would rectify this problem.

Mobile Manor (WTI)-Kittay reviewed the situation. No-one appeared to represent Mobil Manor. Merrigan moved that a formal hearing be held at the next Board meeting. Lesselyoung seconded. Motion passed.

Tabled Formal Enforcement Hearing: Aurora (WDI, WWI, & WWCI)-Merrigan moved to place Aurora on the table. Stack seconded. Motion passed. Kittay reviewed the situation. No-one appeared to represent Aurora. No exams have been passed since the last meeting. A letter was received from the finance officer. The operator is getting tutoring in math and attended the SF math class. Merrigan moved that the case be tabled. Lesselyoung seconded. Motion passed.

Formal Enforcement Hearing: Blunt (WTI)-Kittay reviewed the situation. Jan Harkless and Charles "Spike" King were present to represent Blunt. No exams had been attempted since the last meeting. Harkless will be attending a water class in Oacoma on May 1 & 2 and will take exam while there. Merrigan moved that the case be tabled. Lesselyoung seconded. Motion passed.

Harrold (WTI)-Kittay reviewed the situation. No exams had been attempted since the last meeting. No-one appeared to represent Aurora. The Board received a letter from Gary Hobert, President of Harrold Board, concerning the situation. The operator will not be eligible to take an exam until May, 1996. Johnson moved to remove Harrold from the enforcement list. Lesselyoung seconded. Johnson then amended the motion to have the case tabled. Lesselyoung amended the second. Motion passed.

Batesland (WTI)-Kittay reviewed the situation. No exams had been attempted since the last meeting. No-one appeared to represent Batesland. The operator will not be eligible to take an exam until April, 1996. Stack moved to table the Batesland case until the next meeting. Merrigan seconded the motion. Motion passed.

Status of Certification: The Board reviewed the current certification status of all systems. There are already 11 hearings for the next meeting.

Kittay will send a reminder notice to all systems under 500 people concerning certification.

Stack would like a copy of the enforcement letters.

Next Meeting: The next meeting will be at 3:00 pm CDT at the Watertown Ramkota on Tuesday, September 10, 1996 prior to the SDWWA Conference.

Adjournment: Merrigan moved for adjournment. Stack seconded. Motion passed. Meeting adjourned at 4:20 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
September 10, 1996
Watertown, SD

Presiding Officer: Del DeBoer, Chairperson

Members Present: Greg Stack, John Scheltens, Greg Merrigan, and Tom Lesselyoung

Members Absent: Cheryl Johnson

Others Present: Rob Kittay-Secretary; George Vansco and Don Pospishil, SDARWS; Lyle Vohlken, Stuart Busch, Betty Kruse, and Anitra Holter, Estelline; and Ray Bircherm and Randy Hilding, DENR

Call to Order: By Chairperson DeBoer at 3:03 pm.

The Board introduced themselves to those present.

Roll Call: Kittay read the roll call. Johnson was absent. A quorum was present.

Approval of Agenda: Scheltens moved that the agenda be accepted. Merrigan seconded. Motion passed.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Stack moved that the minutes be approved. Lesselyoung seconded. Motion passed.

Reciprocity Requests: Richard McKee-Desired to transfer a Class 4 WW certificate from Indiana to South Dakota thru reciprocity. Indiana's requirements exceed our requirements for a Class IV. Merrigan moved to grant a Class IV WW certificate. Stack seconded. Motion passed.

Informal Enforcement Hearings: Alcester (WWII)-Merrigan moved to put issue on table. Stack seconded. Motion passed. Kittay explained latest happenings in this case. Stack asked for Kittay's feelings on whether Vern Johnson could pass the Class II WW exam that he had taken earlier in the day. Kittay indicated that he had not failed any exams. Merrigan moved that in the event that an operator passed the exam taken earlier today that the Board take no action; however, if the exam is not passed, that an informal hearing is held at the next Board meeting. Merrigan withdraws motion. No action was taken.

Eagle Butte (WWCII)-Scheltens moved to put issue on table. Merrigan seconded. Motion passed. Kittay explained latest happenings in this case. Merrigan moved to table issue based on the fact that an exam had been passed since the last meeting. Scheltens seconded. Motion passed.

Waubay (WTI and WWI)-Scheltens moved to put issue on table. Stack seconded. Motion passed. Kittay explained latest happenings in this case. Don Breske had a stroke in April and his work status is uncertain. Another operator was hired during the summer and is not eligible for the exams. Scheltens moved to table issue. Stack seconded. Scheltens stated that a letter should be sent saying that if Don can not come back to work that someone should be hired with certificates because of the long period of non-compliance. Motion passed.

Formal Enforcement Hearings: Estelline (WTI, WDI, WWI, and WWCI)-Lyle Vohlken, Stuart Busch, Betty Kruse, and Anitra Holter were present to represent Estelline. Stuart Busch spoke for the contingent. He asked about "one-on-one" training from the private sector. It appeared that the issue had been put aside by the previous mayor. The intent is to have Lyle attend the classes and take exams in Sioux Falls and Brookings. Lyle was given a copy of the exam schedule. Merrigan moved to table issue based on the appearance of the mayor and a more concerted effort to be put forth. Stack seconded. Scheltens suggested that Lyle speak to the high school math teacher about some help in math. Motion passed.

Vivian (WTI)-No-one was present to represent Vivian. Stack moved to recommend to DENR that this case be turned over to the Attorney General's Office. Merrigan seconded. Motion passed.

Mobile Manor (WTI)-No-one was present to represent Mobile Manor. Merrigan moved to recommend to DENR that this case be turned over to the Attorney General's Office. Stack seconded. Motion passed.

Crooks Sanitary District (WTI, WDI, WWI, and WWCI)-No-one was present to represent Crooks. Merrigan moved to recommend to DENR that this case be turned over to the Attorney General's Office. Stack seconded. Motion passed.

Harrold (WTI)-Merrigan moved to put issue on table. Stack seconded. Motion passed. No-one was present to represent Harrold. Kittay explained latest happenings in this case. In July, Bill Feller quit as operator and Dave Keller, a former operator, was hired. Keller is already eligible to take an exam. Stack moved to recommend to DENR that this case be turned over to the Attorney General's Office. Lesselyoung seconded. Motion passed.

Batesland (WTI)-Merrigan moved to put issue on table. Scheltens seconded. Motion passed. No-one was present to represent Batesland. Kittay explained latest happenings in this case. Merrigan moved to recommend to DENR that this case be turned over to the Attorney General's Office. Stack seconded. Motion passed.

Aurora (WDI and WWI)-Merrigan moved to put issue on table. Scheltens seconded. Motion passed. No-one was present to represent Aurora. Kittay explained latest happenings in this case. Buchholtz had passed the WWCI since the last Board meeting. Scheltens moved to table this case with the expectation that another exam would be passed before the next meeting or this case will be turned over to AG. Stack seconded. Motion passed.

Contract Review: Oak Valley Farms-This wastewater plant would like to contract with Carol Markel to run this facility. After a review, Merrigan moved to approve this contract. Lesselyoung seconded. There was some concern over the emphasis on training versus operation. Merrigan amended motion so that operation is emphasized over training. Lesselyoung amended his second. Motion passed.

