

**TECHNICAL REVIEW COMMITTEE OF THE
BOARD FOR WATERWORKS AND WASTEWATER WORKS
OPERATORS AND ONSITE SEWAGE SYSTEM
PROFESSIONALS**

Tentative AGENDA APRIL 10, 2023
10:00 A.M. TRAINING ROOM-- FIRST FLOOR

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER -- 9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233

I. CALL TO ORDER

II. EMERGENCY EVACUATION PROCEDURES

III. APPROVAL OF AGENDA

- a. Technical Review Committee Agenda, April 10, 2023

IV. WELCOME AND OVERVIEW OF COMMITTEE

V. PUBLIC COMMENT PERIOD

VI. RESOURCES AND INFORMATION

VII. DISCUSSION OF EQUIVALENCY

- a. Facility Classifications
- b. Technical Language Used in other Jurisdictions

VIII. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

IX. ADJOURN

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

WELCOME AND OVERVIEW OF COMMITTEE

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board action.
DRAFT AGENDA

PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

DRAFT AGENDA
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and are not to be construed as a question or official Board decision.
DRAFT AGENDA

Virginia Administrative Code

Title 18. Professional And Occupational Licensing

Agency 160. Board For Waterworks And Wastewater Works Operators And Onsite Sewage System Professionals

Chapter 30. Waterworks and Wastewater Works Operators Licensing Regulations

Part II. Entry

18VAC160-30-80. Individuals certified or licensed in another jurisdiction.

An applicant holding a valid license or certificate in another jurisdiction who meets the requirements of this chapter, including having equivalent experience and education, shall pass a board-approved examination to become licensed.

Statutory Authority

§§ 54.1-201 and 54.1-2301 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

Virginia Administrative Code

Title 18. Professional And Occupational Licensing

Agency 160. Board For Waterworks And Wastewater Works Operators And Onsite Sewage System Professionals

Chapter 30. Waterworks and Wastewater Works Operators Licensing Regulations

Part II. Entry

18VAC160-30-90. License required.

- A. No individual shall serve as the operator of a waterworks or wastewater works without possessing a valid category of license issued by the board in a classification equal to or greater than the classification of the applicable waterworks or wastewater works.
- B. An individual cannot simultaneously hold two licenses of different classifications in the same category.
- C. Experience used to qualify for licensure must be obtained under the direct supervision of an operator holding a valid license of the same category and of a classification equal to or higher than the classification of the waterworks or wastewater works at which the experience was gained.
- D. Experience operating and maintaining water distribution systems shall only be considered for Class 5 or Class 6 waterworks operator license applicants.
- E. Experience limited solely to the operation and maintenance of wastewater collection systems, laboratory work, plant maintenance, and other nonoperating duties shall not be counted as experience as an operator or an operator-in-training.
- F. Provisional licensure alone shall not authorize an individual to serve as the operator of a classified waterworks or wastewater works facility.

Statutory Authority

§§ 54.1-201 and 54.1-2301 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

Virginia Administrative Code

Title 18. Professional And Occupational Licensing

Agency 160. Board For Waterworks And Wastewater Works Operators And Onsite Sewage System Professionals

Chapter 30. Waterworks and Wastewater Works Operators Licensing Regulations

Part II. Entry

18VAC160-30-110. Qualifications for examination approval.

A. An applicant for licensure as a waterworks or wastewater works operator shall furnish acceptable documentation that one of the following qualifications has been met.

TABLE 1 Waterworks and Wastewater Works Operator Experience and Education					
Classes	Education Required	Current License	Minimum Experience	Facility Type	Experience with Substitutions
Class 6 (Waterworks Operator Only)	High school diploma or GED	N/A	Six months	Class 6 or higher facility	N/A
	No high school diploma or GED	N/A	One year	Class 6 or higher facility	N/A
Class 5 (Waterworks Operator Only)	High school diploma or GED	N/A	Six months	Class 5 or higher facility	N/A
	No high school diploma or GED	N/A	One year	Class 5 or higher facility	N/A
Class 4	High school diploma or GED	N/A	Six months	Class 4 or higher facility	N/A
	No high school diploma or GED	N/A	One year	Class 4 or higher facility	N/A
Class 3	Bachelor's or master's degree	N/A	Six months	Class 4 or higher facility	N/A
	Associate's	N/A	Nine months	Class 4 or	Six months

