



1 **MEETING OF THE UTILITY OPERATOR CERTIFICATION PROGRAM ADVISORY BOARD**
2 **THURSDAY APRIL 22, 2021**
3 **9:08 A.M.**
4 **HELD VIRTUALLY VIA CISCO WEBEX MEETING**
5

6 **AGENDA ITEM 1. ROLL CALL AND INTRODUCTION OF GUESTS**

7 **Members present:** Cathie Eisen, Chair
8 Dale Graham
9 Joe Harvey
10 Ivan (Michael) Abel
11 Maria Gilvarry
12 Sydney Hoke
13 Bobby Towle
14 Joe Bailey

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16 **Absent:** Rick Mitchel

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18 **Guests:** Jill Turner, NMED-DWB SWIG Manager
19 Eric Hall, NMED-DWB Manager
20 Anita Tavasci, NMED-DWB UOCP
21 Kendall Crowe, NMED-DWB UOCP
22 Nile Carver, NMED-DWB UOCP
23 Jason Herman, NMED-GWQB
24 Cynthia Arnold, NMWWA
25 David Thomas, UNM
26 Charles Leder, ABCWUA
27 Armando Cordero, NMWWA
28 Filiberto Aguirre, Jr., City of Las Cruces/NMWWA
29 William Baker, New Mexico-H2O
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31 **ACTION:** Roll was called, a quorum was present
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33 **AGENDA ITEM 2. REVIEW AND APPROVAL: MEETING AGENDA**

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35 **DISCUSSION:** Chair Eisen asked the Board if anyone found any corrections of the meeting agenda.
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37 **ACTION:** Member Towle made the motion to accept the agenda as presented. Member Abel seconded
38 the motion. The motion carries unanimously.
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40 **AGENDA ITEM 3. REVIEW AND APPROVE MINUTES FROM JANUARY 7, 2021 MEETING**

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42 **DISCUSSION:** Chair Eisen asked the Board if they have reviewed the minutes. Members answered
43 'yes'.
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45 **ACTION:** Member Gilvarry made a motion to accept the minutes from the January 7, 2021 Advisory
46 Board meeting. Member Towle seconded the motion. Chair Eisen asked for a vote. The motion carries
47 unanimously.
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49 **AGENDA ITEM 4. ADVISORY BOARD VACACANCIES TO FILL**

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DISCUSSION: Chair Eisen stated we have vacancies on the Board to fill and asked the members if they all have had an opportunity to review all of the resumes. All members replied ‘yes’. Chair Eisen expressed her appreciation for everyone that has shown an interest and want to be involved with the Advisory Board. Chair Eisen said that Bobby Towle’s and Joe Harvey’s positions were opening up. Cynthia Arnold asked what positions these two members hold. Chair Eisen responded with; Joe Harvey and Bobby Towle are regular members, Joe Harvey is going to be retiring.

ACTION: Chair Eisen asked for nominations from the Advisory Board to fill Bobby Towle’s regular Board position. Member Bailey nominated Bobby Towle to remain in that position if Bobby would like to stay on the Board. Member Abel made a second for Bobby Towle to remain in that position. Chair Eisen asked Bobby Towle if he would like to remain on the Utility Operator Certification Advisory Board. Bobby Towle responded with; Yes, he accepts the nomination. Chair Eisen took a role call/vote. Chair Eisen responded with ‘aye’. Member Joe Bailey, ‘aye’. Member Dale Graham, ‘yes’. Member Joe Harvey, ‘yes’. Member Sydney Hoke, ‘yes’. Member Ivan Abel, ‘yes’. Alternate member Maria Gilvarry, ‘yes’. Alternate Rick Mitchell was not present to vote. Chair Eisen announced that the motion carries and thanked Bobby Towle for wanting to continue serving on the Board. Bobby Towle responded that it is an honor and a pleasure.

DISCUSSION: Chair Eisen stated that Joe Harvey’s position on the Board expires on June 30, 2021.