Revocation/Suspension of Certificates and Not Allowing Non-Complying Operators to Take Exams: Dan Rempp of Irene and Bert Bertleson of Marvin have allowed their water systems to become significant non-compliers (SNC) with the monitoring provisions of the Lead/Copper Rule. Scheltens moved to hold a hearing at next Board to consider revoking/suspending Rempp's and Bertleson's certificates. Merrigan seconded. Discussion ensued. Kittay asked that if the system came into compliance, would the hearing be cancelled? Scheltens indicated not necessarily as why did the operator allow the system to come into non-compliance. Motion passed.

Discussion then was initiated with SNC systems that require a certified operator but are not in compliance with Certification Law. Crooks and Mobile Manor are in this category. Scheltens moved that Kittay and Nadenicek

investigate a mechanism to prevent operators from SNC systems from taking certification exams. Merrigan seconded. Motion passed.

DENR Training Program: Hilding reported on the possibility of the training being done on a contract basis. Hilding would be assigned other duties including 104G "one-on-one" training. He was uncertain on a timetable for this. The training will offer the same number of classes in all certification categories across the state. The Board would like to see a copy of the contract before it is sent out.

Status of Certification: The Board reviewed the systems with a lack of certified operators. Scheltens moved that all systems with vacancy notices dated in 1994 have informal hearings at the next Board meeting. These include Circle K Resort, Clearfield Colony, Country Villa, COE-Cottonwood, Deer Mountain, Diamond T, Herrick, Hillcrest Colony, Golden Meadows, High Meadows Ranchettes, Holiday park, Lakeview Colony, Lane, Medicine Mountain, Nisland, Plainsview MHC, Ramona, Rimrock Lodge, Riverside Colony, Sinai, Spring Creek Resort, Sunrise Homeowners, USFS Whitetail CG, and White Rock Colony. Stack seconded. Motion passed. Stack moved that Belvidere KOA have an informal hearing at the next Board meeting. Merrigan seconded. Motion passed.

Expiring Terms: Stack, DeBoer, and Lesselyoung's terms on the Board will be expiring on October 1, 1996. Lesselyoung and DeBoer are willing to be reappointed. Stack announced that he does not wish to be reappointed. The Board thanked him for his service.

Other Business: Scheltens announced that Hot Springs was looking for another water superintendent.

Scheltens indicated that he wanted Kittay to attend the ABC meeting in New Orleans in January and Darron Busch to attend the ASDWA meeting in La Jolla.

Next Meeting: The next meeting will be at 2:00 pm CST at the Oacoma Cedar Shores on Wednesday, March 12, 1997 prior to the SDWWA WW Seminar.

Adjournment: Merrigan moved for adjournment. Stack seconded. Motion passed. Meeting adjourned at 5:40 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
March 12, 1997
Oacoma, SD

Presiding Officer: Del DeBoer, Chairperson

Members Present: Rollin Sieveke, Cheryl Johnson, John Scheltens, Greg Merrigan, and Tom Lesselyoung

Others Present: Rob Kittay-Secretary; George Vansco, Jerry Hemeyer, and Don Pospishil, SDARWS; Randy Hilding, DENR; Jeff Bartling, Herrick; Don Peterson and Jim Jester, Rapid Valley; Jake Prentiss, Oak Valley Farms; and Dorothy Davis, Lane.

Call to Order: By Chairperson DeBoer at 2:05 pm.

The Board introduced themselves to those present.

Roll Call: Kittay took the roll. A quorum was present.

Approval of Agenda: DeBoer rearranged the agenda. As there were people representing Lane and Herrick for enforcement hearings, they would be heard individually after approval of the minutes with the rest of the informal hearings being worked on as a group. The formal enforcement hearings would be next and then the Rapid Valley people would be heard. Nettie Myers letter would be dealt with under "Other Business". Merrigan moved that the agenda be accepted as revised. Lesselyoung seconded. Motion passed.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Lesselyoung moved that the minutes be approved. Merrigan seconded. Motion passed.

Informal Enforcement Hearings: Kittay reviewed the enforcement procedure followed by the Board.

Herrick-Jeff Bartling represented Herrick. He attended training class in Mitchell in February and will be taking an exam on March 14, 1997. Charles Claussen was certified previously. Because of nitrate problems, the Herrick Board had been looking into rural water. Some more discussion ensued. Merrigan moved to table this issue until the September meeting. Johnson seconded. Motion passed.

Lane-Dorothy Davis represented Lane. John Pflaum is currently the water superintendent and not interested in taking exam. There is someone else in Lane interested in the job; however, she does not have any experience with water/wastewater. There is also the possibility of contracting with Clint Jost from Wessington Springs. Lane is scheduled to hook-up to Mid-Dakota RWS. Kittay suggested that a contract operator would need to spend one hour each Monday, Wednesday, and Friday on-site at the system. Lesselyoung thought that could be appropriate. Merrigan moved to table this issue and advise Lane to pursue one of three options available. Lesselyoung seconded. Motion passed.

John Scheltens entered meeting.

Eagle Butte-Merrigan moved to bring Eagle Butte off the table. Sieveke seconded. Motion passed. Kittay indicated that Jon Ganje passed the WWCI since the last meeting. No-one was present to represent Eagle Butte. Merrigan moved to table Eagle Butte. Lesselyoung seconded. Motion passed.

Waubay-Sieveke moved to Waubay off the table. Lesselyoung seconded. Motion passed. Kittay indicated that Don Breske would not be coming back to work for the City after suffering a stroke. John Bowen-Brazell is now the fulltime operator and will be eligible for exams in May. Lesselyoung moved to table the Waubay issue. Sieveke seconded. Motion passed.

Discussion was started on the other systems up for informal hearings. Kittay explained the Mike Thompson at Belvidere KOA was confused about his certification requirements. He thought his WDII was the correct certification. He will be taking WTII on March 14 in Oacoma. Kittay read a letter from Nisland explaining their

situation. Clearfield Colony no longer uses disinfection. Johnson moved that Belvidere KOA and Nisland be tabled until September meeting. Motion passed.

Merrigan moved that Circle K Resort, Hillcrest Colony, Holiday Park, Lakeview Colony, Medicine Mountain, Ramona, Sinai, Sunrise Homeowners, and White Rock Colony have a formal hearing in September. Lesselyoung seconded.

Formal Enforcement Hearings: Estelline-Merrigan moved to take Estelline off the table. Johnson seconded. Motion passed. Kittay reviewed the latest information on the case. Lyle Vohlken failed three exams since the last Board meeting. Johnson moved to recommend that DENR give this case to the AG Office. Merrigan seconded. Motion passed.

Aurora-Merrigan moved to take Aurora off the table. Johnson seconded. Motion passed. Kittay reviewed the recent information on Aurora. Dennis Buchholtz quit in October, 1996, and Aurora hired a new operator in December, 1996. The MFO sent a letter which was given to each of the Board Members. Discussion ensued. Johnson moved that his matter should be turned over to AG Office asking advice on options on how this case can be handled and also offer to Aurora that a contract could be reviewed at the next meeting. Lesselyoung seconded.

Reciprocity Requests: Jake Prentiss/Oak Valley Farms-Jake Prentiss was present. Johnson excused herself from this matter as Prentiss was a former employee at Spearfish. Prentiss holds a Class IV WW certificate from WY which does not require any DRC. Prentiss explained how WY was in the process of changing their regulations for exam requirements. Prentiss indicated that WY requires a certain amount of work experience at a Class III plant to take a Class IV plant but no DRC. Prentiss currently holds a Class III WW from SD also. Kittay read the ARSD concerning reciprocity. Merrigan moved that no certificate be issued from SD because the WY requirements are not equal to SD's. Sieveke seconded. Motion passed with Scheltens voting no.

