



UNITED SOUTH AND EASTERN TRIBES, INC.

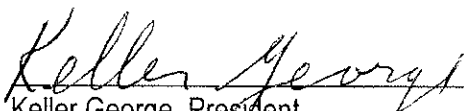
USET Resolution No. 2004:072

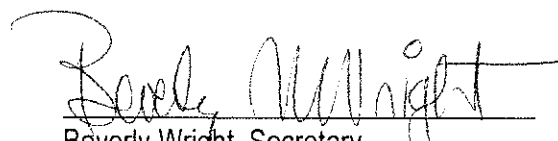
AUTHORIZATION OF SUBMISSION OF COMMENTS TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGARDING TRIBAL DRINKING WATER OPERATOR CERTIFICATION PROGRAM FINAL DRAFT GUIDELINES

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** protection of public health and safe drinking water is a primary concern of USET member tribes; and
- WHEREAS,** the USET Board of Directors has established the USET Water and Wastewater Certification Board and Bylaws (USET Resolution Nos. 2000:57, 2002:50, 80, and 81) in collaboration with the U.S. Environmental Protection Agency (EPA) in an effort to place trained and certified operators on USET member tribal lands; and
- WHEREAS,** the EPA has now published the Tribal Drinking Water Operator Certification Program Final Draft Guidelines in Federal Register Vol. 69, No. 75, page 20874, for public comment; and
- WHEREAS,** USET member tribes have a vested interest in the development and subsequent operation of the EPA Tribal Drinking Water Operator Certification Program as both a certification provider and its affect on American Indian tribes; and
- WHEREAS,** the proposed final draft guidelines have been extensively reviewed by the USET Water and Wastewater Certification Board and USET Natural Resources Committee; therefore, be it
- RESOLVED** that the USET Board of Directors hereby authorizes the submission of the attached comments in response to the EPA Tribal Drinking Water Operator Certification Program Final Draft Guidelines.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Hollywood, Florida, June 17, 2004.


Keller George, President
United South and Eastern Tribes, Inc.


Beverly Wright, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”

Attachment

USET Resolution No. 2004: 072

AUTHORIZATION OF SUBMISSION OF COMMENTS TO THE U.S. ENVIRONMENTAL
PROTECTION AGENCY REGARDING TRIBAL DRINKING WATER OPERATOR
CERTIFICATION PROGRAM DRAFT FINAL GUIDELINES

USET Member Tribes agree that public health protection is a primary concern in Indian Country and therefore support the primary objectives of the Tribal Drinking Water Operator Certification Program. Since 2000, USET has been working in collaboration with the U.S. Environmental Protection Agency (EPA) to establish an approved certification program for water and wastewater treatment plant operators and laboratory analysts. This program now places trained and certified operators on USET Member Tribal lands, simultaneously protecting tribal health and sovereignty by allowing self-certification without submission to state jurisdiction. Although certification is not a requirement, this program is consistent with the EPA's strategic plan to have 80% of Tribal community and non-transient non-community water systems ran by certified operators.

As a stakeholder defined in the proposed guidelines, Section B, Number 6, USET has a vested interest in the development and subsequent operations of the Tribal Drinking Water Operator Certification Program. The following collective comments are submitted after thorough review of the DRAFT Final Guidelines by the USET Certification Board for Water and Wastewater Treatment Plant Operators and Laboratory Analysts and the USET Natural Resources Committee.

Comments on Final Draft Guidelines: Tribal Drinking Water Operator Certification Program
Guidelines

III. OPERATOR CERTIFICATION FOR INDIAN COUNTRY

Section B, Number 1: Classification of Systems, Facilities, and Operators

- 1.) **Classification:** It is our recommendation that the level of classification be reversed from Class I as the lowest level of classification to a system with Class I as the highest level of classification. The recommended classification system is more logical and will reduce confusion regarding classification variations among states and other certification providers.
- 2.) **Distribution System Classification:** The proposed classification of distribution systems is unnecessarily complex and should be simplified.
- 3.) **"A designated certified operator must be "available" (see section V – definitions) for each operating shift."**

In Section B, Number 1, Operator Classification, the proposed guidelines state that a certified operator must be available during an operating shift. As per Part II, Section G,

Paragraph 4, the definition of "available" is flexible to allow a circuit rider to be the certified operator for numerous small systems. While this may reduce the financial burden on small systems, circuit riders should only be used for groundwater plants. Surface water plants require more extensive treatment and should have a certified operator on duty at the plant during operation.

Section B, Number 3: Program Implementation

- 4.) "EPA HQ will organize a peer review among the Regions to promote national consistency among regional implementation of the Tribal Drinking Water Operator Certification Program."**

USET Member Tribes are in agreement that a peer review process can be beneficial to participating Tribal Nations if the reviews are completed in an organized manner by a Tribal approved peer review committee. It is our recommendation that the peer review consist solely of members nominated and approved by participating Tribes. EPA HQ should provide adequate training to peer review members and funding for necessary travel. Additionally, peer reviews should be conducted as a voluntary supplement to the Tribal Drinking Water Operator Certification Program, and should not be a requirement on behalf of the Tribes to satisfy any grant conditions.

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