	degree			higher facility	
	High school diploma or GED	N/A	One year	Class 4 or higher facility	Six months
	No high school diploma or GED	Class 4 license	Three years	Class 3 or higher facility	One and one-half years
Class 2	Bachelor's or master's degree	N/A	One year	Class 3 or higher facility	Six months
	Associate's degree	N/A	18 months	Class 3 or higher facility	Nine months
	High school diploma or GED	N/A	Two years	Class 3 or higher facility	One year
	No High school diploma or GED	Class 3 license	Five years	Class 2 or higher facility	Three and one-half years
Class 1	Bachelor's or master's degree	Class 2 license	Two years	Class 2 or higher facility	One year
	Associate's degree	Class 2 license	Three years	Class 2 or higher facility	One and one-half years
	High school diploma or GED	Class 2 license	Four years	Class 2 or higher facility	Two years
	No high school diploma or GED	Class 2 license	Nine years	Class 2 or higher facility	Four and one-half years
Where applicable, the current license held, minimum experience, and the facility type must coincide with the category of license for which the application is being submitted.					

B. The direct supervisor shall certify the experience on the application form as accurate and relevant to the classification and category of license for which is being submitted. In the event that a licensed operator is not available to certify the experience of the applicant, the experience may be certified by a representative of the facility owner with first-hand knowledge of the applicant's experience.

Statutory Authority

§§ 54.1-201 and 54.1-2301 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

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Virginia Administrative Code

Title 18. Professional And Occupational Licensing

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Chapter 30. Waterworks and Wastewater Works Operators Licensing Regulations

Part VI. Standards of Practice and Conduct

18VAC160-30-360. Wastewater works.

A. A Class 4 wastewater works licensee may operate any wastewater works as follows:

1. A wastewater works employing biological mechanical methods (i.e., mechanical treatment process defined as those containing aerated and mixed flows using electrical or outside energy sources) with a design hydraulic capacity greater than 1,000 gallons per day but equal to or less than 0.04 MGD;
2. A wastewater works employing natural treatment methods (referenced in 9VAC25-790-870 as land treatment utilizing a secondary process for pretreatment followed by irrigation, overland flow infiltration-percolation, or combination thereof or aquatic ponds or constructed wetlands) with a design hydraulic capacity greater than 1,000 gallons per day but equal to or less than 1.0 MGD; or
3. Any other wastewater works classified by DEQ or VDH as a Class 4 wastewater works.

B. A Class 3 wastewater works licensee may operate any wastewater works as follows:

1. A wastewater works using biological treatment methods consisting of but not limited to (i) suspended growth reactors, (ii) aerated lagoons, (iii) constructed wetlands, (iv) filters or other attached growth contactors, (v) processes utilizing biological nutrient control, or (vi) processes utilizing land treatment having a design hydraulic capacity greater than 0.04 MGD, but equal to or less than 0.5 MGD;
2. A wastewater works using natural treatment methods (referenced in 9VAC25-790-870 as land treatment utilizing a secondary process for pretreatment followed by irrigation, overland flow infiltration-percolation, or combination thereof or aquatic ponds or constructed wetlands) with a design hydraulic capacity greater than 1.0 MGD;
3. A wastewater works using advanced waste treatment methods consisting of but not limited to (i) ammonia stripping, (ii) breakpoint chlorination, (iii) carbon adsorption, (iv) chemical coagulation, (v) flocculation, (vi) precipitation, (vii) filtration, or (viii) demineralization (i.e., ion exchange, reverse osmosis, or electrodialysis) having a design hydraulic capacity greater than 1,000 gallons per day but equal to or less than 0.1 MGD; or
4. A wastewater works classified by DEQ or VDH as a Class 3 or Class 4 wastewater works facility.