Robert Atchison/Ellsworth AFB-Atchison holds a Class 1 WD certificate from Guam. The requirements are similar to SD's; however, his certificate expired on December 17, 1996. Scheltens moved that a Class I WD certificate be issued if the Guam certificate is renewed and made valid. Sieveke seconded. Motion passed.

Questions on Contract Operation: Jim Jester, Rapid Valley General Manager, spoke about his reciprocity request of a year ago. Jester had an Illinois Class C Water Distribution certificate and applied for a SD WDII only. He was disturbed that he was granted a SD WDI because the requirements for the IL Class C most closely matched the SD WDI. He did not ask for any water treatment certification. Jester wanted a reconsideration of his reciprocity request. He also wanted a WT certificate to be issued also. Kittay explained that only one certificate could be issued per certificate from the other state. Jester suggested that the difficulty of the exam be considered. Jester was interested in a regulation change for reciprocity requirements. Hilding suggested that difficulty of exam not be considered but that question subject matter be considered. Kittay will think of some possible language for a regulation change.

Don Peterson, Rapid Valley operator, had questions about contract operations. Ed Royalty and he put together a standard contract concerning their contracting with some water systems. The Board indicated that each contract for each water system must be reviewed separately. They are also interested in doing some sample collection for Energy Labs. The Board indicated that no contract is necessary for sample collection-only for a system requiring a certified operator. Sieveke moved to table any action on this issue. Johnson seconded. Motion and second were withdrawn.

Systems Turned Over to Attorney General: Kittay had previously sent a report from Diane Best to the Board. He also briefly made a few comments on each system.

Status of Certification: Kittay gave a report to the Board. Numerous systems were discussed. Scheltens moved that Bowdle, Castlewood, Fairview, Ipswich, Java, Jefferson, Onida, and White River have informal enforcement hearings in September. Merrigan seconded. Motion passed.

Definition of Operator and Who Can Take Exams: Kittay explained that he had denied Richard McKee of Sioux Falls from taking an exam on the basis that he is middle management and not an operator. The Board currently requires an examinee to be currently employed as an operator. Kittay indicated that this requirement (being employed as an operator) could not be found in the regulations. DeBoer spoke about operators keeping their certificates after leaving the field. Hilding pointed out ARSD 74:21:02:55 which says "The

certificate of an individual who was not employed as an operator upon certification or..." This indicates that there was an intention for a qualified person who is not employed as an operator to take an exam. It was agreed that McKee is an operator. The Board also agreed that an examinee does not have to be currently employed to take an exam. Discussion then moved to keeping an exam after leaving an operator job. A practice of the Board is to allow a person maintaining contact with the field to keep their certificates indefinitely. The Board agreed that reciprocity can be granted to someone that does not hold an operator job in SD.

National Certification Guidelines: Scheltens gave information concerning his work on operator certification for the SDWA Reauthorization and Drinking Water Advisory Council. A number of working groups have been formed of stakeholders that report back to the Advisory Council which then reports back to EPA. Guidelines for Operator Certification will be developed within 30 months.

Training Update: Hilding reported that SDARWS is now doing the certification training via a contract from DENR. There are 18 classes being presented between January and June. The evaluations Hilding has received have been favorable. Kittay and Hilding have monitored some of the classes. Vansco also added a few comments on the training. The classes have been averaging 30 people. Vansco also spoke about the Master Operator Plan being developed by National Rural Water. Vansco thanked Hilding for providing the training materials that had been used in the past. The Joint Training Advisory Council has met.

SD's Exams and "Need to Know" (NTK): Kittay had spoke previously had spoke to some of the Board members concerning the content of the exams. The Board can exchange questions with ABC but cannot buy questions. Kittay is going to start exchanging some questions to update the exams. There is still some doubt if the questions being asked are concerning what an operator needs to know. ABC is going to send Kittay all the current NTK's. They are going update the wastewater treatment job analyses. Kittay is going to then send the NTK's to the Board members and the exams should be examined to make sure that the questions are good. A meeting this summer may be arranged to do this. A prioritization of question content should be done also. A survey of SD operators for their opinion on NTK may also be done.

Other Business: Nettie Myers' Letter-A copy of a technical assistance needs letter that was sent to DeBoer was faxed to the Board members. Discussion ensued concerning what technical assistance actually is. The SDWA allows 2% of the Drinking Water SRF to go for technical assistance. Hilding summarized what is needed by DENR by asking if more technical assistance is needed in SD. Comments will be sent to DeBoer who will summarize them. He will draft a letter to be approved by the members before it is sent to DENR.

There was no other business to be discussed.

Next Meeting: The next meeting will be at 2:00 pm MDT at the Rapid City Howard Johnson Motel on Tuesday, September 9, 1997 prior to the SDWWA Conference. There is a possibility of having a meeting this summer concerning "need to know" and exam development.

Adjournment: Merrigan moved for adjournment. Sieveke seconded. Motion passed. Meeting adjourned at 5:40 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
September 9, 1997
Rapid City, SD

Presiding Officer: Del DeBoer, Chairperson

Members Present: Rollin Sieveke, Cheryl Johnson, John Scheltens, and Tom Lesselyoung

Member Not Present: Greg Merrigan

Others Present: Rob Kittay-Secretary; George Vansco and Jim Zeck, SDARWS; Randy Hilding, DENR; Rick Walter, Box Elder; Vince Finkhouse, and an unidentified woman from Box Elder (Carol Handenham??).

Call to Order: By Chairperson DeBoer at 2:02 pm.

Roll Call: The Board introduced themselves to those present. Kittay took the roll. A quorum was present.

Scheltens entered meeting at 2:03.

Approval of Agenda: Sieveke moved to approve agenda. Lesselyoung seconded. Motion passed.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Scheltens moved that the minutes be approved. Johnson seconded. Motion passed.

Questions on Certification from Box Elder: Rick Walter appeared for Box Elder and inquired as to their status on certification. Box Elder is required to have a WTI, WDII, WWI, and WWCII. Walter has a Class I Water Treatment and Mike Miller just passed the Class II Water Distribution on August 21, 1997. Vince Finkhouse, former Box Elder UM, inquired as to whom was in direct charge of the system. Kittay indicated that the policy of the Board is that as long as one of the operators has the required certificates, the system is considered in compliance. Kittay reviewed the enforcement hearing policy. Finkhouse was told when he was hired that he had to have all the certificates. Kittay said that may have been a policy of the city. The unidentified woman asked some more questions concerning the timetable for enforcement. DeBoer explained what the Board looked for as progress. Kittay explained that enforcement actions are taken against a system and that it was a Class 2 misdemeanor.

Reciprocity Request Review: Kittay reviewed the situation from the prior meeting. Presently the Board judges reciprocity on the experience, education, and DRC of the certificate from the other state. Johnson indicated that the status quo is good until we develop the "need-to-know" and review the present exams. Scheltens gave some perspective from the national view point.

Reciprocity Requests: Todd Miller/Great Falls MT-Miller applied for four certificates from SD. He does not hold a WWC certificate so one from SD cannot be granted. He holds a Class 1 WD certificate from MT that requires high school graduation and two years of experience and Class 2 WW and WT certificates that require high school graduation and 1 1/2 years of experience. Sieveke moved that Miller be granted a WDII, WWI, and WTI as they most closely match the MT certificates. Scheltens seconded. Motion passed.

