MEETING OF THE UTILITY OPERATOR CERTIFICATION PROGRAM ADVISORY BOARD
THURSDAY JANUARY 30, 2020
9:00 A.M.
HOTEL ENCANTO, 705 TELSHOR BLVD.
BOARD ROOM
LAS CRUCES, NEW MEXICO

Ms. Eisen called the meeting to order at 9:07 a.m. and began with the roll call and introduction of guest.

1. ROLL CALL AND INTRODUCTION OF GUEST
Members Present: Cathie Eisen, Chair
                Dale Graham
                Joe Harvey
                Ivan (Michael) Abell
                Maria Gilvarry
                Sydney Hoke

Absent: Bobby Towle
        Joe Bailey
        Rick Mitchell

Guests: Eric Hall, UOCP Manager
        Nile Carver, UOCP
        Arthur Torres, NMWWA
        Filiberto Aguirre, Jr., NMWWA
        JI Gutierrez, NMWWA and Lower Rio Grande Public Water Works Authority
        Eric Lopez, NMWWA

2. REVIEW AND APPROVAL: MEETING AGENDA
Ms. Eisen states that some amendments need to be made to the agenda. The amendments are as follows:
After Item #4 there will be a discussion with NMWWA personnel which would become Item #5. After Item #5
we will appoint the positions of Chair & Vice Chair per our Regs. which will become Item #6. The agenda Items
will follow as: Item#5 on the agenda will become Item #7, Item #6 will become Item #8, Item #7 will become
Item #9 and so forth and so on.
Ms. Eisen asked for comments/amendments to the agenda.
Joe Harvey responded that a discussion needed to take place concerning a possible violation to the CODE OF
PROFESSIONAL CONDUCT. Cathie/Eric H. both responded that this issue can be addressed in “other business”.
Ms. Eisen asked if there was anything else. Eric H. asked that members please state their name before speaking
to identify themselves.
Ms. Eisen asked for a motion and a second to accept agenda. Ivan Able made a motion to accept the agenda as
amended and Joe Harvey seconded the motion.
Ms. Eisen states she has a motion and a second to approve the agenda as amended and asked for all in favor to
say “Aye”. The “Ayes” are unanimous—motion carries.
3. REVIEW AND APPROVAL: Nov. 8, 2019, MEETING MINUTES

Ms. Eisen asks if everyone has had a chance to read the minutes. Cathie commented that previous minutes were not verbatim but summarized. A brief discussion ensued about Ann’s approach to transcribing the minutes and Eric H. stated that we can do summaries as long as we have the originals set back—just in case. Agreement was made that the recording could serve as our originals. Dale Graham, “By the rules of the open meeting act, we must have complete minutes——What the board gets can be summarized.”

Ms. Eisen asked if there were any comments/changes to the minutes. Ivan Abell responded yes—His name was apparently miss recorded as Juan (inaudible) and would like the record to reflect his correct name Ivan Abell.

Maria G. (on phone) asked if she was sent all back-up documents. She only sees the agenda. Eric H., Nile and Dale Graham discussed when the minutes were sent out and landed on the date.

Eric H. responded “A correction will be made” concerning Ivan.

Ms. Eisen requested a motion and a second. No response. RINGING PHONE: Sydney Hoke calling in to join meeting.

Ms. Eisen again requested a motion to Approve Minutes. Maria G. makes a motion to accept Nov. 8, 2019 meeting minutes. Dale Graham seconded the motion.

Ms. Eisen: I have a motion to accept the minutes with the correction. “Ayes” are unanimous——motion carries.

4. OPEN MEETINGS ACT

Ms. Eisen stated, “We need to do the Open Meetings Act Resolution” and asked Eric H. if she needed to read the whole thing to which Mr. Hall responded “yes”.

Ms. Eisen proceeded to read the “Act” out loud.

Ms. Eisen asked to say a few words to the New Mexico Water and Wastewater Association board, which Eric H. responded “ok”. Ms. Eisen then expressed immense appreciation for the Board and all they do—everyone does.

5. NMWWA MEETING

Ms. Eisen asked Eric Lopez to introduce himself, which he did. Ms. Eisen then handed the meeting over to Eric Hall.

Mr. Hall opened the floor.