C. A Class 2 wastewater works licensee may operate any wastewater works as follows:

1. A wastewater works using biological treatment methods consisting of but not limited to (i) suspended growth reactors, (ii) aerated lagoons or constructed wetlands, (iii) filters or other attached growth contactors, (iv) processes utilizing biological nutrient control, or (v) processes utilizing land application having a design hydraulic capacity greater than 0.5 MGD but equal to or less than 5.0 MGD;

2. A wastewater works using advanced waste treatment methods consisting of but not limited to (i) ammonia stripping, (ii) breakpoint chlorination, (iii) carbon adsorption, (iv) chemical coagulation, (v) flocculation, (vi) precipitation, (vii) filtration, (viii) demineralization (i.e., ion exchange, reverse osmosis, or electrodialysis) and having a hydraulic capacity greater than 0.1 MGD but equal to or less than 2.5 MGD; or

3. A wastewater works classified by DEQ or VDH as a Class 2, Class 3, or Class 4 wastewater works.

D. A Class 1 wastewater works licensee may operate any wastewater works as follows:

1. A wastewater works using biological treatment methods consisting of but not limited to (i) suspended growth reactors, (ii) aerated lagoons or constructed wetlands, (iii) filters or other attached growth contactors, (iv) processes utilizing biological nutrient control, (v) processes utilizing land treatment and having a hydraulic capacity greater than 5.0 MGD;

2. A wastewater works using advanced waste treatment methods consisting of but not limited to (i) ammonia stripping, (ii) breaking chlorination, (iii) carbon adsorption, (iv) chemical coagulation, (v) flocculation, (vi) precipitation, (vii) filtration, (viii) demineralization (i.e., ion exchange, reverse osmosis, or electrodialysis) and having a design capacity greater than 2.5 MGD; or

3. A wastewater works classified by DEQ or VDH as a Class 1, Class 2, Class 3, or Class 4 wastewater works.

Statutory Authority

§§ 54.1-201 and 54.1-2301 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017; Errata, 33:15 VA.R. XXXX March 20, 2017.

Virginia Administrative Code

Title 18. Professional And Occupational Licensing

Agency 160. Board For Waterworks And Wastewater Works Operators And Onsite Sewage System Professionals

Chapter 30. Waterworks and Wastewater Works Operators Licensing Regulations

Part VI. Standards of Practice and Conduct

18VAC160-30-370. Waterworks.

A. A Class 6 waterworks licensee may operate any waterworks as follows:

1. A waterworks serving fewer than 400 persons that provides no treatment or employs one or more of the following treatment processes: (i) hypochlorination for disinfection, (ii) corrosion control with calcite or magnesium oxide contactors or solution feed except with caustic, or (iii) sequestration by solution feed; or
2. A waterworks classified by VDH as a Class 6 waterworks.

B. A Class 5 waterworks licensee may operate any waterworks as follows:

1. A waterworks serving 400 or more persons that provides no treatment or employs one or more of the following treatment processes: (i) hypochlorination for disinfection, (ii) corrosion control with calcite or magnesium oxide contactors or solution feed except with caustic, or (iii) sequestration by solution feed; or
2. A waterworks classified by VDH as a Class 5 waterworks.

C. A Class 4 waterworks licensee may operate any waterworks as follows:

1. A waterworks or treatment facility serving fewer than 5,000 persons or having a treatment facility capacity of less than 0.5 MGD and employing one or more of the following: (i) disinfection other than with hypochlorination, (ii) caustic soda feed, (iii) iron and manganese removal, (iv) ion exchange, (v) slow sand filtration, (vi) aeration, (vii) rechlorination other than with hypochlorination, (viii) activated carbon contactors, (ix) membrane or other filtration technologies without chemical coagulation, or (x) fluoridation with a saturator; or
2. A waterworks classified by VDH as a Class 4 waterworks.

D. A Class 3 waterworks licensee may operate any waterworks as follows:

1. A waterworks or treatment facility serving fewer than 5,000 persons or having a treatment facility capacity less than 0.5 MGD, whichever is greater, and employing conventional filtration or chemical coagulation in combination with membrane filtration;
2. A waterworks or treatment facility serving 5,000 or more persons or having a treatment facility capacity of 0.5 MGD or more, whichever is greater, and employing one or more of the following: (i) disinfection other than with hypochlorination, (ii) caustic soda feed, (iii) iron and manganese removal, (iv) ion exchange, (v) slow sand filtration, (vi) aeration, (vii)

rechlorination other than with hypochlorination, (viii) activated carbon contactors, (ix) membrane or other filtration technologies without chemical coagulation, or (x) fluoridation with a saturator or acid feed;

3. A waterworks or treatment facility employing fluoridation with other than a saturator not considered a Class 1 or Class 2 waterworks; or