Bernard Lang/Federal Beef-Lang holds a Class II WT certificate from KS that requires high school graduation and one year of experience and Class III WW certificate that require high school graduation and two years of experience. Johnson moved that Lang be granted a WWII and WTI as they most closely match the KS certificates. Lesselyoung seconded. Motion passed.

Informal Enforcement Hearings: Lane-Sieveke moved that Lane be brought back on the table. Lesselyoung seconded. Motion passed. Kittay had spoken to John Pflaum earlier in the morning. He indicated that someone from Lane would definitely taking a test on October 23 in Pierre. Dorothy Davis, Lane MFO, had appeared at the previous meeting and had discussed three options with the Board. No action had taken place

with regard to these options. Scheltens moved that a formal hearing be held on April 15, 1998. Seconded by Johnson. Motion passed.

Eagle Butte-Scheltens moved that Eagle Butte be brought back on the table. Johnson seconded. Motion passed. Kittay had spoken to Sheila Ganje, Eagle Butte MFO, on September 8. She indicated that Jon Ganje will attend the November 19 WWC workshop in Spearfish and take an exam. Scheltens moved that a formal hearing be held on April 15, 1998. Seconded by Sieveke. Motion passed.

Waubay-Sieveke moved that Waubay be brought back on the table. Johnson seconded. Motion passed. Waubay has passed three exams over the summer. John Bowen-Brazell's application for WDI has already been received for the October 16 exam date. Scheltens moved that the case be continued. Motion dies for lack of a second. Johnson moved that the case be dropped. Scheltens seconded. Motion passed.

Bowdle-Bowdle had passed the WWI over the summer. Correspondence had been received from the system. DeBoer moved that the Bowdle case be tabled to the April 15, 1998 meeting. Sieveke seconded. The Board discussed the differences between "tabling" and "continuing". DeBoer revised his motion to continue the action. Sieveke changed his second. Motion passed.

Castlewood-One exam had been attempted by the system. Correspondence was received. Johnson moved that a formal hearing be held on April 15, 1998. Lesselyoung seconded. Motion passed.

Ipswich-Two exams had been attempted by the system. Correspondence was received. Sieveke moved that the informal hearing be continued at the April 15, 1998 meeting. Johnson seconded. Motion passed.

Jefferson-No exams had been attempted by the system. Correspondence was received. Jefferson is in the process of hiring a new operator. Sieveke moved that the informal hearing be continued at the April 15, 1998 meeting. Scheltens seconded. Motion passed.

Onida-One exam (WWCI) had been passed on May 22. No correspondence was received. Scheltens moved that a formal hearing be held at the April 15, 1998 meeting. Johnson seconded. Motion passed.

White River-Two exams had been attempted by the system. Correspondence was received. Johnson moved that a formal hearing be held at the April 15, 1998 meeting. Lesselyoung seconded. Motion passed.

Formal Enforcement Hearings: Holiday Park in Sioux Falls- Correspondence was received. Scheltens moved that a recommendation be given to DENR that this case be turned over to AG Office for enforcement on January 1, 1998. Sieveke seconded. Motion passed.

Lakeview Colony-Correspondence was received. Scheltens moved that a recommendation be given to DENR that this case be turned over to AG Office for enforcement on January 1, 1998. Sieveke seconded. Motion passed with Johnson voting nay.

Ramona-Correspondence was received. DeBoer moved that a recommendation be given to DENR that this case be turned over to AG Office for enforcement on January 1, 1998. Johnson seconded. Motion passed.

Sinai-No correspondence was received. Scheltens moved that a recommendation be given to DENR that this case be turned over to AG Office for enforcement on January 1, 1998. Motion dies for lack of a second. Lesselyoung moved that a recommendation be given to DENR that this case be turned over to AG Office for enforcement. Johnson seconded. Motion passed with Scheltens voting nay.

Sunrise Homeowners in Spearfish-No correspondence was received. Lesselyoung moved that a recommendation be given to DENR that this case be turned over to AG Office for enforcement. Johnson seconded. Motion passed with Scheltens voting nay.

Status of Certification: Kittay gave a report to the Board. Numerous systems were discussed. Kittay also reported on the status of systems given to AG Office. Scheltens moved that Buffalo Gap, Lake Preston, Carthage, and Howard have informal enforcement hearings on April 15, 1998. Johnson seconded. Motion passed.

National Certification Guidelines: Scheltens gave information concerning his work on operator certification for the SDWA Reauthorization and Drinking Water Advisory Council. A number of working groups have been formed of stakeholders that report back to the Advisory Council which then reports back to EPA.

SD's Exams and "Need to Know" (NTK): The Board discussed dates to have this work session. The number one choice is December 11-12 with the backup choice being January 7-8.

Other Business: DeBoer indicated that any Board member not able to come to a meeting needs to tell Kittay at least a week prior so that a quorum can be assured or the meeting canceled.

Scheltens indicated that he had hosted the ABC Executive Committee in Hot Springs in August.

Vansco made a few comments about the current SDARWS training.

There was no other business to be discussed.

Next Meeting: The "need to know" and exam development meeting will be in either December or January in Pierre. The next regular meeting will be at 2:00 pm CDT at the Oacoma Cedar Shores on Wednesday, April 15, 1998 prior to the SDWWA Wastewater Seminar.

Adjournment: Scheltens moved for adjournment. Sieveke seconded. Motion passed. Meeting adjourned at 4:15 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
December 11, 1997
Pierre, SD

Presiding Officer: Del DeBoer, Chairperson

Members Present: Rollin Sieveke, Greg Merrigan, Cheryl Johnson, John Scheltens, and Tom Lesselyoung

Others Present: Rob Kittay-Secretary; George Vansco and Jim Zeck, SDARWS; Randy Hilding, DENR

Call to Order: By Chairperson DeBoer at 10:30 am.

Roll Call: Kittay took the roll. A quorum was present.

Sieveke and Johnson entered meeting at 10:36.

Approval of Agenda: Merrigan moved to approve agenda. Scheltens seconded. Motion passed.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting to the members. Scheltens moved that the minutes be approved. Lesselyoung seconded. Motion passed.

The Board proceeded to develop a need-to-know (NTK) for the Classes I/II for Water Distribution and Treatment. Scheltens spoke about the NDWAC guidelines and his work with the group.

Scheltens exits meeting at 4:20 pm.

Meeting is suspended at 4:45 pm.

Meeting reconvenes at 8:30 am on December 12.

The Board proceeded to develop a NTK for the Classes I/II for Wastewater Collection and Treatment.

Tasks still to be done-review the updated NTK, exam review against the NTK, and suggest improvements to exams. The Board will split into two groups to accomplish these tasks. Scheltens, Sieveke, and Johnson will work w/ wastewater and DeBoer, Merrigan, and Lesselyoung will work w/ water.

Next Meeting: The next meeting will be at 2:00 pm CDT at the Oacoma Cedar Shores on Wednesday, April 15, 1998 prior to the SDWWA Wastewater Seminar.

