UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Recommendation for Approval of the Implementation of West Virginia's Operator Certification Program

FROM: Jon M. Capacasa, Director
Water Protection Division (3WP00)

TO: Donald S. Welsh
Regional Administrator (3RA00)

Under Section 1419(b) of the Safe Drinking Water Act (SDWA), as amended, states have two years from the date of publication of final operator certification guidelines to develop and begin implementing an operator certification program that meets the requirements of the guidelines. EPA's guidelines were published in the Federal Register on February 5, 1999. All state operator certification programs in Region III have been approved in accordance with these guidelines.

In the fiscal years following a state's initial program approval from EPA, a state must provide documentation showing the ongoing implementation of its operator certification program, as per EPA's Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems (Guidelines). EPA must evaluate implementation of the states' programs annually to determine that the state program continues to meet the Guidelines. If a state program does not meet the Guidelines, EPA will withhold 20% of the state's Drinking Water State Revolving Funds allotment.

Annual reports for each of our states were due by June 30, 2003. All of our states have met this deadline. The Water Protection Division has completed its review of the documentation provided by West Virginia and has determined that it meets the requirements of Section 1419(b) of the SDWA, as amended. Please note that we do work with each of our states on an ongoing basis to address implementation issues as they occur rather than wait for the annual review.

I recommend that Region III conclude that West Virginia has complied with the requirements of Sections 1419(b) and that, pursuant to Section 1452(a)(1)(G)(ii), a withholding from the states' Fiscal Year 2004 DWSRF allotment is not required. Attached please find for your signature a letter to West Virginia informing them of our decision.

Should you have any questions, please call me at 4-5422.

Attachment