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Environmental Quality Board
PO Box 8477
Harrisburg, Pa. 17105-8477

INDEPENDENT REGULATORY
COMMISSION

ENVIRONMENTAL QUALITY BOARD

August 7, 2009

Dear Sirs;

I am submitting comments on the proposed Chapter 302, Water and Waste water Certification Program.

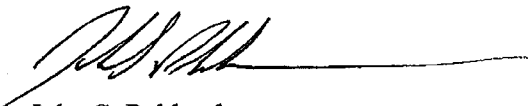
I have followed the revision of the Operator Certification Act since 1997, including attending EPA meetings in Washington, DC. One prime goal of the Federal Certification effort was national certification, with corresponding nation wide reciprocity.

Pennsylvania has evolved a program that differs from other States. The two part exam, with a general exam and numerous technology based sub classifications creates a certificate that will be difficult to equate against other state's programs. And Pennsylvania appears to only intend to recognize outside state certification with credit towards the general portion of the exam.

Secondly, Pennsylvania has exerted great effort to provide extensive review and control over the quality and content of the approved continuing education courses to be permitted. Beyond the necessary tracking of experience and education, this review process appears to have increased administrative costs substantially, resulting in the complex and costly fee schedule shown in Table 1. This leads to the question; do other states operate such an elaborate and costly system?

Lastly, Section 302.1201(d) says, 'the operator making decisions is responsible for the consequences, unless the owner fails to respond to a written report or there is a **deliberate action with malice or negligence** on the part of an operator under' his supervision. This leaves little protection for the Certified Operator, as even DEP Council stated that 'willful malice or negligence is too difficult to prove.' With a large portion of the certified workforce approaching retirement, this develops an inhospitable environment to expect or encourage new professionals to enter.

While this program has progressed for over ten years, I feel there is still work remaining to be done to achieve an effective program.



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