



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WATER SUPPLY & GEOSCIENCE

Water System Operations Element

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New Jersey Department of Environmental Protection
Board of Examiners for Water and Wastewater Licensing
Board Meeting Minutes for February 8, 2023
Meeting held via Microsoft Teams

Approved by the Board on August 9, 2023

Board Members Present: Charles Jenkins, David Fields, Ronald Anastasio, JoAnn Mondisini, Robert Genetelli, Kouaoeric Ekoue, Wendy Simone, James Mastrokalos

There were 8 Board members present, constituting a quorum.

Board Members Absent: Pat Gardner (subsequently replaced by L. Ofori on Board on 02/09/2023)

Board Legal Representatives Present: Deputy Attorney General (DAG) Stephanie Carney, NJ Division of Law

NJDEP Staff Present: Linda Ofori (subsequently appointed to Board on 02/09/2023), Joe duRocher, Malathi Prabhu, Tyler Rowe and Casey Lippincott

Members of the Public: Michael Rummel

1. Call to Order

R. Genetelli presided over the virtual meeting and called the meeting to order at 10:02 am, noting there were enough Board members present to constitute a quorum. A roll call was initiated.

DAG Carney read the Open Public Meetings Act Statement (OPMA).

This meeting was held virtually through Microsoft Teams, with the option to call in. Notice of the meeting and instructions on how to participate by phone were provided by public notice in advance of the meeting.

2. Membership Updates

L. Ofori introduced herself to the Board of Examiners (Board) and gave a brief backstory on P. Gardner's appointment to the Board, explaining that P. Gardner was asked by the Commissioner to step in to identify helpful changes, but now that the Board is underway, she is stepping down and L. Ofori is taking her place as a NJDEP representative.

L. Ofori also stated that W. Simone had been reappointed as her term had expired, and that the paperwork for both appointments is in finalization.

R. Genetelli and the rest of the Board congratulated and thanked L. Ofori for the update, gave their welcomes, and thanked P. Gardner for all her work.

3. Approval of Meeting Minutes

R. Genetelli noted the November 30 2022 minutes were circulated prior to today's meeting and asked for a motion to adopt the minutes. Also asked for any discussion.

J. Mondsini motioned to approve the minutes. R. Anastasio seconded the motion. Hearing no objections, the motion passed unanimously, and the minutes were adopted.

4. Old Business:

- *Program Updates*

R. Genetelli asked L. Ofori if she had any information regarding program updates. L. Ofori began the discussion by stating that the most significant update was the Department's recent switch to utilizing testing centers for licensed operator examinations and was interested in hearing any and all feedback from the Board regarding the switch.

J. Mondsini stated that one of her employees had gone to a testing center after a bad experience with the remote testing modality and had passed without a problem. Her employee stated that it was pleasant, a great relief, and a lot better of a process than doing the examination remotely.

R. Genetelli was happy to hear about the positive feedback, but asked L. Ofori if the Department was still receiving negative feedback regarding the remote testing. L. Ofori stated that she was not aware of any.

J. Mastrokalos stated that the feedback that he had heard echoed J. Mondsini's, and explained that several employees came to his office and said it was a relief and a lot better of an environment to take the examination.

R. Genetelli stated that the switch to testing centers seems to have been a great idea, and then asked where the Department stands in terms of application processing and backlog.

T. Rowe stated that K. Tedesco (who was not present) had the exact numerical breakdowns but could confirm for the Board that the Department was "in good shape" on the backlog. J. duRocher added that nearly all applications are processed within a 2-to-3-month window.

L. Ofori stated that another item was the finalization of focus group dates for the Licensed Operator Rule update, and that the Department hopes to have an email out to identified parties by the end of the month.

- *Exam Updates & Pass/Fail Statistics*

R. Genetelli asked the Board if there were any questions on the pass/fail documents that were submitted.

W. Simone stated that the information was displayed excellently and thanked T. Rowe.



R. Genetelli agreed with W. Simone and added that now that there are two methods of examination, he would like to compare the pass/fail rates of testing centers versus remote examinations. Noted that fail rates appeared to be higher during remotely proctored examinations and would like to see if testing centers remediate that. Noted the fail rate is approaching 60% for 2022. Would like to see the testing center data to compare moving forward.

J. Mastrokalos noted that S license examinations seem to be driving up the rate of failure [overall]. R. Genetelli agreed with J. Mastrokalos and noted that C license examinations had the highest rates of passing scores.

The Board then discussed historical pass rates amongst various license types.

R. Genetelli moved on to reciprocity applications.

- *Reciprocity Application Review*

David Jones - W-4 Resubmittal (CT)

R. Genetelli reminded the Board that David Jones had been on the previous meeting's agenda, and his application was tabled by the Board since there were some noted deficiencies. Noted that David Jones has since resubmitted and opened the application for discussion.

J. Mastrokalos began the discussion by stating that he, W. Simone and K. Ekoue met for this application and had also looked at his previous T-4 reciprocity application, out of which he was granted a T-3 license and ability to sit for a T-4 examination. Noted that between the applications, there were some inconsistencies amongst them and were not confident there was enough justification for a level 4 distribution license. Recommended that David Jones be granted a W-2 license through reciprocity.

