

Meeting of Maine Board of Licensure of Water System Operators

May 19, 2017

Public Utilities Commission, Second Street, Hallowell, ME

Present:

- Brian Tarbuck – Chair, Professional Engineer Representative, Greater Augusta Utility District
- Mary Ellen Bowers – NTNC Representative, Waterworks Management LLC
- Kerry Smart – Class II Representative, Alfred Water District
- Brian McBride – Class IV Operator Representative, Kennebunk, Kennebunkport, and Wells
- Roger Crouse – Maine DHHS Representative, Maine Drinking Water Program
- Mike MacDonald, Vice Chair – VSWS Representative, Contract Operator, New England Utility Management Enterprises
- Jonathan Ziegra - Management Representative, Boothbay Water District
- Deanna White – Maine Attorney General’s Office
- James Jacobsen, Licensing Coordinator, Maine DHHS, Drinking Water Program

Absent:

- Greg Kidd - Educator representative
- Jeff Day - Class 3 representative

Guests: Kirsten Hebert, MRWA
Cindy Wade, MRWA

Meeting called to order at 9:00 AM by Brian Tarbuck.

1. **Introductions made for the record.**
2. **Public hearing discussion for proposed rules changes.**

Roger explained the rulemaking process and advised that the proposal was currently at the Governor’s Office for review. Because the Board is not a State agency, the Board was able to forego the Commissioner’s Office review. Roger said he had received an inquiry from the Governor’s Office regarding fee increases. The public hearing can be scheduled and advertised once we get approval from the Governor’s Office.

The hearing may be held independently of the regular Board meetings if desired. Brian T. suggested that the Board set the date when approval is received and that anyone from the Board may attend who wish to do so.

Deanna said that at least one representative from the Board must attend the hearing.

Brian T. asked if the rules may be commented upon if asked questions by the regulated community, public, etc. Roger responded that the rules may not be commented upon until they are released for comment. Deanna said that if asked, the response should be either to attend the hearing and present testimony or to submit written testimony, but there should be no informal comments taken outside the context of a public hearing.

Brian T. said that the Board would distribute a notice when the draft rules are ready for hearing.

3. Public Comment. None.

4. Agenda Additions

ABC 2017 exam changes, to be taken up later in meeting.

5. Old Business

Brian T. introduced the May 2017 minutes, amended for name corrections. Jonathan moved to accept as amended, Kerry seconded. Passed unanimously.

Brian T. introduced a discussion of conflict of interest policy as discussed at the May meeting. A discussion on what may or may not comprise a conflict of interest followed. Jonathan questioned whether the Board's close relationship with the DWP, relying on license fees and so forth, is an appropriate relationship.

Discussion followed on BLWSO/DWP relationship.

- Deanna explained the Board's legal establishment.
- There was a discussion on the 0.5 FTE clerical position, the nature of which was expanded upon by Roger.

- Roger updated the Board on recent personnel changes at Drinking Water Program i.e., Julia Kimball left and Jim Jacobsen took on the operator licensing duties from Terry Trott, and the Board duties formerly performed by Julia for the short term.
- Brian T. asked if the Board had ever considered hiring a 3rd party instead of the 0.5 FTE in DWP? Not to anyone's knowledge. He suggested that the Board may want to establish a subcommittee to look into that.

Mary Ellen moved to accept conflict policy. Kerry seconded. Passed unanimously.

Mary Ellen asked if the TCH requirement for VSWS operators included safety training. The consensus seemed to be that it could.

6. New Business

Brian T. commented that DWP personnel changes had already been discussed.

Brian T. presented the budget review for discussion.

- Roger provided an overview of the Board budget, including noting that the fees are capped at \$95 not \$99 as noted in an earlier version.
 - Brian asked if the spreadsheet labeled "no changes" was correct with respect to SFY17. Roger confirmed that it had been updated a few weeks ago.
- Brian T. noted that the Board is required to provide an annual report to the Commissioner, per 22 MRS § 2624(9). Roger stated that such a report may require some research, which Jim will perform.

7. Other

ABC Exams discussion

- Jim provided a summary of the research he had done on the 2017 ABC Pilot exams. (World-wide applicability, removal of regulatory questions, other than 70% passing scores, 20 extra questions by certifying agencies.)
- Mary Ellen said that the pilot exams are graded upon a "bell curve" at any given exam.
- Michael asked how ABC came to be the only provider of exams. Roger provided a background on ABC's relationship with EPA and DWP.

- Brian T. asked if the Board should take any actions on the pilot exams. In response, Roger read the e-mail dated 05/18/2107 by Tom Healy of ABC. Brian said the Board should take a wait and see position on the exams.
- Roger advised that the revised exams are going to happen. A discussion followed on competency vs. regulatory issues. Deanna noted that the Board/DWP can adopt a separate regulatory requirement for exams in the Rules. The Board consensus was not to adopt a program specific module.

Mary asked if there were any pending operator complaints. Jim replied that there were none.

Brian T. and Deanna led a discussion on appointment expirations. There were two expired appointments as of the meeting date (Gregory Kidd and Brian McBride). Deanna stated that they should re-apply as expeditiously as possible, and that multiple appointments reduce the probability of re-appointment although they can continue to serve until replaced.

Deanna discussed her role in the Board meetings and observed that it may not be necessary for her to attend routine meetings. She would still like to be copied on all meeting related items. Brian T. asked what the lead time is for meeting announcements, to which Deanna replied that she recommends no less than one week.

8. Adjourn.

Kerry Smart moved to adjourn. Mike MacDonald seconded. Motion passed unanimously.

Adjourned at 10:30 AM.