



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WATER SUPPLY & GEOSCIENCE

Water System Operations Element

Bureau of Water System Engineering

401 East State Street

P.O. Box 402, Mail Code 401-04Q

Trenton, New Jersey 08625-0420

Tel. (609) 292-2957 ♦ Fax (609) 633-1495

www.nj.gov/dep/watersupply

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

SHAWN M. LATOURETTE

Commissioner

New Jersey Department of Environmental Protection
Board of Examiners for Water and Wastewater Licensing
Board Meeting Minutes for February 9, 2022
Meeting held via Microsoft Teams

Approved by the Board on May 11, 2022

Board Members Present: Charles Jenkins, David Fields, Ronald Anastasio, JoAnn Mondini, Robert Genetelli, Eric Ekoue, Wendy Simone, Patricia Gardner

There were 8 Board members present, constituting a quorum.

Board Members Absent: Bob Koches

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

NJDEP Staff Present: Kristin Tedesco, Trish Ingelido, Joe duRocher, David Fields, Malathi Prabhu, Charles Jenkins, and Tyler Rowe

Members of the Public: Stephen Clark (Borough of National Park), Donna Domico (Gloucester City), Paul Schorr, Michael Ostrom (Borough of Brooklawn)

1. Call to Order

P. Gardner presided over the virtual meeting and called the meeting to order at 10:02 am, noting there were enough Board members present to constitute a quorum. K. Tedesco initiated the Roll Call.

DAG Carney read the Open Public Meetings Act Statement (OPMA).

This meeting was held virtually through Microsoft Teams, with the option to call-in, due to the COVID-19 pandemic. Notice of the meeting and instructions on how to participate by phone were provided by public notice on January 5, 2022, in advance of the meeting.

2. Minutes

P. Gardner noted the draft June 30, 2021 minutes were circulated prior to today's meeting and moved to adopt the minutes.

P. Gardner called a motion to approve the minutes. R. Anastasio seconded the motion. Hearing no objections, the motion passed unanimously, and the minutes adopted.

3. Old Business:

- *Status Update on By-Laws*

P. Gardner turned the next section over to K. Tedesco, who provided an update on the by-laws. A draft has been put together and was sent out to the Board in advance of the meeting. K. Tedesco noted that finalizing the by-laws would kick off elections for a chairperson for the Board and workplan items for the coming year, and then opened discussion.

R. Genetelli had a minor correction on page 6 to 7, regarding an unelected chairperson. If the chairperson has not been elected, then a temporary chairperson should be selected. He then asked if the Board would have a vice-chairperson. K. Tedesco answered yes and said it was a good catch.

W. Simone asked why direct responsible charge (DRC) was not in the by-laws.

P. Gardner responded that there were no by-laws previously for the licensed operator Board, so the Department looked at other boards it works with and based development off that. DRC was covered more generally under the review of the applications. The Board was lacking processes and specific documentation on business conduct, and the Department's stance was that this was the opening, and more detail would follow with the development of subcommittees.

J. Mondisini responded to W. Simone, stating that DRC requirements are clearly defined in N.J.A.C. 7:10A-1.2 and does not need to be in the by-laws. R. Anastasio added that it was not deemed appropriate to codify DRC in the by-laws but stated that it could be readdressed in the future.

P. Gardner then moved to a motion to accept the by-laws. R. Genetelli seconded, and after hearing no objections the motion passed unanimously.

- *Update on ABC Contract/Testing Modalities*

K. Tedesco moved onto the next agenda item, ABC and PSI testing modalities stating that Department staff have been meeting with ABC regarding their work on upgrading ABC software. The updates would allow for additional testing modalities, such as in-person testing centers. Originally it was planned for a 1st quarter rollout but due to the complexity, a 3rd quarter rollout is now expected.

K. Tedesco explained that the Department has received several complaints from applicants who claimed that the online testing hinders their ability to test. These complaints have been logged and the Department is working with ABC and PSI to accommodate the affected applicants. The Department is also looking at potential testing centers where the computers are already set up.



- *Exam Updates & Pass/Fail Statistics*

P. Gardner moved to the next item, examination updates and called on K. Tedesco.

K. Tedesco stated that the Department compiled a list of the pass/fail statistics and ran some calculations. She reiterated what P. Gardner had said about using this information to improve the examination process. There were 750 people scheduled to take the exam, with 85 of them absent. Part of the 85 may also capture the applicants that had firewall/connectivity issues, who are currently being reached out to for accommodation.

