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September 2, 2009

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SEP - 4 2009

ENVIRONMENTAL QUALITY BOARD

Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101

Environmental Quality Board  
PO Box 8477  
Harrisburg, PA 17105-8477

**RE: Pine Grove Joint Treatment Authority  
Nicholas Stark, Plant Supervisor  
Our File No. 47-1**

RECEIVED  
2009 SEP 14 AM 10:08  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear Commissioners and Board Members:

This law firm represents the interests of the Pine Grove Joint Treatment Authority who has in its employ Mr. Nicholas Stark, Plant Supervisor, a licensed operator. We are made aware of the current rule making proposal of July 11, 2009 effecting Chapter 302, Administration of the Water and Wastewater System Operator Certification Program. Ours is a small waste water treatment plant and while we have a small voice we would like it to be heard.

Mr. Stark reports that the main problem with the proposed regulations is lack of clarity and much conflict within the wording. Further, the reporting requirements are overwhelming. In a small facility such as ours, the senior licensed operator would have to spend more than a significant amount of time doing reporting work and would not have adequate time in the day for other plant related duties. This will require the hiring of additional personnel by the Joint Treatment Authority and will not further enhance the services provided to the community. It will simply be an additional person made necessary to handle additional work now mandated through regulation. I would hope that there might be some method by which a smaller facility such as ours could enjoy streamlined regulations rather than have to endure the same type of requirements imposed upon facilities many times our size.

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Further, retaining properly educated and experienced operators is going to be far more difficult in the future under these regulations. We are learning that many operators are not going to renew their licenses if the proposed regulations actually become the law.

There is also the problem of subordinates to the lead operator being retaliatory in the face of discipline. The senior officer signs all the reports but would be hard pressed to discipline a subordinate if stepping off the page on these regulations would subject a senior operator to discipline or loss of his license. There are simply no safeguards for this possibility in the proposed regulations.

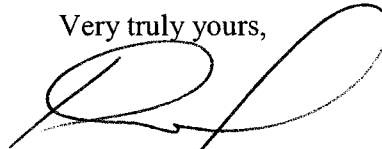
From the Authority's point of view, it is concerned with the annual fees, the reporting requirements and the increased operational and capital costs which these proposed regulations no doubt will bring. In this economic setting it is indeed more important to lessen regulation, unnecessary red tape and bureaucratic influence rather than to increase it. While we are all very much concerned about the environment, we are dealing with licensed operators who have dedicated their lives to that undertaking and the additional work imposed through proposed regulation simply is too much.

We anticipate high employee turnover based upon these new requirements, we anticipate operators will shop for a facility that is new and has the least amount of problems and in the best situation to avoid or eliminate problems rather than actually shopping for a job where there might be a challenge. Older plants will suffer and smaller older plants will suffer greatly.

Finally, the new proposal requires the operator to report any and all problems no matter how small. There is no basis for this in any regulation. There is always some type of a de minimis or safe harbor and the failure of the regulations to provide this should be corrected.

Thank you very much for your attention to this matter.

Very truly yours,



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RJW/dc

cc: Pine Grove Joint Treatment Authority  
Attention: Nicholas Stark, Plant Supervisor  
Attention: Bernard Kulkaski, Chairman