4. A waterworks classified by VDH as a Class 3 waterworks.

E. A Class 2 waterworks licensee may operate any waterworks as follows:

1. A waterworks or treatment facility serving 5,000 or more persons but fewer than 50,000 persons or having a treatment facility capacity of 0.5 MGD or more but less than 5.0 MGD, whichever range applies, and employing rapid rate conventional filtration chemical coagulation in combination with membrane filtration;

2. A waterworks or treatment facility serving fewer than 50,000 persons or having a treatment facility capacity of less than 5.0 MGD employing high rate conventional filtration; or

3. A waterworks classified by the VDH as a Class 2 waterworks.

F. A Class 1 waterworks licensee may operate any waterworks as follows:

1. A waterworks or treatment facility serving 50,000 or more persons or having a treatment facility capacity of 5.0 MGD or more and employing conventional filtration or chemical coagulation in combination with membrane filtration; or

2. A waterworks classified by VDH as a Class 1 waterworks.

Statutory Authority

§§ 54.1-201 and 54.1-2301 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 11, eff. April 1, 2017.

Current Process for Establishing Licensing Equivalency

Request Letter of Good Standing

- Verifies licensure in other state
- States usually include experience, education, and exam requirements
- Sometimes exam scores or other exam specific information is included

Determine License Class Eligibility

- Review state license classes and facility requirements to determine equivalent class/facility
- Review applicant experience verification forms to determine equivalency according to 18VAC160-30-360 and 18VAC160-30-370

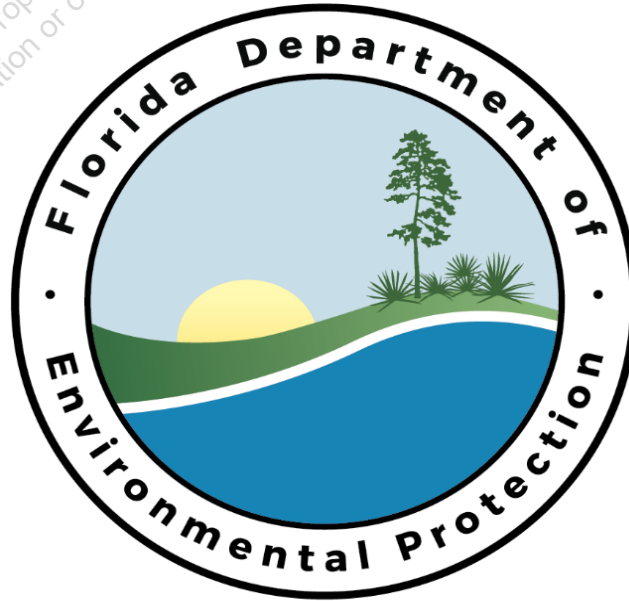
Review Exam Information

- Request and/or review examination information
- ABC/WPI exam for proper license class automatically accepted
- Exams other than ABC/WPI are forwarded to the exams staff to determine equivalency to ABC exam
- If an exam is determined to be equivalent, any and all confirmation/research material is placed on file with the application

Application Approval

- Licensing staff reviews all aspects of application to determine approval
- After staff review, out-of-state applications are forwarded to the Licensing Administrator for final review/approval
- Applicants staff are unable to approve are advised of paths to licensure, or given the option to go before the Board

**State of Florida
Department of Environmental Protection**



**Drinking Water & Domestic Wastewater
Water Distribution System Operator
Program Handbook**

**Operator Certification Program
2600 Blair Stone Rd. MS 3506, Tallahassee, FL 32399-2400
Telephone (850) 245-7500 Fax (850) 245-8410**

[OCP Home Page](#)

[Customer Satisfaction Survey](#)

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Mission of the Operator Certification Program

The mission of the Florida Operator Certification Program is to promote public health and safety, protect the environment, and conserve Florida's water resources by ensuring that all persons working in drinking water, water distribution, and wastewater meet the highest standards for certification as determined by the rules and regulations of the Florida Department of Environmental Protection under the guidelines of the United States Environmental Protection Agency.

Introduction: Please Read This First!

Chapter 62-602, Florida Administrative Code (F.A.C.) defines specific requirements for application, examination, licensure, renewal, and regulation of Water and Wastewater Treatment Plant and Distribution System Operators.

