



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### DIVISION OF WATER SUPPLY & GEOSCIENCE

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**PHILIP D. MURPHY**  
*Governor*

**SHEILA Y. OLIVER**  
*Lt. Governor*

**SHAWN M. LATOURETTE**  
*Acting Commissioner*

New Jersey Department of Environmental Protection  
**Board of Examiners for Water and Wastewater Licensing**  
**Board Meeting Minutes for February 10, 2021**  
**Meeting held via Microsoft Teams**

*Approved by the Board on May 12, 2021*

**Board Members Present:** Dennis Palmer, Gary Fare, Oleg Kostin, Stephen Dowhan, Bryan Barrett, Rich Russo, Patricia Gardner, and Wendy Simone

There were 8 Board members present, constituting a quorum.

**Board Members Absent:** None

**Board Legal Representative Present:** Deputy Attorney General (DAG) Stephanie Carney, NJ Division of Law

**NJDEP Staff Present:** Kristin Tedesco, Knute Jensen, Trish Conti, Janice Brogle, Chelsea Brook, Rich Paull, David Fields, Elizabeth Dragon, Christian Haviland, and Tyler Rowe

**Members of the Public:** Peggy Gallos (AEA), Rick Howlett (NJWA), Alan Dillon

#### **1. Call to Order**

P. Gardner presided over the telephonic meeting and called the meeting to order at 10:02 am, noting there were enough Board members present to constitute a quorum. This meeting was held via conference call due to the COVID-19 pandemic. Notice of the meeting and instructions on how to participate by phone were provided by public notice, in advance of the meeting.

P. Gardner provided an update on both internal (NJDEP) and external changes regarding the program transition from the Bureau of Licensing & Registration to the Bureau of Water System Engineering.

#### **2. Minutes**

The draft October 7, 2020 minutes were circulated prior to today's meeting. D. Palmer called a motion to approve the October 7, 2020 draft minutes. S. Dowhan seconded. Hearing no objections, the minutes were adopted by unanimous consent.

### 3. Old Business:

#### Licensing Application & Exam Updates

- *Status Update on Applications*

P. Gardner provided a status on the backlogged applications that are currently in-house and under review by NJDEP. This includes 57 appeals and new application that have been forwarded to the Board for review, 8 reciprocity applications, and 118 unprocessed and outdated applications that will be sent back to the applicants and will be prioritized for review after resubmission.

K. Jensen noted that thus far 600 applicants were sent to PSI, but due to a clerical error, this included several applicants that were ineligible to take the exam or were already in the appeal process. Roughly 140 individuals had taken the exam, with a pass/fail rate of 50%. P. Gardner noted that the NJDEP was still working on a more detailed breakdown but eventually will follow-up with all the individuals who passed the exams.

D. Palmer expressed concern that some of the backlog was from 2019 applications and inquired as to the new examination administration process through PSI, explaining that the Board is unaware how the tests are being administered. K. Jensen noted that currently all exams are being remotely proctored. There were initially two modalities (in-person testing centers and remote examinations) but there is a cost difference that needs to be addressed between NJDEP and ABC/PSI to offer both options in the future. Regarding exam security, K. Jensen noted that PSI is an international company that provides exams for Rutgers, amongst others and that PSI does a technology check to make sure the systems work. The applicants are required to show the proctor their immediate surroundings and confirm they are alone. The proctor can ask the individual to move to a different location or move items found in the room. There is also a protocol for “red flags” such as certain movements, absence of a person, etc. PSI has pools of proctors and the exams are recorded. D. Palmer requested that NJDEP report back to the Board with further information in follow-up meetings. K. Jensen noted that more information can be put together in a presentation or in writing so that it can be distributed to the Board members and other interested groups.

- *Communication & Program Updates*

G. Fare expressed concern that the Board has not been regularly involved in the new program changes. P. Gardner acknowledged this concern and reiterated that the NJDEP staff are doing everything possible to move the program forward. The program transition is happening, and exams are being worked on now, as well as revisiting work on TCH’s to follow. NJDEP Staff noted they are open to receiving constructive criticism on how to better communicate between meetings. NJDEP Staff also noted that the website is not very user-friendly at the moment, but that it will be modified in the near future.

R. Russo expressed disappointment with NJDEP staff, explaining that he has sent out emails without a response. P. Gardner noted and acknowledged R. Russo’s concerns. Additionally, NJDEP staff noted there is a new email box for the licensed operators which is being checked daily. K. Tedesco noted that internal processes have been modified to have some staff dedicated to responding on a full-time basis.



- ***Remotely Proctored Exams***

O. Kostin followed-up with additional questions on the remotely proctored exams. He noted some concerns, specifically that some employees are not tech-savvy and do not have supportive personal computers; there are poor coverage areas, and there are some individuals that would most likely be unhappy with a change to all-remote. He also requested a list of individuals that has recently passed the test. K. Jensen noted that the change to a remote testing process occurred in the late fall and that a list of candidates who passed the exam will be available at future meetings.

- ***Backlogged Applications***

S. Dowhan asked about the timeline for the 57 applications sent to Board members and the 118 that were outdated and being returned to operators who were told to reapply. P. Gardner noted that the NJDEP is currently tracking all these internally. New applications are not being accepted until the backlog can be addressed, which the NJDEP hopes to do sometime in March 2021. K. Jensen noted that one benefit of the new system is that exams can be taken year-round at the convenience of the test takers.

