

MEETING MINUTES
BOARD OF CERTIFICATION OF OPERATING
PERSONNEL IN WASTEWATER TREATMENT FACILITIES

Date: Friday, May 21, 2010

Place: Various Videoconference sites:
Oahu (919 Ala Moana Blvd, 5th floor conference room);
Hawaii (Kona Health Center);
Kauai (3040 Umi Street, Lihue); and
Maui (Bioterrorism Office, 210 Imi Kala St. Ste. #204, Wailuku)

Time: 8:30 a.m.

PRESENT: Charles Dawrs, Wesley Lim, Marshall Lum, Eassie Miller, Myron Nomura, Bert Uyeno, Victor Moreland, Audrey Uyema Pak, and Edward Bohlen.

ABSENT: None.

- I. Charles called the meeting to order at 8:34 a.m.
- II. Charles provided an introduction, description and background of the issues, and opened the meeting up to receive public testimony from the public at each of the videoconference sites on the following issues:
 1. AG's letter, dated April 19, 2010, concerning the operator certification and DRC requirements of HRS section 340B-8(2) and section 11-61-3, HAR;
 2. Input from the stakeholders on the AG's interpretation of the laws;
 3. Number of plants an operator can effectively oversee;
 4. Effectiveness of SCADA operations to satisfy requirements;
 5. Frequency of DRC operator onsite visits needed for small private plants;
 6. Suggested changes to chapter 11-61, HAR, to enable requirements to be met; and
 7. Whether the Board can waive action on non-compliance until chapter 11-61, HAR, is re-written.
- III. Oral Testimony was received from the following individuals:
 1. Matthew Louis (Aqua Engineers – Kauai);
 2. John Poe Tyler (WSI International –LLC);
 3. Ivan Torigoe (County of Hawaii – Department of Environmental Management);
 4. Mike Ratte (County of Maui – Department of Environmental Management, Wastewater Reclamation Division);
 5. Ed Tschupp (County of Kauai – Department of Public Works, Wastewater Management Division);
 6. Sidney Remiticado (Aqua Certified Operations);
 7. Ronald Hay (Wastewater Systems for Hawaii Water Service Corporation - Hawaii);
 8. Dominick Marino (Valley Isle Pumping, Inc. - Maui);
 9. Glen Lindbo (International Wastewater Technologies – Oahu); and

10. Jon Oka (South Kohala Wastewater Corporation – Hawaii).

IV. Written Testimony was received from the following individuals:

1. Victor M. Limacher (Wastewater & Pump Specialties of Kona LLC), March 5, 2010 & May 13, 2010;
2. Dominick Marino (Valley Isle Pumping, Inc. - Maui), May 10, 2010;
3. Dora Beck (County of Hawaii – Department of Environmental Management), March 29, 2010;
4. Ed Tschupp (County of Kauai – Department of Public Works, Wastewater Management Division), March 9, 2010 E-Mail;
5. Silvestre Ulep (City & County of Honolulu – Department of Environmental Services), September 1, 2009; and
6. John Poe Tyler (WSI International –LLC), May 19, 2010.

V. Discussion and Summary of Comments:

Currently in Hawaii the situation exists whereby WWTPs are being operated without DRCs present during all staffed shifts, some plants are being operated with no DRCs assigned, individuals designated as DRCs can have up to 12 WWTPs assigned to their certificate, and there are individuals who are not duly certified performing the duties of operators as defined under chapter 11-61, HAR. It is being questioned as to whether chapter 11-61, HAR, and HRS 340B need to be amended to make compliance realistic and what actions the Board will take in the interim if complaints are filed. The Board is trying to determine if it has the power to waive taking punitive actions for non-compliance if necessary.

1. Comments on AG's interpretation of laws:

Individuals testified that the DRC should be able to delegate duties to subordinates who would not necessarily need to be duly certified if they are competent. The DRC does not need to be on site except when critical process control or operational planning is being done. It was expressed that non-certified individuals such as resident managers at condo facilities should be able to assist in emergency response and light maintenance duties.

There is a significant difference in the levels of DRC supervision needed in a small package plant versus a large municipal plant. The question of geographic location of plants and DRCs, their ability to respond to emergencies to multiple plants or remote plants if the DRC resides off-island from the plants and whether being in contact by phone to on-site personnel to direct responses would be adequate.

Concerns were expressed that difficulty in recruitment and low exam passing rates will make future compliance difficult if multiple DRCs are required for facilities and that there could be issues with identifying overall responsibility with multiple DRCs in the case of negligence.

There is a factor of increased cost to already cash strapped condo associations may cause operational contracts to be reduced in scope or dropped. Plant staffing

levels and numbers of shifts per day could also be adversely affected if the letter of the law needs to be followed.

Emergency standby staffing might be reduced if only certified operators and DRCs have to be on call.

Deputy AG Ted Bohlen noted that the AG's letter does not reflect all of the practical situations that can occur. The Board must draft rule revisions that make practical sense in the real world.

2. Number of Plants to Effectively Oversee:

Individuals testified that they felt DRCs should be entrusted with deciding the number of plants that they can handle under their certificate. Others testified that it depends on the distance between plants (six plants maximum), plant classification levels e.g., classifications 1 or 2 could be as many as 20 plants, but not for classification levels 3 or 4.

3. SCADA:

The use of SCADA systems to provide real time information and process control remotely by DRCs and whether that would suffice to being on site was discussed. SCADA is being used at plants on the Big Isle and it reduces the need for operators to be at plants seven days per week.

4. Frequency of DRC visits for small plants:

Individuals testified that the DRCs, as professionals, should be entrusted with deciding the minimum number of site visits and time spent per visit. It varies based on the size of the plants. Owners or condo managers can be trained to assist with minor duties. Delegation of some of the operator duties as defined by chapter 11-61, HAR, to others as long as direction and supervision is provided by the DRC was discussed.

5. Suggested Changes to 11-61:

It was mentioned that the definition of operator duties as defined in 11-61 is too broad ranging and restrictive, and would make it unlawful for staff such as lab personnel or mechanics to perform their duties.

Board may need to revise (extend) the Temporary Certificate's expiration deadline after evaluating whether operators have sufficient time in two years to obtain necessary education and experience to qualify for each grade level exam.

It was felt that the Board should have more discretionary power to determine the DRC and certification requirements based on a case by case basis for individual WWTPs and the current laws and regulations should be amended to allow for this.

A question was brought up as to whether enforcement action would be taken if a plant was not in compliance with the laws yet. Charles responded that the Board will request an action plan from the owner that includes a schedule for implementation of corrective actions to come into compliance. The Deputy AG will research the enforcement issue.

V. Meeting adjourned at 10:05 a.m.

Next Meeting: July 15, 2010
Location: Statewide Wastewater Operator Training Center, Sand Island, Oahu.
Time: 8:00 a.m. (New Board members to be sworn in prior to convening the meeting.)