This handbook contains useful information on approved training courses, related regulations and associations that assist in training or technical programs. We encourage you to carefully read all information in the handbook before completing an application.

Step One: Examination process

You must meet all minimum eligibility requirements for the examination type and level for which you are applying. Here is what you will need to be considered eligible to qualify for examination for Water, Waste water or Water System Distribution operators.

- Complete an examination application in full. **[Application must be for examination]**
- Include your name, address, telephone number, date of birth, social security number and level/type of license. If you are requesting special testing accommodations, please send documentation as to the disability or accommodation needed. A doctor's note or other documentation is required to obtain pre-approval. You may be contacted if we need any additional information.
- One 2 X 2 photo. **[Florida wards of the state please provide two photos]**
- Provide a copy of the FDEP approved coursework for the level and type of examination you are applying for. A list of approved coursework is provided in this handbook.
- High school diploma, GED or college transcript showing date of graduation is also acceptable. *Note: All educational diplomas or transcripts from foreign countries must be accompanied by an evaluation to determine equivalency to a United States High School diploma. The education evaluation must be conducted by a nationally recognized credential evaluation service. The National Association of Credential Evaluation Services (NACES) has a list of companies that you may choose from. Please visit www.naces.org for a complete list of NACES members.*
- The application must be signed and dated by the applicant.

High School Diploma

To be licensed as a Treatment Plant or Water Distribution System operator in the State of Florida, each applicant must possess a high school diploma or its equivalent.

Please be aware that there are many on-line & correspondence schools that claim to offer “High School Diploma’s”, “GEDs” or other types of diplomas that are equivalent to that of a traditional high school diploma. Programs charge approximately \$199 to \$500 for these type diplomas. Please do not be fooled by claims you read over the internet. The diplomas that most on-line & correspondence schools provide are not accepted by our program and are not equivalent to that of a high school diploma.

Some warning signs for you to look for and to avoid are:

- Programs that offer credit for “life experiences” or credit for classes you may have taken while in high school. Life experiences do not equate to that of structured education or learning.
- Programs that charge significant amounts of money for a diploma. Most reputable GED programs are FREE and can be found at a Vo-tech school or adult education center in your local area.
- Programs that do not have a physical location such as street address, city, state or zip. Again, most reputable GED programs are FREE and can be found in your local area.
- Programs that handle all of their correspondence only by email. You should be able to visit an established place of business and speak with real employees.
- Programs that speak of accreditation but state they are “strictly self-evaluated”. Contacting reputable accreditation organizations is a great first step in trying to determine if a school is legitimate. In our area, the “Southern Association of Schools & Colleges” is recommended.
- Programs that allow you take open book tests as the requirement to receive a diploma. We only consider examinations that are controlled in a proctored environment to be acceptable.
- Programs that offer a simple “ranking system” or a “comparison styled system” as a way of determining graduation criteria. There needs to be predefined parameters for what is considered passing and failing.
- Programs that offer a “motivational approach” to education. Proper instruction and evaluation is the only approach to education that is acceptable.
- Programs that make it possible to get a diploma in just a few days.

In closing, the Florida Department of Environmental Protection, Operator Certification Program, only accepts General Educational Development (GED) issued by the American Council on Education through an approved GED Administrator. In Florida, the approved GED Administrator is the Florida Department of Education through its network of public schools and adult education centers. So, before you spend your time and money for a diploma that may not be accepted by our program, please contact the Operator Certification Program for prior approval. We may be reached at (850) 245-7500. To learn more about GEDs please visit <https://ged.com/en/>.

Thank You,
Operator Certification Program

Minimum Examination Eligibility Requirements

The definition of Qualifications for Operator Licensure can be found in the rules section of this handbook under 62-602.300, (F.A.C).

For Water, Wastewater and/or Water Distribution Operators Examinations

D Class

- Have a high school diploma or equivalent. (Course completion is optional) *. (*Note this license category is for an owner operator of a small water or wastewater system)

C Class or 3 Level

- Have a high school diploma or equivalent
- Document successful completion of a Department-approved training course, taken no more than five years prior to the examination date.

B Class or 2 Level

- Have a high school diploma or equivalent.
- Have an active Class C license of same type.
- Document successful completion of a Department-approved training course, taken no more than five years prior to the examination date.

