



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 31 2018

MEMORANDUM

OFFICE OF WATER

SUBJECT: Review of State Drinking Water Operator Certification Program Annual Submittals

FROM: Anita Thompkins, Director
Drinking Water Protection Division
Office of Ground Water and Drinking Water

TO: Regional Drinking Water Program Managers
Regions I-X

The purpose of this memorandum is to provide additional clarity on the oversight of state drinking water operator certification programs and to provide for national consistency when reviewing annual submittals. This memo does not add to nor modify any existing requirements. It does describe the program requirements, clarifies the oversight of those requirements as established and supersedes previously issued operator certification program memos.

Background

Section 1419 of the 1996 amendments to the Safe Drinking Water Act (SDWA) requires the establishment of the Operator Certification Final Guidelines to establish requirements for state drinking water operator certification programs in order to avoid mandatory withholding of 20 percent of the Drinking Water State Revolving Funds (DWSRF) capitalization grant:

Beginning 2 years after the date on which the Administrator publishes guidelines under subsection (a) of this section, the Administrator shall withhold 20 percent of the funds a State is otherwise entitled to receive under section 300j-12 of this title unless the State has adopted and is implementing a program for the certification of operators of community and nontransient noncommunity public water systems that meets the requirements of the guidelines published pursuant to subsection (a) of this section or that has been submitted in compliance with subsection (c) of this section and that has not been disapproved.

The *Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems* ("Final Guidelines") were published in the *Federal Register* ([64 FR 5916](#)) on February 5, 1999. The resulting Nine Baseline Standards established the minimum required elements to which state drinking water operator certification programs must be equivalent, in order to avoid withholding of 20 percent of their DWSRF capitalization grant. As referenced in the *Federal Register* for the Final Guidelines, state operator certification programs are approved by EPA for the initial submittal of the program, as well as being approved for each of the subsequent years submittals. The Final Guidelines also established the reporting requirements for both the initial submittal and subsequent years submittals of the state operator certification programs for approval.

EPA published the Final Additions to the Guidelines ([66 FR 19939](#)) on April 18, 2001, in part, to finalize the schedule to review state operator certification programs for the purpose of making DWSRF capitalization grant withholding determinations.

Oversight and Approval

In keeping with the EPA Administrator's strategic goals, our oversight "must create consistency and certainty for the regulated community." This memo seeks to ensure consistency in oversight throughout each EPA Region and on a national level.

The Final Guidelines consist of three parts: Public Health Objectives, Antibacksliding, and Baseline Standards. As stated in the Final Guidelines, states must submit annual reports that include documentation and evaluation detailing the ongoing implementation of their programs to continue to receive their full annual DWSRF capitalization grant allotment. States must also submit a new State Attorney General's certification from the Attorney General or delegated counsel, if there were any changes to the statutes or regulations during the year. The state must also submit a copy of any changed regulations or statutes.

On or before September 30, 2003, and annually thereafter, EPA will review each state operator certification program and make any necessary determination to withhold funds from the upcoming fiscal year's DWSRF allotment. Each state annual report must include sufficient documentation and evaluation for each part to allow EPA to determine whether the state operator certification program meets the requirements in the Final Guidelines. If, in reviewing the state's annual submittal, EPA finds that a state's operator certification program does not meet the Final Guidelines, the state will permanently lose 20 percent of the following year's DWSRF funds, as required in SDWA 1419(b). Documentation and evaluation of the program must include evaluation of each of the Nine Baseline Standards, as well as each of the elements included in all Baseline Standards and the Antibacksliding provision in the Final Guidelines. The information must also be sufficient for someone unfamiliar with the specific state program to approve or disapprove each year. Changes in personnel, as well as retirements and unforeseen personnel matters, must not preclude or delay the approval or disapproval of programs by EPA each year in a timely manner.

The Regional Administrator or Regional Division Director (if delegated the authority) of the Drinking Water Program must make the determination to withhold on or before September 30 of each year. The Regional Administrator's/Division Director's determination must be based on careful consideration of each state operator certification program to ensure that it is adhering to the requirements of the nine Baseline Standards and is meeting the Antibacksliding provision and the Public Health Objectives of the Final Guidelines. For purposes of the DWSRF 20 percent operator certification withholding determination, the Regional operator certification coordinator is expected to provide written documentation to the regional DWSRF coordinator at least once per year on the implementation status of the state operator certification program.

