

MEMORANDUM

TO: Board of Environmental Protection
FROM: Richard Darling, Land & Water Quality
DATE: February 15, 2006

RE: Adoption of Chapter 531 Regulations for Wastewater Operator Certification

Statutory and Regulatory Reference: The applicable regulatory framework for this rule is Chapter 62 Sewage Treatment Operators 32 M.R.S.A. § 4179.

Scope: This rule applies to the certification of individuals to operate wastewater treatment facilities within the state. The rule establishes standards for grading wastewater treatment facilities based on size and configuration. The rule establishes criteria for training and experience necessary for an individual to become certified as an operator of wastewater treatment facilities. The rule also establishes criteria for biannual recertification of operators.

Description: The Department requests adoption the proposed amendments to Chapter 531 Regulations for Wastewater Operator Certification. The major changes in the rule include the establishment of a new category of operators who will be certified to operate wastewater treatment systems using spray irrigation for the disposal of wastewater. The proposed amendments also clarify policies regarding experience requirements for persons seeking certification at the highest two operator grades and removes reference to examination and recertification fees. There are also several modifications to wording to make the rule consistent with standards adopted by the Department.

The Board held a public hearing on the proposed Chapter 315 on December 15, 2005, hearing testimony from 1 person. Subsequently, one additional person submitted written comments. Attached to the rule proposed for adoption is the Basis Statement, which details the specific comments and the department's response to them. Additionally, copies of all written comments have been sent under separate cover for your information. No changes were made to the rule in response to comments.

Environmental issues: The overall purpose of this rule is to help ensure that the persons operating the various public and private wastewater treatment facilities in the State are properly trained and have the requisite knowledge and experience to operate those facilities in a way that protects the environment. Since its original adoption in 1975, the rule has provided a mechanism through which more than 1,000 people have been certified to operate such facilities. The proposed amendments will allow certification of operators of a specific type of treatment system so that the environment may be properly protected without placing an undue burden on the regulated community.

Rule Implementation Plan:

1. Immediately following adoption, the rule will be posted on the Department's web site for rulemaking activities (<http://www.state.me.us/dep/blwq/rule.htm>) and the Operator Certification page of the Bureau of Land & Water Quality (<http://www.maine.gov/dep/blwq/doceng/opcrtpg2.htm>).
2. Immediately following adoption of this rule, Department staff will prepare an issue profile to be mailed to all recipients listed on the Department's mailing list for all rulemaking activities relating to the NRPA. In

addition, the issue profile will be mailed to all recipients listed on the mailing list maintained by the Commissioner's office.

3. All public outreach presentations given by Division staff will be modified to include a brief description of Chapter 531 and its applicability.

Department Recommendation: The Department recommends the Board adopt Chapter 531.

Estimated Time of Presentation: Approximately 15 minutes.