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Tate, Michele

~~2009 SEP 14 AM 10:09~~

From: Paul McCurdy [curdy@windstream.net]

Sent: Friday, September 04, 2009 11:26 AM

To: EP, RegComments

Subject: Regulation I. D. # 7-433, Chapter 302 Water and Wastewater Operator Certification

INDEPENDENT REGULATORY
REVIEW COMMISSION

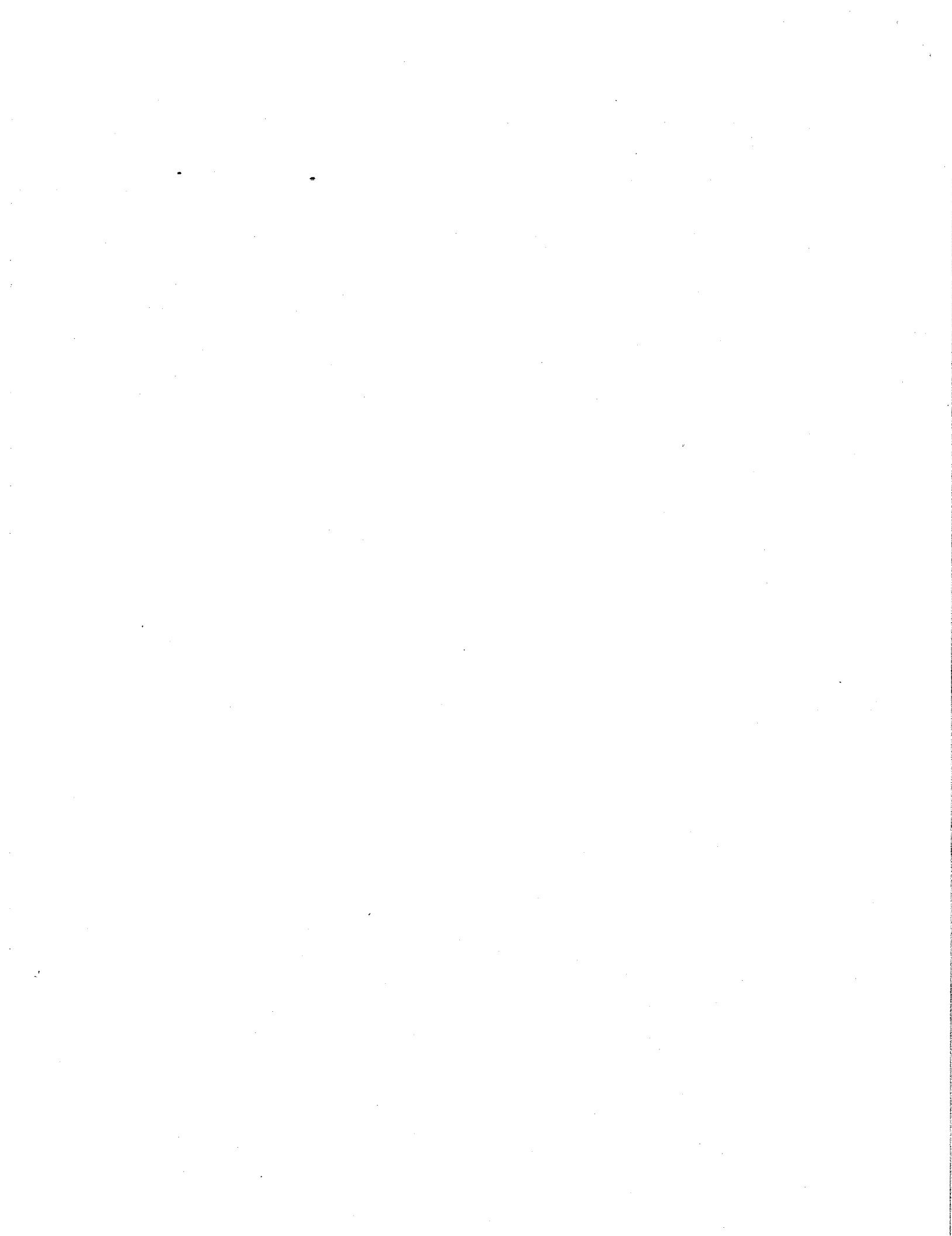
Attached are comments on Regulation I. D. # 7-433, Chapter 302 Water and Wastewater Operator Certification.