Mr. Arthur Torres introduced himself as the current President of the NMWWA and thanked the Board for allowing the NMWWA to be there. Mr. Torres proceeded to give a brief history of the NMWWA and noted they are in their 65th year. Mr. Torres then voiced his concerns, as well as the NMWWA Executive Boards concerns over the study guides and lack of study guides and concerns with the exams. Mr. Torres then yielded to Mr. Eric Lopez and Mr. Filiberto Aguirre Jr. to join the conversation.

Eric Hall then asked for the floor to address these specific concerns. Mr. Hall explained the UOCP’s plans and strategies with as much information as was available at that time. Mr. Hall went on to explain that the changes and improvements coming to the UOCP are all about trying to make things better for the operators as well as bring the program into the technical age. Mr. Hall also added that this takes time, this is not a plug and play and that we all need to work together.

Mr. Hall described some of the changes and improvements. He reiterated that these changes take time and any bashing of the UOCP is very unprofessional and unnecessary.

Ms. Eisen added that it would help us all meet our common goals if we all are represented at quarterly meetings. Ms. Eisen also stated that the Sacramento manuals were our foundation and all our questions could be referenced.

The subject matter and the relevance of some exam questions were discussed, and Mr. Abell pointed out that our test must address every technology being used in the State of New Mexico.

Mr. Torres and the NMWWA did agree to come to more meetings.

Mr. Hall then went into further details concerning the study guide improvements and the status of the study guides.
Mr. Torres and Mr. Hall again agreed that working together is very important. Mr. Torres then asked for updates at the three-month meeting. Mr. Hall stated that progress reports and the future vision of the program had been made available.

Mr. Lopez added the NMWWA had brought up suggestion and recommendations to help make the program better. Mr. Lopez said he would throw all his support into the program but wasn't pleased that any of their previous ideas/suggestions were not considered.

Mr. Graham explained some of the difficulties with working with the state. Mr. Torres stated he represented 1500 water and wastewater workers and to “let us help you”.

Mr. Torres then voiced concerns about the 1% pass rate for three’s and four’s which Mr. Hall responded, “I agree, the pass rates are horrible”. It was agreed by Ms. Eisen, Mr. Graham and Mr. Hall that the past disconnects in support of the program are now showing. Ms. Eisen added that this dialogue is powerful.

Mr. Lopez recognized the present testing is high quality and our operators are getting recruited by Arizona and Texas. Mr. Lopez also acknowledged the low passing percentage is not all on the program. Mr. Lopez also vowed to have representation at every meeting forward to assist in any way, “We will work together”.

Mr. Hall concurred, “Lets put somethings behind us, work together and move forward”.

Ms. Eisen and Mr. Hall then gave Kudos to the Association. Mr. Hall then added that he his working on things in the background but any phone calls or any written correspondence in support of the program would certainly help.

Mr. Torres said, “We will be your wing man-all 1500 of us”. Mr. Torres then closed his discussion with “Lets fight but don’t get mad”. Mr. Hall, “Keep things professional”.

Ms. Eisen thanked the Association and invited them to stay for the next item, Regs. Review.

Mr. Lopez said he would.

Mr. Hall suggested a (10) minute break and Ms. Eisen agreed.

BRAK

Ms. Eisen called the meeting back to order at 10:40 a.m.

6. NOMINATION for APPOINTMENT/RE-APPOINTMENT of ADVISORY BOARD CHAIR and VICE CHAIR for THREE YEAR TERM.

Ms. Eisen: Appointment of positions, 1st meeting of year for Chair and Vice Chair.

Mr. Hall asked if there were any recommendations.

Ms. Eisen asked for a roll call first, which she did: Maria-yes, Dale-here, Ivan-present, Joe Harvey-present,

Syd-no. Mr. Lopez acknowledged that he was still present.

Mr. Graham nominated Ms. Eisen for another term as Chair, Mr. Abell seconded.

A roll call was taken for approval—The motion to approve Ms. Eisen for another term as Chair was approved unanimously. Motion carries.

Joe Harvey recommended Joe Bailey for Vice Chair. Mr. Hall informed the Board that Mr. Bailey will be retiring and not seeking to renew his position with the Board.

Ms. Eisen asked for another nomination for Vice Chair.....then nominated Maria Gilvarry. Ms. Gilvarry declined due to scheduling conflicts.

Mr. Harvey then nominated Mr. Abell. Mr. Graham seconded; a roll call was requested which passed unanimously. Motion to have Ivan Abell serve as Vice Chair carries.

