BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

April 25, 2017
Public Notice: Proposed Rulemaking Governing Operator Certification

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) drafted revisions to the rules in Chapter 3745-7 of the Ohio Administrative Code (OAC) and is proposing the addition of a new rule. The draft amendments are, in part, a result of the five-year rule review requirements of Section 106.03 of the Revised Code (ORC).

The proposed new rule establishes requirements for contracted professional operators and contract operations companies. A complete list of the proposed revisions to the existing rules in Chapter 3745-7 of the OAC is included in the Business Impact Analysis. Significant revisions include the following:

- Amending language so that operators are referred to as “professional operators”.
- Modifying the definition of operating experience to limit the amount of laboratory, pre-treatment and engineering experience that is allowed to be counted.
- Adding a definition of population.
- Adding requirements for a minimum number of visits by an operator of record to distribution and sewerage systems.
- Establishing a requirement that all exam applicants and professional operators applying for renewal need to document that they reviewed the new “Ohio EPA Professional Operator Certification Training” course.
- Specifying the acceptable formats for record keeping.
- Establishing that renewal applications need to be submitted electronically starting with certificates that expire on December 31, 2018.
- Establishing that renewal applications are due by November 30th of the year the certification expires.
- Revising the notification requirements and responsibilities of backup operators.
- Revising the requirements for training providers.
- Requiring training providers to provide Ohio EPA with attendance records.
• Establishing that failure to document arrival and departure times constitutes a violation of the minimum staffing requirements.

As part of the rulemaking process, the Agency is required by Section 121.39 of the ORC to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by these rules. Additionally, the Agency is working with the Common Sense Initiative (CSI) Office. The Agency is offering you and your organization the opportunity to comment on the draft rules and CSI Business Impact Analysis (BIA) Form, before the division formally proposes them.

To obtain a copy of the proposed rules, contact Corin Bonnett at Ohio EPA at (614) 644-2752 or email at Corin.Bonnett@epa.ohio.gov. Please request the “Revised OpCert Rules” and be sure to include your name, telephone number, and complete mailing address. There is no charge for the copies. The draft rules will be available on the Agency web page until it is formally proposed with the Joint Committee on Agency Rule Review (JCARR). It can be found at http://epa.ohio.gov/ddagw/rules.aspx on the “Interested Party Review” tab.

Comments can be submitted in hard copy to the following address: "Ohio Environmental Protection Agency, Division of Drinking and Ground Waters, P.O. Box 1049, Lazarus Government Center, Columbus, Ohio 43216-1049, Attn: Corin Bonnett" or by email to ddagw_rulecomments@epa.ohio.gov. Comments should be received at the above address by close of business, May 25, 2017.