

**Response Summary for Comments Received  
on the Proposed Changes to the  
Wastewater Treatment Facility Operator Certification Rules**

July 25, 2014

The draft Wastewater Treatment Facility Operator Certification Rule was placed on public notice for comment from May 22, 2014 to July 1, 2014. A public hearing was also held on June 24, 2014. During this period, two parties commented. Those parties are Anne Whitely, staff attorney with the Department of Environmental Conservation, and Shaun Fielder with Vermont Rural Water Association (VRWA). These comments and the Watershed Management Division's response to the comments are listed below.

**Comments Received during the Public Comment Period:**

Comment #1:

"...appreciates the efforts of everyone at your division as well as the efforts of all serving on the advisory committee for conducting such an extensive and worthwhile update. VWRA understands the advisory committee agreed to a change in language in Section 5 (d) but that update was not listed as part of the proposed revision as discussed at the public hearing; unfortunately the original language from the 1985 regulation was left in place.

VWRA requests the updated language as agreed to and was the intent of the advisory board be listed as follows for Section 5 (d);

*(d) Certification examinations. Examinations shall properly reflect the knowledge and ability required of the various facility classifications. The Department shall conduct examinations at such times and places as they may find necessary, but not less than once annually. Applicants will be notified of the results. Anyone may take an exam when offered regardless of experience, training and employment.*

Thanks for allowing VWRA the opportunity to take part in the public hearing and offer these comments for your consideration.

Division Response to Comment #1:

The intended language has been incorporated. Section 5(d) has been updated.

Comment #2

Act No. 177 (2014) passed with overarching requirements for professional licensing programs to provide accommodations for service members, veterans, and military spouses.

Of relevance, the Act requires most professional regulatory entities in the State to grant to certain veterans, military service members, and military spouses an expedited temporary license by endorsement to practice an occupation or profession for a limited period of time pending permanent licensure based on the applicant's licensure in another State.

The Act also requires those professional regulatory entities to give to those veterans or service members credit for the relevant military experience, training, and education when considering their qualifications for licensure. In regard to renewal of licensure, the act provides that those veterans and service members are not required to pay a penalty for a late licensure renewal if the late renewal is a direct result of military deployment.

Division Response to Comment #2:

As for qualifications for licensure, the Rule already gives credit for all relevant experience in the operation of wastewater treatment facilities and this applies equally to experience in the operation of a wastewater treatment facility gained during military service. Additionally, the Rule allows the Commissioner or delegated authority to review requests for substituting experience with education. Language has been added to Section 4(c) to specifically indicate that equivalent documented training and education provided by the military will also be considered:

“All education to be substituted for experience must be documented by a technical school completion certificate or college degree accompanied by a transcript detailing the courses completed; equivalent documented training and education provided by the military shall also be considered.”

Language has also been added to Section 5(c) regarding first time applicants:

“The Commissioner or delegated authority shall consider relevant military experience.”

As for expedited temporary license by endorsement, the Rule already includes a reciprocity provision that allows the Commissioner or delegated authority to grant reciprocity to individuals holding valid wastewater operator certificates issued by other states. However, language has been added to Section 5(f) to ensure reciprocity determinations for service members, veterans, and military spouses are received within 60 days:

“If the applicant is a service member, veteran, or military spouse, the applicant shall be notified within 60 days of the receipt of a complete application of the Department's determination.”

As for renewal of licensure, the Rule already provides that if an operator fails to review their certificate within 60 days of the certificate expiration due to a lack of training, the operator will be given the opportunity to pass a retest and meet the training requirements.