Adjournment: Merrigan moved for adjournment. Sieveke seconded. Motion passed. Meeting adjourned at 1:55 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
April 15, 1998
Oacoma, SD

Presiding Officer: Del DeBoer, Chairperson

Members Present: Rollin Sieveke, Cheryl Johnson, John Scheltens, Greg Merrigan, and Tom Lesselyoung

Others Present: Rob Kittay-Secretary; George Vansco and Jim Zeck, SDARWS; Randy Hilding, DENR; Rick Walter, Box Elder; Gerry Adler-Howard, Allen Windedahl and Joe Pederson-Carthage, Tom Mulloy-Keystone

Call to Order: By Chairperson DeBoer at 2:03 pm.

Roll Call: The Board introduced themselves to those present. Kittay took the roll. A quorum was present.

Approval of Agenda: Merrigan moved to approve agenda. Lesselyoung seconded. Motion passed.

Approval of Minutes: Kittay had previously sent the minutes from the last meeting in December to the members. Sieveke moved that the minutes be approved. Scheltens seconded. Motion passed.

Reciprocity Requests: Art Brown holds a Class C WT certificate from MN that requires high school graduation and three years of experience. Scheltens moved that Brown be granted a SD WTII. Merrigan seconded. Motion passed.

Brian Stange-He holds a Class II WW from CA that requires two years of experience, high school graduation, and six educational points (CEUs). Scheltens moved that a SD Class II WW be granted. Johnson seconded. Motion passed.

Duane Bjelland-He holds a Class D WT certificate from MN that requires high school graduation and one year of experience. Merrigan moved that Brown be granted a SD WTI. Lesselyoung seconded. Motion passed.

Gerald Ripplinger-He holds a Class III WW from WY that requires two years of experience and high school graduation. He applied for a Class III WW from SD. As the years of experience do not match SD's Class III and the fact that no DRC is required in WY, Kittay recommended that the Board consider a Class II for this operator. SD's regulations require that the other state's requirements must equal or exceed our requirements. Merrigan moved that a Class II WW from SD be granted. Johnson seconded. Rollin spoke some about considering the operator's own actual experience. Motion passed.

Formal Hearings: Lane-No one appeared on Lane's behalf. There was some discussion on the previous actions involving Lane. Only one exam had been attempted since the last meeting. Dorothy Davis, MFO, had called

Kittay prior to the meeting. Merrigan moved that this case be given to the Attorney General's Office for enforcement. Lesselyoung seconded. Motion passed.

Castlewood-No one appeared for Castlewood, but a letter was sent to the Board. Don Seeklander has not worked for city for one year. He has just failed the WTI test after a math class in Sioux Falls on March 18. Talk ensued over the one year time factor allowed by the statutes and what was the intent of the one year. Kittay mentioned that the AG had waited for the one year to lapse on other cases that had been turned over. Cheryl to moved to continue this case until the September 15 meeting. Merrigan seconded. Motion passed.

White River-No one appeared for White River. The Board received a proposed contract between Don Pettigrew who is certified in all four areas and the City for all W/WW certifications. Some comments were

made about lack of WW details in the proposed contract. Scheltens recommended approval of this proposed contract. Sieveke seconded. Motion passed. The Board will require that details about wastewater be included. It should also be noted in the approval that the contract review covers only the certification concerns.

Informal Hearings: Carthage-Mayor Bill Peterson & Al Windedahl represented the City. They will be working on a contract w/ Rollin Walter of Iroquois. It will be finalized at the next City Council meeting which is the first Thursday in May. They requested some contract information that Kittay will be sending along w/ some sampling information. Merrigan moved to continue this case to the September meeting with hope of approving a contract at the next meeting. Scheltens seconded with the expectation of receiving contract at the September meeting. Motion passed.

Howard-Gerry Adler was present to represent Howard. He has passed two exams and will take the WWCI exam in Sioux Falls on April 30. Sieveke moved to continue this case until the September meeting. Merrigan seconded. Motion passed. There are two other people there that should try to take exams also.

Bowdle-There is another new operator in Bowdle as of October. Harlan Kopecky has no experience and cannot test until October. The previous operator had passed the SPI exam. Sieveke moved to have a formal hearing at the September Board meeting. Johnson seconded. Lesselyoung said that it would tough to get a certified operator there. Kittay did have a call from the mayor. He should mention a contract in the letter sent. Motion passed.

Ipswich-Jack Fries just passed another exam on April 9. He now has passed two of the three needed exams. Scheltens moved to continue. Sieveke seconded. Motion passed.

Jefferson-A letter was received from Nicole Archer, the newly hired operator at Jefferson. She was hired as a Class III WW operator. Merrigan moved to continue this case as Jefferson hired a certified operator. Scheltens seconded. Motion passed.

Buffalo Gap-No-one was present to represent Buffalo Gap. The Midwest Assistance Program (MAP) is doing technical assistance there also. Only one exam had been attempted since last the last Board meeting. Merrigan moved that a formal hearing be scheduled for the September meeting. Lesselyoung seconded. Motion passed.

Vivian Settlement Agreement: Scheltens indicated that the intent of Board is not to be vindictive, but it is serious about public health and certification. He felt that a penalty is in order. Board acts as a buffer between the State and the systems to get compliance resolved. DeBoer-There needs to be consistency amongst cases. He was somewhat reluctant that a fine should be levied. Is this process fault free? Merrigan had a number of comments. Rick Walter-Comment on huge amount of time involved to get Vivian into compliance. There was talk about small systems versus big systems. Lesselyoung-Small systems have most violations of the SDWA. Sieveke-The fear of a fine or penalty may have gotten some systems into compliance. Johnson-It is important to use available enforcement tools including fines. DeBoer summarized that the Board is in consensus that a fine or penalty should be levied.

EPA Proposed Certification Guidelines: EPA has issued the proposed guidelines for Operator Certification. The comment period is in progress until June 25. Scheltens reviewed the process and timeline for workgroups. Under III-Operator Certification Guidelines-1.Authorization "It must require that a designated certified operator must be a available for each operating shift". What does "available" mean? Scheltens indicated that there was a lot of state flexibility built into the Operator Certification guidelines. "Availability" could be determined by the State after the guidelines were finalized. There is also a definition in the proposal. There is also a definition for "operating shift". What level of certification would the "designated certified operator" have to be? A similar question concerns the prior bullet where "any operator making water quality/quantity decisions must be certified". Zeck questioned whether an operator had a to have a GED or high school diploma under these new guidelines. It was found in the guidelines where experience could substitute for the GED or HS diploma. A "Grandparented" certificate will be a temporary certificate. The

Board then discussed what will happen after EPA finalizes their guidelines. The Board discussed about potential backsliding if SD no longer required transient non-community systems to have certified operators.

The Board summarized the comments to be made in letterform to EPA-

1. Incorporate information on flexibility/state latitude into preamble and that when states make interpretations that EPA would accept their opinions in a uniform manner across the country.
2. The Board favors one year for the grandfather application to be submitted.
3. If we would no longer require transient NC systems to be certified, would this be considered "backsliding"?

The Board discussed the "one year factor to become certified". The Board views it as a loophole if a system continuously hires new operators and starts the one year period again and again. They would like to get comment from Joe Nadenicek about closing that loophole.

Status of Certification: Sieveke moved that Garretson, Mount Vernon, Rosholt, and Spencer be scheduled for an informal hearing at the September Board meeting. Johnson seconded. Motion passed.

