

MINUTES

WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD

Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, Sabin Room

April 26, 2011 Meeting

Call to Order:

Allen Coyne called the meeting to order at 9:00 a.m.

Board members present:

Allen Coyne, Rich Hayes, Bill Hogrewe, Scott Leslie, Gary Parham, Garth Rygh, Tom Schaffer, Tom Settle and Steve Walker.

Board members absent:

Bill Wright.

Staff present:

Paul Frohardt, Administrator; Lori Moore, Division Liaison; Dave Akers, WQCD; Annette Quill, Assistant Attorney General and Nancy Horan, Program Assistant.

Approval of Agenda:

The agenda was approved, with the addition of Administrator's Items regarding the status of SB11-021 and staff support in the Board Office.

Administrator's Items:

1. Steve Walker moved for approval of the February 15, 2011 meeting minutes. Gary Parham seconded the motion. The motion carried unanimously. Garth Rygh abstained.
2. Gary Parham provided a summary of the February Contractor Coordination Subcommittee meeting.
3. The Board reviewed the revised tentative schedule for meetings for the upcoming state fiscal year. Paul Frohardt noted that Board members should plan for a potential full day meeting on November 29, 2011.
4. The Board considered a Disciplinary Action Policy proposed by the Water Quality Control Division. Dave Akers provided a description of proposed revisions to the draft policy. Following discussion, Scott Leslie moved that the Board approve the proposed policy in

accordance with the version handed out at today's meeting. Steve Walker seconded the motion. The motion carried unanimously.

5. Paul Frohardt discussed the pending Regulation No. 100 rulemaking process, noting that the draft notice and proposal for the November 2011 rulemaking hearing would be presented at the Board's September 2011 meeting. It was agreed that at the June 2011 Board meeting Betsy Beaver will provide an overview of the major changes that the staff plans to propose be considered in the rulemaking.
6. The Board reviewed the draft agenda for the June 2011 Board meeting.
7. Paul Frohardt noted that SB11-021, removing term limits for members of the Water and Wastewater Facility Operators Certification Board, has been passed by the General Assembly and signed by the Governor.
8. Paul Frohardt noted that Heather Timms is currently out of the office on medical leave and requested that Board members work with Nancy Horan on expenses and any other Board Office activities.

Public Comment:

Joe Cowan provided comments regarding an upcoming radio broadcast addressing operator certification and comments regarding plans to have a representative of the Rocky Mountain section of AWWA monitor WWFOCB meetings. Sarah Dominick provided a comment urging increased testing frequency and allowing exams to be taken with one application approval per year.

Contractors' Report:

1. The Board discussed the recommendations regarding reciprocity requests provided by CECTI in a memo dated April 14, 2011. Tom Settle moved that the Board accept the recommendations from CECTI regarding the reciprocity requests from James Danko, David Cutshall, Freddy Pitts, Lena Jones, Tania Flasck, Richard Hodge II, Perry Mason, Charles Barnett, Rick Witt, Shane Krell and Kent Hoadley. Rich Hayes seconded the motion. The motion carried unanimously.
2. The Board discussed the recommendation regarding a reciprocity request provided by the Certification Council in a memo dated April 1, 2011. Tom Settle moved that the Board accept the recommendation from the Certification Council regarding the reciprocity request from Charles H. Barnett. Steve Walker seconded the motion. The motion carried unanimously.
3. Ray Olson provided a presentation regarding the contractors' annual report to the Board. Following discussion, Scott Leslie moved that the Board accept the annual report. Bill Hogrewe seconded the motion. The motion carried unanimously.
4. Ray Olson and Jerry Biberstine provided a presentation regarding proposed revisions to the Training Unit matrix. Following discussion, Garth Rygh moved that the Board request that the contractors make revisions to the matrix in accordance with today's discussion and bring the revised matrix back to the Board for approval, and that any revisions to the matrix be brought to the Board for approval in June of each year. Scott Leslie seconded the motion. The motion carried unanimously.

5. A summary of the Spring 2011 treatment plant operator exam results will be discussed at the June Board meeting.
6. The Board discussed a suggestion by RMSAWWA/RMWEA that the Board hold a meeting in September 2011 in Loveland, in conjunction with their Joint Conference on September 19 and 20, 2011. Following discussion, it was agreed that the Board will not hold a meeting in conjunction with this conference this year, but that such a meeting will be considered for the future.

Division Liaison's Report:

1. Lori Moore reported that there are no new disciplinary actions to bring to the Board at this time.
2. Lori Moore discussed the status of Colorado's annual report to EPA. It was agreed that a draft of the report will be circulated to the Board electronically by about May 15, 2011, requesting any comments from the Board within two weeks. A final draft of the report will be included in the June 28 meeting packets, for Board approval at the June meeting.
3. Lori noted that facility compliance statistics were included in the Board packets.

Attorney General's Report:

There was no separate report from the Assistant Attorney General this month.

Adjudicatory Hearings:

The Board conducted an adjudicatory hearing regarding an appeal by Michael E. Myers regarding the denial of his application to take a Distribution 2 operator certification examination. Testimony was received from Mr. Myers, Ray Olson on behalf of the Certification Council, Division staff and Mr. Myers' supervisor. Following the close of the hearing and deliberations, Tom Settle moved that the appeal from Mr. Myers be denied. Garth Rygh seconded the motion. The motion carried on a vote of seven to one. Allen Coyne, Scott Leslie, Tom Settle, Garth Rygh, Rich Hayes, Gary Parham and Bill Hogrewe voted in favor of the motion. Steve Walker voted against the motion.

The Board then conducted an adjudicatory hearing regarding an appeal by Sorin Sandru regarding the denial of his application to take a Distribution 2 operator certification examination. Testimony was received from Mr. Sandru, from Ray Olson on behalf of the Certification Council and from the Division staff. Following the close of the hearing and deliberations, Garth Rygh moved that the appeal from Mr. Sandru be denied. Tom Settle seconded the motion. The motion carried on a vote of seven to one. Allen Coyne, Scott Leslie, Tom Settle, Garth Rygh, Rich Hayes, Gary Parham and Bill Hogrewe voted in favor of the motion. Steve Walker voted against the motion.

The meeting adjourned at 11:45 a.m., April 26, 2011.