Additionally, Regions must work with states to ensure that annual reports are provided to the Region with sufficient time to adequately review and approve or disapprove each program. While EPA and states communicate and collaborate on operator certification throughout the year, this annual reporting process provides a valuable opportunity for the Regions to work with the states on identifying ways to continue to support and enhance the state programs, as well as an opportunity for the states to highlight program successes and the importance of operator certification programs in each state.

Moving Forward

The accompanying "Desk Guide for Reviewing State Operator Certification Program Annual Reports" provides a tool for Regional operator certification coordinators to use while reviewing annual submittals to ensure states continue to meet the requirements set forth in the Final Guidelines and provides a basis for DWSRF withholding decisions.

To support the annual reporting process and ensure national consistency in the program, the EPA Office of Ground Water and Drinking Water (OGWDW) will work with Regions and states to identify programmatic needs, develop any needed trainings or tools, and conduct reviews of the national operator certification program

as a whole. OGWDW will work closely with Regions and states to continue to support and enhance the operator certification program, building the critical foundation of operators to ensure public health protection.

If you have any questions, please contact Cathy Davis at Davis.CatherineM@epa.gov.

CC: Operator Certification Coordinators, Regions I-X
Association of State Drinking Water Administrators (ASDWA)

Desk Guide
for
Reviewing
State Operator Certification Program
Annual Reports

BACKGROUND

The 1996 amendments to the Safe Drinking Water Act (SDWA) required the establishment of the Operator Certification (OpCert) Final Guidelines to establish minimum requirements for state OpCert programs to avoid mandatory withholding of 20 percent of the Drinking Water State Revolving Funds (DWSRF) capitalization grant.

On February 5, 1999, the Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems (“Final Guidelines”) were published in the *Federal Register* ([64 FR 5916](#)).

The resulting Nine Baseline Standards established the minimum required elements that state OpCert programs must adhere to, in order to avoid the 20 percent mandatory DWSRF withholding. As referenced in the Final Guidelines, state OpCert programs are approved by EPA for the initial submittal of the program, as well as being approved for each of the subsequent years submittals (i.e., “annual reports”). The Final Guidelines also established the reporting requirements for both the initial submittal and subsequent years submittals for approval or a withholding determination.

As stated in the Final Guidelines, states must submit annual reports that include documentation and evaluation detailing the ongoing implementation of their programs. States must also submit a new State Attorney General’s certification from the Attorney General or delegated counsel, if there were any changes to the statutes or regulations during the year. The state must also submit a copy of any revised regulations or statutes.

Each state annual report must include sufficient information to determine whether the state OpCert program meets the requirements in the Final Guidelines and thus whether or not the agency must withhold 20 percent of the capitalization grant, as required in SDWA 1419(b). Documentation and evaluation of the program must include evaluation of each of the Nine Baseline Standards, as well as each of the elements included in all baseline standards, the anti-backsliding provision in the Final Guidelines, as well as the public health objectives of the program.

PURPOSE

The purpose of this document and its accompanying attachments is to provide Regional OpCert program personnel with the tools to consistently review state OpCert annual reports, as well as provide accurate recommendations for DWSRF withholding decisions.

Objectives:

The objectives of this desk guide are to:

- 1) Provide a tool for consistent Regional review of state OpCert programs;
- 2) Describe a process for communicating any identified issues with management and the state; and
- 3) Provide a timeline for review and program DWSRF withholding determination completion.

Timeframe and overall determinations of annual report review:

There is an expectation that EPA receives the annual report with sufficient time for review prior the deadline of September 30th. States should submit annual reports in the timeframe set by the Region. At

the completion of the annual report review process, the mandatory DWSRF withholding decision will be determined with one of the following classifications: acceptable, acceptable with deficiencies or not acceptable.