P. Gardner stated that it a good sign that so many people able to take the exam compared to last year. The application backlog has been addressed and the routine process established has been working well. K. Tedesco reiterated that the backlog has been addressed and added that the tracking system has been improved.

P Gardner continued, saying that electronic applications and an online payment system are also in the works, so later on when people have more options for testing and combined with the Department's internal streamlining, it should all be working smoothly.

K. Tedesco stated that there is a lot going on behind the scenes to streamline payments and other processes. For the individuals that passed examinations in 2021, all certificates have been sent out and are currently up to date.

- *Status Update on Reciprocity Applications*

K. Tedesco moved to the next item, reciprocity applications. She stated that there were five reciprocity applications up for discussion, two wastewater and three for drinking water.

Bradley Noftell - S-2 (NY)

J. Mondsini stated that she discussed and reviewed this application with R. Anastasio and R. Genetelli before the meeting. They felt his experience was limited, with only RBC (Rotating Biological Contactors), no activated sludge handling and questionable experience from the dairy farm.

J. Mondsini called a motion to approve the applicant for an S-1 license through reciprocity. R. Anastasio seconded. Open discussion:

P. Gardner asked if this could be a situation where he could be granted an S-1 license through reciprocity but would also be granted ability to sit for a higher examination. R. Anastasio agreed, stating that if he was working in New Jersey at an RBC plant for 3 years, the Board would let him sit for the S-2 examination.



J. Mondsini called for an amendment to the motion, granting Mr. Noftell the S-1 license as well as ability to sit for the S-2 examination. David Fields seconded. There were no objections and the motion passed unanimously.

Antonio Lucia – S- 3 (CA)

J. Mondsini wanted an amended Statement of Qualifications (SOQ) to better reflect his DRC and called a motion to conditionally approve his application unless there were other comments. R. Genetelli seconded the motion and clarified that he wanted a Board member to review the amended SOQ that better explains his DRC. There were no objections and the motion passed unanimously.

David Jones – T-4 (FL/IL)

The applicant applied from Florida initially but because Florida does not offer reciprocity, the application shifted focus to his Illinois license.

W. Simone stated that he seems to have hopped to several states and holds the highest-level license in those States, but she is concerned about the examinations from those States. In turn, she feels he should be sitting for the T-4.

E. Ekoue stated that after reviewing the application, he noticed that for some of the applicants' systems it was lacking in descriptions of DRC and felt he could not grant reciprocity for this applicant without more documentation of DRC.

P. Gardner agreed, stating that she felt the applicant has the experience on the technical side but was lacking documentation on DRC.

J. Mondsini noted that the signatures on the SOQ were switched around and was not completed correctly.

R. Genetelli stated that he was not against a motion to grant the applicant a T-3 based on his application. W. Simone agreed.

J. Mondsini agreed but only with a corrected application, he needs to show more experience and get signatures from those who can testify for the applicant's experience.

R. Genetelli called a motion to grant a T-3 license with an amended application. W. Simone seconded. E. Ekoue asked the Board if the application could be tabled in order to secure an amended application in the meantime.

P. Gardner clarified that it is conditionally approved for a T-3 license, awaiting an amended application to be reviewed by a Board member. There were no objections and the motion passed unanimously.



Vijay Rao – T-4 (NY)

W. Simone stated that she had a few concerns with this application, noted that the applicant worked for smaller systems and seemed to be more on the sludge side of things.

P. Gardner noted the amended SOQ, and that there were two versions, and the revised version was more drinking water specific. P. Gardner also stated that she still noticed an issue of varying experiences and does not know which version of the SOQ is more valid.

The Board noted that there was no out-of-state-questionnaire from New York sent to the Board.

R. Anastasio called a motion to table the application, holding for the questionnaire. E. Ekoue seconded and hearing no objections, the motion passed unanimously.

Raymond Jensen – T-1 (CO)

W. Simone and P. Gardner agreed that he should be able to get a T-1 based on experience and education. E. Ekoue reiterated concerns that he only had one year experience at a very small system.

W. Simone called a motion to approve the applicant for a T-1. P. Gardner seconded the motion and hearing no objections, the motion passed unanimously.