Need-to-Know (NTK) Progress: The revised NTK were sent out to the Board. Johnson discussed what the WW group had done when they met on April 8. They reviewed the NTK and WWC I exam. They thought that we should delete TF questions. The current standard is to use multiple choice questions. They would also like to use some diagrams and ask questions about the diagram such as identifying parts. There was discussion about the math questions. There was discussion of where to get questions. ABC can supply questions. Sieveke has been in contact with ABC and will be receiving some information. Approximately 20 MC questions were kept from the WWCI exam. There seemed to be a consensus to get rid of the TF/math questions.

Next Meeting: The next meeting will be September 15, 1998 at the Oacoma Cedar Shores at 2:00 CDT prior to the SDWWA Conference. There may be a possibility of meeting over the summer to work on the NTK.

Adjournment: Sieveke moved for adjournment. Lesselyoung seconded. Motion passed and meeting adjourned at 5:30 pm.

Robert Kittay
Secretary

Date

APPROVED MINUTES

South Dakota Board of Operator Certification
September 15, 1998
Chamberlain/Oacoma Cedar Shores

Presiding Officer: Del DeBoer-Chairperson

Members Present: John Scheltens, Tom Lesselyoung, Greg Merrigan, Rollin Sieveke, and Cheryl Johnson

Others Present: Rob Kittay-DENR, Jim Zeck-SDARWS, Don Seeklander-Castlewood, Joe Dvorak-Midwest Assistance Program (MAP), and Ray Clements-Buffalo Gap.

Call to Order by DeBoer at 2:07 pm.

Roll Call: All members were present and a quorum was represented. Members introduced themselves.

Approval of Agenda: Kittay wanted to add an application review for Tony Dalton. DeBoer indicated that this item would be added under "Other Business". Merrigan moved to approve the amended agenda. Lesselyoung seconded. Motion passed.

Approval of Minutes: Scheltens moved to approve the minutes. Johnson seconded. Motion passed.

Formal Hearings: Castlewood-Don Seeklander, Utilities Manager, represented Castlewood. DeBoer reviewed the case. Kerry Scott was also hired in November, 1997 and will be eligible to take certification exams in November, 1998. He has no prior W/WW experience and has not attended any training as of yet. Seeklander reviewed his history at Castlewood and commented about the exams and training classes. Contracting was explained to Seeklander as an alternative for Castlewood. He will continue to take the exams. Merrigan moved to continue the hearing until the April, 1999 meeting. Zeck said that the remedial training, that is now being offered thru a contract with DENR, would be offered. Scheltens seconded. Motion passed.

Bowdle-No-one was present to represent Bowdle. The Board received a letter from the Bowdle Finance Officer. Harlan Kopecky will not be eligible until October, 1998 to take exams. Johnson moved to continue this case to the April, 1999 meeting. Lesselyoung seconded. Sieveke questioned the number of training sessions attended. Kopecky has attended one training session. He is applying for two exams for October. Motion passed. DeBoer commented that operators appear to think that it is not important to attend training sessions during the one year period prior to taking an exam.

Buffalo Gap-Ray Clements represented the City. Joe Dvorak from MAP has been providing technical assistance to Buffalo Gap and was also present. Clements explained the situation at Buffalo Gap. The prospective contract operator (Bob Azarski) would not sign a contract. The City did not find this out until last Wednesday morning. The Board indicated that without a contract the operator could not be held accountable for his actions and that this situation was not acceptable to the Board. Buffalo Gap has had three microbiological MCL violations during June-August, 1998. They have also had numerous monitoring/reporting violations since January, 1997. They have gone thru a number of operators since 1993. Kittay suggested the three or four cities get together and hire one operator to operate all their water and wastewater systems. It does not appear that this is a workable solution in

their part of the state. Clements suggested that one councilman might get certified or get an operator from Hot Springs or Rapid City. Scheltens moved that the hearing be continued with instructions to have an employee begin training or within six months, a contract be done. Merrigan seconded. Motion passed with Lesselyoung voting no.

Informal Hearings: Ipswich-No-one was present to represent the City. The Board received a letter from the Finance Officer. No exams have been attempted since the last Board meeting; however, Jack Fries has submitted an application to take the Stabilization Pond exam on October 28. Merrigan moved for a formal hearing at the April, 1999 Board meeting. Sieveke seconded. Motion passed.

Jefferson-No-one was present to represent the City. The Board received a letter from the Finance Officer. Kittay reviewed the letter with the Board. Scheltens spoke about operator responsibility versus system responsibility. There is a possibility of hiring a local operator that is certified with the State of Nebraska. Sieveke moved to have a formal enforcement hearing for Jefferson at the April, 1999 Board meeting. Merrigan seconded. Motion passed.

Carthage-No-one was present to represent the City. DeBoer moved to hold a formal hearing at the April, 1999 Board meeting. Johnson seconded. Motion passed.

Mount Vernon-No-one was present to represent the City. Kittay reviewed the contract submitted between Robert Koepke of Mitchell and the City for operation of the water system. Merrigan moved for approval. Scheltens seconded. Motion passed. DeBoer made note that fluoride samples do not have to be taken.

Contract Reviews: Estelline-Kittay reviewed the contract. Estelline is going to attempt to find a contract operator and wanted to have an example contract approved by the Board. This case is currently with the Attorney General's Office. DeBoer moved to approve the contract. Scheltens seconded. Merrigan asked for correction in the Board referred to. Motion passed.

White River-Kittay reviewed finalized contract. The Board had asked that wastewater duties to be added to the contract. "Water Collection" needs to be changed to "Water Distribution". Merrigan moved for approval. Lesselyoung seconded. Motion passed.

Status of Certification: The Board debated which systems should be put into the enforcement program. Scheltens spoke about backsliding and SD currently requiring transient NC PWSs that chlorinate to be certified. EPA may or may not interpret not requiring transient PWS to have certified operators as backsliding. The Board needs to think about this issue, as there are public health concerns associated with this. Lesselyoung moved for informal hearing for Cattlemen's Saloon-McLaughlin, Circle K Resort-Brown's Valley, Country Club Estates-Hot Springs, Reliance, Riv-R-Land-North Sioux City, and St. Lawrence at the April, 1999 meeting. Sieveke seconded. Motion passed. The Board reviewed the AG's report on the systems they are working with. Scheltens commented on the length of time that a system that some systems are in the enforcement program.

One-Year Provision: Kittay reviewed the prior discussion. Merrigan stated that training is the key to getting operators certified and to protect public health. Scheltens discussed the system versus operator situation. In other states, "operator-in-training" certificates are available or operators can take exams without being fully qualified to be certified. If an operator passed an exam before being fully qualified to be certified, the Board could not realistically pursue enforcement while waiting for the year of experience to be gained. The exams test for background water and wastewater knowledge-not if an operator can operate a plant or system. The Board looked at the rules to see what might have to be changed. The Board also discussed very small systems without treatment and what exams will be available. Scheltens questioned having two hearings before the Board for a system.

Kittay will investigate DENR's opinion of taking Class I exams without being fully qualified to be certified.

Need-to-Know (NTK): DeBoer reviewed the status of the NTK. Sieveke reviewed what he had done since last Board meeting. Kittay will contact ABC to find out what exams are available and if individual questions should be purchased. Sieveke moved to release the NTK for comment from operators. Sieveke changed his motion to release NTK to operators for use. Merrigan seconded. Motion passed.

National Operator Certification Guidelines: Draft guidelines were finalized by the OpCert Working Group in August. Key issues were discussed. Clarifications on the guidelines were made by the Working Group. The guidelines were intended to be minimum in nature with each state deciding on specific details. They will be published in February, 1999.