Acceptable	The annual report documents and evaluates ongoing implementation of the state’s OpCert program. Mandatory DWSRF withholding is recommended to be waived.
Acceptable with deficiencies	The annual report documents and evaluates ongoing implementation of the state’s OpCert program but has deficiencies that must be corrected. Grant condition is recommended.
Not acceptable	The annual report does not document and evaluate ongoing implementation of the state’s OpCert program. A DWSRF grant withholding is recommended.

Operator Certification Program Annual Reports Review Process:

- State submits annual OpCert report (Regional review process starts)
- Regional OpCert Coordinator shares annual report with additional Regional personnel as appropriate, per Regional review process (e.g. state program managers, capacity development coordinators, etc.) See **Attachment 2** for sample distribution email.
- OpCert and other appropriate Regional personnel review and share comments about report, ensuring all elements discussed in the checklist (**Attachment 1**) are addressed. The Regional OpCert Coordinator compiles and shares the combined comments with the other reviewers. See **Attachment 3** for sample email on combined comments.
- OpCert and other appropriate Regional personnel make a preliminary determination, according to Regional processes. Comments and preliminary determination are shared with management and finalized by Regional OpCert Coordinator. The finalized document is then shared with the state OpCert representative as appropriate per Regional process. See **Attachment 4** and **Attachment 5** for example emails based on the preliminary determination.
- Regional and state representatives correspond as necessary (e.g., conference call, email, etc.) to discuss comments and to share grant recommendation determination.
- Regional OpCert Coordinator develops a recommended determination decision memo and shares it with other appropriate Regional personnel for review. See **Attachment 6** for a sample memo.
- Determination Decision Memo is signed by Regional Administrator (or delegated Division Director), finalized, and distributed as per the Regional process. Copies are shared with state OpCert representative and other appropriate Regional personnel (e.g., DWSRF).

Attachment 1
Annual Report Review Checklist

Attachment 1

Operator Certification Guidelines (Public Health Objective + Antibacksliding + 9 Baseline Standards)	EPA national criteria to evaluate annual reports with respect to requirement to show <u>documentation and evaluation of ongoing program implementation</u>	Notes
<p>The public health objectives of the guidelines are to ensure that: Customers of any public water system be provided with an adequate supply of safe, potable drinking water.</p> <p>Consumers are confident that their water is safe to drink.</p> <p>Public water system operators are trained and certified and that they have knowledge and understanding of the public health reasons for drinking water standards</p>	<ul style="list-style-type: none"> The state provides an affirmative statement that the state ensures the public health objectives are met by the OpCert program. 	
<p>Antibacksliding</p>	<ul style="list-style-type: none"> A statement to show that a state’s OpCert program remains the same and that no backsliding has occurred since the last year, OR A discussion of any policy changes AND a discussion to show policy, regulatory, or statutory changes do not alter the state OpCert program which a state had in place 12 months prior to the effective date of Final Guidelines unless the reduction can be justified by the state and is approved by EPA. 	
<p>9 Baseline Standards</p>		
<p>1. Authorization As evidenced by an Attorney General’s certification, or certification from delegated counsel, the state must have the legal authority to implement the program requiring the certification of operators of all community and nontransient noncommunity water systems and to require that the systems comply with the appropriate requirements of the program.</p>	<p>In annual reports, a state must submit the following if changes were made to regulation or statute:</p> <ul style="list-style-type: none"> Attorney General’s Certification OR Certification from delegated counsel (must include a copy of the delegation), AND Amend the initial or latest amended full program description and additional explanation (include discussion of meeting the antibacksliding provision, see above), AND Copy of new regulations or statutes 	
<p>2. Classification of Systems, Facilities, and Operators a) It must classify all community and nontransient noncommunity water systems based on indicators of potential health risk, which for example may include: (a) complexity, size, source water for treatment facilities, and (b) complexity, size for distribution systems. It must develop specific operator certification and renewal requirements for each level of classification.</p>	<ul style="list-style-type: none"> A statement describing how the state classifies its systems and operators. Matrix showing total number of CWS and NTNCWS in each classification, or multiple classifications (<i>TNCWS would be included if the state required TNCWSs to have a certified operator 12 months before the effective date of the guidelines. Also, TNCWSs treating surface water and/or using chlorine dioxide should be included</i>). Matrix showing total number of certified operators in each classification, or multiple classifications (Recommended: discuss activities related to workforce / recruiting, such as number of trainee (OIT) designations for operators working under an operator in responsible charge (OIRC)) Names of systems where classifications were changed (and reasons) within reporting period (Recommended, but not required). 	