ACTION: The Chair asked for nominations of an Alternate Member to fill the Regular Position being vacated by Joe Harvey. Member Towle nominated Maria Gilvarry from her Alternate position to fill the Regular position. Chair Eisen asked if anyone else had a nomination for the open Regular position. There were no additional nominations from the Board members. Member Hoke seconded the nomination of Maria Gilvarry to fill the Regular position. Chair Eisen took a role call vote. Cathie Eisen, ‘aye’. Dale Graham, ‘yes’. Joe Harvey, ‘yes’. Sydney Hoke, ‘yes’. Ivan Abel, ‘yes’. Bobby Towle, ‘yes’. Joe Bailey, ‘yes’. Chair Eisen stated that none opposed, the motion carries. Chair Eisen congratulated and thanked Maria Gilvarry. Member Gilvarry thanked everyone and said it is an honor to serve.

DISCUSSION: Chair Eisen stated that the Board will now need to fill the Alternate Advisory Board position now vacant. Chair Eisen stated that all Board members have had a chance to review all of the resumes and to give all interested persons equal consideration. The Chair requested a nomination for the Alternate position.

ACTION: Member Hoke nominated Filiberto Aguirre. The Chair asked for any other nominations. There were no additional nominations voiced. Member Towle seconded the nomination. Chair Eisen took role call votes. Cathie Eisen, ‘yes’. Joe Bailey, ‘yes’. Dale Graham, ‘yes’. Joe Harvey, ‘yes’. Sydney Hoke, ‘yes’. Ivan Abel, ‘yes’. Bobby Towle, ‘yes’. Maria Gilvarry, ‘yes’. Chair Eisen wished Filiberto congratulations and thanked him for showing interest for being on the Board. The Chair thanked all the applicants for taking the time, submitting their resumes and showing interest to sit on the Board. The Chair welcomed all persons to attend the Board meetings and encouraged them to keep an eye for any future openings and to resubmit their resumes if they are interested. Filiberto Aguirre thanked everyone and stated that he looks forward to working with the Board.

AGENDA ITEM 5. PUBLIC NOTIFICATION

97 **DISCUSSION:** Eric Hall stated that the Utility Operator Certification Program, (UOCP), had previously
98 submitted public notification for Board meeting in the newspapers. Hall asked the board if they would
99 consider that the UOCP not have to make public notification to the newspapers since it is a costly and
100 difficult process. Hall proposed to make public notification by Gov Delivery emails and posting Advisory
101 Board meetings on the UOCP and Drinking Water Bureau's websites. Member Gilvarry asked Eric what
102 the requirements are from the Open meetings Act, (OMA), for public notification. Hall responded that
103 he had been advised by the New Mexico Environment Department's, (NMED), attorneys that it is
104 sufficient to make digital public notification. Member Gilvarry stated that they had also found that same
105 information when posting public notification. Jill Turner stated that the Drinking Water Bureau, (DWB),
106 would like to move away from placing the notifications in the newspaper since it costs approximately
107 \$6,000 annually and is very time consuming. Chair Eisen is in full agreement with the statements from
108 Jill Turner. Anita Tavasci stated that she nor Eric Hall was unsure how affidavits of public notice would
109 be handled if the UOCP moved away from newspaper publication. Jill Turner stated that the NMED's
110 legal counsel had informed her that the Advisory Board would need to vote on agreement to move away
111 from newspaper announcements. Jill Turner went on to state that if there are no printed legal notices
112 that there is no need for affidavits to deal with.

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114 **ACTION:** Chair Eisen asked for a motion to discontinue publishing legal notices in the newspapers as
115 long that it doesn't create any legal repercussions. Member Abel made a motion to move public
116 notification to web-based/digital format instead of print as long as it does not cause any problems with
117 the Open Meeting Act. Member Joe Bailey seconded the motion. Chair Eisen acknowledged that she
118 has a motion and a second to move from printing future public notices in newspapers to a digital format
119 then called for a vote from the Advisory Board. The vote passed unanimously.

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121 **AGENDA ITEM 6. EQUIVALENCY APPLICATIONS**

