

**Approved Minutes
Operator Certification Board Meeting
March 31, 2004
Pierre Matthew Center**

Members Present: Del DeBoer, Greg Merrigan, Clint Jost, Tom Lesselyoung, John Scheltens

Others Present: Rob Kittay, Secretary to the Board; Jim Zeck and George Vansco, SDARWS; Randy Hilding, DENR.

Call to Order by Acting Chairperson Merrigan at 11:10 am.

The Board introduced themselves to those present.

Approval of Agenda: Kittay indicated that some exam applications needed to be reviewed. This item will be placed after discussion on DRC. Scheltens moved to approve the amended agenda. Jost seconded. Motion passed.

Election of Chairperson: Kittay asked for nominations. Merrigan nominated DeBoer. Jost moved that nominations cease. Lesselyoung seconded. Motion passed. DeBoer was elected chairperson. Meeting was then turned over to DeBoer.

Approval of Minutes: The minutes from the September meeting were distributed on the web and thru email. Jost moved to approve the minutes. Lesselyoung seconded. Motion passed.

Scheltens asked about the how the vacancy on the Board would be filled. Kittay indicated that names could be taken from the Board and provided to Secretary Pirner from which he could choose. The Board discussed some operators from the larger cities that could be candidates to replace Zeck.

Reciprocity Cases: *Daniel Gens*-Gens has a MN Class B Wastewater Treatment certificate. MN does not require any DRC for this certificate. Kittay indicated that it most closely matches the SD Class II. He also has a MN Class C Water Supply System certificate. MN does not issue separate WT and WD certificates. Gens applied for a SD WT certificate. Kittay indicated that it most closely matches the SD Class II. Scheltens moved to grant a Class II WT and Class II WW. Merrigan seconded. Motion passed.

Adrian Noriega-Noriega has a CA Class 4 Water Treatment certificate. Four years of experience and one year of DRC are required for this certificate. Kittay indicated that it most closely matches the SD Class II due to the DRC requirements. He also has a CA Class 3 Water Distribution certificate. This certificate requires high school and two years of experience. Jost moved to grant a Class II WT and WD. Merrigan seconded. Motion passed.

Formal Hearings: *Parkston*-This case was continued from the last meeting. The operator has passed the Class I WD/WWC/WW exams. Parkston is still lacking the Class II WWC/WD certificates. Merrigan moved to continue this hearing to the September Board meeting. Jost seconded. Motion passed.

CRM Well Company-Kittay explained that the system had planned to be inactive by this time; however, not all of the construction was completed for this to happen. Sometime in the spring, this should be completed. Merrigan moved to continue this case to the next meeting. Jost seconded. Motion passed.

D&J MHP-A contract has been submitted. Scheltens suggested that the Board review the contract at this time. This system lacks a WT I/WD I operator. Ed Striebel has submitted a number of contracts to the Board previously that had been approved. This contract was similar to the others. Scheltens moved for approval of this contract. Jost seconded. Motion approved.

Scheltens asked Vansco if there was going to be any regional water system development in the Piedmont area.

Pearl Creek and Long Lake Colonies and Summit-Pearl Creek Colony and Summit will be taking exams in Sioux Falls in May. Long Lake Colony has attempted the exam a number of times w/o success. Kittay has suggested that Long Lake find another member of the colony run the water system and take the exam. Merrigan moved that enforcement be pursued for these systems if they are not in compliance by August 1, 2004. Lesselyoung seconded. Motion passed.

Informal Hearings: *Ethan-A* letter was sent by Ron Von Eye-Chairman. They are lacking a Class I WD certificate and have been out of compliance since June 2002. Scheltens moved to hold a formal hearing in September. Lesselyoung seconded. Motion passed.

Conde had an operator pass his exam and Cattlemens Saloon-McLaughlin hired a certified operator (Dustin Talley).

Grenville-Kittay read a letter sent by the Grenville Finance Officer Pamela Fromelt. Grenville lacks a WD I operator and has been out of compliance since March 2003. No exams have been attempted. Grenville is working w/ WEB RWS on a proposal. Scheltens moved that a formal hearing be held for Grenville. Lesselyoung seconded. Motion passed.

Hayloft Café-Canistota-Kittay had spoken to Tony Hay on Monday. Hay had said that Bill Nichols would take an exam in May in Sioux Falls. He had been under the impression that four years of college were needed to take an exam. Kittay had sent a schedule as well as applications to Hay. Merrigan moved that a formal hearing be held in September. Jost seconded. Motion passed.