Attachment 1

Operator Certification Guidelines (Public Health Objective + Antibacksliding + 9 Baseline Standards)	EPA national criteria to evaluate annual reports with respect to requirement to show <u>documentation and evaluation of ongoing program implementation</u>	Notes
<p>b) It must require owners of all community and nontransient noncommunity water systems to place the direct supervision of their water system, including each treatment facility and/or distribution system, under the responsible charge of an operator(s) holding a valid certification equal to or greater than the classification of the treatment facility and/or distribution system.</p> <p>c) It must require, at a minimum, that the operator(s) in responsible charge or equivalent must hold a valid certification equal to or greater than the classification of their water system, including each treatment facility and distribution system, as determined by the state.</p>	<ul style="list-style-type: none"> • An affirmative statement that it meets the requirements of both “b” and “c” in Baseline Standard 2 (see left). • Number of systems without a certified operator with date of the data compilation. • As applicable, implementation of a temporary operator certification or licensing program (i.e., operator in responsible charge temporarily does not meet minimum education, experience, and/or examination requirements). <ul style="list-style-type: none"> ○ Number of systems with temporary operators. ○ Number of systems succeeding to permanent, fully-qualified operators in responsible charge. • Description of the process used to track operators (treatment facility and/or distribution system) with respect to the name, identification, and classification of the PWS and name and classification(s) of the operator in responsible charge. 	
<p>d) It must require that all operating personnel making process control/system integrity decisions about water quality or quantity that affect public health be certified.</p>	<p>A statement reaffirming that regulations and policies are in place to ensure persons making process control/system integrity decision are certified. [Recommended: briefly describe these policies]</p>	
<p>e) It must require that a designated certified operator be available for each operating shift.</p>	<p>A statement reaffirming that regulations and policies are in place to ensure designated certified operator is available for each operating shift. [Recommended: briefly describe these policies, such as monitoring of the system when a properly certified operator is not physically on-site (e.g., SOPs, SCADA, other), and any limits or guidance regarding contract operators (e.g., travel distance, number of systems per operator).]</p>	
<p><u>3. Operator Qualifications</u> States must require the following for an operator to become certified:</p>		
<p>a) Take and pass an exam that demonstrates that the operator has the necessary skills, knowledge, ability and judgement as appropriate for the classification. All exam questions must be validated.</p>	<ul style="list-style-type: none"> • An affirmative statement that state meets this requirement (see “a” to left). • Brief description of the examination events provided during the year. • Number of exams and type of exams (e.g., treatment and/or distribution, classification). • Percent passing in each exam classification. • Exam question validation activities for the year (Short summary of issues reviewed, pass/fail rate, new questions, subject matter experts, psychometrician). [Recommended: Brief discussion of the state’s reciprocity approval process, if applicable, and the number of new operators based on reciprocity.] 	

