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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Member
75th Legislative District

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October 7, 2009

The Honorable John Hanger
Chairperson
Environmental Quality Board
Department of Environmental Protection
16th floor, Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, Pennsylvania 17105-2063

Dear Chairperson Hanger:

I would like to take this opportunity to offer my comments on the proposed revisions to Pa. Code, Chapters 301 through 302 and Chapter 305, Administration of the Water and Wastewater Systems Operator's Certification Program. It is my understanding that these regulations seek to update the operator certification procedures, establish standards for operators to become certified and maintain their certification, and establish fees for program administration.

I have had the opportunity to understand the regulations, and to also receive substantial feedback regarding this proposal, from certified water and wastewater treatment plant operators in my legislative district. It seems to me that the regulations as proposed lack clarity in several key areas. For example, Section 302.308 (b) (6) and (7), would permit an operator's license to be revoked or suspended for (6) "Creating a clear or potential threat to public health, safety, or the environment, and (7) "Failure to comply with the duties assigned to a certified operator". These requirements are very broad, and could be open to interpretation. In addition, it is unclear who would be responsible for making these determinations against an operator.

Another example of the unclear nature of this proposed regulation is in Section 1201 (c). This section requires an operator to submit a written report to the system owner, documenting any known violations or system conditions that may potentially cause, or are causing, a violation of regulations, or existing permit conditions. My understanding is that reports on the condition of a particular system are routinely exchanged on a daily basis. It's the nature of these systems and their staff's to be constantly vigilant and communicate regularly with each other to keep the system safe and efficiently operating. The need to file detailed reports, the content of which is also undefined, seems to take away from the operator's core function of monitoring, evaluating, and making corrections as needed.

Finally, the proposed regulation establishes a variety of new or increased fees for a number of water and waste water operator certification programs. One set of fees that is unclear and does not appear to be justified anywhere in the proposed regulations is the Annual Service Fees for Class A, B, and C systems. It seems to me this amounts to a tax with no apparent reason or benefit to these systems.

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The Honorable John Hanger

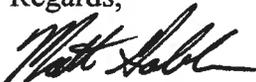
October 7, 2009

Page 2

These are but a few examples of what I perceive as unclear and in some cases confusing requirements being placed upon certified system operators. I would encourage the department to carefully reevaluate this proposed regulation, and would further recommend, the department engage in a stakeholder process, involving affected water and wastewater system operators, to address the apparent ambiguities contained throughout this regulation.

I appreciate the opportunity to offer these comments on this matter. If you should have any questions or need additional clarification please contact me.

Regards,



Matt Gabler

Member, 75th District

Pennsylvania House of Representatives

cc: Ron Holmberg, President, Ridgway Borough Council