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AUG - 5 2009

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Senate of Pennsylvania

August 3, 2009

COMMITTEES

- LAW & JUSTICE, CHAIRMAN
- APPROPRIATIONS
- BANKING & INSURANCE
- CONSUMER PROTECTION & PROFESSIONAL LICENSURE
- JUDICIARY
- TRANSPORTATION
- ADVISORY COUNCIL FOR THE SOUTHEASTERN VETERAN'S CENTER
- JOINT STATE GOVERNMENT COMMISSION, VICE CHAIRMAN
- PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY
- TARGETED COMMUNITY REVITALIZATION AND CRIME PREVENTION ADVISORY COMMITTEE
- STATE TRANSPORTATION ADVISORY COMMITTEE

Environmental Quality Board
Post Office Box 8477
Harrisburg, PA 17105-8477

To Whom It May Concern:

I am forwarding correspondence I received from a municipality in my district regarding the proposed rulemaking for the Water and Wastewater Systems Operators Certification Program.

Thank you for your attention to this matter.

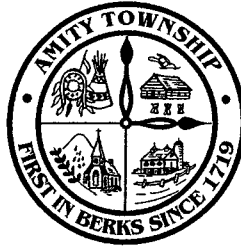
Very Truly Yours,

John C. Rafferty, Jr.
John C. Rafferty, Jr.

JCR/sgm

RECEIVED
AUG - 7 AM 11:29
STATE TRANSPORTATION
ADVISORY COMMITTEE

Township Office:
2004 Weavertown Road
Douglassville, PA 19518-8971

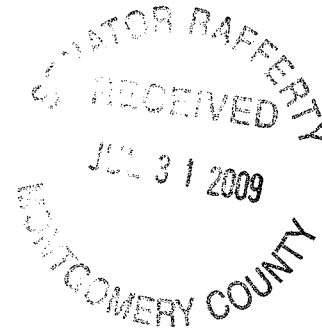


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AMITY TOWNSHIP
Board of Supervisors

July 29, 2009

State Senator John Rafferty
Collegeville Professional Center
3770 Ridge Pike
Collegeville, Pa 19426-3170



In re: Proposed Rulemaking, July 11, 2009
Chapter 302, Administration of the Water and Wastewater
Systems Operators Certification Program
Regulation I.D.# 7-433

Dear State Senator Rafferty:

I am writing to you about these proposed changes because they will place an onerous burden on owners and operators of public sewer treatment systems, which are essential to the operation, and function of society. I am attaching a copy of the suggested form letter that is endorsed by the Eastern PA Water Pollution Control Operators Association. This letter identifies most of the major points.

I want to appraise you of my own personal experience and my personal concerns. I have managed a municipal corporation for the last 21 years. I have worked in Lancaster and Berks County and managed sewer and water plants in under the Philadelphia and South-central Regions. It has been my experience that most job openings in municipal management are not created by retirement. Mismanagement, poor governing, vendetta and personal agendas create them. In a perfect world, every municipality would hire the best most qualified personnel. The municipal world is flawed and imperfect, mandating that we take the lowest bidder. It is nearly impossible to have any business declared "NOT RESPONSIBLE".

Supervisors, Commissioners and Council members are all faced with the same task; providing day to day services that directly affect quality of life of its residents, stakeholders and taxpayers. To do this, they must balance a budget without raising taxes, provide essential services of a high quality at an affordable price. There are several classic examples that demonstrate the flaws. Sewer systems are excellent examples. Major capital investments, these plants and systems would have a life cycle of 20-25 years in the private sector and be completely amortized at the end of that period. How many systems are in excess of 25 years of age and have a dedicated sinking fund to pay for

replacement at the end of this asset's useful life. I am not aware of any because to do so would make already high rates unmanageable. That's why GASB 34 was not embraced by municipalities.

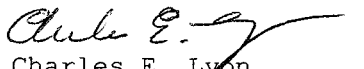
Police, Street, Road and Fire departments are no different. We still have vehicles from the 1980's trying to function as working rolling stock in the street and fire department. Many of the Township's police cars have high mileage. Amity resorted to buying used police cars to control costs.

I guess by now your wandering what my point is? It is that, these decisions are not made by managers or certified operators. Elected officials approve every expenditure, budget, and tax/rate increase. More importantly, they do not approve all recommended expenditures that staff makes. I am unaware of any requirements for certification of knowledge of how to operate a water or wastewater treatment plant for an elected official. Are PADEP Officials certified? Further, in many of the issues cited in letter mentioned in paragraph 1, one could argue that failure to adequately fund infrastructure and personnel is really the root cause of many failures, yet I didn't see any attempt to link liability to those officials.

It concerns me that a disgruntled employee can cause a permit violation that the State wants to assess criminally against a supervisor. If that were the case, wouldn't state officials then be liable, because local government is a creation of the state. If a state police officer acts negligently, is the sitting Colonel also liable?

For the most part, Certified operators are working class individuals who are underpaid for the amount of responsibility they must carry. These rules as promulgated are heinous and egregious and should not be enacted. If they are enacted, the State will risk losing certified operators and quality management personnel. How would you feel if you were in the Operator's shoes? If you would like to discuss this proposed rulemaking with me, I would make myself readily available. Thank you for your consideration.

Yours very truly,


Charles E. Lyon
Amity Township Manager

Cc: File

Enclosure: Eastern PA Water pollution Control Operators Association