Attachment 1

Operator Certification Guidelines (Public Health Objective + Antiretroviral + 9 Baseline Standards)	EPA national criteria to evaluate annual reports with respect to requirement to show <u>documentation and evaluation of ongoing program implementation</u>	Notes
<p>b) Have a high school diploma or a general equivalency diploma (GED). States may allow experience and/or relevant training to be substituted for a high school diploma or GED. Education, training, or experience that is used to meet this requirement for any class of certification may not be used to meet the experience requirement.</p>	<ul style="list-style-type: none"> • Reaffirm all operators have high school diploma or GED or equivalent experience. 	
<p>c) Have the defined minimum amount of on-the-job experience for each appropriate level of certification. The amount of experience required increases with each classification level. Post high school education may be substituted for experience. Credit may be given for experience in a related field (e.g., wastewater). Experience that is used to meet the experience requirement for any class of certification may not be used to meet the education requirement.</p>	<ul style="list-style-type: none"> • Reaffirm that the program has a defined minimum amount of on-the-job experience for each appropriate level of certification. 	
<p>d) Grandparenting EPA recognizes that there are many competent small system operators that may not meet the initial requirements to become certified. EPA believes that states may need a transition period to allow these operators to continue to operate the system through “grandparenting”. It is recommended that grandparenting determinations be based on factors such as system compliance history, operator experience and knowledge, system complexity, and lack of treatment. If states choose to include a grandparenting provision in their programs, they must include specific requirements.</p>	<ul style="list-style-type: none"> • Provide an affirmation of previously approved grandparenting practice and current numbers. 	<p>Grandparenting is no longer allowed. However, some states may still have grandparented operators. The number of grandparented operators is expected to continue to decrease to zero. Tracking existing grandparented operators is part of meeting the Baseline Standards.</p>
<p>4. Enforcement The state agency with primary enforcement responsibility for the Public Water System Supervision (PWSS) Program must have regulations that meet the requirements of these guidelines and require community water systems and nontransient noncommunity water systems to comply with state operator certification requirements. In nonprimacy states, the Governor must determine which state Agency will have this responsibility. States must have appropriate enforcement capabilities. States must have the ability to revoke operator certifications. States must also have the ability to suspend operator certifications or take other appropriate enforcement action for operator misconduct.</p>	<ul style="list-style-type: none"> • Description of how state OpCert program is following up with systems lacking a properly certified operator (e.g., notices of violation, compliance assistance, how state is tracking/ finding out about lack of operator and how long the system is without operator), including (as applicable): <ul style="list-style-type: none"> ○ Number of systems which had some type enforcement action taken to bring system into compliance with state OpCert regulations. ○ Number of contacts/notices to system owners who have not designated an operator in responsible charge. ○ Number of letters sent to systems/operators which do not have an operator in responsible charge holding a valid certification at their system. • Number of licenses revoked in the state in current year. • Total number of licenses in the process of revocation at the end of the reporting period. 	

Attachment 1

Operator Certification Guidelines (Public Health Objective + Antibacksliding + 9 Baseline Standards)	EPA national criteria to evaluate annual reports with respect to requirement to show <u>documentation and evaluation of ongoing program implementation</u>	Notes
	<ul style="list-style-type: none"> • Number of licenses suspended in the state in current year. • Total number of licenses in the process of suspension at the end of the reporting period. 	
<p>5. Certification Renewal</p> <p>a) The state must establish training requirements for renewal based on the level of certification held by the operator.</p>	<ul style="list-style-type: none"> • Number of operators renewing in each classification. • Affirmation that operators get the necessary training to cover all the knowledge, skills, and abilities required for the license classification for which an operator is certified. 	
<p>b) States must require all operators including grandparented operators to acquire necessary amounts and types of state approved training. States may determine other requirements as deemed necessary.</p>	<ul style="list-style-type: none"> • Number of training courses approved. • Number of operators required to take additional training as deemed necessary by the state. 	
<p>c) States must have a fixed cycle of renewal not to exceed three years.</p>	<ul style="list-style-type: none"> • Simple statement of renewal cycle, unless it changes, which should include a more descriptive narrative (under Antibacksliding and Baseline Standard 1, above). 	
<p>d) The state must require an individual to recertify if the individual fails to renew or qualify for renewal within two years of the date that the certificate expired.</p>	<ul style="list-style-type: none"> • Number of operators renewing after failing to renew or qualify for renewal within the state-specified time period, but no more than two years. 	
<p>e) States must pay special attention to identify specific renewal requirements for grandparented operators to ensure that they possess the knowledge, skills, ability and judgement to properly operate the system. This must be done by one or more of the following approaches or by an alternative approach approved by EPA.</p>	<ul style="list-style-type: none"> • Number of grandparented operators where renewal training was specified. 	
<p>f) States may specify renewal requirements for grandparented operators on a case-by-case basis, taking into consideration factors such as a system's compliance history and operator experience and knowledge. For systems that have a history of being out of compliance, any certification renewal decision should consider whether noncompliance is the result of actions or inactions by the system's owner or the system's operator.</p>	<ul style="list-style-type: none"> • Number of grandparented operators where renewal cycle training was specified for the operator and reason. 	
<p>g) States may require specific training requirements for certification renewal at the first renewal cycle for grandparented operators. This training should include all of the information covered by the initial certification exam for the system classification level for which the operator was grandparented even</p>	<ul style="list-style-type: none"> • N/A First renewal cycle past. 	