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123 **DISCUSSION:** Nile Carver of the UOCP, opened the discussion of difficulties of making equivalency
124 evaluations due to differences of exams across states and Tribal entities. These equivalency
125 certifications are generally from operators that are certified in bordering states and are wanting to work
126 across state/Tribal borders which will add to New Mexico's available certified operators. Carver stated
127 he had received from two to five equivalency requests a month. Carver brought up the UOCP Advisory
128 Board's decision to not provide equivalency to operators that have taken the Association Boards of
129 Certification's, (ABC), standardized exams after January 1, 2017 due to the removal of regulation
130 questions in their standardized exams. New Mexico's UOCP exams still have regulation questions in
131 them. ABC standardized exams are utilized in Colorado, Arizona and all Environmental Protection
132 Agency's, (EPA), Region 6 Tribal organizations. Carver stated that the further away from 2017 we move,
133 the more persons that have taken ABC's standardized exams did so after 2017. Carver stated that
134 previously the UOCP had received equivalency requests from operators from Arizona and Colorado that
135 have been certified for twenty plus years. Recently the equivalency requests are from operators that
136 had taken their ABC standardized exams in the last year or two. Carver asked the UOCP Advisory Board
137 if it should be taken into consideration, the number of years of experience and acquired training credits
138 as the stronger deciding factor of being able to offer equivalency to these operators. Member Abel
139 stated that as an Advisory Board, that they would not accept equivalency after 2017 unless the operator
140 had taken some type of testing that had regulations in them, either provided through ABC or their
141 individual states. Carver stated that a lot of the recent equivalency requests have been from operators
142 certified through EPA Region 6 for the Tribal entity they belong. Eric Hall stated that we definitely want
143 to be able to welcome the Tribal entities very heavily. Carver mentioned from the last UOCP Advisory

144 Board meeting, that it had been discussed of the Tribal entities adding modules to the ABC standardized
145 that included regulations. Chair Eisen stated that she had been actively involved with the Inter Tribal
146 Council of Arizona, (ITCA), for many years and worked with Brian Bennon who is over Tribal water and
147 wastewater certifications. Eisen explained that the ITCA had hired psychometricians to do analysis,
148 formulated questions, reviewed questions and even developed sample tests to see how operators
149 would score on them. The failure rates were tremendous. Eisen stated that a test containing only
150 regulations was too overwhelming. The ITCA decision was the only way that anyone could pass the
151 exams specific to the regulations was with the use of open book test. ITCA felt that as long as operators
152 were able to look up those regulations that are applicable to their situation that the open book exam
153 was appropriate, just like we can reference the regulations at any time. The other situation that ITCA
154 had recognized is since they work with ABC/PSI, that computer-based testing would not support open
155 book testing. ITCA had purchased tablets to ship the tablets to operators that are testing to reference
156 regulation questions. Chair Eisen stated that this problem is very challenging. Chair Eisen feels to be fair
157 to New Mexico state operators this would not be a equitable situation. Carver stated that he also works
158 with the University of New Mexico Department of Engineering, Southwest Environmental Finance
159 Center that also utilizes the ABC standardized exams in cooperation with the EPA Region 6. Carver
160 specified that the state of Colorado had addressed the reciprocity with New Mexico by revising their
161 Regulations 100 a mandatory training operators must attend to be able to take a certification exam.
162 Chair Eisen stated that requiring training is a large step forward but that does not demonstrate
163 proficiency of regulatory knowledge. Chair Eisen suggested continuing this discussion on the next
164 meeting agenda and we should invite Brian Bennon from ITCA to contribute. Eric Hall stated it would
165 make it more difficult to bring operators into New Mexico through Equivalency from other states that
166 utilize the ABC standardized exams with the current direction we have for application review. Chair
167 Eisen requested this topic be continued on the next meeting agenda.

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169 **AGENDA ITEM 7. CERTIFICATION EXAM STATS**

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171 **DISCUSSION:** Kendall Crowe of the UOCP stated he wanted to share his exam statistics on the screen.
172 He described the different areas of data on the spreadsheet. Crowe mentioned the average last pass
173 rate percentages when we provided in-person exams was 28% and displayed the current pass rate is up
174 to 37%. Hall stated that there are several factors that contribute to the increased pass rate percentage.
175 Crowe stated that there are other pieces of data that can be compiled from the spreadsheet to provide
176 improved computer-based exams. Hall stated that using this spreadsheet would also be instrumental
177 for training providers to develop their training agendas. Chair Eisen stated that this is a valuable tool
178 that has been needed for a long time. Chair Eisen reaffirmed that this would be useful for trainers and
179 depending on the statistics being researched, to fine tune the Program's direction. Member Towle
180 thanked Crowe on the information on the statistic spreadsheet.

