**Minutes**

**COMMITTEE OF CERTIFICATION**

**May 31, 2018, 10:00 AM**

**LDH Bienville Building**

**Room 173 (1st floor)**

**628 N. Fourth Street**

**Baton Rouge, LA 70821**

1. **ROLL CALL**
2. Determination of Quorum.

Committee Members in attendance: Dirk Barrios, Chairman, Ronald Turner, Amanda Laughlin, Barbara Featherston, Joanne Massony, Delos Williams, and Michael Baudoin.

Committee Members Absent: Vern Breland, Camille Mize

A quorum was achieved.

Recognition of Visitors and Others: Cherree Carlson – LWEA, Tim Brown – St. Tammany Parish, Aaron Davis – St. Tammany Parish, W.Tom Crowson – St. Tammany Parish, Heather Salyer – St. Tammany Parish Consultant, Kelly Rabalais – St. Tammany Parish

LDH personnel in attendance: Tom Walton, Esteban Gonzalez

1. **MINUTES**

The minutes from the March 20, 2018 meeting was presented. Motion by Ronnie Turner, Second by Barbara Featherston to approve meeting minutes as presented. Motion was approved.

1. **CHAIRMAN’S REPORT**

No Report

1. **ADMINISTRATOR’S REPORT**

Reported on the Ops Cert computer program update: Still working on the on-line exam application, certificate application, paying fees on-line with a credit card and the continued update of our operator certification program.

Supervisor signature is no longer required on certificate applications.

2018 renewals have been mailed out. We were able to split the one-year and two-year renewals (A-J even numbered years, K-Z odd numbered years). Even numbered year operators will be getting their ID Cards first then we will issue the one year ones.

The Administrator noted that other information will be discussed in the Old and New Business.

Michael Baudoin asked if the renewal letters were being put on-line. After the renewals that have been paid is updated, then all of the operators that have not paid their renewals will be put on line. We are hoping that with the new program to be able to post all renewals on-line instead of mailing them out each year.

1. **TRAINING OFFICER’S REPORT**

Handed out exam reports from the March 3, 2018 Shreveport, April 27, 2018 Kinder, May 16, 2018 Delgado and May 25 2018 Ruston exams. The passing rate for the Wastewater Collection Class 4 exam in Reserve should be 73% and not 100% as noted. The only level 3-4 exams that have been updated so far is the Water Distribution Class 3.

1. **SECRETARY’S REPORT**

Reported that legislation is ongoing that would require water systems to maintain a complaint log. If a system has numerous complaints, LDH can require that the systems operators, owners, board members, etc. attend customer service/relations (management) classes. This information and type of training will be included in future LRWA training classes provided to systems. The complaint logs will be included in the LDH sanitary surveys. If a water system is receiving numerous amounts of complaints, LDH will ask to see the water systems complaint log. LDH will be looking at the water quality complaint issues. These complaint logs must be retained for 5-years. If the state health officer deems it necessary, he can require water systems to have a flushing program. (HB-894 and Act 292)

1. **ASSOCIATION REPORTS**

**Louisiana Conference** **–** Joanne Massony reported that Beth Jones is the new Executive Secretary of the Louisiana Conference and gave her contact information. The next Louisiana Conference will be held in Alexandria, March 11-14, 2019, at the Holiday Inn/Convention Center downtown.

**LELAA** **–** No report

**LETA** **–** No report

**LRWA –** No report

**LWEA –** Cherree Carlson reported that WEFTEC will be held September 29 – October 2 in New Orleans this year in conjunction with LWEA. Next general business meeting will be held June 19 in Baton Rouge where they will be having their elections of officers. The 2018 SJWP winner is Miss Jordan of St Joseph Academy and she will represent Louisiana at the national competition in North Carolina. LWEA will be providing funds for her and her teacher to attend the competition.

1. **OLD BUSINESS**

DRAFT changes to rule is currently on hold, making additional changes.

Delgado Community College: Their water and wastewater training classes are a semester class (45 hours) with the operator receiving 3 college credit hours for the course.

Bossier Community College: the administrator and training officer visited the college’s computer testing facility. Once details are worked out on the testing procedures, we are looking at a pilot study with exams being administered to operators at the college’s computer testing facility. LDH will still receive our $5.00 testing fee per exam taken. Bossier Community College is also looking at providing water and wastewater training classes for college credit hours.

1. **NEW BUSINESS**

The administrator had 2 reciprocity request and recommended approval of the following operators and certification levels. In accordance with the rule, the Committee of Certification must make the final approval on all reciprocity request.

Mr. Matthew Gilby, Texas, recommend Water Production 2

Mr. Jeffrey Sizemore, Texas, recommend Wastewater Treatment 2, Wastewater Collection 2

Motion to accept the administrator’s reciprocity recommendations by Barbara Featherston, second by Delos Williams. Motion was approved.

Operator complaint against Mr. Jeffery Ellinwood: Mr. Ellinwood was invited to today’s Committee meeting with an opportunity to respond to the allegations against him. A letter was received from his former employer, the Town of Blanchard, stating the Mr. Ellinwood was fired because he wrote down pH test results without actually performing the test. A copy of the letter and pH readings was presented to the Committee. Mr. Ellinwood is not present for today’s meeting. A certified letter will be sent to him inviting him to the July 17, 2918 Committee of Certification meeting in Lake Charles giving him the opportunity to respond to the allegations against him. The Committee will determine at the July meeting if there are grounds to remove his certifications or not.