- *Status Update on Pass/Fail Statistics*

P. Gardner moved to the final item, Old Business, to discuss continuing education or Training Contact Hours (TCH).

K. Tedesco stated that out of 6,329 operators that renewed, both water and wastewater, there were 635 that expired or did not renew. She stated that Department staff have been following up with the expired licenses and are tracking the results. She then noted that there was an issue where last year's TCH information was being displayed and not the balances for the current cycle.

J. Mondisini stated that she was considering sitting in on a refresher course for Class 3 and 4 licenses. She felt it would bring back good information to discuss with the Board and for meetings with the Advisory Committee. She would feel more prepared to speak to the Advisory Committee about current challenges.

W. Simone agreed it would be useful for the Board and the Advisory Committee and mentioned she had sat in on a refresher course previously. She had an issue with it because it is a general course and not license class specific. She also remarked that she sees a lot of applicants struggling with the math section of the exams.



E. Ekoue stated that he did a presentation on an operator review course and heard feedback that they are expensive and should be more affordable, as well as wanting refresher courses for specific license classes. He would like these items brought up to the Advisory Committee.

W. Simone asked where the three-time failure component came from. K. Tedesco responded that it is stated in the regulations. It is something that can be discussed going forward, but because it is currently in the regulations, it is binding.

4. **New Business:**

- *Applicability of Lower Classification Experience*

K. Tedesco stated that the Department would like to memorialize certain policies and decisions for consistency. Volunteer-based subcommittees were proposed to discuss applicants who have been denied or require further discussions.

The topic of applicants who applying for a license class higher than their facility of employment was given as an example. K. Tedesco stated that some applicants have been approved but others had not and would like to set up a subcommittee on this item.

W. Simone stated that water systems in New Jersey are set up with ranges of points, which can be different elsewhere. Feels that a Class 3 license requires performance at a Class 3 system. R. Anastasio agreed. K. Tedesco stated that it is a grey area, the regulations do not directly address it.

J. Mondsini agreed with W. Simone and R. Anastasio and would like the rules and regulations to be updated to make that experience requirement clear.

R. Genetelli stated he adamantly disagrees. He agreed that applicants cannot skip multiple levels but disagrees that applicants cannot work at a higher-level system with a lesser license. It denies advancement in the field and is unfair to require operators to drastically uproot and change their lives.

E. Ekoue stated that operators should work at a system the same classification of their license, agreeing with W. Simone, R. Anastasio and J. Mondsini.

P. Gardner stated that she felt this was a good discussion and mentioned that if any applications are denied, those denials should be reviewed by a subcommittee to maintain consistency. She stated that if anyone is interested in participating in subcommittee, they should email K. Tedesco.

K. Tedesco gave the Board a brief update on the status of the Advisory Committee and that the upcoming Board meeting schedule has been posted.



5. General Public Comment:

P. Gardner then moved on to the public comment section, but in the interest of time limited each speaker to 2 minutes.

Michael Ostrom explained the difficulties he had with the exam application process and expressed his concerns regarding the ability for public comment during the by-law process. He also asked if the rules and regulations or by-laws change, could he be grand-parented in.

Steven Clark expressed that the breakdown of percentages of time and years of experience found in the application hurt his overall case. As a superintendent in a small-town system, he oversees multiple components and has 100% responsibility over all aspects.

Paul Schorr had three comments that were posted in the chat. The first was a request to list New Jersey Institute of Technology as a provider of the Intro to Water and Wastewater course. The second was a comment directed to the Attorney General about a potential conflict of interest regarding P. Gardner's roles as Director of the program and a member of the Board of Examiners, citing: "NJ Supreme Court decision – Vincent Piscitelli v. City of Garfield, decided 3-17-2019." The third was regarding the participation of licensed Professional Engineer RS 45:28(b) and (g); and 45:8-42

Donna Domico stated that she thinks the Board needs to include more operators on a subcommittee. There are a lot of facilities in southern New Jersey that upgrade facility classifications, and she believes that operators should be able to move up a license class as a result.

P. Gardner thanked everyone for their comments.

6. Adjournment:

P. Gardner asked for a motion to adjourn, which was made at 12:02 PM by J. Mondini and seconded by D. Fields. Hearing no objections, the meeting adjourned at 12:02 PM.