7. WEST HAMMOND DWA OPERATOR CERTIFICATION ISSUE.

Mr. Hall gave a brief overview of a possible operator violation. An operator was reported by their supervisor for allegedly changing the exam level the supervisor had approved and signed, to allow the operator to test. Supervisor expressed concern about the actual time the operator had in the field and if they could be a level 2.

Mr. Hall initiated an investigation with our attorney. Both the supervisor and the operator gave statements. It was determined the operator in question did have enough credentials through education and time to be a level 2. No further action was taken. Ms. Eisen, Mr. Hall and Mr. Graham all voiced that any further issues were an internal situation and should be dealt with accordingly by their employer.

Ms. Eisen requested we move on.
8. ACTION ITEM: REVIEW FINAL DRAFT of the UOCP REGULATION REVISIONS.

Mr. Carver stated we were tightening down the regulations. Mr. Carver said he had attended (5) stakeholder meetings to hear their concerns.

Ms. Gilvarrey voiced her concerns about some of the tables being “broken up” across several pages and that some were missing headers. Ms. Gilvarrey suggested it might be a formatting issue.

Ms. Eisen asked if it came out better on paper once printed. After checking, there were still issues with the tables and no headers.

Mr. Carver is aware of the issue and conveyed that the issue will be addressed.

Ms. Eisen asked Mr. Carver to continue.

Mr. Carver asked if there were any reviews/comments from the regulation changes/amendments from last meeting.

Ms. Eisen asked if the changes had been proofed and reproofed.

Mr. Abell stated that the document was vetted through legal—ready to go—only a format issue remained.

Mr. Abell then made a motion to accept as drafted with the format changes.

Ms. Eisen asked if there were any additional questions/concerns because this is our “final”, “final”. Ms. Eisen had a comment she that wanted to be on record about a conversation that had been brought up several times and that it concerned the penalties for operators not updating their information, the $10.00/month to perpetuity.

Mr. Hall said there should be a time limit. Ms. Eisen said there wasn’t a time limit right now and Mr. Hall responded we do need to specify a time limit and a cap.

Mr. Graham asked what the present penalty fees were.

Mr. Hall gave examples of how some operators are exploiting paying fees by using some loose loopholes.

Mr. Hall said this was an action item that needs to be taken care of now, to get ready for the WQCC.

Mr. Lopez then asked about the penalties and Mr. Hall gave Mr. Lopez an explanation on the structure of penalties.

There was an open discussion on Lapsed certificates, how they are dealt with and the road to becoming “active” again.

Ms. Eisen then read 20.7.4.26 (B) Lapsed Certificates for the record. She then suggested a penalty of 25.00/month with a cap of $300.00 per year.

Mr. Hall asked, “Are we all good”?

Mr. Harvey added “A years’ worth of penalties”.

Ms. Eisen asked if we needed a motion and Mr. Hall said yes.

Ms. Eisen then asked for a motion on NMAC 20.7.4.26 under Lapsed Certificates (B), amended to a $300.00 max fee per certificate.

Mr. Graham made a motion to accept the amendment, Mr. Harvey seconded.

Mr. Lopez then asked what about if the operator lapsed two years, do they pay $300.00 max. The answer was no, a retest was then required.

Ms. Eisen asked for a roll call on the motion. The motion passed unanimously. Motion carries.

Mr. Hall said perfect.

Ms. Eisen: One other item, Information Updates.

Mr. Carver then asked where we stood on information updates that the operators are responsible for supplying.

Ms. Gilvarrey noted the information was in NMAC 20.7.4.20.

Ms. Eisen reads NMAC 20.7.4.20 (F) which states the penalty for operators failing to update their information is $10.00/month until updated.

Mr. Hall explained the importance of the operators updating their information and why.

Mr. Lopez added that he feels there should be some reasonable fees due to the work involved at the UOCP level. He also noted that operators need to meet their requirements.

Ms. Eisen stated she didn’t think the $10.00/month is heavy enough, but Mr. Graham and Mr. Hall cautioned that we can’t charge too much or we will have bad results.

Ms. Gilvarrey asked how much of a change could be made right now. Mr. Hall said he could take it to our attorney.

Ms. Eisen asked about a bigger penalty.
Mr. Abell responded to leave it at $10.00.

Ms. Eisen asked if that was for (1) year or (3) years. Mr. Graham asked, “with the $10.00 fee?”

