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Testimony on Occupational Licenses

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Summary

The purpose of this document is to provide testimony to several of the occupational licenses under the jurisdiction of Ohio EPA, as requested by the House State and Local Government Committee. Supplemental to this testimony are responses to the questionnaire as requested by this committee. The licenses to which we will testify today are able to be categorized into three areas: the Professional Water and Wastewater Certification Program, Ohio EPA's voluntary action program, and e-check. For convenience sake, this information has been consolidated into one questionnaire, and denotes to which area the response is referring.

Testimony

Good afternoon Chairman Wiggam, Vice-Chair Ginter, Ranking Member Kelly and members of the House State and Local Government Committee. My name is Michael Guastella, and I am the Deputy Director of Ohio EPA for Government and Community Relations. Thank you for the opportunity to testify before you today on several of the occupational licenses under the jurisdiction of the Ohio Environmental Protection Agency.

Ohio EPA was established in 1972, and we have a mission of ensuring that Ohio's citizens are safe and protected from exposure to contamination in our water, air and on our land. We also have a responsibility to oversee the protection of Ohio's natural resources, so that they can be enjoyed by all of Ohio for generations to come. To fulfill these important responsibilities, we currently have over 1,100 full-time staff working throughout the state. During our busy field sampling months, we also employ around 100 seasonal interns who are instrumental in helping us collect important water quality data and information.

We have a headquarters office in Columbus, a field office in Groveport, a laboratory in Reynoldsburg and five district offices. Our diverse team includes biologists, geologists, chemists, engineers, data experts, program managers, communication specialists and administrative support staff. Our core mission is to ensure compliance with environmental laws and regulations, and we do this in many ways. We issue permits to thousands of businesses throughout the state to control discharges of pollution. We conduct field inspections, collect samples and review monitoring reports and data. We respond to complaints from citizens regarding potential environmental problems and have an emergency response team available 24/7 to respond to spills and other emergencies.

Throughout the scope of our work, we issue occupational licenses to individuals that serve in various positions that require them per Ohio statute. As requested by this committee, I intend to cover three major areas of our agency in my testimony today: the Professional Water and Wastewater Certification Program, the Voluntary Action Program, and the vehicle emissions testing program commonly referred to as "E-check." With me today are representatives from each of these programs and can answer specific questions you may have regarding them. First, I will briefly walk through our Professional Water and Wastewater Certification Program.

Professional Water and Wastewater Certification Program

The program oversees approximately 11,000 certified professional water treatment, wastewater treatment, water distribution and collection system operators. The goal of the program is to ensure that Ohio's public water and wastewater treatment systems are operated by properly trained and qualified individuals.

In order to maintain compliance at Ohio's public water and wastewater treatment systems, Ohio EPA relies on qualified and educated professional operators performing the operation of the facility, self-monitoring of the facility, and providing data to Ohio EPA showing that the facility is meeting established standards. Professional operators are responsible for overseeing the comprehensive sampling and self-monitoring programs and ensuring these programs are properly implemented.

The objectives of the professional operator certification program are to:

- establish a classification system for all public water systems, wastewater treatment works and sewer systems;
- establish minimum staffing requirements for classified systems to ensure an appropriately certified operator is physically at a facility;
- establish levels of certification based on the classifications of facilities;
- establish appropriate experience and education requirements for each level of certification;
- develop and provide examinations for each level of certification;
- establish criteria for the renewal of professional certifications;
- approve continuing education courses to be used for renewal of professional certifications; and
- ensure compliance with certified operator requirements.

Next, I will briefly walk through Ohio EPA's Voluntary Action Program.

Voluntary Action Program (VAP)

Ohio recognized the need to remove the environmental and legal barriers that stalled redevelopment and reuse of contaminated properties, and thus the Voluntary Action Program, or the "VAP" was born. The purpose of the program is to give individuals or companies a way to investigate possible environmental contamination, clean it up if necessary and receive a legal release from the State of Ohio stating that no further cleanup is needed. Through this program, anyone can undertake a cleanup project and be assured it meets environmental standards without direct oversight from Ohio EPA. The VAP minimizes governmental red tape maximizes resources and expertise in the private sector by utilizing qualified, experienced professionals such as engineers and scientists who are certified by Ohio EPA. These certified professionals are responsible for verifying properties are cleaned up to the levels required by the program rules. The detailed program rules allow these qualified professionals and the volunteer that he or she represents to do the work without ongoing Agency involvement.