A Class or 1 Level

- Have a high school diploma or equivalent.
- Have an active Class B license of same type.
- Document successful completion of a Department-approved training course; completed no more than five years prior to the examination date.

Examination Fees

The total fee to be submitted with each examination application for the **Class A, B & C** exams
\$100.00

The total fee to be submitted with each examination for the **Class D or Level 1, 2, 3** exams
\$75.00

Ward of the State of Florida: (Inmates)
\$20.00

Note: The application fee is non-refundable. If an applicant is determined to be ineligible for examination, the examination fee will be refunded upon written request.

All examination applications must be submitted with required documentation and fees to be considered complete. Applications received with missing information, or unacceptable course work, photos or insufficient fees are considered INCOMPLETE. Applicants must meet the minimum eligibility requirements for the applicable level of examination prior to approval and scheduling. If an application section does not apply, "N/A" should be written in the respective spaces.

Applications do not come directly to our office. Applications go to Finance and Accounting where a receipt number is issued. Upon receipt our department has up to 30 days to process an application. If you have not received notification at the end of 30 days please contact our office. Remember our mail is not automatically forwarded. Please provide a current address.

Retain all instructions and the rules sections and make copies of the completed application for your records before mailing. Upon review of your application, you will receive a status notification from the Department. **Please type or write clearly on your application to ensure your name and address is spelled accurately.**

Please remember that information in this handbook is subject to change at any time. If you find information in this book that you believe to be questionable, please contact our office for clarification. Good luck on your upcoming exams.

Wards of the State (Florida only)

For Wards of the State of Florida you will be required to take a paper and pencil examination. The Computer Based Test (CBT) is not offered.

Once you are scheduled, we will notify The Florida Department of Corrections (DOC) and they will make the arrangements as to the correctional facility where you will be tested. Please provide the Department of Corrections DC number and name of the correctional facility in the address line of the first page of the application.

The examination is administered through the DOC twice a year; February and August. A complete examination application package must be received 90 days prior to the examination that you wish to be scheduled for:

*Exam date February 2023 – application deadline November 30, 2022

*Exam date August 2023 – application deadline May 31, 2023

Our Department approves your application for examination only. DOC will make all the arrangements as to where you will be taking your exam.

Note: A completed application package consists of the examination application, application fee, 2x2 photo, and completion certificate of the required training course and copy of high school diploma or GED.

Out of State Applicants

Florida does not offer reciprocity with any other state or foreign country. You are required to successfully complete a Department approved training course, pass the state licensing examination, and document the appropriate amount of hands-on operational experience for the license type and level that you are applying for. Prior to submitting an examination application, please provide our office with the following information so that your out-of-state treatment plant operator license can be evaluated for the comparable licensing level in Florida.

Submit the following:

- A copy of your current and active out-of-state license
- A complete flow diagram and detailed description of all plant treatment processes and operations and plant flow type

- Verification of experience signed by a licensed operator of the same type. Verification letter(s) must be on company letterhead and include dates of experience (mm/dd/yyyy through mm/dd/yyyy), hours worked per week, and a detailed description of duties performed. Ensure the verification letter provide the name, physical address location and the State-issued permit ID number of the treatment facility(s). Leaving off any one item will hinder your approval. Please include a copy of the verifier's license.
- A copy of your current resume
- A copy of the laws and rules of your state showing the level of certification and years of experience required

Once the evaluation is completed, you can expect to receive a written response from the Operator Certification Program Administrator reflecting pre-approval of the credited amount of experience hours and license level you are eligible to apply for. One you are approved you will be ready to begin the process of the DEP examination.

NOTE: Experience is defined as on-site or hands-on operational experience in a treatment plant. All experience must be verified by signature of a supervisor and/or a licensed operator from the same state. Experience must be verified by plant type in which you have worked or are presently working, indicating time worked in on-site plant operation, with these stipulations:

Wastewater treatment plants must have a system for solids control. **Water** treatment plant experience must be gained in drinking water plants (Experience gained from water systems used for swimming pools is excluded). Operators under contract for the operation of several plants must identify level, class and, if applicable, the name of each plant operated and name of the contracting company.

