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Tate, Michele

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**From:** Arguto.William@epamail.epa.gov  
**Sent:** Thursday, September 03, 2009 9:25 AM  
**To:** EP, RegComments  
**Cc:** Daniels, Lisa  
**Subject:** Proposed Rulemaking 25 PA Code, Chapters 301,302 303 and 305

2009 SEP -3 PM 4:43

INDEPENDENT REGULATORY  
REVIEW COMMISSION



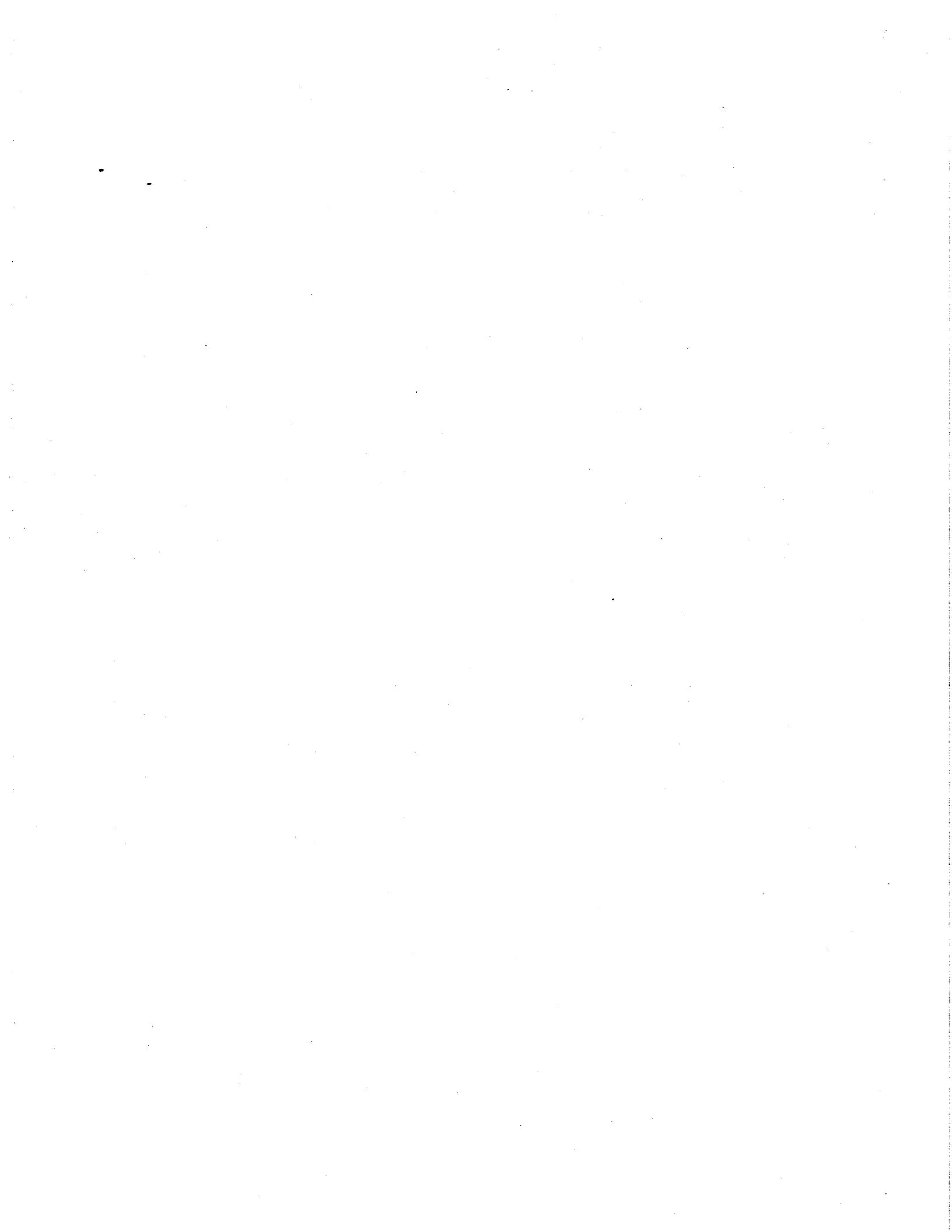
Op Cert reg  
development in PA...

Attached are the U.S. Environmental Protection Agency Region III comments on the above subject Pennsylvania rule making. If you have any questions please call me at the number listed below.

(See attached file: Op Cert reg development in PA.pdf)

Regards;

Bill Arguto  
US EPA Region III  
Drinking Waster Branch Chief  
Office of Drinking Water and Source Water Protection 215-814-3367 1650 Arch Street Phila Pa 19103





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

SEP 03 2009

Sent via email to: [regcomments@state.pa.us](mailto:regcomments@state.pa.us)

Environmental Quality Board  
P.O. Box 8477  
Harrisburg, PA 17105-8477

Re: **Proposed Rulemaking: 25 PA Code, Chapters 301, 302, 303 and 305**

To Whom It May Concern:

The United States Environmental Protection Agency, Region III, Drinking Water Branch (EPA) submits the following for consideration regarding the Administration of Water and Wastewater Systems Operator Certification Program *Proposed Rulemaking*, published in the Pennsylvania Bulletin July 11, 2009.

EPA has reviewed the proposed regulations and finds that they are consistent with February 5, 1999, Federal Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Public Water Systems. These guidelines provide states with the minimum standards for the development, implementation and enforcement of operator certification programs.

EPA commends the Department of Environmental Protection (Department) for its significant outreach efforts and stakeholder involvement with the development of these revised rules. We have closely monitored the Commonwealth's implementation of this program over the past several years to ensure that such program was substantially equivalent to the Federal Guidelines while being implemented from the Water and Wastewater Systems Operators' Certification Act. These proposed regulations reflect the desire on the part of the Department to continue such implementation.

It is important to note several provisions of the proposed regulations that are unique as well as addressing areas of concern raised early on in the regulation development process in Pennsylvania. These include:

- The creation of a mandatory security course offered by the Department (§302.804);
- Addressing the duties of owners separately from the duties of operators;
- Addressing a process for professional engineers; and
- Capturing requirements for backup emergency plans for making process control decisions when the PLC or SCADA system is inoperable;

One area that raises a key concern for EPA is the creation of fees for training sponsors. EPA has been an approved training provider since July 2007, offering training in the Incident

Command System and national response framework; and other water security and emergency preparedness courses. These courses offer contact hours to eligible drinking water and wastewater operators. In §302.302 the Environmental Quality Board proposes to create fees for the approval of training courses and conferences. EPA would not be able to pay such fees and would, therefore be unable to offer contact hours to system operators. EPA is also unable to charge fees for hosting these training courses, so that is not a viable option for generating income to cover the costs of these fees.

EPA also believes that such fees are not appropriate to be charged to EPA given the range of activities that currently are, or could be, funded under the various federal grant programs offered by EPA to the Commonwealth. These grants far exceed EPA's share of this program's administrative costs as an approved training provider.

It is recommended that the Department create exemption categories whereby certain providers such as EPA will be exempt from all fees.

EPA looks forward to working with the Department as these regulations are finalized. We will also work closely regarding necessary submissions to EPA for program approval.

If you have any questions or comments, please contact me at (215) 814-3367.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Arguto', with a long horizontal flourish extending to the right.

William Arguto, Chief  
Drinking Water Branch