Attachment 1

Operator Certification Guidelines (Public Health Objective + Antibracksliding + 9 Baseline Standards)	EPA national criteria to evaluate annual reports with respect to requirement to show <u>documentation and evaluation of ongoing program implementation</u>	Notes
<p>though an initial certification exam may not be required for certification renewal.</p>		
<p>h) States may require operators with grandparented certificates to meet all of the initial certification requirements for the classification level for which the operator was grandparented, and thereby obtain certification within a reasonable time period specified by the state.</p>	<ul style="list-style-type: none"> • Number of grandparented operators with active licenses. 	
<p><u>6. Resources Needed to Implement the Program</u> States must provide sufficient resources to adequately fund and sustain the operator certification program (components include, but are not limited to: staff, data management, testing, enforcement, administration, and training approval). EPA recommends that states establish a dedicated fund that is self-sufficient.</p>	<ul style="list-style-type: none"> • An affirmative statement that state meets Baseline Standard 6. • While the Initial Submittal may show the funding resource, additional information needs to be included if a primacy fee has been added or if Public Water System Supervision or DWSRF set-asides have been added, increased, or decreased. • A discussion of the staff describing increases or decreases in FTEs. Provide comparison to staff resources reported in the Initial Submittal (or the previous year). • A brief discussion on how resources are dedicated toward the data management, testing, enforcement, administration, and training approval. • Other. If there is an additional type of resource not listed, describe and relate to the program. 	
<p><u>7. Recertification</u> The states must have a process for recertification of individuals whose certification has expired for a period exceeding two years. This process must include: review of the individual's experience and training, and reexamination. An individual is not certified with an expired certificate. The state may develop more stringent requirements for recertification for individuals whose certificates have expired, been revoked, or been suspended.</p>	<ul style="list-style-type: none"> • A simple summary of the recertification process in the state 	
<p><u>8. Stakeholder Involvement</u> Stakeholder involvement is important to the public health objectives of the program. It helps to ensure the relevancy and validity of the program, and the confidence of all interested parties. States must include ongoing stakeholder involvement in the revision and operations of state operator certification programs. Public comment on rule revisions is not adequate stakeholder involvement. A stakeholder board or advisory committee is strongly recommended.</p>	<ul style="list-style-type: none"> • An affirmative statement that state meets Baseline Standard 8. • Documentation of meetings with stakeholders, e.g., date, purpose, stakeholders involved, summary of revisions and operations of the state OpCert programs discussed, and feedback provided 	
<p><u>9. Program Review</u> States must perform reviews of their operator certification programs. EPA recommends that states perform periodic internal reviews and occasional external/peer reviews. Examples of items to review include: regulations, exam items for relevancy and</p>	<ul style="list-style-type: none"> • Documentation of internal and external meetings which focus on program implementation which could change as a result of the meeting- e.g., include date of the meeting, an identifier as internal or external, programs or stakeholders involved, purpose of the meeting, results of the 	

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Operator Certification Guidelines (Public Health Objective + Antibacksliding + 9 Baseline Standards)	EPA national criteria to evaluate annual reports with respect to requirement to show <u>documentation</u> and <u>evaluation of ongoing program implementation</u>	Notes
validity, compliance, enforcement, budget and staffing, training relevancy, training needs through examination performance, and data management system.	meeting(s) or a copy of the program review report.	

Attachment 2. Example of email to appropriate Regional personnel with instructions, after receiving a state OpCert annual report.

(State PWSS Coordinator):

Attached is the annual operator certification program submittal from the (state agency).

I would appreciate your review and comments provided to me by (two weeks from the date of this email).

Please contact me if you have any questions.

Thank you,
(Op Cert Coordinator)

Attachment 3. Example of email to appropriate Regional personnel with instructions, after combining comments on the state OpCert annual report.

(State PWSS Coordinator):

Thank you for providing your comments on the (State) Operator Certification program annual submittal from the (State agency).

I have incorporated the comments you provided with the ones I developed. Please review this information and be ready to discuss the combined comments during our internal discussion on (one week from the date of this email).

