



Pennsylvania Department of Environmental Protection

**State Board for Certification of
Water and Wastewater Systems Operators**
P. O. Box 8454
Harrisburg, PA 17105-8454
March 29, 2010

717-772-5158

Mr. John Hanger
Chairman
Environmental Quality Board
P. O. Box 2063
Harrisburg, PA 17105-2063

Dear Chairman Hanger:

The State Board for Certification of Water and Wastewater Systems Operators (Op Cert Board) met on December 18, 2009 and again on March 19, 2010 to review and comment on the Department's revisions to Chapter 302, Administration of the Water and Wastewater Systems Operators' Certification Program, regulations. After careful review of the regulations, we support the changes the Department has made in response to the comments received and recommend moving forward to finalize these regulations as developed.

After careful review of the comments concerning our proposal for changing how we review applications for reciprocity, we are comfortable with the current framework where the emphasis is placed on the amount of experience an operator has relative to specific treatment technologies. We are withdrawing our proposal to limit reciprocity to the completion of the General Examination.

While we agree there is merit to the concept concerning the "banking" of continuing education contact hours proposed by the Certification Program Advisory Committee (CPAC) and the Small Systems Technical Assistance Center Advisory Board (TAC), we are concerned that the finalization of the regulations could be delayed while this issue is resolved. We understand that US Environmental Protection Agency (EPA) Region 3 will allow for "banking" of continuing education contact hours. We also know that none of the other states in Region 3 allow for "banking." There are a number of questions and concerns we have relative to the administration, data management and how this change would impact how we implement our responsibilities that must be addressed. Therefore, we recommend that any provisions for allowing "banking" be addressed in the next version of the regulations as part of the required review of the fee package that must be done at least once every three years. This will give us and the Department the necessary time to work with CPAC, TAC and other members of the regulated community to work out how this provision could be implemented. We would also like to review how those states that do allow for "banking" are implementing their programs.

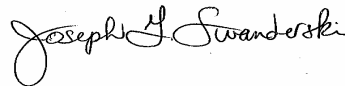
We would also like to suggest the following edits:

1. Section 603(e)(1) – add “or” to the end of the sentence to indicate that either situation will result in the operator needing to re-take the certification examination.
2. Section 1206(e) – delete the wording “who is the approving authority for the standard operating procedures for a system”.
3. For the sake of consistency, all references to “gallons a day” should be changed to “gallons per day”.

Finally, a more immediate concern for the Board is the significant impact the recent budget cuts and furloughs have had on the Drinking Water and Wastewater Systems Operator Certification Program (Program) and the Board’s legal obligations as identified in the Act. The Program is of vital importance to the public health and safety of all Pennsylvanians and to the protection of our waterways and public drinking water supplies. We have concerns that there could be significant, serious long-term environmental and public health impacts if this Program is not put back in place as soon as possible to deliver the same level of services we have received since the changes to the Program were first put in place in 2002. To this end, since the regulations are not yet finalized and the proposed fees to support the Program cannot be collected, the Board believes that the state must immediately provide DEP with specifically designated “stop gap” funding to get this Program back up and running. In addition, once fees are collected, these fees must be put into a dedicated fund solely for the purpose of implementing this program. For this reason, we suggest language be added to 302.202 to this effect.

Thank you for the opportunity to comment on these regulations. We look forward to working with the Department as you move forward with the implementation of this very important program.

Sincerely,



Joe Swanderski
Chairman

cc: State Board for Certification of Water and Wastewater System Operators Members
Cheri Sansoni
Scott Sykes
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