Huttenville Colony-The exam has been attempted a number of times. The Colony spoke to the operator at Stratford about running their system; however, the Stratford operator has a restricted certificate valid for Stratford only. They also called Zeck for suggestions. There is a problem with many people from the colonies in that most drop out of school after eighth grade. DeBoer noted that many are very technologically adept and should be able to pass exam. Huttenville has actually started a high school at their colony. They have a well that does have a fluoride MCL violation. Jost moved that a formal hearing be held in September. Merrigan seconded. Motion passed.

Pierpont-Kittay received a letter stating that Blair Healy of Langford would run their system. Kittay responded to Langford stating that either a contract was needed or that Healy be hired as an employee by April 30, 2004. Scheltens moved that a formal hearing be held for Pierpont. Lesselyoung seconded. Motion passed.

Ravinia-Kittay spoke to Al Van Zee from Randall RWS. There is a preliminary plan to hookup *Ravinia* on an individual basis. Kittay sent another renewal notice to Linda Bambas, Mayor, to have their operator renew. There are many M/R violations for *Ravinia*. Scheltens moved that a formal hearing be held for Pierpont. Lesselyoung seconded. Motion passed.

Raymond will be turned over for enforcement as the Board gave them until March 31, 2004 to get their operator certified but this has not happened.

Artesian School will be hiring a certified operator from Mitchell. DeBoer asked that this be followed up.

Vansco asked about the status of the Slash J Bar/Grill. Kittay indicated that Ken Espeland will be pursuing this case.

Merrigan moved to recess for lunch. Jost seconded. Motion passed.

The meeting was reconvened at 1:02 pm.

Contract Review: Ed Striebel submitted a number of contracts. The Board reviewed the contracts. Merrigan asked how often a sanitary survey would be done at a transient NC system. Kittay thought every five years. Contract operators are required to be on-site for a survey. Contract operators serve as the DWP contact person. Scheltens asked about "on-site" records. Kittay stated that the SDWA required record retention but no mention of where they should be kept. Jost moved that the following contracts be approved:

System	Contractor
Big Bats/One Eyed Jacks-Hot Springs	Ed Striebel
Valhalla Housing-Sturgis	Ed Striebel
Edelweiss Housing-Rapid City	Ed Striebel

Scheltens seconded. Motion passed.

The Niche and Ron Waterland-This was Waterland's first contract before the Board. Kittay had previously supplied him w/ contract information. Scheltens moved for approval. Merrigan seconded. DeBoer asked about Section 7 of contract. Some discussion ensued. DeBoer wanted an explanation of the statement from Waterland. Motion passed.

Direct Responsible Charge and Related Issues-This discussion was continued from the previous meeting. Kittay spoke about conversations with EPA that if DRC was removed as a requirement for the Class III/IV exams, would it be "backsliding". EPA stated that they would consider the request and could work w/ the Board on this issue. Changing the exam requirements would be a regulation change. If the Board wants to make these changes, Kittay would submit these changes to EPA for their final determination for backsliding. Merrigan moved that the change would be to require an operator to have a certain number of years of experience at the level below being tested for instead of a certain number of years of DRC and make any other changes necessary to the regulations. Scheltens seconded. The Board wants to hold the public hearing at their next Board meeting in September. The "on-call" issue should now disappear.

All the experience would have to be in the same exam category. There are some substitutions for experience. Kittay wanted some clarification for these substitutions. Fifty percent is a starting point for these.

Motion on DRC regulation change passed.

Scheltens had some reservations about experience at a lagoon system being credited to another area. Specific areas were discussed. Experience will be credited at 50% for the following situations-

Experience from-	Experience to-
WWC	WD
WD	WWC
WT	WW
WW	WT
WW or WT	WWC or WD
WWC or WD	WW or WT

WW includes experience at a lagoon system.

