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Tate, Michele

From: Ralph Watters [Rwatters@DTMA.com] 2009 SEP 14 PM 3:12
Sent: Wednesday, September 09, 2009 4:38 PM INDEPENDENT REGULATORY
To: EP, RegComments REVIEW COMMISSION
Subject: New 25 Pa Code Chapter 302 (Operator Certification)

Dear Madam/Sir,
Subject comments are attached. Thank You.

Ralph G. Watters
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Derry Township Municipal Authority
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September 9, 2009

**[Sent via electronic mail to
regcomments@state.pa.us]**

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

Re: Proposed New 25 PA Code Chapter 302
Regulations Water and Wastewater
Operations Certification Programs

Dear Madam/Sir:

We have reviewed the referenced proposed regulations and offer the following comments:

1. In general we believe the regulations go beyond those contemplated and authorized by the Water and Wastewater Systems Operator's Certification Act ("Act"). For example, the Act authorizes subclassifications within the classifications established by the Act [63 P.S. §1004 (c) (4)]. However, the regulations create a whole new classification (even though called a subclassification) for laboratory supervisors. Laboratory supervisors are already regulated under separate law and regulations. Inclusion under these regulations is duplicative and confusing.
2. The regulations take guiding statements of the Act to unrealistic micromanagement levels which are unworkable. For example, the Act reasonably requires certified operators to report to system owners known permit violations or conditions that may be, or are causing violations [§1013 (c) (2) & (4)]. The regulations expand that simple requirement at 302.1201 (c) to an open-ended requirement to report matters that "could" cause a violation. Furthermore, the notice requirements betray a lack of understanding of how such matters are actually handled at most medium to large-size facilities.
3. The costs of complying with the operational portions of the regulation have been totally ignored in the Preamble Section F. A system owner may have most of the various items described in § 302.1203 (c) but not in the compiled narrative form required by the regulations. The same may be true of the required format of standard operating procedures detailed in §302.1204.

We suspect that the drafting of these regulations has been guided by the Department's experience with some unprofessional operators and/or system owners unwilling or unable to devote sufficient resources to system operation and maintenance. However, in crafting necessary regulations, the Department must be careful that it does not impose impractical and expensive burdens on well-managed systems.

These examples demonstrate the need to rework portions of the regulations with input from system owners and operators who can recommend practical ways to achieve the desired result within the framework of what is authorized in the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph G. Watters". The signature is written in a cursive style with a prominent initial "R".

Ralph G. Watters
Manager