

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

July 30, 2020

The meeting was called by email announcement dated on March 16, 2020. The March 19, 2020, meeting was postponed due to the COVID-19 pandemic. The meeting was called to order by Chair Tom Ryden at 9:45 a.m.

Roll Call

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

Members Absent: Henry Hatter

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

Chair Ryden declared a quorum and asked Sarver to cite the Executive Order 2020-15 (since rescinded and currently EO 2020-129 as of June 18, 2020), which allows public bodies to meet virtually during the COVID-19 pandemic.

Consideration of January 30, 2020, Meeting Minutes

There were no comments on the meeting minutes.

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

Review of February 20, 2020 Certification Exam Results and Recommendation for Certification

Wuestnick and Board Members discussed the data sheets provided, and Veldkamp and Ryden questioned some of the data points. Staff will review the data sheets, make appropriate corrections, and provide for final review at the next scheduled meeting.

Due to COVID-19 and postponement of the March 19, 2020, board meeting, Ryden noted that the Board decided to informally approve issuance of certificates so that operators would not have to wait for certification. Formal approval for the issuance of certificates was tabled until the next scheduled board meeting on July 30, 2020. Veldkamp suggested the use of past tense language to approve the issuance of the certificates from the February 20, 2020, examination.

Motion by Veldkamp to recommend to the Director of the Department of Environment, Great Lakes, and Energy that appropriate certifications were issued to those who received a grade of 70 percent or greater on their written examinations, and denied certification at the requested classification to those who received a grade of less than 70 percent on their written examination. Seconded by Merricle. Motion passed 4-0.

August 20, 2020, Industrial/Commercial Exam Applications and COVID-19 Discussion

Wuestnick spoke of upcoming exam scheduled on August 20, 2020. Wuestnick and Sarver noted that due COVID-19 there are fewer than normal applications and they expect to receive more in the weeks leading up to the exam.

20 applicants

50 exams

10 applications waiting at the office to be reviewed after next mail pick up

Staff discussed how they will communicate acceptance letters and any exam changes to examinees, along with safety precautions in place at each venue considering COVID-19.

Discussion of Employment Requests from Municipalities and Vendors

Ehinger discussed the Department's position regarding what, if any, operator information should be shared with outside entities. The Board was reminded that it supported the decision to share only name and home address with outside entities but not phone numbers or email addresses.

Procedures for Board Meetings without Quorum. Review Language.

Veldkamp noted that staff and the Board previously discussed citing Rule 255 in the revised language, and this is not included in the revised language. Ryden notes an action item for staff to make the appropriate revision and present to the Board for final review at the next scheduled meeting.

Timetable for Renewal Activity

Sarver presents the Board with a slight modification to the current renewal notification timeline. According to Rule 323.1257 of Part 10 Administrative Rules, the commission shall give notice of nonrenewal to the owner and operator 30 days after an operator has not renewed their certification. Currently, staff are only notifying operators but not owners of facilities. Sarver notes that notification cards will be sent to both operators and owners moving forward.

Brown suggests clarifying the renewal language in the Board's Industrial Certification Practices document, and Veldkamp notes a correction to the renewal timeline from 30 to 60 days in the Board's History of Important Actions document. Action items were presented to staff to update both documents and provide for review during the next scheduled meeting.

Closed Session to Discuss Attorney-Client Privilege Information

Closed session began at 10:48 a.m.

Motion by Veldkamp that the Board meet in closed session under section 8(h) of the Open Meetings Act and section 13(1)(g) of the Freedom of Information Act, which exempts from public disclosure "information or records subject to the attorney-client privilege." Seconded by Merricle. Motion passed 4-0.

Board discussed the Attorney General Memorandum of Advice regarding facility sub-classifications under Part 10 Treatment Plant Operator Rules.

Motion by Merricle to end closed session and resume the original meeting of the public body. Seconded by Brown. Motion passed 4-0.

Closed session ended at 10:57 a.m. Public meeting resumed at 11:00 a.m.

Veldkamp suggested staff add to History of Important Actions, a statement that the Attorney General's office provided an Informal Opinion on November 22, 2019, that the Department of Environment, Great Lakes, and Energy (EGLE) has the authority to add, delete, or modify sub-classifications under Part 10 Treatment Plant Operator Rules.

Next Meeting Date. Post August Exam. (Suggested September 17, 2020 at 9:30 a.m.)

The Board agreed to the next suggested meeting date and discussed with staff the likelihood of another Microsoft Teams event. The Board and staff requested that the revisions to the History of Important Actions and Industrial Certification Practices documents be available for review at the next meeting.

February 2021 Exam Info. and 2021 Calendar of Events

Ryden asked Wuestnick to provide to the Board at the next meeting a 2021 calendar of events, if available.

Board Contact Sheet Distribution

Ryden asked staff to update the revision date of the document to July 2020 from January 2020. Ryden noted his upcoming renewal date of January 1, 2021, indicated his planned continuation of duties, and asked staff to formally renew his position on the Board. Staff confirmed that the contact information listed was correct for each member and will follow up with Hatter to confirm the contact information listed for him.

Other Items

Veldkamp asked about the likelihood of the August 2020 industrial exams taking place. Ehinger explained the considerations that Water Resources Division (WRD) and EGLE management will evaluate before making a final decision.

Ryden asks about the upcoming sunset for the examination fees and Ehinger described the process. Ehinger stated that WRD and EGLE management are aware of the current timeline and no changes have been made.

Ryden discusses his meeting with new members, Brown and Merricle, and how they reviewed important Board documents and discussed duties and responsibilities.

Brown asked staff about online payment and applications for wastewater programs and staff discussed their plans for increasing online presence.

Next Meeting Date and Time

The next Industrial/Commercial Board meeting is scheduled on September 17, 2020 at 9:30 a.m.

Adjourn

Meeting adjourned at 11:29 a.m.

Respectfully submitted: _____
Alyssa Sarver