



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 8467

Harrisburg, PA 17105-8467

December 17, 2009

Certification Program Advisory Committee

717-787-5017

Mr. Dana Aunkst
Director
Bureau of Water Standards and Facility Regulation
P. O. Box 8467
Harrisburg, PA 17105-8467

Dear Mr. Aunkst:

The Certification Program Advisory Committee (CPAC) met on December 10, 2009 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. We also have the following comments for you to consider:

- We support the fee structure as proposed provided these fees are adequate to insure that the long-term provisions for services remain at the level provided prior to the recent budget cuts and furloughs. For this reason, we would like to review the Department's most recent fee report form.
- We would like the Department to look into changes to all Department programs to insure that notifications and orders affecting both the operator & owner for all applicable systems are received by both parties.
- We would like the Department to revisit its current position on not allowing operators to carry over a limited number of contact hours to a subsequent renewal cycle. We ask that the Department follow-up with the US Environmental Protection Agency (EPA) to verify that this would be in conflict with EPA Guidelines and cannot be permitted. If this is the case, we would also like a written response from EPA as to why this proposal cannot be permitted. We feel any data management concerns the Department has expressed for accomplishing this bookkeeping can be addressed, and should not be grounds for eliminating this option for operators to meet the continuing education requirements.

- The wording in 1202(a)(5) should be combined with 1202(d). Both sections are related to the owner's duty to supply copies of relevant permits to the appropriate operators for their system..
- Section1202(a)(4) should be edited to delete all the wording after "operators" and to delete the word "written". The sentence would now read, "Take appropriate action in a timely manner to reports required under § 302.1201(c) (relating to duties of operators) from certified operators". All mention of "good faith efforts" should be eliminated.
- The language in the comment response document listing situations when the Department might want to require a process control plan should also be included in the regulations.

Finally, a more immediate concern for the CPAC members is the significant impact the recent budget cuts and furloughs have had on the Drinking Water and Wastewater Systems Operator Certification Program (Program). 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. CPAC has 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, CPAC believes that the state must immediately provide DEP with specifically designated "stop gap" funding to get this Program back up and running..

Thank you for the opportunity to comment on these regulations. We look forward to working with the Department and the State Board for Certification of Water and Wastewater Systems Operators as you move forward with the implementation of this very important program.

Sincerely,

John R. Ackerman, P. E. P. G. BCEE
Chairman

cc: CPAC Members

State Board for Certification of Water and Wastewater System Operators Members

Cheri Sansoni

Scott Sykes

File