

Pennsylvania Department of Environmental Protection

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May 12, 2008

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

Mr. John Brutz
Chairman
State Board for Certification of Water and Wastewater Systems Operators
P. O. Box 8454
Harrisburg, PA 17105-8454

Dear Director Aunkst and Chairman Brutz:

The Certification Program Advisory Committee met on April 7, 2008 to review the latest proposed draft version of Chapter 302, Administration of the Water and Wastewater Systems Operators' Certification Program. We also reviewed the proposed revisions to the State Board for Certification of Water and Wastewater Systems Operators (Board) guidelines. We understand this version of the guidelines would be put in place AFTER the Chapter 302 regulations are finalized. We support the latest drafts of these two documents, with the following comments regarding the regulations:

Nutrient Removal:

- We agree that separate certification requirements for nutrient removal are not necessary. The processes for nutrient removal are the same as those for activated sludge. The design engineer can provide any necessary additional training at start up.
- The Board needs to make sure the "basics" for nutrient removal are in activated sludge exam.

Statute Compilation and Strict Liability Issue:

- We don't object to the suggested draft language to address the compilation error in the Water and Wastewater Systems Operators' Certification Act (Act 11). We understand that this draft language clarifies the intent of Act 11 to insure that civil penalties are assessed only after an operator or owner has failed to comply with an order issued by the Department of Environmental Protection. (Department)

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), eliminate the wording “at least” to “only once every three years.” The concern here is to not require the operator to pay a renewal fee in the middle of a renewal cycle. The vote on this concept was six for the change and six against. Those voting against the change felt the change was unnecessary, that it was inherent in the wording that an operator would only be charged a renewal fee once at the beginning of each renewal cycle.
- 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. In addition, please review the current application forms and insure that language is included advising the applicant of this requirement.

Collection Systems:

- We disagree with the Department’s proposed concept for requiring a certified operator for privately-owned satellite collection systems. We agree there is a problem, but hiring certified operators is not an answer. We suggest the Department consider the following options:
 1. Keep the existing framework, but revise 302.1209(a)(2) to read, “It is determined by the Department that a privately owned satellite collection system is not *continuously* being operated and/or maintained...” In addition, provisions for the elimination of this requirement once the system’s problems have been solved or provisions for the designation of a timeframe should be added.
 2. Go back to the original intent of the statute and require a certified operator for all publicly and privately owned satellite systems, but limit this requirement by size. However, the current definition of 2000 gallons per day is too small.

General:

- The word “guidelines” needs to be defined to refer to actual document, including the title and the document number.

Reciprocity

We understand that the Board is proposing to change the current framework for the issuance of an operator’s certificate based on reciprocity. As we understand it, the Board is considering only allowing reciprocity for the successful passing of the General Exam, thus requiring any operator wanting to be certified in Pennsylvania to take the technology specific examinations to be certified in any of the technology subclasses. We disagree with this concept for the following reasons:

1. The fact that an operator demonstrates through experience that they can successfully operate a system in another state; there is no need to take another examinations. Perhaps it might be more appropriate to check into the compliance history of the system in the other state, taking into account the timeframe where the operator was working at the system. It might also be

appropriate to do an analysis of operators in Pennsylvania who have received their license through reciprocity to see how successfully they are operating their systems.

2. There is a shortage of qualified, certified operators in the state. This situation will only get worse as more and more of our certified operators retire. Therefore, why would we want to make it more difficult to obtain a license in Pennsylvania?

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

Sincerely,

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

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