

Operator Certification Early Involvement Review Statistics on Comments Received

To the extent possible, the following details the number of comments received on each rule and the top three provisions for which commenters had questions or concerns. Please note that the comment totals may not match the total number of comments as one comment may cover multiple concepts. Additionally, for some of these rules it was quite difficult to pick the top three concepts because there were so many disparate comments.

3745-7-01

Number of comments: **97**

1. Definition of a "full-time employee" (37/97)
2. Definition of "operating experience" - specifically the types of experience that are/are not allowed (17/97)
3. Definition of an "operator in responsible charge" (7/97)

3745-7-02

Number of comments: **66**

1. Provision that an operator can only be in responsible charge of one Class III or IV facility (24/66)
2. Provision that requires Director's approval for an operator to be in responsible charge of more than one facility (23/66)
3. Ability for a Class III operator to be in responsible charge of a Class IV facility for a period of up to 2 years if they have applied for and received approval to take the Class IV exam. (9/66)

3745-7-03

Number of comments: **111**

1. Minimum staffing requirements (38/111)
2. Proposed classification of distribution systems (12/111)
3. Proposed classification system for public water systems (8/111)

3745-7-04

Number of comments: **52**

1. Minimum staffing requirements (24/52)
2. Additional staffing requirements – specifically the requirement for daily visits and the requirement that the operator in responsible charge be “available” during all periods of plant operation (9/52)
3. Proposed classification system for wastewater works (7/52)

3745-7-05

Number of comments: **13**

1. The vast majority relate to the inability of a Class I water and Class I wastewater to be in responsible charge of a Class II distribution and Class II collection system, respectively. (9/13)
2. Additional comments relate to the terminology of wastewater vs. treatment and/or collection. (3/13)

3745-7-06

Number of comments: **48**

1. Required experience for operators applying for certification above a Class I (after July 1, 2006). Commenters feel the lengths of experience required are excessive. (13/48)
2. Requirement for a high school diploma or equivalent for all classification levels. (3/48)
3. Provision that only allows bachelor degrees in physical and natural science to count towards operating experience – commenters think engineering disciplines should count as well. (2/48)

3745-7-07

Number of comments: **12**

1. Limitation of the operator-in-training option to Class A and I examinations (12/12)

3745-7-08

Number of comments: **1**

1. Commenter states that Ohio EPA has not followed through on the Class A certificates. Commenter states that he thinks some amount of schooling or examination should be required even for a Class A. (1/1)

3745-7-09

Number of comments: **63**

1. Many commenters were opposed to the rule in general. (20/63)
2. Most disagreed with the log book requirement. (18/63)
3. Others had problems with specific duties, arguing that not all of the duties apply to all operators depending on the size and complexity of the rule. (14/63)

3745-7-10

Number of comments: **3**

1. One commenter pointed out that as currently drafted the two OEPA members would be replaced at the same time, commenter suggested staggering them. (1/3)
2. Another commenter pointed out that adding another OEPA member means the council will have an even number of members – allowing for ties (1/3)
3. Last commenter suggested the term “at the time of appointment” be added to paragraphs (A)(2), (3), and (4) (1/3)

3745-7-11

Number of comments: **4**

1. All comments related to the paragraph that states that the council may review applications for examination and certification and advise the director accordingly. Two commenters state that the council does not in fact do this so this language should not be in the rule. The other commenters think that this is poor use of the council's time and should be left to OEPA staff. (4/4)

3745-7-12

Number of comments: **8**

1. Only real consensus among comments is that there should be more clarification as to what are considered suspendable offenses and what are considered revocable offenses. (2/8)
2. Other comments suggest that OEPA is micromanging through this rule and express concern about operators being penalized for mistakenly submitting an inaccurate document. (2/8)

3745-7-13

Number of comments: **5**

1. Two commenters suggest there is no need for reciprocity. (2/5)
2. One commenter requests that we allow reciprocity for out of state Class IV operators. (1/5)
3. Another requests a list of states that allow reciprocity for Ohio certifications. (1/5)

3745-7-14

Number of comments: **1**

1. Comment that rule should only be rescinded if the provision to obtain a duplicate is contained in 3745-7-17. (1/1)

3745-7-15

Number of comments: **41**

1. Commeters believe it is unreasonable to ask a training provider to provide a list of training to occur in a calendar quarter because classes may not be finalized that far in advance. (7/41)
2. Many comments disagree with the provision that only 50% of contact hours can come from safety related courses. (6/41)
3. The provision that states the director MAY send renewal notices. Commenters argue that this should be a requirement. (4/41)

3745-7-17

Number of comments: **4**

1. One commenter asked why we need this rule at all since it refers to ORC 3745.11 throughout. (1/4)
2. Another commenter requested that OEPA submit reports periodically regarding how fees are used. (1/4)
3. Another asked for a statement that fees will only be used for operator certification purposes only. (1/4)

3745-7-18

Number of comments: **11**

1. Many commenters feel that having a Clas IV examination critiqued or edited should not be considered subversive conduct. (6/11)
2. One commenter pointed out that the penalty for cheating on the exam is more than the penalty for cheating "in the operating world". (1/11)