



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Henry R. Darwin
Director

September 30, 2011

Mr. Jake Garrett, P.E., Manager
Environmental Health/ Wastewater Department
Gila County Community Development Division
608 E. Highway 260
Payson, AZ 85541

Dr. Kitt Farrell-Poe, Water Quality Specialist
University of Arizona Department of Agricultural and Biosystems Engineering
Shantz Bldg, #38, Room 504A
1177 E. 4th Street
Tucson, AZ 85721-0038

Dear Mr. Garret and Dr. Farrell-Poe:

Based on discussions with you both, I understand that several individuals originally certified through the National Association of Wastewater Transporters (NAWT) Inspection Training & Certification training program sponsored by the University of Arizona Cooperative Extension, have not taken recertification training required by NAWT. These individuals maintain that their one time certification is sufficient to meet the requirement of A.A.C R18-9-A316.B.2.:

Within six months before the date of property transfer, the person who is transferring a property served by an on-site wastewater treatment facility shall retain an inspector to perform a transfer of ownership inspection of the on-site wastewater treatment facility who meets the following qualifications:

1. Possesses working knowledge of the type of facility and the inspection process;
2. Holds a certificate of training from a course recognized by the Department as sufficiently covering the information specified in this Section by July 1, 2006; and.

However, NAWT considers their certification to be expired, and therefore there is a question as to whether these individuals have a valid certificate of training in conformance with the rule. You have asked me for an opinion.

ADEQ should not recognize a certificate that the certifying institution does not also recognize, to do so would undermine the credibility of the inspection program. Therefore, and absent of any other recognized training course at this time, in order to comply with the requirement of A.A.C R18-9-A316.B.2, inspectors must maintain certification with NAWT.

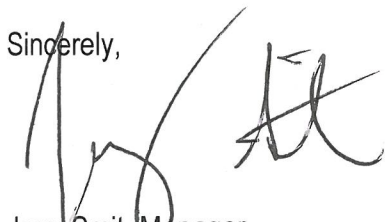
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Only NAWT has submitted an inspector training program to ADEQ for approval and recognition. The training program requires recertification, even though ADEQ rule does not. If ADEQ were now to assert that inspectors do not need to comply with the requirements of NAWT and NAWT has to revoke certificates as a result, there would be no substitute certification program to meet the training regulations. Should another institution submit a training program that did not require recertification, ADEQ would approve it, assuming the training program met all regulatory requirements.

Ultimately, this is an issue that may be resolved only through rule revision. In the future I look forward to working with you and with all stakeholders to update the current rules regarding On-site Wastewater Treatment Facilities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerry Smit', written over a large, light-colored scribble or mark.

Jerry Smit, Manager
Ground Water Section
Water Quality Division

AU11:0065