Motion to continue with the process and send Mr. Ellinwood a certified letter inviting him to the July 17, 2018 Committee of Certification meeting in Lake Charles by Delos Williams, second by Amanda Laughlin. Motion was approved.

The next Operator Complaint is against the following Tammany Utilities operators by Mr. Neil Waguespack, Terri Dundar and Zhitao Yu (copies of the complaints are in your packet). Terri Dundar and Zhitao Yu photo copied Mr. Waguespack’s complaint, signed them and mailed them in.

Mr. Aaron Davis, ID#49955

Mr. Richard Daughdrill, ID#1158

Mr. Wilbur Crowson, ID#7465

Mr. Timothy Brown, ID#39711

Mr. Waguespack stated in his complaint that Tammy Utilities does not have the proper level certified operators and named four operators shown above in the complaint. According to Mr. Waguespack these operators are supervisors in Tammy Utilities and do not have the proper certifications, we should take their current licenses away from them. Mr. Waguespack, in his opinion, that these operators have shown a significant lack of judgement – attaching no proof to this allegation. That the sanitary quality of water that the residents have consumed for a number of years was bad – attaching no proof to this allegation. Systems can have a supervisor that oversees a water or wastewater facility, not certified, as long as he or she has operators that hold the proper level of certification working under them, then there is no issue. Tammany Utilities currently has three (3) Class 4 Wastewater Treatment operators, Two (2) Class 3 Wastewater Treatment operators, One (1) Class 4 Wastewater Collection operator, Two (2) Class 3 Wastewater Collection operators, One (1) Class 4 Water Production operator, Two (2) Class 3 Water Production operators, Two (2) Class 4 Water Distribution operators, One (1) Class 3 Water Distribution operator, One (1) Class 4 Water Treatment operator, Two (2) Class 3 Water Treatment operators. The largest facility that Tammy Utilities has is a Class 3 system.

As far as Mr. Waguespack request that we remove the licenses from the four operators, Revised Statue 40:1281.5 D says: *“ The state health officer may revoke the certificate of an operator, following a hearing by and upon recommendation of the committee when it is found that the operator has practiced fraud, or deception; that reasonable care, judgement or the application of his knowledge or ability was not used in the performance of his duties; or that the operator is incompetent or unable properly to perform his duties”*. The complaint does not cover anything listed in Revised Statue 40:1281.5 D. These are the things we look at to determine is the operator will lose his certifications. There is also the Operator Certification Rule, §7313 C. *“Certificates shall be valid only so long as the holder uses reasonable care, judgment, and knowledge in the performance of his/her duties. No certificate will be valid if obtained or renewed through fraud, deceit, or the submission of inaccurate qualification data”*. The Rule also says in §7323 H. *“Individuals caught cheating during the operator certification examinations or found to have prejudiced these exams or applications in any way shall be entitled to an administrative hearing before the committee of certification. If the committee finds that valid grounds exist, it shall revoke the subject’s current certificate, it may refuse to certify the applicant and it may reject future applications. As provided in the Administrative Procedure Act, an aggrieved party may seek judicial review of the committee of certification’s action”*.

My opinion as the Operator Certification Administrator, is that Mr. Waguespack has not provided any proof to remove the operator’s licenses from them.

Mr. Michael Baudoin stated “so in other words, whoever sent the complaint has no supporting evidence”. The administrator said that there was no supporting evidence and that Mr. Waguespack is saying that the four operators do not hold the proper level certifications while they are not required to. Mr. Baudoin asked if the administrator will respond to the person’s making the complaints as to the committee’s recommendation. Administrator said that he will respond the each person making the complaint.

Motion to deny the complaints by Barbara Featherston, second by Michael Baudoin. Motion passed.

The administrator said that 52% of Louisiana operators are over 50 years of age. 24 operators are between the ages of 80-90. We have a total of 4044 operators.

Once all of the Class 3 and 4 exams are completed, beginning in 2019, all Class 1 and 2 exams will be expanding to 100 questions. ABC and other states have gone to 100 questions and if we do not change, we will lose reciprocity with these states if we do not make the change.

Talked with current Chair of the Louisiana Conference, Keenan Menard, about the conferences appointments to the Committee. Letter has been written for Camille Mize’s positon on the Committee (08/31/2017). Reminded Mr. Menard about other positions coming up this year for Delos Williams (08/31/2018) and Barbara Featherston (08/31/2018).

LMA appointment (08/31/2017) – waiting on letter from LMA re-appointing Mayor Vern Breland.

1. **COMMENTS FROM PUBLIC**

 None

1. **NEXT MEETING DATE**

Next meeting will be July 17, 2018, 3:30pm, Lake Charles Civic Center, Contraband Room (2nd floor), 900 Lakeshore Drive, Lake Charles, LA 70601

1. **ADJOURNMENT**

Motion by Barbara Featherston to adjourn, Second by Michael Baudoin. Motion was approved.