Mr. Abell suggested we leave the penalty duration open to the discretion of the program.

Mr. Hall asked for clarification—each occurrence is a situation.

Mr. Graham states: This part is for the attorney, can there be open-ended penalty according to statute?

Mr. Hall agreed.

The discussion moved back to NMAC 20.7.4.20 (F) concerning operators updating their personal information and the associated penalties/fees for not doing so in a timely manner. After much discussion it was decided to leave the penalty fee at $10.00/month with a three-year cap making the max penalty in fees $360.00.

Ms. Eisen suggested the information update period run concurrent with the operator’s renewal period.

Ms. Eisen asked for a motion on the proposed amendments.

Mr. Graham made a motion to accept the amendments.

Mr. Harvey seconded the motion.

Ms. Eisen asked for a roll call. All in favor, say “Aye”. The Ayes were unanimous, motion carries.

Ms. Eisen asked if there were any other concerns on their reviews. It was brought up that the word “person” would be changed to “individual” and the word “person” would also be changed to “entity”.

Ms. Eisen addressed a comment from Brandi about the average household size. Both Mr. Hall and Ms. Eisen agreed this would be a compliance thing.

Ms. Eisen remarked that we did get UV put in for disinfection.

Mr. Carver addressed the board informing them that he had added Chlorine by DPD to the WST’s, pH pen style for water techs and small waters and that Ozone went with UV.

Ms. Eisen thought that was a good change and asked if OIT had been fixed.

Mr. Carver responded “yes”.

Ms. Eisen remarked the OIT looked good and thanked Mr. Carver for cleaning it up. Mr. Hall responded, “that’s my man”.

Mr. Hall asked for anymore comments and if there wasn’t, do we want to make a motion to accept the regulations as amended. Ms. Eisen said “sure”.

Ms. Eisen asked if there was anything else, to speak now or forever hold your peace.

Mr. Hall said, “this has been a long time coming”.

Mr. Graham asked if this now went to the WQCC to be enacted. Mr. Hall responded “yes”.

Mr. Lopez added that the NMWWA would support the program at the WQCC. Mr. Lopez asked if an email could be sent to the NMWWA Executive board as to when the WQCC meeting will happen and Mr. Hall said he would.

Mr. Graham thanked the Association and welcomed their support at the WQCC. Mr. Hall and Ms. Eisen agreed.

Mr. Graham suggested that the NMWWA and the NMRWA be included in the email that the UOCP will get when the WQCC decides on a meeting date.

Mr. Lopez excused himself from the meeting.

Mr. Graham made a motion to accept the draft with changes made to penalty caps for Title 20.4 part 7 of the Environmental Protection Wastewater and Water Supply Facility Utility Operator Certification Regulations.

Ms. Eisen asked for a second.

Mr. Harvey seconded.

Ms. Eisen asked for all in favor to say “Aye”, the Ayes were unanimous. Motion carries.

9. NEW MEXICO WATER & WASTEWATER ASSOCIATION (ERIC HALL)

Mr. Hall had nothing to add at this point.

Ms. Eisen spoke about a valuable training she went to called TRAIN the TRAINER. Highly recommends. She noted that we need to work with the association to improve our training skills, to which Mr. Hall agreed. Ms. Eisen wanted this on the record and on the agenda for next time.

Ms. Eisen asked for any further comments about the association. There were none.
10. **NEW MEXICO DRINKING WATER BUREAU (JILL TURNER)**

Mr. Hall reported that Ms. Turner was not able to be here but that he had a small report. Mr. Hall reported that the Bureau was planning on filling more positions, the rapid hire was very successful, and another rapid hire could be in the works. The Bureau has given Mr. Hall a budget to work with and he says he will be using some of the funds for training aids. The Bureau wants to do more on-site trainings. Mr. Hall then explained that some of the Bureaus had a tough time attending these meetings because they also are short staffed. If the Bureaus’ can’t make a meeting, Mr. Hall asked them if they could submit a report in writing.

11. **NM SURFACE WATER QUALITY BUREAU (SARAH HOLCOMB)**

Mr. Hall reports Ms. Holcomb was not present, but she did submit a report. Mr. Hall reported the EPA is finalizing The Waters of the United States now called the Navigable Water Protection Rule. This would go into effect (60) after publication in the Federal Register. Mr. Hall said we do not know yet how this will affect the State of New Mexico but stay tuned for updates.

