

Operator Certification Stakeholders Workgroup Meeting Summary March 29, 2005

- A. Introductions
- B. Andy began with discussions on 3745-7-12 “Suspension and revocation of certification.” The group noted a couple of typos with the need for “board” to be replaced by “council.” Minor revisions in the language were discussed and the consensus of the group was that there were no major problems with those revisions. The discussion then turned to the length of suspension and revocations. The group felt that suspension should be one year or more while a revocation should be permanent. Workgroup members suggested a guidance or matrix be used to help determine the length and severity of punishment. It was suggested that once the group was done reviewing the rule package that it could also help develop any guidance necessary to implement the provisions in the rule.
- C. OAC Rule 3745-7-13 “Reciprocity” was the next draft rule discussed. Opinions on this rule ranged from eliminating reciprocity to blanket authorization of operators from other states. The group discussed extending reciprocity to Class IV certification. Some members of the group argued that Ohio is missing out on qualified individuals from out-of-state while others argued that in some states the exams for higher levels are not as difficult as Ohio’s Class I and II. Many suggestions were made, but the consensus was that the prohibition on reciprocity for the Class IV certification should be eliminated. Andy pointed out that the rule requires Ohio EPA to review an examination from the state in which an operator seeking reciprocity is certified in order to determine it’s equivalence to the Ohio exam. Most states are unwilling to share examination information with each other, so the likelihood of receiving Class IV certification is slim. There are other states using essay questions, however finding an exam similar to Ohio’s may be next to impossible. Changes to Ohio’s Class IV examination were discussed and Andy reminded the group that the topic of Class IV exam revisions was more appropriate for the Advisory Board and the Class IV stakeholders group. Andy did indicate that based on conversations with the Class IV stakeholders group and with operators at the OTCO Class III/IV workshops, it appears that operators who have been through the Class IV certification process feel that they did gain knowledge from the testing process and that they would not favor wholesale changes. He also pointed out that completely changing the process may have unintended consequences such as a dramatic decrease in the passing rate.

- D. OAC Rules 3745-7-14 and 17 were quickly reviewed and the consensus of the group was that the proposed rule changes were acceptable.
- E. OAC Rule 3745-7-18 “Conduct at test site and during reviews” was discussed. The only proposed change to this rule is the addition of a paragraph referring to class IV examination. The intent of the provision is to eliminate the possibility of a utility hiring a consultant to prepare Class IV examinations. The group feels that if that was the intention, then the rule should clearly state that the Class IV examination be completed by the examinee and that the hiring of consultants is prohibited. Susan Ashbrook indicated that she felt that the proposed provision was unnecessary and that other provisions already in the rule are sufficient to prevent cheating on the Class IV examination. Susan indicated that she would speak with Ohio EPA attorneys Bill Fischbein and Kim Rhoads, regarding her opinions. The group will await a response.
- F. OAC Rule 3745-7-15 “Expiration and renewal of operator certification” was discussed. Andy indicated that Ohio EPA would be willing to return paragraph (C) to the original language of “...shall be mailed...” Also, rather than having paragraph (A)(3)(a)(iv) limit the amount of safety training the group suggested the rule read “at least 50% of an operator’s contact hours shall be those determined by the director to be related to operations and maintenance.” The group agreed to replace “field” in paragraph (E)(1)(b)(i) and 2(b)(ii) with “subject for which they are providing training, or experience as approved by the director.”

The process for becoming an approved training provider and the requirements therein were then discussed. Curtis Truss suggested there be some type of probationary period where training providers who have not traditionally submitted contact hour requests could submit courses in accordance with paragraph (E)(1)(b) for some period of time in order to ensure that they are familiar with process. Once they meet that time frame, then they could begin applying for their training in accordance with the rest of the rules. Curtis agreed to attempt to draft language prior to the next meeting.

OEPA agreed to modify language in paragraph (E)(2)(g) from “calendar quarter” to “monthly.”

OEPA agreed to explore the possibility of modifying language in paragraph E(4) from “shall” to “may.”

Mark Livengood presented an alternative method for dealing with contact hour approval suggested by OWEA. OWEA’s proposal would not require the submission of a Form A or the issuance of course approval numbers, rather operators would be responsible for documenting course attendance

and maintaining records at their work location. Mark indicated that other certification/licensing agencies (PE/PS, Ohio Bar Association, Ohio Medical Association and Ohio Veterinary Medical Association) use this type of format. Andy indicated that he would research to see how the other groups handle contact hour courses and discuss it the next time this rule is discussed.

A couple of items that had been brought up in the rules' early involvement review were discussed. The first was the suggestion that the amount of contact hours necessary for operators holding dual certification be reduced for the second certificate. After some discussion it was suggested that courses designated for both water and wastewater should be eligible for use on both renewals instead of the current procedure in which courses can only be used on one renewal application. A second idea discussed was moving the deadline for renewal earlier in December in order to avoid having renewal applications submitted at the same time they are expiring. The group suggested a provision that indicated a certificate is valid until the director acts on it.

Finally, the group briefly discussed 3745-7-01. The discussion centered on the definition of available in the proposed rules. Andy indicated that the provision has always been in the rules and it is being defined in 3745-7-01 to explain what the term means. As part of the USEPA's administration of the revolving loan program, USEPA required all states to have USEPA approved operator certification programs in place. USEPA developed guidelines for the certification and recertification of operators. One of the requirements necessary for a state's certification program to be approved by USEPA was that the program have a provision requiring a designated certified operator to be available for each operating shift. Ohio has used the provision of being "available" (able to be contacted as needed twenty-four hours a day, seven days a week to initiate the appropriate action in a timely manner), in order to satisfy USEPA's requirement. To remove this provision may create a situation where it would be necessary for Ohio EPA to require a certified operator at a facility on every shift.

A meeting will be scheduled for April.

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