One letter to the Environmental Quality Board. And One letter to the Independent Regulatory Review Commission.

Please enter these in the record.

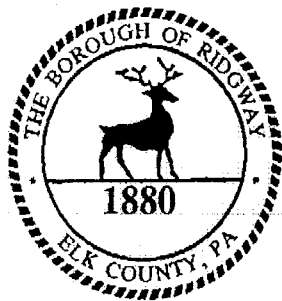
Thanks for your kind consideration in this matter.

Paul J. McCurdy
Environmental Manager



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THE BOROUGH OF RIDGWAY



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INDEPENDENT REGULATORY
REVIEW COMMISSION

Email: curdy@windstream.net

September 2, 2009

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

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

Dear Board Members:

On July 11, 2009 proposes new regulations governing certified operators were published in the Pennsylvania Bulletin. Comments were due August 11, 2009. The Borough of Ridgway is compelled to object to these unreasonable regulations and ask for your intervention to protect the municipalities and their workers in your constituency.

The Borough of Ridgway employees 8 certified operators to operate a Water plant and distribution system and a Sewage treatment plant and collection system to serve our municipality. If these regulations are implemented, municipalities will not be able to staff these essential services because employees will not take on such liability for operators pay. Potential penalties include fines, loss of certification and imprisonment.

We object in the strongest terms to these unreasonable and overly burdensome regulations and request your intervention to eliminate them.

The DEP in these rules takes on themselves management control of municipal water and wastewater systems. These systems are owned, financed and operated by municipalities

and municipal authorities. The present model, where PA DEP sets water quality limits by permit and the owners meet those limits through their own management strategies has been the source of success in improved drinking water quality and improved stream quality since the inception of federal and state environmental agencies. Because of this success, there is no need to depart from this effective model.

These proposed new regulations give PA DEP management control over municipal employees and municipal operations. Unless the PA DEP is prepared to purchase, own, finance and operate the municipal water and wastewater systems, they must leave it to the municipalities. Under these new regulations, municipal employees are accountable to PA DEP rather than their employer. And the penalties to be imposed on a water or wastewater operator individually are unreasonable. Historically, the municipal owner of the system is accountable to DEP for permit compliance and may use its own management strategy to achieve compliance. The municipal employee cannot be held to such a standard with such high risks when he is paid at current rates. No reasonable person will work these jobs and the municipalities will not be able to staff the water and sewer plants.

Until the Commonwealth of Pennsylvania purchases the water and sewer systems from municipalities and hires their own employees to operate them, the system owners shall have management control over their own employees.

Some of the more egregious impacts of these regulations on municipalities include;

1. Making operators individually liable legally and financially for permit violations. Previously, the owner, Municipality was liable. Operators don't earn enough to personally assume such liabilities. At minimum municipalities will incur additional expense to insure their operators.
2. Requiring operators to report in writing any condition that might lead to a violation no matter how minor. This is not only impractical, it is impossible. For example, a power failure, that could happen any time with out warning, might cause a violation. Similarly, mechanical failures and weather events.
3. Uncertified DEP personnel will be empowered to make and impose process control decisions on a certified operator but the operator is legally liable for any violations resulting from the DEP decision.
4. For the privilege of having these draconian regulations imposed on them municipalities must pay an annual fee, read tax, as no service is rendered for the fee.

To attempt to comply with these unnecessary and impossible regulations, municipalities will have to substantially increase staff just to handle written notification requirements. Many water plants and all wastewater plants are operating 24 hours every day of the year. Staffing for notification to cover this is impossible.

In summary, these regulations are unnecessary, impossible and overly burdensome. In them DEP usurps municipal management's authority over its own employees. A

fundamental natural law accepted since the dawn of time is; Them what does the sayin
does the payin. Therefore the Borough of Ridgway urges you in the strongest terms to do
every thing you can to prevent this rule making.

Sincerely

Ron Holmberg
Ridgway Borough
Council President