W. Simone and K. Ekoue agreed that there was not enough justification found in the resubmittal.

R. Genetelli asked for a motion. W. Simone motioned to grant David Jones a W-2 through reciprocity. R. Anastasio seconded. There were no objections and the motion passed unanimously.

Brian Steele – C-4 and S-4 (PA)

R. Genetelli asked the Board for any discussion on the application. R. Anastasio stated that there was a lot of treatment experience, with most of his experience being in treatment. Noted the application stated 25% of experience was in collection or distribution, so a C-4 did not seem appropriate and instead recommended granting a C-2 license.

R. Genetelli noted that the Statement of Qualifications (SOQ) was not clear on the amount of Direct Responsible Charge (DRC) as required by his level of education either. Also noted that regarding the S-4 application, felt there was a similar issue and did not want to grant an S-4.

Following an in-depth discussion on the specifics of the applications, the Board ultimately determined that level 3 and 4 licenses through reciprocity were not appropriate.



R. Anastasio motioned to grant Brian Steele S-2 and C-2 licenses through reciprocity. J. Mondsini seconded the motion. There were no objections and the motion passed unanimously.

C. Jenkins noted that the LOR that signed Brian Steele's application was Kyle Pomykala, who was also on this meeting's list of reciprocity applicants. Noted that Pomykala's application was signed by a Mr. Wolgemuth, who was previously a recipient of a reciprocal license. Wanted to bring it to the Board's attention.

R. Genetelli responded to C. Jenkins, stating that it was noticed during the review and as result, had met with a representative from Inframark (the employer of the above-mentioned applicants and signatories). Agreed that it is confusing and that there are many parts, but they do in fact all fit together.

Frank Cartagena – S-2 (NY)

R. Genetelli asked R. Anastasio and J. Mondsini to begin the discussion.

J. Mondsini stated that according to the application, the applicant has more than enough documented experience for a reciprocal S-2 but did want to question Kevin Russel signing the application as the Licensed Operator of Record (LOR).

R. Genetelli stated that when the Board members did their research into Inframark, they discovered that Kevin Russel was in fact the plant manager of Fresh Kills Landfill, but questioned if he was the LOR.

T. Rowe replied that the out-of-state questionnaire should have that answer. J. Mondsini checked the questionnaire and confirmed that he was indeed the LOR.

J. Mondsini motioned to approve Frank Cartagena for an S-2 through reciprocity. R. Anastasio seconded the motion. There were no objections and the motion passed unanimously.

Kyle Pomykala – S-2 (PA)

R. Genetelli noted that the applicant has about 4 years of experience, his SOQ seems congruent with the minimum requirements for the license, and his Pennsylvania license seems applicable and equivalent to an S-2 in New Jersey. Motioned to approve the application. J. Mondsini seconded the motion. There were no objections and the motion passed unanimously.

5. New Business:

- *Subcommittee Updates*

R. Anastasio gave an update on the Subcommittee tasked with revising the examination application for licensed operators. Stated that the latest draft of proposed changes was sent out to water and wastewater associations for comment but has not received any yet. Stated the subcommittee was at the point where the proposed changes are ready to be sent to the Department for consideration and will do so soon. R. Genetelli stated the proposed changes will be sent to S. Carney for legal review as well.

J. Mondsini stated that the Board of Examiners Handbook came back from the State's legal review with comments, and the next Handbook Subcommittee meeting will be spent going over those comments.



L. Ofori updated the Board on the Department's initiative to redesign the DEP-065 form and asked for any volunteers for an additional subcommittee to review proposed changes to the form.

R. Genetelli asked S. Carney to review the Non-Disclosure Agreement that is required by ABC for those who are interested in reviewing the examination questions. Asked any Board members to contact him after the meeting if they are interested in reviewing the questions.

J. Mondsini asked about the status of adding 10 state-specific questions that had been mentioned previously. R. Genetelli stated he had an update from K. Tedesco stating that they could be added to the examination, but it would be up to the Department to make that decision. J. Mondsini recommended forming a subcommittee on the state-specific questions and stressed the importance of testing operators on state regulations.

R. Genetelli asked if there was anyone who disagreed with the addition of the 10 state-specific questions. There were no objections, so R. Genetelli asked the Board members to send him an email if they are interested in joining the subcommittee.

- *Advisory Committee Update*

L. Ofori gave a brief update on the Advisory Committee's next meeting, March 15, 2023 and reminded the Board that the Department would like to facilitate a joint subcommittee with members from both the Board and Advisory Committee. Asked any interested parties to email Department staff.

6. General Public Comment:

R. Genetelli asked if there were any public comments. There were none.

7. Adjournment:

R. Genetelli asked for a motion to adjourn, which was made at 11:02 AM by R. Anastasio and seconded by J. Mondsini. Hearing no objections, the meeting adjourned at 11:03 AM.

