

North Carolina Department of Environmental Quality

DRAFT MINUTES

WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION MEETING

May 13, 2022

Archdale Building, Ground Floor Hearing Room, Raleigh NC

The regularly scheduled meeting of the Water Pollution Control System Operators Certification Commission was called to order at 10:00 AM, with Chairman W. Corey Basinger presiding. The following persons were in attendance:

MEMBERS

W. Corey Basinger
Chester Lowder
Arnold Allred
Martie Groome (Phone In)
Marchell Adams-David
Matt Haynes
Bob Rubin
Jonathan Russell
Ken Stines
Steve Barry
Jim Lynch

STAFF

Jay Frick
Maureen Kinney
Jeffrey Talbott
Patrick Beggs

GUESTS

Mary Crawley, NCDOJ
William Toole, Deputy Secretary of State
Paula Chappell, Notary
Dr. Stephanie Kuleza (Phone In)

PRELIMINARY MATTERS

Call to Order – Chairman Basinger

Notice of North Carolina State Government Ethics Act Requirements

In accordance with the NC State Government Ethics act, it is the duty of every commissioner to avoid both conflicts of interest and appearances of conflicts of interest. The Chairman for today's Water Pollution Control System Operators Certification Commission meeting hereby asks: "Does any commissioner have any known conflict of interest or appearance of conflict of interest with respect to any matter coming before this commission today?" If so, please identify the conflict or appearance of conflict and refrain from participation in that matter.

No conflict noted.

Reminder of Meeting Protocols

A passcode number was provided to Commissioner Groome who phoned in to confirm identity.

Revisions or Additions to Agenda

None noted.

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Review and Approval of Minutes for February 11, 2022 Meeting

Motion to approve was made by Commissioner Adams-David

Commissioner Dr. Rubin seconded the motion

The vote was unanimous

Oath of Office Administered to Reappointed Commission Members

Vice-Chairman W. Chester Lowder & Commissioner Marchell Adams-David

Deputy Secretary of State Bill Toole added his sincere gratitude to the Commission for its work.

ACTION ITEMS

#220501 Manual Update—Certification Training for Operators of Animal Waste Type A Mgmt. Systems

The permit is still under public comment period and not finalized. We will need to wait to discuss any potential changes to the manual. The final version is expected to be complete on 7/1/22.

#220502 New Reciprocity Legislation

Staff is requesting confirmation that this does not impact the wastewater reciprocity rule and or process. Chairman Basinger states initially he did not think the change to N.C.G.S. 90A-40(b) applied to this Commission but was later advised by counsel that the statute and the technical change to the statute did apply to this Commission. The law now says that this Commission, shall issue a certification in an appropriate grade without examination when the requirements of the statute have been met. Counsel reiterates that the word “may” has been changed to “shall”. This means that where all the requirements of the statute have been met, the Commission must issue a certificate in an appropriate grade, without examination. The two (2) requirements of the statute are the following:

1) Must be properly registered on the National Association of Boards of Certification Reciprocal Registry

2) Must meet all other requirements of the Commission’s rules adopted under the article. Counsel explained that because the Commission previously delegated the determination of the appropriate level and final decisions on reciprocity requests to staff, any changes to the current decision process under the delegation to staff would require the Commission to take action to modify or rescind the existing delegation to staff for reciprocity requests. Without action by the Commission to modify or rescind the delegation, the staff would continue its usual practices under the existing delegation.

The Commission discussed the possibility of changing the delegation so that instead of staff making the final decision on the request and determination of the appropriate grade, the staff would bring its recommendation before the full Commission, for the full Commission to make the final decision on the request and determination of the appropriate grade.

Chairman Basinger wants to continue the discussion at the next meeting to allow time for the full Commission to determine and put in place the appropriate decision-making processes for reciprocity requests following the change in the statute. Chairman Basinger

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states staff should continue to move forward under the current delegation. If there are a lot of reciprocity applications before the June exam, Chairman Basinger would consider calling a special meeting.

Chairman Basinger amended the agenda order to move up information item #2205 so that Mr. Jay Frick with DEQ could present the item before he had to leave for another meeting

Information Item #2205 - A New Operator Certification Staff Introductions (Jeffrey Talbott & Patrick Beggs)

Mr. Jay Frick introduces Mr. Jeffrey Talbott and Mr. Patrick Beggs to the Commission and outlines each of their credentials.

#220503 Continued Approval of Virtual Certification Schools & Continuing Education (exp. 12/31/22)

Certification training schools were addressed separately in a separate motion from continuing education. The first motion addressed approval for virtual certification training schools, for the approval for virtual initial certification schools to expire on December 31, 2022. The second motion addressed approval for virtual continuing education, to continue the approval for virtual classes for CE credits for a period of two (2) years, to expire 12/31/24.

*1st Motion to allow the approval for virtual certification training schools to expire on December 31, 2022 was made by Commissioner Dr. Rubin
Commissioner Stines seconded the motion
The vote was unanimous*

*2nd Motion to extend the approval for virtual continuing education classes for twenty-four (24) months through December 31, 2024 was made by Commissioner Dr. Rubin
Commissioner Adams-David seconded the motion
The vote was unanimous*

INFORMATION ITEMS

#2205 – B Exam Results/Pass Rates for March 2022 Exams

Exam results fell within normal ranges but fluctuated some in comparison to 2021. The March 2021 exam had 309 examinees and March 2022 had 423 examinees, trending upward. We did resume exam reviews and had 1 ADA accommodation in Raleigh.

#2205 – C New Animal Waste Digester/Permit Public Hearings

Chairman Basinger plans to meet with Vice-Chairman Lowder and Commissioner Lynch prior to the unveiling of the permit in its final form. They will discuss what needs to be changed in relation to our needs to know and exams.

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CONCLUDING REMARKS

Chairman

Sends a welcome to the new staff members from Mr. Steve Reid and thanks everyone for the discussions this morning.

Vice Chairman: No concluding remarks.

Commission Members: Dr. Rubin states that he looks forward to working with Mr. Beggs again.

Counsel: No concluding remarks.

Staff: No concluding remarks.

ANNOUNCEMENT OF NEXT SCHEDULED MEETING

The next meeting of the Water Pollution Control System Operators Certification Commission is scheduled for Friday, August 12, 2022 at 10:00AM in the Ground Floor Hearing Room (Archdale Building - Raleigh NC).

MOTION TO ADJOURN

A motion to adjourn was made by Commissioner Adams-David.

The motion was seconded by Commissioner Lowder.

Vote was unanimous.