Exam Application Review: Kittay presented some applications (Cheryl Fischer, Kelly Wilkins, and Roy Todd Martin) to be reviewed for DRC and experience. Wilkins-The only relevant DRC qualification is supervision of seasonal employees. He needs to supply the dates of this supervision to qualify for exam. Martin-Scheltens indicated that Martin's position sounds more like an inspector/draftsperson than an operator. The DRC appears to be on construction-not operating the system. There was only one item that could be considered an operating job task-"live taps". Vansco asked about RWS field inspectors that worked prior to a system being built. They were not allowed to accumulate experience until a system was operating. Merrigan moved that Wilkins be allowed to take his exam if his DRC experience is quantified and meets the requirement while Martin's position is more of an inspector and his DRC does not qualify, and he cannot take his exam. Scheltens seconded. Motion passed.

Fischer-Her position title and description are similar to Martin's. She indicated that she operated valves in addition to live taps. Again this position appeared to be more of an inspector. Even if the job qualifications were updated, the DRC is not WD related. Merrigan moved that this application be denied. Jost seconded. Motion passed.

New Systems for Enforcement: The board examined materials indicating the present certification status of water and wastewater systems. Scheltens commented that Gregory has appeared on this list before. Kittay indicated that they again lost another operator. Scheltens moved that the following systems be scheduled for an informal hearing at the next regular Board meeting:

American Presidents Resort	SWT I
Cimarron Park-Rapid City	WD I
Cottonwood Grove-Rapid City	VSWS I
Country Acres-Yankton	WD I
Gregory	WT I/WD I/WW I/WWC I
Happy Holiday Inc-Rapid City	VSWS I
Hidden Valley Campground-Deadwood	SWT I
High Meadows	WT I

Mission Hill	WD I
Wagner	WD II/WWC II

Lesselyoung seconded. Motion passed.

EPA OpCert Grant: Kittay explained that funds were appropriated by EPA for training when EPA proposed certified operator regulations in 2000. These funds are being used to pay for water treatment and distribution training classes so that classes would continue to be at “no charge” for attendees. There are some changes in training planned including interim water treatment classes as well as twelve one day small water system sessions aimed particularly at the systems that are now required to have certified operators. Kittay wanted suggestions from the Board on other ways to use this money other than to pay for typical certification training classes. Kittay made suggestions such as video tapes or purchasing training manuals for water systems as part of brainstorming ideas. Merrigan tried to separate general education for operator versus certification exam training. Scheltens suggested training for municipal board personnel. Kittay suggested to the Board that this discussion be continued at the next meeting as reviewing the ABC exams was a very high priority for the Board at this point in time.

ABC Exam Review: The Board had been provided with copies of exams previous to the meeting. Scheltens moved to proceed with use of ABC exams. Merrigan seconded. The Board discussed whether to use the exams in a “sequential” or “multiple entry” method. ABC has two different sets of exams depending on which method is used; however, ABC will allow SD to use the exams in any manner that the Board wishes. Kittay estimated that 80% of the operators currently take exams in a sequential manner. Zeck commented that larger cities have a tendency to bring in higher level exams from out-of-state and would prefer the multiple entry method. The Board decided to use the sequential exams in a multiple entry method.

Merrigan asked about math questions on the ABC exams. Kittay explained that no work will need to be shown for math questions. Answer sheets will be provided by ABC. These are then sent to ABC for scoring with the results then provided to DENR to be relayed to the examinee. Each exam administered will cost \$19.00. This is the lowest cost option offered by ABC.

Scheltens asked about inappropriate questions on particular exams and about training manuals. ABC has suggested references and relies heavily on Ken Kerri manuals. Kittay explained that he and Hilding went thru a number of exams and categorized the types of questions asked. This info will be relayed to the trainers so that training can be modified for the new exams. The recent RFP for training had money put in for this training modification. Kittay suggested that a training class critique be done after taking an exam rather than after the class. This could show the trainer where the training needed to be improved.

Kittay suggested that the ABC exams be used as of July 1, 2004. Training under the new contract would begin sometime after that date and would catch up to the exams eventually.

Kittay explained the question substitution procedure from ABC. The Board reviewed the ABC exams and rejected a number of questions to be replaced with questions more suitable for exams used in SD.

Motion passed.

Other Business: Merrigan asked about the On-Site Septic Tank Installers Program. Kittay stated that the program still exists at DENR.

Next Meeting: The next regular meeting will be on September 14, 2004 at the Aberdeen Ramkota at 2:00 pm. The meeting will also include the proposed public hearing for the regulation changes.

Merrigan moved for adjournment. Scheltens seconded. Motion passed. Meeting adjourned at 5:30 pm.

Rob Kittay

April 20, 2004

Rob Kittay

Date