

Operator Certification Stakeholders Workgroup Meeting Summary June 27, 2005

A. Introductions

Andy began with discussions on recent changes to 3745-7-1. Bill Winters suggested the addition of “treatment” after “wastewater” in paragraph (F). All other changes appeared consistent with previous stakeholder comments.

B. The group discussed 3745-7-15. Andy began with discussions of Mark Livengood’s proposal that the approval of contact hours to be consistent or similar to the Board of Professional Engineers and other organizations (i.e. nurses, veterinarians, doctors, and attorneys). Andy researched the methods of course approval used by other groups. The research indicated the following:

Doctors – Providers must be accredited through the Ohio State Medical Association.

Veterinarians – Courses approved by Board

Nurses - Courses approved through the Ohio Board of Nursing

Engineers – Program begins in 2007.

Attorneys – Courses must be accredited by the Commission on Continuing Legal Education.

Based on the above information, the current procedure seems to be relatively consistent with other professions within the state. The Board of Engineering’s program will not begin until 2007, so it has not been tested. They may experience problems similar to those faced by some of the other professions. Based on those facts, Andy stated that it would be his recommendation to keep the current procedures as outlined in the proposed rules and take a “wait-and-see” approach on how things work for the Board of Engineering. If their program works with no problems, Ohio EPA would be willing to revisit the course approval process.

Andy also discussed a request forwarded by Keith Radick regarding the creation of an inactive status of licensure. Ohio EPA has considered the request in the past, but after looking at the logistics it does not appear necessary. Two scenarios would occur that could conceivably necessitate

an “inactive” status. The first would be an operator who has retired or decided to leave the field. Under current rules that operator would be required to continue to pay renewal fees and maintain contact hours to keep current with the field. Under the requested change the operator would continue to pay fees (a statutory change would be necessary to implement an “inactive” fee,) but not accrue contact hours until the operator requests reactivation. This change would bring about too many uncertainties and potential problems that Ohio EPA feels do not justify the costs involved to both the operator and the agency. For instance, how many contact hours should be required for an operator returning to service? If the operator has been out of the field for 10 years is there a different number that is appropriate? How long should Ohio EPA maintain records related to an inactive operator? In the second scenario an operator may move out of state and continue to work in the field. In this scenario the operator would most likely be required to maintain contact hours for that state, so the operator would merely need to get contact hours from that state approved in Ohio, which is a relatively simple process. With a little effort on the operator’s side he/she may even convince training providers in other states to apply for contact hours in Ohio. Ohio EPA feels that there are enough free or low cost contact hour courses available that this change and the associated issues it would create are not necessary.

The group then reviewed changes that were made to the document based on previous comments.

Based on a request by Richard Kipp paragraph (E) (1)(d) which states “A maximum of one contact hour per renewal cycle may be earned if a certified operator provides proof of individual membership in a trade organization related to the field in which they hold a certificate” was added.

Based on a request by AWWA paragraphs (2)(c), (d), and (i) were added.

Mark Livengood requested that the clarification “prior to the scheduled training” be added after “thirty days” in paragraph (E)(2)(i)

Richard Kipp pointed out that “below and” in paragraph (D)(3)(b) could be removed.

During previous meetings the concept of allowing a reduction in the number of contact hours required for operators holding multiple certifications was discussed. The group decided that this would be a good addition to the rules. Ohio EPA will add a provision to that effect.

The group agreed that all of the referenced changes were acceptable.

- C. The group then discussed 3745-7-06 and indicated that the changes were acceptable.

The group raised the issue that Ohio EPA had indicated that it would be willing to consider OIT status for Class II certification. The group wondered if it was still a possibility. Andy indicated that it was, if the group felt that it was a good idea. The group agreed that it was a good idea. The proposed version of 3745-7-07 will be modified to include that provision.

- D. The group discussed 3745-7-09. Discussions were held on paragraph (4)(b) and the need to maintain bound books with consecutive page numbering. Andy discussed that the intent of the bound and numbered logbooks was to prevent any tampering or fraud specifically when documenting minimum staffing times. Andy indicated that Ohio EPA would change the language in (b) to indicate that Ohio EPA would approve alternative formats of all required logs and then the group could help develop guidelines on criteria to be used in approving those formats.

Ohio EPA added a new provision (A)(5) dealing with issues that are out of the operator's control. This provision requires that an operator document efforts to rectify the problems and notify the appropriate authorities. Subsequent conversations within Ohio EPA have resulted in the paragraph being moved to (C) and covering the responsibilities of responsible charge operators as well.

- E. The group discussed 3745-7-03. The classification for distribution systems was changed to indicate that Class I system were defined as <1.0 MGD and not a part of a Class A public water system. Anything greater than or equal to 1 MGD would be a Class II distribution system. The group agreed that this sounded logical. Subsequent discussions within Ohio EPA have resulted in the 1 MGD being revised to 2.5 MGD in order to be consistent with the classification of facilities and prevent a Class I public water system from having a Class II distribution system.

Discussions on the minimum staffing times will be postponed until the next meeting in order to allow AWWA time to compile the results of their survey.

Ohio EPA has also added a new paragraph (N) in the rule regarding the reduction of staffing times based upon a facility's ability to be remotely monitored and operated. The group discussed the conditions associated with the potential reduction in staffing time. Some concerns were that redundancy in monitoring and control equipment would be cost prohibitive; stakeholders asked if the daily calibration checks could be limited to

permit related parameters or backed off once a baseline was established. Andy indicated that Ohio EPA would retool the language and possibly move the provisions related to redundancy and calibration checks under the information that would be provided in the standard operating procedure.

- F. The group discussed 3745-7-4. As previously requested by the group, a Class A classification for wastewater facilities has been added for facilities with a design flow of less than or equal to 25,000 gpd. Paragraph (A)(3) has been revised to indicate classification on a case by case basis for treatment works that do not discharge to waters of the state; sewage sludge treatment works; industrial facilities operating as activated sludge treatment works and any other treatment works not previously covered. Paragraph Q which is equivalent to new paragraph (N) in 3745-7-03 was also added. Ohio EPA will make the changes requested in (N) above to this paragraph.

A question that was raised during the discussion was the grandfathering of existing operators at the Class A wastewater facilities as “limited Class A certificates”. Based on group consensus Ohio EPA will use language similar to that used when the Class A public water system classification went into effect.

The next meeting is scheduled for July 20th from 12:00-4:00.

Note: We are actively seeking input to the proposed revisions. If you have concerns please draft alternative language or options.