



July 30, 2012

Charles R. Hoppin, Chair, and Members
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812



ATTN: Jeanine Townsend, commentletters@waterboards.ca.gov

SUBJECT: Comments on Proposed Changes to the Title 23 Regulations for Operator Certification

Dear Chairman Hoppin and Members of the Board:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the State Water Resource Control Board's Proposed Changes to the Title 23 Regulations for Operator Certification. BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 6.5 million people in the nine county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals charged with protecting the environment and public health.

Most of our member agencies own and operate wastewater treatment plants and have employees that are licensed wastewater treatment plant operators. Therefore, the operator certification regulations directly impact the operations, maintenance, and cost for our members, which determine the rates that our members charge their customers. Consequently, our members are very interested in the proposed regulation changes, and we offer the following suggested changes to the regulations.

Article 3. Grade Levels of Operator Certification

3680. Grade Levels of Operator Certification (page 16)

- (a) In the table, for a Class V Plant, change the Minimum Grade Level of the Designated Operator-in-Charge from Grade III to Grade IV
- (b) Leave the existing wording in the section as is. Don't make the suggested changes.

3681. Lone Operator

We recommend deleting Section 3681. Since unattended operations of a plant are allowable, the proposed regulation seems unnecessary. As written, the regulation requires burdensome paperwork for the agencies to submit, which means more paperwork for the SWRCB to review with its limited resources.

If the Lone Operator category is included, we suggest the following changes:

- The proposed reporting requirements imply the need for pre-approval of schedules, which will create a burden for plants to develop and submit, and for the SWRCB to review the plans. If a lone operator compliance plan is needed, we suggest requiring plants to have a general plan for the grade level and duties for a lone operator, and a list of the personnel that qualify for this position. The plant would keep the plan on file for review at any time, and could submit to the state as a record, but the plan would not be subject to specific review and approval.
- The proposed regulations indicate that an OIT cannot be a lone operator, which we believe is appropriate. Further, we believe that a lone operator should have the appropriate Grade level for the plant classification, and should not make any process decisions without supervision or consultation

Article 6. Minimum Qualifications for Wastewater Treatment Plant Operator Certification

3684. Qualifying Experience Credit

- Paragraph (a)(1)(A), in the last line, replace “or an Indian tribe” with “or an Indian tribe; and”
- Paragraph (a)(2)(A), delete “safety, or laboratory procedural”
- Paragraph (a)(2)(B), delete “safety, or laboratory procedures”

3687. Education and Experience Requirements

- In Paragraph (c), add a requirement that an OIT must take an examination within 18 months of starting as an OIT.

3689. Examination Waiver

We do not believe a waiver to the examination requirement should be allowed, and recommend deleting Section 3689 in its entirety. In Section 3687, Paragraph (b), remove the reference to Section 3689.

Article 9. Administrative Civil Liability, Disciplinary Action, and Petition Process

3710. Grounds for Disciplinary Action

In Paragraph (10), first line:

- remove the word 'any' and replace with word 'an'

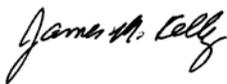
Article 10. Fees

3717 Operator, Provisional Operator, and Operator in Training Fees

- The fees in general are too high. Please indicate the justification for the proposed increases.
- Indicate how the fees per grade classification were developed. Is it based on cost recovery for administration of each grade category?
- Indicate how the fees were developed for each category of fees? (Application fees, examination fees, renewal fees, etc.)
- Overall, the fees should be equitable, and it's not clear if this has been done.

If you have any questions on our comments, please do not hesitate to call. BACWA appreciates the opportunity to comment on the proposed regulations, and is willing to work with the SWRCB in any way to make the regulations successful.

Respectfully Submitted,



James M. Kelly
Executive Director
Bay Area Clean Water Agencies

cc: BACWA Executive Board
Operation Information Share Group