

State of Ohio
Environmental Protection Agency

PUBLIC NOTICE

July 14, 2006

Notice of Proposed Rule-making and Public Hearing

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) and Division of Surface Water (DSW) propose to modify the Ohio Administrative Code (OAC) rules regulating the certification of operators of drinking water and wastewater facilities in Ohio in Chapter 3745-7 of the Administrative Code. The proposed amendments are, in part, a result of the five year rule review requirements of Section 119.032 of the Revised Code. During this review process DDAGW and DSW determined that the existing operator certification rules were outdated and lacked clarity. The divisions have consulted with a stakeholders workgroup and solicited input from interested parties on the draft versions of these rules and are now formally proposing the rules with the Joint Committee on Agency Rule Review, the Legislative Service Commission, the Secretary of State, and the Department of Development.

The proposed amendments include clarifications to the definitions used in this chapter, a requirement for wastewater treatment systems serving less than 250 people to have a certified operator, and revisions to the classification system of both public water systems and wastewater systems. Other proposed changes include requirements for minimum staffing times for operators in responsible charge of drinking water and wastewater facilities, revisions to the eligibility criteria for certification examinations, and the inclusion of provisions for a limited class A wastewater operator. The creation of performance standards for certified operators, changing the "Advisory Board of Examiners" to the "Advisory Council of Examiners", and reductions in the number of contact hours required for operators holding multiple certificates have also been proposed. The proposed amendments also include the ability to approve contact hour providers as well as individual contact hour courses, and provisions to take action on multiple certificates in cases of fraud or falsification. Additionally, the proposed amendments make revocation of an operator's certificate permanent, refer to the statute for all fees, and include prohibitions related to falsifying information on the application or exam. The amendments proposed have also been clarified such that they prohibit anyone other than the examinee from editing or writing a Class IV examination. Due to the extent of the changes, the division proposes to rescind many of the rules and replace them with a new rule of the same number.

An information session will be conducted on August 17, 2006, beginning at 4:00 PM in conference room A at the Ohio EPA, Lazarus Government Center, 122 South Front Street, Columbus, Ohio. A public hearing pursuant to §119.03 of the Ohio Revised Code will follow the information session and begin at 5:00 PM. All interested persons are entitled to attend or be represented and give their written or oral comments on this proposed rule-making. A presiding officer will be present until all interested persons have been heard.

To facilitate scheduling of oral presentations, persons intending to give testimony at the hearing should ensure that Ohio EPA receives notice of such intent by 5:00 p.m. on August 15, 2006. Persons who provide Ohio EPA with prior notice will be heard ahead of persons who register at the hearing. To provide notice of intent to give oral comments at the public hearing, contact Kelly Peavler, Ohio EPA, DDAGW, Lazarus Government Center, P. O. Box 1049, Columbus, Ohio 43216-1049.

In order to ensure that written comments are considered as part of the official record of this hearing, written comments must be received by Ohio EPA by the close of business August 17, 2006. Written comments on the proposed rules may be given to the presiding officer during the hearing, sent by mail to Kelly Peavler at the address above, or sent by email to the following address ddagw_rulecomments@epa.state.oh.us.

To obtain a copy of the proposed rules, contact Donna Roberts at Ohio EPA at (614) 644-2755 or email at donna.roberts@epa.state.oh.us. Please request the "proposed operator certification rules" and, if a recorded message is left, be sure to include your name, telephone number, and complete mailing address. There is no charge for proposed rules. The proposed rules will be available on the Agency web page until their adoption or withdrawal. The address is: <http://www.epa.state.oh.us/ddagw/oac.html>.

Questions concerning this proposed rule-making, other than obtaining copies of the proposed rules, may be addressed to Kelly Peavler at the above address or by phone at (614) 644-2752. Email can be sent to kelly.peavler@epa.state.oh.us.