

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CHAPTER 4 – POLLUTION ABATEMENT FACILITY OPERATOR RULE

RESPONSIVENESS SUMMARY

COMMENT 1:

I completely understand the point system for deciding the classification of a facility, but I have some concerns:

Laboratory Controls (analysis performed by plant personnel)- This is too subjective as it is a facilities choice whether to run these in house or not and may change from month to month is they wanted to. All facilities are mandated to do basic lab so there should not be any points for that. Basic lab is covered under a grade 1 license. Even BOD/TSS, and e.coli are covered under a grade 1 license as these are items that were taught to operators by the state and the math for calculating was under their grade 1 license. You are penalizing a facility that wants to save money an do some in house testing and forcing the change to outsourcing all testing to laboratory facilities. There are not many options for outsourced labs and they are not local. Getting the samples there are very problematic and dangerous with winter roads. I've had our courier cancel many times resulting in costly retesting or forcing our employees to travel 4 hours round trip to go to the lab in horrible conditions. While maybe some feel the facility can plan around weather, that is not true. Holiday weeks like presidents day are a perfect example. Monday holiday means BOD samples must be taken after 12:00pm on Tue in order to make hold times. That means you can only do composite samples on Tue or Wed as the sample pickup is always the next day. Pickups cannot be on Fridays EVER or they do not make it to the lab in time for them to run the samples. I that I believe this whole section should be removed.

Emergency Power- again a mandate of the state to have a way of handling emergency power failures, whether it be tanks, generators, or portable pumps. Why would this effect the facilities licensure classification. How many facilities actually fix and maintain their generator. They normally hire a technician to come as specialized equipment is needed to diagnose the problem. A generator is essentially automatic or plug and play where portable pumps (which weren't even included) require the operator to constantly monitor the pump, operate vales to bypass, and more. I believe this whole section should be removed.

RESPONSE 1:

The goal of the facility classification tables is to quantify the complexity of a wastewater treatment facility to reflect the training needs of the operators who run it. These requirements were included in the previous version of the rule and are retained here to maintain consistency in scoring and facility classification. It is not the intent to 'penalize' facilities for doing in-house laboratory analyses, rather, the laboratory analyses section aims to protect the quality of self-reported data submitted to the Secretary for compliance.

The Secretary also maintains that the emergency power point allocation is necessary. Facilities may not fix their own generators, but the knowledge of how generators work and interface with different parts of the facility is necessary for an operator to ensure the efficient functioning of their facility. Generators must be exercised on a regular schedule, which adds complexity to the facility.

COMMENT 2:

The proposed rule appears to only deal with the needs of a facility. The needs of an operator such as grade, education, experience and continuing education appears to have been removed entirely. Is this being dealt with in another rule? Having been on the committee for the last rule I am wondering.

RESPONSE 2:

All licensing requirements for individual operators—including grades, license type, and required experience and education—are set forth in the “Administrative Rules for Pollution Abatement Facility Operators” established by the Office of Professional Regulation pursuant to 26 V.S.A. Chapter 99 (the OPR Rule), as referenced in this Rule amendment at § 4-101. See also <https://sos.vermont.gov/media/jpthlhk/operator-rules.pdf>