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182 **AGENDA ITEM 8. NEW MEXICO WATER AND WASTEWATER ASSOCIATION**

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184 **DISCUSSION:** Eric Hall stated that Armando Cordero is having a hard time logging onto the virtual
185 platform and would read what Armando had sent to him. Hall read: the New Mexico Water and
186 Wastewater Association, (NMWWA), is and will continue to provide training classes for the operators.
187 Armando wrote that he would like to thank Eric Hall for being present at all of the trainings. The
188 NMWWA would also like to thank the UOCP staff for getting the testing going. Hall thanked Armando
189 and stated that the NMWWA and Advisory Board are working closely together and wants to continue

190 that relationship. Chair Eisen thanked Hall for delivering that statement, thanked Armando and to the
191 NMWWA for their involvement and effort.

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193 **AGENDA ITEM 9. DRINKING WATER BUREAU UPDATE**

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195 **DISCUSSION:** Jill Turner of the New Mexico Environment Department, (NMED), Drinking Water
196 Bureau, (DWB), SWIG manager discussed that the statute, (Section 61-33-2 NMSA 1978), House Bill 103
197 was vetoed by the Governor due to the burden of increasing fees during this COVID year. Jill Turner
198 went on to mention other means of increasing Program funding with the Division Director, Bureau Chief
199 and herself is in discussions. Jill went on to assure that the Program will not be going back to ‘paper’
200 utility operator exams but will continue utilizing the computer-based exams. Jill discussed that during
201 the COVID public health emergency, telework arrangements and other field activities have been working
202 well. Chair Eisen expressed her disappointment with the veto of House Bill 103. Chair Eisen discussed
203 methods she is aware of that other certifying entities cover the costs of their computer-based testing.

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205 **AGENDA ITEM 10. NM SURFACE WATER QUALITY BUREAU-POINT SOURCE POLLUTION**
206 **PROGRAM UPDATE – (Vacant)**

207

208 **DISCUSSION:** Jill Turner opened up agenda item 10 by stating the Sarah Holcomb, formerly of the
209 Surface Water Quality Bureau has left her position with the state and is now employed with an outside
210 entity. That is why on agenda item 10 it is listed as ‘vacant’.

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212 **AGENDA ITEM 11. NM GROUND WATER QUALITY BUREAU-DOMESTIC WASTE TEAM UPDATE**

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214 **DISCUSSION:** Eric Hall stated that Jason Herman of the Domestic Waste Team had to attend another
215 meeting and is not able to update at this time. Jason did tell Eric that he did not have anything to report
216 at this meeting.

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218 **AGENDA ITEM 12. NM OPERATOR CERTIFICATION PROGRAM UPDATE**

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220 **DISCUSSION:** Eric Hall stated that his Team has been pushing forward with getting operators testing
221 and the last master list that went out had forty persons on the list. Hall mentioned that everything with
222 the testing is going smoothly. Hall asked for any questions from any attendees of what the Operator
223 Certification Program was working on. There were no questions posed.

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225 **AGENDA ITEM 13. OTHER BUSINESS (INCLUDING NEXT MEETING DATE)**

226

227 **DISCUSSION:** Chair Eisen asked if anyone present had any comments, questions or contributions.
228 Chair Eisen asked Hall if there as a date for the next Advisory Board meeting. Hall suggested July. Chair
229 Eisen asked when we should go back to discuss the certification equivalency issues. Member Towle
230 suggested we should address the equivalency sooner than later. Member Able stated that this would
231 not necessarily need to be set for a special meeting, but it is an issue that does need to be addressed.
232 Member Able said that there are other options that should be looked at to decide how to move forward
233 with equivalency. Jill Turner stated that additional research should be reviewed and the UOCP staff
234 have other duties that would interfere with being able to hold a special meeting at an early date. Hall
235 set a tentative date for the next Advisory Board meeting for June 17th.

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237 **AGENDA ITEM 14: PUBLIC COMMENTS**

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239 **DISCUSSION:** Chair Eisen asked for any public comments at this time.

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241 **ADJOURNMENT:**

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243 Chair Eisen asked for a motion to adjourn. Member Bobby Towle made a motion to adjourn. Member

244 Joe Harvey seconded the motion to adjourn. Chair Eisen made a role call. Cathie Eisen, present. Joe

245 Bailey, present, Dale Graham, (not present). Joe Harvey, yes. Sydney Hoke, yes. Ivan Able, yes. Bobby

246 Towle, yes. Maria Gilvarry, yes.

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248 The meeting of the Utility Operator Certification Advisory Board was adjourned at 10:35.