

# Operator Certification Working Group

## EXECUTIVE SUMMARY

### NDWAC Operator Certification Working Group (The Partnership) August 13-14, 1998 Washington, DC

#### I. Background

On August 13-14, 1998, EPA held a meeting of the National Drinking Water Advisory Council's (NDWAC) Operator Certification Working Group (the Partnership) in Washington, D.C. The purpose of the meeting was to address public comments on the draft guidelines for operator certification, which were published in the [Federal Register on March 27, 1998](#). Nineteen of twenty-three work group members attended the meeting, including three new members: Patrick Banegas (NDWAC member), William Bellamy (NDWAC member), and Jane Houlihan (Environmental Working Group).

Several opportunities were provided during the meeting for the public to comment.

#### II. Meeting Summary

Prior to the meeting, the Partnership members received a compilation of all 98 sets of comments that were submitted to the public docket in response to the March publication of the draft guidelines. To facilitate discussion, EPA developed a list of key issues to address. Additional issues were solicited from the group at the beginning of the meeting.

Since the majority of public comments requested clarification and more specific direction to States, the Partnership agreed to add Preamble language that clarifies that the intent of the guidelines is to provide flexibility to the States in the interpretation, implementation, and enforcement of operator certification program details.

In response to numerous public comments requesting clarification of the phrase "such as but not limited to," the group revisited each applicable section of the guidelines to determine the true intent of the phrase. Commenters expressed concern that the legal interpretation of the phrase would require state programs to include all of the listed items in addition to others. The Partnership unanimously agreed that the phrase was intended to provide examples to States for a variety of items in the guidelines in which several potential options may exist, and modified the language to clarify the issue. The only exception occurred in baseline standard number six (Resources Needed To Implement The Program), where the language was modified to clarify that all of the listed items are required.

Several commenters also requested that EPA define "State validated," "illegal bias," and "job analysis." The Partnership engaged in a lengthy discussion to determine the intent of the terms in the Operator Qualifications baseline standard. The group unanimously agreed to remove "State" from "State validated," and agreed to strike the language regarding illegal bias and job analysis from the baseline standard.

Another issue drawing significant public comment was grandparenting. In response to these concerns, the Partnership unanimously agreed to clarify that although systems must apply for grandparenting, individual operators, not systems, are grandparented. Additionally, the Partnership clarified its intent that

grandparented operators may renew a grandparented certificate, but must meet initial certification requirements if they choose to work for a different system.

To address concerns regarding the Certification Renewal and Recertification baseline standards the Partnership changed the term "lapsed" to "expired." The Partnership also agreed to eliminate use of the term "grace period" in these baseline standards and to add language to both standards to clarify that individuals with an expired certificate are not certified.

The Partnership recommended changing "implemented" to "implementing" under the Program Submittal Process to ensure consistency with the Safe Drinking Water Act (SDWA). A similar change is required in the Introduction under Statutory Requirements. In addition, the group agreed that an Attorney General's certification should be required only with the initial submittal or when changes have been made to a state's statutes and regulations.

### **III. Next Steps**

- The Association of Boards of Certification (ABC), the Association of State Drinking Water Administrators (ASDWA), and EPA will develop estimates of the costs of training, certification, and per diem.
- EPA will seek clarification on the definition of "unsalaried" as used in the context of Section 1419 of SDWA.
- EPA will distribute the revised draft guidelines to the Partnership for review and comment.