Remedial Training: Jim Zeck spoke about SDARWS's program. First session was held in August, 1998. There are three types of training: tutoring during classes, one-on-one training, and small group training. Zeck has already contacted a number of operators about these classes.

Other Business: Johnson, Scheltens, and Merrigan would like to be reappointed to Board.

Next Meeting: April in Oacoma

Adjournment: Sieveke moved for adjournment. Lesselyoung seconded. Motion passed. Meeting adjourned at 5:43 pm.

Rob Kittay-Secretary

Date

Approved Minutes
Operator Certification Board Meeting
April 21, 1999
Oacoma, SD Cedar Shores

Members Present: Del DeBoer, Cheryl Johnson, Tom Lesselyoung, Rollin Sieveke, Greg Merrigan, John Scheltens

Others Present: Mary Taylor-Reliance, Ron McManus-Reliance, Lloyd Markham-Reliance, George Vansco-SDARWS, Hiram Gross-Jefferson, Marvin Bebensee-Brookings, Ray Bircham-DENR, and Randy Hilding-DENR.

Call to Order by Chairperson DeBoer at 2:06 pm

Approval of Agenda: Kittay wanted to add a contract review for St. Lawrence. DeBoer said that the election of the chairperson would be delayed until all board members showed up. Sieveke moved to approve to revised agenda. Lesselyoung seconded. Motion passed

Approval of Minutes: The minutes from the September meeting had been previously sent to the Board. Sieveke moved for approval of the minutes. Johnson seconded. Motion passed.

Formal Hearings: DeBoer surveyed the visitors to see which systems were represented.

Jefferson-Hiram Gross, Utilities Manager, was present. Gross has passed WDI and has applied for reciprocity for a Nebraska wastewater certificate. He worked long term for Iowa Beef Processing in the wastewater department. Sieveke noted that great strides have been made by Jefferson recently. Merrigan moved to continue the hearing at the September meeting. Sieveke seconded. Motion passed. The Board asked that Kittay recognize work done so far by Jefferson.

Merrigan enters meeting at 2:12

Scheltens enter meeting at 2:13

Reciprocity Requests: DeBoer wanted to handle Hiram Gross' reciprocity request at this time. Nebraska's requirements were equivalent to South Dakota's for WW II. Merrigan moved that he be granted a South Dakota Class II WW certificate. Johnson seconded. Motion passed.

Informal Hearings: Reliance-Mary Taylor, Lloyd Markham, and Ron McManus represented Reliance. Taylor led the conversation for the group. She noted the future actions to be taken by the operator, Richard Hanson. He has signed up for the SWT exam on May 5 in Sioux Falls and will also register to take the exam on May 13 in Spearfish. Johnson moved to continue this hearing at the September meeting. Merrigan seconded. Motion passed

Election of Chairperson: As the full board was now present, DeBoer called for nominations for chairperson. Merrigan nominated Sieveke. Scheltens moved that nominations close. Lesselyoung seconded. Motion passed. Sieveke was then elected unanimously. Sieveke took over the meeting as Chairperson. Merrigan noted the "fine service and the admirable performance" of DeBoer as chairperson.

Formal Hearings (Cont'd): Castlewood-No-one was present to represent Castlewood; however, Kerry Scott submitted a schedule of actions for Castlewood. Vansco reviewed the tutoring sessions. Kittay had some concerns with the number of training sessions that have been done with Castlewood

personnel and how much money DENR is putting into this one system. Castlewood may have had some Pb/Cu compliance issues. DeBoer moved to recommend the DENR pursue enforcement of this case thru the Attorney General. Johnson seconded. Discussion ensued. Motion passed.

Buffalo Gap-Ray Clements, President of Buffalo Gap, sent a letter to the Board outlining a plan to gain the needed certification. Walt Duffy will be taking an exam in Spearfish on May 13. Buffalo Gap and James Airheart will enter into a contract if the exam is failed. Scheltens moved to continue this case to the September meeting. DeBoer seconded. Vansco noted that SDARWS has offered tutoring to Duffy. Motion passed. The Board indicated that Buffalo Gap should be made aware of contract prerequisites.

Carthage-A contract was received from Carthage and Rollin Walter. Kittay and DeBoer had done a preliminary review. As it appeared that contract was mainly for sampling, Kittay told Carthage should change the contract for more job duties for running the water system-not just sampling. Kittay had spoken to Joe Pederson, President. No other contract was received so the full board reviewed the current contract. Merrigan moved that Carthage submits an updated contract by June 1 or that the case be submitted to the Attorney General at that time. DeBoer seconded. Motion passed.

Kittay noted that Ipswich and Bowdle had their hearings cancelled as they are now in compliance.

Informal Hearings (Cont'd): Cattlemen's Saloon-Kittay spoke to owner about taking an exam. An application was submitted for May 13 in Spearfish. DeBoer moved that a formal hearing be held in September. Lesselyoung seconded. Motion passed.

Circle K Resort-SDARWS will be giving tutorial help this week. Scheltens asked about the success of the tutorial program. Vansco responded. Merrigan moved that a formal hearing be held in September. Johnson seconded. Motion passed.

Country Club Estates-A contract was submitted from Country Club Estates and Jim Airheart. DeBoer questioned a couple provisions in the contract that probably do not apply to this system. DeBoer moved that contract be revised by June 1. The items to be revised are: fluoridation is not done at this system and the on-site visit provision is ambiguous. It was also suggested that a system description be provided also. Merrigan seconded. Motion passed. DeBoer moved that the hearing be continued to the September hearing. Merrigan seconded. Motion passed.

Riverland Estates-The housing development and Craig Carroll submitted a contract to be reviewed. Merrigan moved continue hearing & revise contract to make it more specific to their system by June 1. The fluoride testing provision needs to be removed. DeBoer seconded. Motion passed.

St. Lawrence-A contract from Jim Bonebright and the City was received. DeBoer moved for approval of the contract. Johnson seconded. Motion passed.

Sunrise Homeowners-Frank Karas and the housing development submitted a contract for review. Merrigan moved to have a revised contract submitted by June 1 stating on-site time. DeBoer seconded. Motion passed

Reciprocity Requests (Cont'd): Bob Evridge holds an Iowa Class IV WW certificate and applied for a South Dakota Class IV. The requirements for the SD Class IV include at least two years DRC while IA's require only one year. Merrigan moved that a Class III WW certificate be issued. Johnson seconded. Motion passed.

Training Report-The report was given by Vansco. A new 1999-2000 training schedule has been issued. He also reported on the one-on-one training.

Status of Certification: DeBoer moved that Lake Preston, Viborg, Centerville, Elk Point, and Gregory be scheduled for informal at the September meeting. Lesselyoung seconded. Motion passed.

SDWA Operator Certification Guidelines: Kittay reviewed the possible statute and regulation changes. Discussion ensued. Questions before the Board-Whether to allow "grandfathering"? How to allow for renewal of grandfathered certificates? Scheltens suggested that a meeting be held before the regular September meeting to discuss this issue. DeBoer would like to hear from DENR on staffing and administration of OpCert after the new systems are added. The first three weeks in June will not work for some Board members.

Other Business: Kittay spoke about a water system with a chlorine unit that is used only occasionally such as after an unsafe sample or line break. The system was wondering whether they needed a certified operator. The Board indicated that if the chlorine system is hooked up and chlorine is available at all times, a certified operator is needed. Otherwise, anytime the chlorine is turned on they would be out of compliance.

