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Independent Regulatory Review Commission
14th Floor Harristown 2
333 Market Street
Harrisburg Pa. 17101

Environmental review Board
Post Office Box 8477
Harrisburg, pa, 17105-8477

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AUG 10 2009

Re: Environmental Quality Board
Proposed Rulemaking, July 11, 2009
Chapter 302, Administration of the Water & Wastewater Systems Operators
Certification Program
Regulation I.D. # 7-433

ENVIRONMENTAL QUALITY BOARD

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INDEPENDENT REGULATORY REVIEW COMMISSION

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Dear Commissioners and Board Members:

I am writing to express my deep concern about the referenced rule making. As a long time professional wastewater operator I am quite taken aback by several of the provisions of, and the way the proposed rules are being promulgated. I strongly support the and endorse the comments being prepared by the Eastern Pa Water Pollution Control operators Assn. and am astounded that PaDEP has not met with them, as stakeholders. I am also quite dismayed at the short time given for public comment. This seems, to me, to be extremely high handed and makes me wonder what they are trying to pull. I would hope the board and commission would tell DEP to star over and work with the professional operator community to draft new regulations.

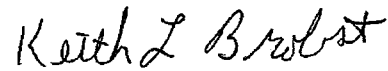
The proposed rules would add new liabilities to operators without being clear what actions would trigger those liabilities. For instance "failure to comply with the duties assigned to a certified operator". Which duties? Further "creating a potential threat to public health, safety, or the environment". A WWTP always has the potential to be a threat it is the nature of the beast. What does this mean?

Of particular concern are the areas dealing with process control decisions. As the Act is written process control decisions may be made only by a certified operator. There is no provision to exempt DEP employees. The last full time inspector in our area came out of school two weeks before starting the job and had never been in a wastewater plant prior to taking the job. Now they want someone like her, unqualified and uncertified to be able to make decisions in my plant and I am liable for the results of those decisions, that is ridiculous. Would you have someone else not pay their taxes and you be cited for it, it's absurd. I would seriously have to consider another line of work and I am sure I am not alone. Who in their right mind would want to come into the field. It is already difficult to hire experienced, certified operators. If people like myself start leaving the field it may well be DEP personnel making all the decisions in plants, they'll be the only ones there.

The proposed reporting requirements are also absurd. I speak to my superiors at least daily. We deal with things as they happen and there are already regulations in place to make sure we do. In writing? A receipt? Do we want to treat wastewater or create a pile of paper?

While these are not my only objections to the proposed regulations they are the real hot button issues. There are regulations in this proposal that are not provided for or are contradictory to the law. It is vague and as such will make it impossible for an operator to do his job. We won't know where we stand. I strongly urge you to have DEP take another long hard look at what they are supposed to be doing and then, in conjunction with the affected community write regulations that are clear, and sensible.

Very Truly Yours

A handwritten signature in black ink that reads "Keith L. Brobst". The signature is written in a cursive style with a large, stylized "K" and "B".

Keith L. Brobst

Water/Wastewater Superintendent
Hamburg Municipal Authority