When a certified professional determines after site investigation and any necessary cleanup that the property meets the standards contained in the program rules, he or she can prepare a No Further Action (NFA) letter. This document describes the environmental problems found at the site, how those environmental problems were investigated and how the site was cleaned up.

The NFA letter includes a Phase I property assessment report that contains information concerning the certified professional's investigation of the historical and current uses of the property. This information allows them to

determine if there is a reason to believe that a release of hazardous substances or petroleum has or may have occurred at the property.

If there is reason to believe that such a release has occurred and the site may be contaminated, a Phase II property assessment is then conducted. The Phase II assessment includes collecting soil, ground water, surface water and sediment samples from the site as necessary. The Phase II assessment ensures that all potential contaminants identified in the Phase I assessment are adequately evaluated and compared to the appropriate VAP cleanup standards. If the Phase II assessment indicates that cleanup standards are met and the site is protective of human health and the environment, the certified professional will determine that the voluntary cleanup is completed and prepare the NFA letter.

If the Phase II assessment indicates that more action is needed to meet the standards, additional remedial activities will occur to make the site protective of human health and the environment. Remedial activities may include things such as soil removal, ground water treatment, barriers to the contamination such as a clay or asphalt cap or placing limitations on future use of the property.

Through technical assistance, Ohio EPA can assist volunteers with any questions they have regarding their participation in the VAP. Since the VAP relies on user fees to help support the program, volunteers must pay for the Agency's assistance. Although some volunteers receiving technical assistance submit NFA letters, many volunteers conduct work in accordance with Ohio EPA's advice but do not submit an NFA letter. Even if a volunteer does not submit an NFA letter, VAP rules and technical assistance can be used for cleanup and redevelopment of those properties.

Ohio EPA operates a certification program to ensure that only environmental professionals with the appropriate qualifications and experience are licensed as certified professionals. In addition, to help ensure high-quality work, they must meet annual continuing education requirements and be recertified by Ohio EPA each year. The certification only applies to the VAP and does not limit an environmental consultants' participation in similar non-VAP work, such as cleanups conducted under Resource Conservation and Recovery Act regulations (RCRA) or Bureau of Underground Storage Tank Regulations (BUSTR). Finally, I will briefly summarize the Ohio E-check program.

E-Check

In January 1996, the State of Ohio began a vehicle emissions testing program, E-Check, designed to identify motor vehicles that emit excessive levels of pollutants into the air. Among the other emissions control options, E-Check was determined to be the most cost-efficient measure to reduce the volatile organic compounds (VOCs) that form ground-level ozone, or smog.

E-Check is part of Ohio's state implementation plan for the federal Clean Air Act of 1990. The Clean Air Act requires U.S. EPA to review air quality standards every five years to determine if they are still protective of human health and the environment. When an area does not meet the National Ambient Air Quality Standards that are outlined in the Clean Air Act, that area is classified as being in "nonattainment." This simply means that the ozone levels exceed the standards, and actions are required of the state to attempt to remediate the problem. In Ohio, seven counties are in nonattainment, and thus, must participate in E-Check. For reference, those counties are: Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit.

In those seven counties, many different facilities participate in E-check, including 23 full-service Ohio E-Check stations, 17 Valvoline locations, 25 repair shop locations, and 16 self-service kiosks. Self-service kiosks are an

increasingly popular option for consumers. Kiosks are available for use 24/7, 365 days a year, and requires consumers to plug in to their OBDII system on their dash. The licenses that are issued by Ohio EPA go to individuals responsible for the inspection and maintenance of these facilities.

Chairman Wiggam, Vice-Chair Ginter, Ranking Member Kelly and members of the House State and Local Government Committee, thank you again for the opportunity to testify today. We are happy to answer any questions you have at this time.