- ***PSI Incorrect Approvals***

B. Barrett inquired as to how NJDEP staff was going to address operators that passed that test but were not approved to take the test and mistakenly sent to PSI. K. Jensen noted that the NJDEP will honor the passing score at a later unspecified date while the operator gains the necessary experience. P. Gardner also noted that the Board would be re-evaluating these applications as some individuals likely have months of additional experience.

G. Fare inquired as to who is responsible for the 100 ineligible applicants not able to sit for the exam. He expressed concern that the batch included applicants that had not been reviewed by the Board. P. Gardner explained that approximately 400-500 applications were approved or denied by the Board before COVID in early 2020. Once the remote testing began, this was the group of folks that were sent to PSI for testing. When a data pull was performed later in NJEMS, it did not remove the applications that were denied by the Board. P. Gardner confirmed there is nothing going to PSI that has not been reviewed by the Board, and K. Jensen can provide a write up from PSI and about the remote locations.

- ***Electronic Submittal Process***

D. Palmer expressed that the Board members want to be partners with NJDEP and wants to better understand how the new electronic submittal process would work.

K. Tedesco noted that scanning and redacting personal information from the old paper forms to send to the Board members was time consuming and leading to delays. The applications were modified to separate the personal information onto a “cover page” of the application. That page is used only by the NJDEP staff and will be shredded once payment is processed. The Board will receive the remainder of the application. The new electronic applications will be sent to an operator email box for tracking.

P. Gardner noted that NJDEP was planning to provide summaries and statistics at future Board meetings. R. Paull noted that the Board should be cautious about coming up with a “blanket



policy” on denials; he recommended returning applications back to the Board member who initially denied them and have them reevaluate the situation.

- *In Person Meetings*

R. Russo asked if the Board would hold in-person meetings once the COVID-19 virus subsides. P. Gardner stated that is tentatively the plan, but we may always allow for a virtual option and reiterated the need to get back to more routine meetings.

P. Gallo noted that the AEA conference was planned for March 9 and 10, 2021. She noted this is an opportunity for members to hear from the NJDEP as the transition is made to remote exams. O. Kostin requested that applications be sent to the Board members for review once received, to avoid too many applications at once. P. Gardner noted that NJDEP plans to roll them out on a routine basis.

#### 4. New Business:

##### *Resolution acknowledging retired Board Chairman Chris Hoffman*

D. Palmer made a motion to accept the resolution acknowledging Chris Hoffman’s service. R. Russo seconded. Hearing no objections, the motion passed unanimously.

#### 5. Board Chairman:

R. Russo advised that the Board needs a Chairman. P. Gardner agreed but noted that the DAG is looking at the operation of the Board and deferred this item until a formal process is put in place. In the interim, she noted that she will be running the meetings. P. Gardner noted that the Commissioner requested that she temporarily serve as Chair until a formal process was put in place.

R. Russo and G. Fare stated that the Board still needed a Chairman in the interim. G. Fare noted that historically the most senior member was offered the position as Chairman and does not understand why that would change.

**Motion:** G. Fare called a motion recommending D. Palmer to serve as the Chairman. R. Russo seconded. **Discussion:** DAG S. Carney stated that the governing statute, N.J.S.A. 58:11-64 et seq., and the regulations, N.J.A.C. 7:10A et seq., are silent on how to select a Chairman. There is no existing authority and therefore, despite what has been done previously, it is something that will need to be researched and addressed in the future with more motion processes. P. Gardner reiterated that this is only temporary until the NJDEP can resolve what needs to be done to establish clear bylaws and other procedures. S. Dowhan and G. Fare asked to put to a vote the recommendation for D. Palmer to serve as Chairman. D. Palmer commented that the Board should have a chair and stated that members can work on bylaws by the next meeting. DAG S. Carney stated the bylaws were a good start, but it may not be something that can be accomplished by the next meeting. D. Palmer further inquired about Chris Hoffman’s retirement. J. Brogle advised that NJDEP should have a replacement appointed by the next meeting.



A vote was called for all those in favor of appointing D. Palmer as Chairman. D. Palmer, G. Fare, O. Kostin, S. Dowhan, R. Russo, and W. Simone voted in favor of the motion. P. Gardner and B. Barrett abstained pending a review of the by-laws. The vote was carried by the majority.

**6. Public Comments:**

A. Dillon expressed concern about the Operator Certification program and noted he believed the COVID-19 may be inappropriately pointed to as an excuse for deficiencies in the program. He continued to note that no licenses were approved in 2020. He noted there should be more public access to meeting notices and minutes. He also supported an extension on the deadlines for the TCH cycle; elaborating that he understands the rules have an allowance due to sickness and therefore expects that NJDEP could offer similar allowance due to COVID. A. Dillon asked for meeting minutes for the last meeting. K. Jensen noted that nothing has been posted yet, but he is working with P. Gardner on addressing. In the meantime, meeting minutes can be requested via email.

Lastly, he mentioned that Robert's Rule of order should apply to electing a chair.

G. Fare inquired as to whether the Board was planning to extend the deadlines for obtaining TCHs as they have done in the past. P. Gardner noted this is something the NJDEP is addressing. In a response to AWWA NJ, the recommendation was not to extend TCH's, but to reduce the number of TCHs required. P. Gardner also addressed A. Dillon's inquiry on the availability of meeting minutes and advised that NJDEP will add the minutes to the webpage.

P. Gallo offered support for extending the TCH cycle and appreciation for the effort to make things more transparent.

**7. Adjournment:**

A motion to adjourn the meeting was made at 11:38 AM by S. Dowhan, seconded by R. Russo and unanimously approved.

