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# EPA PROPOSAL FOR THE OPERATOR CERTIFICATION PROGRAM

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The U.S. Environmental Protection Agency (EPA) is seeking comment on a notice that addresses the following provisions: (1) the process for reviewing State operator certification programs and making Drinking Water State Revolving Fund (DWSRF) withholding determinations pursuant to section 1419 of the Safe Drinking Water Amendments (SDWA) of 1996; (2) a clarification in the Operator Certification Guidelines with respect to the validation of certification exams; and (3) the proposed allocation methodology to award grants to States under the Expense Reimbursement Grants program. EPA will seek comment for a 45 day public comment period and then finalize this notice and publish it in the *Federal Register*.

## BACKGROUND

EPA developed guidelines specifying minimum standards for certification and recertification of operators of community and nontransient noncommunity water systems and published them as final in the *Federal Register* on February 5, 1999. Section 1419(b) of the SDWA requires that, beginning two years after the date on which EPA publishes Operator Certification Guidelines (or February 5, 2001), EPA shall withhold 20 percent of the funds a State is otherwise entitled to receive under the DWSRF program unless a State has adopted and is implementing a program that meets the requirements of the Guidelines. There are no other sanctions for States with operator certification programs that do not meet the requirements of the Guidelines.

Section 1419(d) of the SDWA authorizes an Expense Reimbursement Grants program to reimburse the costs of training, including an appropriate per diem for unsalaried operators, and certification for persons operating community and nontransient noncommunity water systems serving 3,300 persons or fewer that are required to undergo training pursuant to the Operator Certification Guidelines. The reimbursement is to be provided through grants to States. Each State is to receive an amount sufficient to cover the reasonable costs for training all such operators in the State. The amount each State will receive will be determined by the Administrator of EPA.

## WHAT IS THE PURPOSE OF THIS NOTICE?

This notice is seeking public comment on the following provisions:

- ☛ the proposed approach for the review of State operator certification programs and for making DWSRF withholding determinations;
- ☛ the intent to clarify that all operator certification exams, not just exam questions, be validated; and
- ☛ the proposed allocation methodology for grants to States under the Expense Reimbursement Grants program.

## WHO IS AFFECTED BY THIS NOTICE?

EPA's Operator Certification Guidelines apply to State programs for the certification of operators of community and nontransient noncommunity water systems. States may submit, for approval by EPA, existing operator certification programs that are substantially equivalent to the Guidelines or programs that have been revised to meet the requirements of the Guidelines.

## WHAT IS THE PROPOSED DWSRF WITHHOLDING PROCESS?

This notice presents the deadlines for States to submit their operator certification programs to EPA and the proposed time frames for: EPA to review States programs; States to address any identified deficiencies, and EPA to make withholding determinations. In developing the withholding process, EPA sought to: (a) establish a consistent date for all States to meet the requirements of the Guidelines; (b) provide States with sufficient time to make changes to

their programs before EPA permanently withholds funds; and (c) allow future operator certification program decisions to be made at the beginning of the fiscal year so that States can plan for their use of DWSRF program funds. The table below presents a simplified explanation of the proposed time frames for making withholding determinations for a State's initial operator certification program (both revised and substantially equivalent programs). Once a State has received EPA approval that its operator certification program meets the Guidelines, withholding decisions will be made annually based on a State's ongoing implementation of its program. When finalized, the withholding process will be included as part of the Operator Certification Guidelines in Section III (Program Submittal Process), Subsection A (Submittal Schedule and Withholding Process), which is currently reserved.

Action	Type of Program	
	Substantially Equivalent	Revised
States must submit initial programs	on or before August 5, 2000	on or before February 5, 2001
EPA must withhold 20% of funds for unsubmitted programs	on February 5, 2001 <i>DWSRF funds affected FY2001</i>	
EPA will hold back 20% of funds for submitted and unapproved programs	for the period February 5, 2001 through September 30, 2001 <i>DWSRF funds affected FY 2001</i>	for the period February 5, 2001 through September 30, 2002 <i>DWSRF funds affected FY 2001, 2002</i>
EPA must withhold funds that were "held back" and/or withhold 20% of funds for unapproved programs	on October 1, 2001 <i>DWSRF funds affected FY 2001, 2002</i>	on October 1, 2002 <i>DWSRF funds affected FY 2001, 2002, 2003</i>

### WHAT IS THE PROPOSED CLARIFICATION FOR CERTIFICATION EXAMS?

EPA's Operator Certification Guidelines specify that State programs must require operator certification applicants to take and pass an exam before that person can become a certified operator. The Guidelines further require that "all exam questions must be validated". EPA believes that an exam that is made up of validated questions may not include the full spectrum of information that an operator needs to know in order to properly operate a water system. EPA is therefore requesting comment on an amendment to the Guidelines that would clarify EPA's intent that all exams, not just exam questions, be validated.

### WHAT IS THE PROPOSED ALLOCATION METHODOLOGY FOR EXPENSE REIMBURSEMENT GRANTS?

EPA is proposing to allot the funds based on the number of community and nontransient noncommunity water systems serving 3,300 or fewer in each State. EPA estimates that between \$97 to \$131 million will be needed for the grants program. EPA is specifically requesting comment on 11 assumptions used to determine the amount of funds needed to train and certify small system operators, including the number of operators per system which would be eligible for reimbursement, the cost of training, and the cost for an operator to initially obtain/renew a certification.

### HOW CAN I COMMENT ON THIS NOTICE AND OBTAIN ADDITIONAL INFORMATION?

A copy of the *Federal Register* notice is available on EPA's website at [www.epa.gov/safewater/opcert/opcert.htm](http://www.epa.gov/safewater/opcert/opcert.htm). It can also be obtained by contacting the Safe Drinking Water Hotline at (800) 426-4791. EPA must receive comments, in writing or by e-mail, by 45 days after the publication of this notice in the *Federal Register*. For specific instructions, see the *Federal Register* notice's "Addresses" section.

For general information about EPA's Operator Certification Guidelines, contact the Safe Drinking Water Hotline at (800) 426-4791, or visit EPA's website at [www.epa.gov/safewater/](http://www.epa.gov/safewater/). For technical inquiries, contact Jenny Jacobs, Office of Ground Water and Drinking Water (4606), U.S. EPA, 1200 Pennsylvania Avenue NW, Washington, DC, 20460. The telephone number is (202) 260-2939 and the e-mail address is [jacobs.jenny@epa.gov](mailto:jacobs.jenny@epa.gov).