Kittay stated that the sample contract could be discussed at the June meeting.

Adjournment: DeBoer moved for adjournment. Lesselyoung seconded. Motion passed. Meeting adjourned at 5:28.

Rob Kittay-Secretary

Date

Approved Minutes
Operator Certification Board Meeting
June 30, 1999
Pierre Matthew Center

Members Present: Del DeBoer, John Scheltens, Cheryl Johnson, Tom Lesselyoung, Rollin Sieveke, Greg Merrigan

Others Present: Tom Marvin-Municipal League and Darron Busch-DENR.

Call to Order by Chairperson Sieveke at 11:06 am

Approval of Agenda: Scheltens moved to approve to revised agenda. Lesselyoung seconded. Motion passed

Approval of Minutes: The minutes from the April meeting had been previously sent via e-mail to the Board. Merrigan moved for approval of the minutes. Scheltens seconded. Motion passed.

Review of Operations Contracts: A number of contract were not approved at the last meeting and were to be revised and resubmitted. Carthage-Merrigan moved for approval. Johnson seconded. Motion passed.

Riv-R-Land-Merrigan moved for approval. Scheltens seconded. Motion passed.

Sunrise Homeowners-Johnson moved for approval. Merrigan seconded. Motion passed.

Country Club Estates-Merrigan moved for approval. Lesselyoung seconded. Motion passed.

Chamberlain-Merrigan moved for approval. Scheltens seconded. Motion passed.

Estelline-Johnson moved for approval. Merrigan seconded. Motion passed.

Merrigan moved to suspend the rules and allow for visitors to be heard. Johnson seconded. Motion passed.

Operator Certification Change due to SDWA Amendment-Discussion ensued concerning grandfathering, classifying these new systems, training requirements, etc. Tom Marvin added some thoughts from the Municipal League point of view. What kind of training is needed? Nighttime training? Busch spoke about other water requirements that would put additional burden on systems. Kittay mentioned that we have not considered any wastewater requirements that may be coming in the near future.

DeBoer enters meeting at 11:32 am.

Scheltens moved to endorse the DENR proposed legislation with a modification to the grandfather clause to close an apparent loophole for existing certified systems. Merrigan seconded. Motion passed.

Scheltens moved that a new "need-to-know" and exam be developed for non-treating water systems that will be affected by the new legislation. Specifically this would cover all phases of supply and distribution for these systems. Johnson seconded. Motion passed.

A draft "need to know" will be developed by the East River Committee by the September meeting. Busch suggested that Andrea Griese be added to that committee. Kittay suggested that some input be gathered from the systems affected.

DeBoer moved that the West River Committee look at exams and how to proceed with the exam validation process. DeBoer withdrew motion.

Sample Contract Review-A system description is needed. The Board suggested revamping the sample contract into seven sections as a guide for a system to develop a contract; however, a sample contract would not be distributed.

Other Business: There was no other business.

Next Meeting: The next meeting will be at 2:00 pm on September 14 at the Sioux Falls Ramkota. A meeting will then also take place in either November or /December.

Adjourn DeBoer moved for adjournment. Scheltens seconded. Meeting adjourned at 2:00 pm.

Rob Kittay

Date

Approved Minutes
Operator Certification Board Meeting
September 14, 1999
Sioux Falls Ramkota

Members Present: Del DeBoer, Cheryl Johnson, John Scheltens, Tom Lesselyoung, Rollin Sieveke, Greg Merrigan

Others Present: Dr. Stephen Ballou-ABC; Tom Callaway-Spearfish; Tom Marvin-Municipal League; Jim Zeck-SDARWS; and Randy Hilding-DENR.

Call to Order by Chairperson Sieveke at 2:06 pm

Approval of Agenda: Kittay wanted to add a reciprocity case for Richard Pederson and an exam application review for David Hock. DeBoer moved to approve to revised agenda. Johnson seconded. Motion passed

Approval of Minutes: The minutes from the June meeting had been previously sent to the Board. Merrigan moved for approval of the minutes. Scheltens seconded. Motion passed.

Formal Hearings: Jefferson-Hiram Gross passed his WT II on July 20, 1999. Only the WWC I is now lacking. Merrigan moved to continue this hearing to the spring meeting. Scheltens seconded. Motion passed

Cattlemen's Saloon-Ron Martell failed the SWT I in Spearfish in May. He was scheduled to retake the exam in August, but could not appear as there was a death in his family. He rescheduled for October 21 in SF. DeBoer moved to continue this hearing until the spring meeting. Johnson seconded. Motion passed.

Informal Hearings: Lake Preston-Brian Tande is signed up for the WWC I exam in Lead on Sept 22, 1999. Johnson moved to continue this hearing until the spring meeting. Lesselyoung seconded. Motion passed.

Viborg-Scott Kolthoff is signed up for the WWC I exam in SF in October. Merrigan moved to continue this hearing until the spring meeting. DeBoer seconded. Motion passed.

Centerville-Glenn Edberg has passed a number of exams. Scheltens moved to continue this hearing until the spring meeting. Merrigan seconded. Motion passed.

Need-to-Know/New Exams/etc: Stephen Ballou from ABC was here to discuss. He laid out some options that would be available to SD. Ballou also explained job analysis, item banks, level of service, and exam validation. One particular option that was discussed was one where ABC would annually supply a set of exams for SD's use. If SD then supplied all other materials and corrected the exams, the charge would be \$17 each time an exam was given. A similar option would be that ABC would supply all exam materials and correct the exams. The charge under this scenario would be \$27 per exam use. Merrigan moved to recommend that DENR use standard exam service and determine which scenario would be the best use of funds and staff time. Scheltens seconded. More discussion ensued. Motion passed.

Reciprocity: Merle Ellingson currently holds a Class A Wastewater from MN. The requirements are similar to the Class IV in SD. DeBoer moved to grant a Class IV WW. Johnson seconded. Motion passed.

Richard Pederson currently holds a Class IV Wastewater Treatment from CA. No direct responsible charge is required for this certificate. Lesselyoung moved that a Class II WW certificate be granted. Merrigan seconded. Motion passed.

Contract Review: Oak Valley Farms-The contract was provided previously to the Board. Merrigan stated that there may be confusion over who is responsible for the operation. DeBoer moved for approval. Lesselyoung seconded. Motion passed.

Application Review: David Hock submitted an application that relied heavily on swimming pool/spa maintenance for his experience. DeBoer suggested that this was not equivalent job experience for a water treatment operator. Merrigan moved that the application be denied. DeBoer seconded. Motion passed.

EPA Certification Guidelines: Kittay supplied the Board with latest version of the legislative bill as well as proposed regulation changes.

Status of Certification: The Board reviewed the status of systems out of compliance. DeBoer moved to have informal enforcement hearings for Country Village N/S, Newell, and Wagon Wheel at the spring meeting. Merrigan seconded. Motion passed.

Other Business: Tom Marvin indicated that the Municipal League publication was available for use.

Next meeting: Scheltens spoke about meeting more often. The Board decided to meet in conjunction with the Wastewater Seminar and would meet earlier if circumstances warrant.

Adjournment: Scheltens moved for adjournment. Merrigan seconded. Motion passed. Meeting adjourned at 4:50.

Rob Kittay

Date