



# GREATER LEBANON REFUSE AUTHORITY

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File # 2009-0161

IRRC

14<sup>th</sup> Floor, Harristown 2

333 Market Street

Harrisburg, PA 17101

In Re: EQB Proposed Rulemaking, July 11, 2009

Chapter 302, Administration of the Water and Wastewater Systems Operators

Certification Programs

Regulation I.D. # 7-433

INDEPENDENT REGULATION  
ADMIN COMMISSION

2009 SEP -2 AM 10:25

RECEIVED

Dear Commissioners:

My employer owns two licensed wastewater treatment facilities which have been operated for approximately 30 years by our employees. I have concerns with the proposed rulemaking as follows:

1. **Liability:** The language places the liability for violations of the permit or regulation on the licensed operator directly. I believe this liability should fall directly on the owner of the facility or the holder of the operating permit. While it is certainly appropriate for the owner to require that independent contractor and employee operators have the knowledge, skills and ability to operate their facility employees or contractors under the management of the owner may not have the resource to pay damages for environmental harms resulting from their actions. This liability should be directed to the owner. Only then will the owner have the incentive to assure that employees and contractors are adequately trained and qualified to operate their facility.

2. **Procedures:** Standard Operating Procedures should be part of the design of the facility and developed by certified professional engineers, not by a facility operator or DEP operative who have not been trained, evaluated and certified to have the knowledge to understand the full implications of the system design parameters. These SOPs should be part of the Operating Permit for the facility and reviewed by other certified professionals as part of the design and permitting process, NOT developed by DEP, the plant operators or owners independently after permitting. In no way should the operator be "liable" for damages incurred during operation of the facility in full compliance with approved design, operating, and permit instructions.

3. **Qualifications:** Operators are not required to be trained, qualified or certified to prepare an accurate and defensible report of the "degree of severity or threat to public

health” of every minor operating parameter of the facility and item of equipment contained in the systems. Again, this is part of design that should be done by a registered professional engineer and addressed in the design and permitting process. The operator should keep a log book and note that management was notified of anomalies and direction received. The operator should not be required to become a full time legal assistant to operate a facility to approved procedures and permits. Please reconsider this.

4. Fees: If all entities are to pay a fair share of the program, each operator should pay the same fee for activity. An Approved Examination Provider in Table 1 pays \$400 for one examination session per year. Those who receive 10 or more examination sessions per year pay a maximum of \$80.00 each. I do not consider this a “fair” share: Ten sessions should be 10 times \$400 or \$4,000. If the program only needs \$80 per session to be funded then that to me is a “fairer” share.

5. Department Courses, Table 1: Is the cost of the Web based Course and that of the Classroom Course transposed? I read \$30.00/hr for a Web-based course and \$10/hr for a Classroom Course. Labor costs alone make this questionable. The efficiency of Web Based programs really make the costs appear to be transposed.

6. Credit for certification by other States: Please include language that requires that equal or greater qualifications are required by the other state Certifications before allowing credit toward a PA Operator Certification. I do not see this in the proposed regulation.

7. General: Under “G” Pollution Prevention. In the first paragraph the last sentence – “These regulations were incorporated the following...”- needs an edit.

Thank you for the opportunity to review and comment upon these regulations.

Respectfully,



MICHAEL D. PAVELEK II  
Executive Director  
Greater Lebanon Refuse Authority