Please contact me if you have any questions.

Thank you,
(Op Cert Coordinator)

Attachment 4. Example of email to the state OpCert Representatives with comments for discussion on the OpCert annual report (No major concerns).

(State Op Cert Coordinator):

We have reviewed the (State agency) Drinking Water Operator Certification program annual submittal provided to us on (Date of annual program submittal). The (State agency) Operator Certification program annual submittal shows documentation and evaluation of ongoing program implementation with respect to the Federal Guidelines.

We do have additional questions and comments for discussion related to the documentation and evaluation of ongoing program implementation. We are not expecting any changes to the current annual submittal, but may have suggestions for improvements for future annual submittals. I will work on a time to schedule a conference call in a week to discuss these questions and comments with you and others as necessary.

Our comments, suggestions and questions are as follows:

(Comments, Suggestions and Questions)

Thank you for your work to ensure that:

- Customers of any public water system be provided with an adequate supply of safe, potable drinking water;
- Consumers are confident that their water is safe to drink, and;
- Public water system operators are trained and certified and that they have knowledge and understanding of the public health reasons for drinking water standards.

We look forward to the discussion.

Please contact me if you have any questions.

Thank you,

(Op Cert Coordinator)

Send to state OpCert Coordinator and other appropriate Regional personnel.

Work with the state to have a conference call and send out invitations to everyone.

Attachment 5. Example of email to state OpCert Representative with comments for discussion on the state OpCert annual report (Major concerns).

(State Op Cert Coordinator and state PWSS Program Manager):

We have reviewed the (State agency) Drinking Water Operator Certification program annual submittal provided to us on (Date of annual program submittal). The (State agency) Operator Certification program annual submittal has major issues and does not show documentation and evaluation of ongoing program implementation with respect to the Federal Guidelines.

Our concerns with the annual submittal are such that we need additional information in the report before September 30, (year). We will need to alert our Regional Division Director and the Director or the Office of Ground Water and Drinking Water at EPA Headquarters to inform them of the situation, and that we are working with the (state agency) to address the issue(s).

The following are our concerns which will need to be addressed in a revised annual submittal.

(List of Concerns/Issues)

According to the April 18, 2001, Final Additions to the Final Guidelines, we need to review and determine if the revised annual submittal shows documentation and evaluation of ongoing program implementation to meet the Federal Guidelines by September 30. Should this requirement not be met, the Drinking Water State Revolving Loan program for (State) will have 20% of its FY(year) capitalization grant allotment withheld.

Please contact me as soon as possible to discuss these concerns and provide a time frame to provide a revised report to us in time to review and determine if the revised annual submittal shows documentation and evaluation of ongoing program implementation to meet the Federal Guidelines.

If you have questions, you can contact me at (Op Cert coordinator's phone number).

Thank you,
(Op Cert Coordinator)

*Send to state Op Cert Coordinator, and other appropriate Regional personnel as necessary.
Work with the state to have a conference call and send out invitations to everyone.*

Attachment 6. Sample of Annual state OpCert Program determination memo.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION XX
12345 Any Boulevard
Big City, State 12121

MEMORANDUM

SUBJECT: [Year] [State] Drinking Water Operator Certification Annual Evaluation for [Year] SRF Grant

FROM: [Responsible Person in EPA Region]
[Appropriate Water Management Branch]

TO: [EPA Regional SRF Coordinator]
[Appropriate Branch]

We have reviewed the [State Agency] [Year] Drinking Water Operator Certification Program Annual Report submitted [Date]. Based on our review of the report, discussions at meetings and conference calls, the [State Agency] has provided documentation and evaluation of ongoing program implementation of the [State] drinking water operator certification program for the reporting period of [Time frame] in accordance with section 1419 of the Safe Drinking Water Act. We recommend full allotment for the [State Agency] Drinking Water State Revolving Fund capitalization grant for [Federal Fiscal Year] as defined in section 1452 of the Safe Drinking Water Act.

[Summary of highlights or suggestions from the report submittal]

We would like to thank [if applicable, State of XX Operator Certification Program Manager Name] and his/her staff for their protection of public health through the drinking water operator certification program.

Questions regarding this matter can be directed to me.



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