New Mexico is working on getting primacy for wastewater in New Mexico.

Ms. Eisen added that there needs to be primacy so there can be enforcement.

Mr. Graham stated that with his experience with the EPA, if your system isn’t large enough to pay fines, things tend to be swept under the rug.

12. **NM GROUND WATER QUALITY BUREAU (JASON HERMAN)**

Mr. Hall informed the board there is no report available.

13. **NM OPERATOR CERTIFICATION PROGRAM (ERIC HALL)**

Mr. Hall explained to the board some of the exciting endeavors coming to the program. He mentioned that San Juan College is ready to start Computer-Based Testing and gearing up for a water technology program such as Dona Ana.

Mr. Hall briefly touched on remote operations and the fact that we don’t do remote operations. Mr. Hall then said he was asked about remote monitoring, which he said he was all for remote monitoring. This remote monitoring might be tried on a few systems to see how this would work.

Mr. Hall asked if Mr. Carver had anything further to report.

Mr. Carver had nothing further to report at this time.

Ms. Eisen wanted to go on record expressing how pleased she was to have Ms. Roose on board and Jill has made all the difference in the world. She thanked Mr. Hall and Mr. Carver for their hard work and dedication.

14. **OTHER BUSINESS**

Ms. Eisen noted that Mr. Harvey had an issue to discuss and yielded the floor to him.

Mr. Harvey, who works for the City of Carlsbad, was going through some data and felt there might have been a violation that wasn’t reported to him or anyone else. Mr. Harvey went to his boss. His boss went to the person in charge of the lab. Possible changes/additions made to bench sheet.

Mr. Hall received the relevant information, asked a few questions and decided to get rolling on it. Mr. Hall thanked Mr. Harvey.

Mr. Graham asked when some of the board terms came up. Group discussion decided Rick’s, Joe B’s. and Syd’s terms are coming up.

Ms. Eisen suggested we need to start reaching out.

Mr. Hall agreed we need to get some applications. Mr. Hall will send out an email blast that we have a possible position and will be accepting applications. Any applications received will be sent out to the board for review.

Ms. Eisen wanted to get across that we really need to look at improving our training and wants that topic to get on the next agenda, how can we improve our training overall.

Mr. Harvey noted it would be great to get better training instead of someone reading out of the study manual.

Mr. Hall said NMRWA has really stepped up.
Mr. Hall talked about discussions he has had with Mr. Carver about in the future putting on maybe two- or three-day workshops for the operators who are struggling, so we can devote more time to their weak areas instead of just an hour here or an hour there. Maybe (4) hour blocks of time, whatever we can do to help these guys.

Mr. Hall and Ms. Eisen spoke to the issue that not all instructors teach the same methods, especially math. If we can all teach the same formula sheets, we would all be on the same page.

Ms. Eisen suggested that ideas be brought to the next meeting to address the question of how we improve training and to put that on the agenda.

Mr. Graham brought up that it is up to individual to be responsible for their learning. Too many people come to these short schools, pick up (26) hours of training and think they are going to pass their level 3.

Mr. Abell said that we are not here to hand you a study guide and teach you how to pass the test.

That is not what this board was designed for and trainers shouldn’t train that way. Sacramento manuals are updated every (3) years.

Ms. Gilvarry checked in to let everyone know she was still breathing. Ms. Gilvarry added that 99.9% of what’s in the manual today is in the manual (5) years ago.

Ms. Eisen suggested that NMWWA and NMRWA get invites to the next meeting for a training discussion.

Mr. Hall asked for one more statement. We need to start thinking about question verification. It needs to be done every (5) years.

Ms. Eisen pointed out that ITCA also has very good training. Maybe look that direction also.

Ms. Eisen: “Are we good”.

Mr. Hall: “I’m good”.

Mr. Graham: “Next meeting date”

Big group discussion about next meeting date. Tentative meeting date set for April 16th 2020.

15. PUBLIC COMMENTS

Ms. Eisen: There are no public comments.

16. ADJOURNMENT

Ms. Eisen asked for a motion to adjourn.

Mr. Graham: Makes a motion to adjourn.

Mr. Harvey seconded the motion.

Ms. Eisen did a roll call: DALE GRAHAM----YES

JOE HARVEY-------YES

IVAN ABELL--------YES

CATHIE EISEN------YES

MARIA GIVARRY—YES

There was no adjourment time recorded on audio.