



Pennsylvania Department of Environmental Protection

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DATE

State Board for Certification of Water and Wastewater Systems Operators

717-787-5236

Secretary Kathleen McGinty
Chairman
Environmental Quality Board

Dear Ms. McGinty:

For the past few years, the State Board for Certification of Water and Wastewater Systems Operators (Board) has worked closely with Department of Environmental Protection (Department) program staff to finalize a draft version of Chapter 302, Administration of the Water and Wastewater Systems Operators' Certification Program. After careful review of the latest draft, we support this version with the following comments:

Nutrient Removal:

- Based on the results of the study done by the Department, we agree that separate certification requirements for nutrient removal are not necessary. To insure operators certified in Activated Sludge have the necessary knowledge, skills and abilities; we will be working very closely with the Department to insure the Activated Sludge examination includes the "basics" for nutrient removal.

Statute Compilation and Strict Liability Issue:

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Fee Language:

- In Section 302.202(e), change the word “increase” to “modify”. As a result of the Department’s analysis, a decrease in fee may be warranted. The current language prevents this.
- In Section 302.202(e), we are assuming that any change in fees would be assessed by the Department at the beginning of the operator’s next renewal cycle, regardless of when the Department completes its analysis. If this is not the case, wording to this effect needs to be added.
- In Section 302.202(a), change “must” to “should” and eliminate the wording, “If the applicant is a certified operator”. The sentence would then read, “The applicant’s client ID should be printed on the check or money order.” We want to eliminate the absolute requirement to have the applicant’s client ID on the check, since it would not be fair for an operator to lose his or her license just because of an oversight.

Collection Systems:

- We disagree with the Department’s proposed concept for requiring a certified operator for privately-owned satellite collection systems. The solution to the problems caused by these systems is not necessarily requiring a certified operator. Requirements to address poorly operated and maintained privately-owned satellite collection systems belong in another chapter of the Department’s regulations.
- The responsibility for addressing problems in a satellite collection system should be placed on the owner of the wastewater treatment system. These systems need to be the first line of defense, since they are the ones most impacted by the actions taken by staff in the satellite collection system.
- Another concern with this proposal is the reluctance of many certified operators to take on the responsibility of a “problem” system. The operator is dependent on the owners for the necessary resources to properly operate the collection system. If the owner won’t, or isn’t capable, of providing these resources; there isn’t much the operator can do to bring the collection system into compliance.
- If the Department feels it is absolutely necessary to require a certified operator for all publicly and privately owned satellite collection systems, we would like to suggest limiting this requirement by size. The current proposal of 2000 gallons per day is too small. Some possible alternatives would be to go by Equivalent Dwelling Units, or EDUs. We recommend the cut off would be 250 EDUs, or the cutoff point where the collection system is servicing enough EDUs to require a Part 2 permit.

Reciprocity

As part of the regulatory review process we would like to solicit public comment and reaction to a change we would like to make to the existing framework for the issuance of an operator’s certificate based on reciprocity, where an operator is certified to operate a water or wastewater system in another state. Currently, a certified operator in another state can become certified in Pennsylvania as long as the applicant’s existing license from the other state is valid and he or she can demonstrate operating experience in one or more of the treatment technologies we have defined. We determine the size of the system that the applicant can operate based on the years of documented experience at different systems with similar design capacities as those we have defined here. We do not require the applicant to complete any additional examination requirements. We would like to change that; and only allow

reciprocity for our General Examination and experience. This would define the Class an operator can obtain, but not the treatment technologies. The operator would need to successfully pass one or more of our treatment technology examinations in order to become certified in Pennsylvania. There are a number of reasons for this:

1. The recognized standard for question and examination development is the Association for Boards for Certification (ABC). We are members of ABC and do take advantage of their question bank in developing examinations for Pennsylvania. In reviewing our methodology and our certification framework, ABC has stated their examination is only equivalent to our General Examination. The content of our treatment technology examinations is not covered under their examination framework.
2. We disagree with ABC's framework, which is based on a point system where systems are classified based on a number of factors including; the size of the system, various treatment technologies utilized at the system and the management and administrative framework for the system. The more points a system has, the higher Class examination an operator must pass to be certified to operate the system. What this does is require an operator to pass an examination that contains a lot of material that the operator may not be familiar with, and does not need to effectively operate a system in Pennsylvania. This was the biggest problem we heard from operators when we were first soliciting comments on the program many years ago. This is why we have changed our examination framework to be treatment technology based.
3. It is almost impossible to determine if an examination in another state has similar content to an examination in Pennsylvania. Based on ABC's review, we can be reasonably certain that our General Examination has content similar to that on the majority of examinations offered by the other states. However, the level of detail for specific treatment technology examinations that we have developed does not exist elsewhere. The framework we have developed has been very successful, and most operators have reacted positively to it. They only have to know the material relative to the treatment technology at their system.
4. It is almost impossible to correlate operating experience in another state as demonstrated competence to operate a specific treatment technology. We could look at compliance records of the system, but there are a number of factors not under the direct control of the operator that can be impacting the system's compliance record. To penalize an operator for bad management of a system when it is not the operator's fault is not fair. The only way we feel we can measure competence for a specific technology is through the successful completion of one or more of our treatment technology examinations.

Thank you for the opportunity to comment. We look forward to continue to working with you as these regulations move forward. If you have any questions concerning these comments, please don't hesitate to contact me.

Sincerely,

John Brutz
Chairman

cc: Board Members
Nicki Kasi
Michael Shoff
Marylou Barton
William Shakeley

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