

Minutes
Department of Environment, Great Lakes, and Energy
Board of Examiners for the Certification of Industrial/Commercial Wastewater Operators

January 30, 2020

The meeting was called by announcement dated September 19, 2019. The meeting was called to order by Chair Tom Ryden at 9:30 a.m.

Roll Call

Members Present: Tom Ryden, Sierra Brown, Chris Veldkamp, Greg Merricle

Members Absent: Henry Hatter

Staff Present: Earl Wuestnick, Alyssa Sarver, Sarah Ehinger, and Ginny Berry

Chair Ryden declared a quorum

Introduction of New Board Members

Sierra Brown and Greg Merricle introduced themselves to the Board and the Board continued discussion with brief introductions

Officer Elections

Chair Ryden noted two officer elections needed, Chair, and Vice Chair/Secretary. Motion by Veldkamp to nominate Ryden for Chair, seconded by Merricle. Motion passed 4-0. by Merricle to reappoint Veldkamp as Vice Chair/Secretary, seconded by Brown. Motion passed 4-0.

Consideration of September 19, 2019 Meeting Minutes

Chair Ryden noted on page 3, under Next Meeting Date and Time, "the meeting" needed to be removed from "Meeting adjourned the meeting at 11:06 A.M."

Veldkamp moved to accept minutes as corrected, seconded by Merricle. Motion passed 4-0.

February 20, 2020 Industrial / Commercial Exam Applications

Wuestnick spoke of upcoming exam scheduled on February 20, 2020.

77 Applicants
277 exams
30 more applicants to review

Staff reviewed the no cellphone policy of September 24, 2015.
New: all exams will result in automatic failure for any examinee who does not abide.

Wuestnick stated there are two application denials to date. The 30 remaining applications will not be able to appeal due to the board meeting having already passed.

Attorney General Presentation – Open Meetings Act (OMA) and the Freedom of Information Act (FOIA)

Assistant Attorney General Tom Quasarano entered the meeting at 10:00 am and presented until 10:45 am.

Quasarano discussed the OMA and FOIA and clarified key points of both Acts.

OMA:

- Closed session meetings are for discussion only
- Boards can invite non-board members for supportive information

FOIA:

- (Pure business) – Employer’s device vs. personal device – If personal device is used for business, all information on that device is subject to examination for FOIA.
- Any requests in writing qualify as FOIA request and should be sent to FOIA Coordinator immediately
- Requests must be dealt with in a timely manner

Discuss certification standing approval for A-1a, A-1h, A-1i, and A-1j

Sarver presented the Board with suggested language to modify the existing approval process so these certifications can be issued more frequently.

The Board and staff discussed historical approval practices and considered new language for approval.

Motion by Veldkamp to approve that the “Board of Examiners authorizes an Industrial Board Member to meet with staff as needed to recommend for issuance A-1a, A-1h, A-1i, and A-1j certifications by the Director of the Michigan Department of Environment, Great Lakes, and Energy for those eligible candidates. This authorization is established and re-established at the first scheduled Board meeting of the calendar year.” Motion seconded by Merricle. Motion passed 4-0.

Action items were presented to update future agendas to include this language, update the Board History of Actions, and update the Board Practices documents.

Discussion of Employment Requests from Municipalities and Vendors

Ehinger presented Board with operator contact information requests and asked the Board’s opinion on the matter. Ehinger explained that there was no right or wrong answer, but consistency is key. Ultimately, the Department will decide, and staff will provide a follow up at the next meeting.

Overview of Commission Operations Consistency Initiative/Governor Initiative

Ehinger discussed the availability of Board content to the public, presenting items on the website and personal/private emails. The Board was provided handouts to facilitate discussion. Key points discussed...

- “Who is on the Board?” public info with your information and biography. This will probably be requested – it is throughout the State Boards Web page.
- No state business on personal e-mail. Maybe separate e-mail for Boards?
- Publicly stream Board meetings. Governor wants to try to improve accessibility for others. There will be a discussion as to if that’s wanted or not and what ramifications it will have.
- At present, we are posting Board meetings on the EGLE calendar. These are changes coming down the path.
- Missions, Visions, and Values – we look back to these when gray-area decisions need to be made.

Board contact info sheet data collection. Distributed next meeting.

Board members updated contact information as needed. Veldkamp suggested that Brown be the Board Representative ‘Certified Operator’ and Chair Ryden switch to Board Rep for ‘Member at Large’.

Brown wants to acquire additional certifications and asked how that would affect his place on the Board. Wuestnick stated Brown may be excused from discussions when appropriate, as per Board of Examiners/ Certifications Policy on Conflicts of Interest (adopted by the Industrial/Commercial Board meeting of December 10, 2008).

The updated contact sheet will be presented at the next Board meeting.

Other Items

Wuestnick provided suggested language to the Board for meetings without quorum. The following language was decided upon for “Procedures for Board Meetings Without Quorum.” Veldkamp suggested citing Rule 255 to modified language.

Procedures for Board Meetings Without Quorum

Pre-exam Board meeting – Operators’ examination applications will be evaluated at next scheduled Board meeting. Examination of operators will run as scheduled across state.

Post-exam Board meeting – Board meeting will be rescheduled within at least 18 hours public notice of the meeting for recommendation of approval of examinees for certification and the purpose of that rescheduled meeting is to ensure that Quorum is present.

The final language will be reviewed at the next Board meeting.

Sarver discussed the “Timetable for Renewal Activity” and suggested one additional postcard be sent to operators (and their employer) after they expire, per the Part 10

rules. Sarver will present an updated “Timetable for Renewal Activity” at the next Board meeting.

Veldkamp discussed her recent attendance at an EPA conference in Houston, TX, and the need for operator training offered by EGLE. Wuestnick stated he does phone consultations for operators and district staff as needed.

Chair Ryden stated Henry Hatter is interested in leaving the Board at the end of this year. Ehinger asked if Brown could fill Hatter’s Board role as Employer Rep.

Next Meeting Date and Time

The next Industrial/Commercial Board meeting is scheduled for March 19, 2020 at 9:30 a.m.

Meeting adjourned at 12:27 p.m.

Respectfully submitted: _____
Alyssa Sarver