



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 May 24, 2023
Meeting held via Microsoft Teams

Approved by the Board on August 9, 2023

Board Members Present: Ronald Anastasio, Kouao-Eric Ekoue, David Fields, Robert Genetelli, Charles Jenkins, James Mastrokalos, JoAnn Mondsini, Wendy Simone

There were 8 Board members present, constituting a quorum.

Board Members Absent: Linda Ofori

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

NJDEP Staff Present: Kristin Tedesco, Joseph duRocher, Malathi Prabhu, Jessica Sponaugle and Tyler Rowe

Members of the Public: Robert Noel, Roger Budd, Keith Smith, Richard Howlett

1. Call to Order

The meeting was called to order at 10:05 AM, it was noted that there were enough Board members present to constitute a quorum.

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

This meeting was held via conference call. Notice of the meeting and instructions on how to participate by phone were provided by public notice in advance of the meeting.

2. Elections for Chairperson and Vice-Chairperson

J. duRocher stated that the first order of business was to hold an election for the Board's Chair and asked for any nominations.

R. Anastasio nominated R. Genetelli as Chairperson and J. Mondsini seconded the nomination. There were no other nominations for Chairperson, so J. duRocher asked for a motion to close the nomination. R. Anastasio motioned to close the nomination for Chairperson and J. Mastrokalos seconded. All were in favor and the motion to reinstate R. Genetelli as Chairperson passed unanimously.

R. Genetelli opened the nomination for Vice-Chairperson.

J. Mondsini motioned to nominate W. Simone as Vice-Chairperson. E. Ekoue seconded the motion. There were no other nominations for Vice-Chairperson. All were in favor and the motion to reinstate W. Simone as Vice-Chairperson passed unanimously.

3. Adoption of Meeting Minutes

This segment was accidentally skipped during the May 24, 2023 Board of Examiners meeting. The February 8, 2023 meeting minutes will be resubmitted for adoption at the August 9, 2023 Board of Examiners meeting.

4. Old Business:

Program Updates

J. duRocher began speaking about the backlog of examination applications and noted that the number within that backlog has reduced, thanking the Board for their work.

J. Mastrokalos volunteered to take more applications in a batch than the five at a time that the Department had been assigning to each Board member and asked the Department to reassess the batch limit. He clarified that the number could be dependent on each Board member, acknowledging differences in schedules amongst them.

After some discussion, several Board members expressed interest in increasing the batch limit to ten (10) examination application reviews at a time.

The discussion then moved to the Department's Administrative Check Review process, explained by J. duRocher.

J. Mondsini explained that she has rejected a few applications that had the incorrect box checked regarding the "are you the Licensed Operator of Record (LOR) at this facility?" question and/or the applicant did not fill out that section further. Asked the Department if anything will be done regarding this.

J. duRocher responded, stating that there was a Subcommittee already formed to review the examination application and provide recommendations to the Department for any changes. J. duRocher also noted that Department staff have ideas on how to improve the clarity of that section.



J. duRocher noted that the Department is also exploring a vetting process for LORs as a part of the Administrative Review. After some discussion, K. Tedesco stressed that this process would require solid record keeping to prevent any breakdown in communication.

R. Genetelli asked if there were any updates regarding the licensed operator rules, or the focus groups that were being formed. D. Fields stated that there are focus groups being put together and that information will be sent out in the coming months. Stated that any questions could be directed to him.

R. Genetelli moved to the examination statistics, and asked if there were any questions. Noted that there was a large percentage of failures in the Wastewater Treatment (S Class) categories. He also noted that there were ten (10) individuals that took the examination twenty-one (21) times in the last quarter and failed sixteen (16) out of the twenty-one (21) times, which represented 30% of the failure rate. Noted that this skews the results and effects the percent passing that has been reported.

J. duRocher noted that going forward, the Department will have more data from not only the recent switch to testing centers from remotely proctored examinations but is looking into securing additional information from ABC [now WPI] and PSI about examination statistics.

J. Mondsini noted she would like to see the examination broken down into categories and what percentage of the exam those categories are for applicants to determine where any problem areas are.

E. Ekoue asked if there is a time restriction for reapplying after an applicant has failed. Several members of the Board answered with one week. E. Ekoue noted that this seemed too short and encourages multiple attempts without taking the time to study more.

J. Mastrokalos noted that comparing the pass/fail rates between applicants who have taken in-person training course and those who have taken Sacramento training courses should be important.

R. Anastasio asked if there was a time-limit for taking the examinations, and J. duRocher answered that there were three hours allotted as a standard, with accommodations for those that qualify for Americans with Disabilities Act (ADA).

5. **Subcommittee Update:**

J. Mondsini stated that there was no update from the Board of Examiners Handbook Subcommittee, as it is currently with the State for legal review and is waiting for feedback. K. Tedesco said she would look into the status.

R. Genetelli stated there have been questions and things for the Appeals Subcommittee, and asked if there was a process for the applicant to appeal a Board decision. Noted that the Board's bylaws are quiet on the matter and noted that N.J.A.C. 7:10A has adjudicatory hearings for those who face disciplinary action. Would like to see an appeals process for the applicant for Board decisions in the handbook or in the bylaws, which does not have to require a legal route. Wants applicants to be



able to voice their opinions. K. Tedesco stated the Department can review options, but it currently goes through hearing requests. S. Carney recommended further discussion outside of the meeting to retain attorney-client privilege.

J. duRocher informed the Board that the application denial letters are sent with language explaining the possibility of an adjudicatory hearing and provides the hearing request form.

R. Anastasio updated the Board on the Exam Application Redesign Subcommittee. R. Anastasio stated that they had sought feedback from the NJDEP and several water and wastewater associations but have not heard anything back yet. Questioned if it was sent to the correct party but would resend the package in case.

R. Genetelli asked the State-Specific Regulation Exam Question Subcommittee if there was an update. W. Simone stated that the subcommittee came up with ten (10) questions and would like to ask the Department on how to submit them. W. Simone also posited whether the subcommittee should generate additional questions and have a pool of questions to choose from.

J. duRocher stated that this was recently tasked to him, and he would follow up with W. Simone.

R. Genetelli moved on to the Examination Review Subcommittee. J. duRocher stated that the Department is looking into the technicalities involved in the review process, regarding Open Public Meeting Act requirements, what constitutes a quorum, and the signing of mandatory non-disclosure agreements.

6. Advisory Committee Update

J. duRocher stated that he did not have an update on the Advisory Committee. R. Genetelli asked J. duRocher to express to the Advisory Committee that the Board is very interested in meeting with them to discuss some items.

7. General Public Comment

There were no comments.

8. Adjournment

R. Genetelli asked for a motion to adjourn, which was made by R. Anastasio and seconded by W. Simone. Hearing no objections, the meeting adjourned at 11:12 AM.