Submit evaluation information to:

Florida Department of Environmental Protection
 Operator Certification Program
 Ronald McCulley, Program Administrator
 2600 Blair Stone Road, MS3506
 Tallahassee, FL 32399-2400

Step Two: Licensing process

Once you have passed the examination you must complete the licensure application. This application will document actual treatment plant experience. The sections of the application for current and past employment must be verified by a Florida DEP licensed Water or Wastewater Treatment Plant Operator or licensed Distribution System Operator in the appropriate field. A letter from your human resources office does verify your employment; however, it is not verification of actual plant experience.

As per Chapter 62-602.420(2)(d), FAC., "If the employment experience is not verified by a licensed operator, an applicant for a treatment plant operator license must provide a reference letter from a peer who is a licensed operator of the same type (water or domestic wastewater) to verify the type of experience of the applicant. If the employment experience is not verified by a licensed operator, an applicant for a water distribution system operator license must provide a reference from a peer who is either a licensed water treatment plant operator or a licensed water distribution system operator to verify the type of experience of the applicant".

A peer reference letter may be used if you do not have the Employment Experience Verification page from the FDEP licensure application.

The peer reference letter must include the following:

1. Dates of employment from start to end date (mm/dd/yyyy through mm/dd/yyyy). Do not use the phrase "to present" as an end employment date.
2. Hours per week worked.
3. Name of plant worked.
4. Overtime hours if (available).
5. Name and title of person signing (printed).
6. Signature of a DEP licensed operator
7. Date.
8. Phone number.

Any verification from out-of-state should include any license numbers from that state. If possible provide a copy of the license card of the operator signing to verify that they have a current and active license. Please remember to make copies of any reference letters for your own records.

Licensure Application

To be licensed, you must have the correct number of hours of actual work experience required and pass the appropriate type and class examination.

Class A or Level 1 - 10,400 hours

Class B or Level 2 - 6,240 hours

Class C or Level 3 - 2,080 hours

All applicants will be notified in writing of their application status (complete or incomplete) within 30 days of receipt by the Department. Once the license application is approved, operators will receive their license and wall certificate within four weeks.

Licensure Application Fee

The application fee for the treatment plant operator license A, B & C class is \$100.00; or \$75.00 for the distribution system operator license. The total fee to be submitted with each licensure application for the D level license is \$50.00. (\$25.00 non-refundable application fee and \$25.00 license fee). The application fee is non-refundable. If an applicant is determined to be ineligible for licensure, the license fee will be refunded upon request.

Please note: A check or money order is acceptable for payment of fees. No purchase orders, cash or credit cards can be accepted. All state journal transfers must have the application and/or renewal notice attached to ensure the transaction is credited to the proper record.

Experience Verification

Experience is 'on-site' or 'hands-on' operational experience in the plant. All experience must be verified by signature of supervisor and/or licensed operator. You must verify experience on the application by plant type, in which you have worked or are presently working, indicating time worked in on-site plant operation, with these stipulations:

- Wastewater treatment plants must have a system for solids control.
- Water plant experience must be obtained in drinking water plants, not swimming pools.

- Operators under contract for the operation of several plants must identify level, class and name of each plant operated and the name of the contracting company (if applicable).

NOTE: Your work supervisor, or party with whom you contract, must sign the past or present employment section of the application verifying experience. If not then a letter on company letterhead, signed by an employer or supervisor, detailing: employment dates, position title, hours worked, description of duties, and description of treatment type may be substituted for a signature on the application itself. (See Peer Reference Letter above.) In this case, complete the respective employment section and attach the letter to the verification form.

Employment Verification Current or Past:

When completing the employment verification page on the certification application, please complete all sections. Only licensed DEP water and wastewater operators can sign under supervisor signature. If the peer letter is submitted still complete the section to the best of your ability. Under supervisor signature state "see reference letter". The applicant and supervisor need to check for errors before mailing the application. Please write or type clearly. Keep a copy for your records.

What is required when submitting a License application?

- Completed DEP certification or licensure application.
- Completed employment verification section or peer reference letter(s).
- Licensing fee of \$100.00 for levels A, B or C & \$75.00 for Class D or Level 1, 2 or 3. \$20.00 Wards of the State of Florida.
- Application signed and dated by applicant.

Once the application is approved your license and wall certificate will be issued. Congratulations you are now a certified State of Florida Water Treatment, Wastewater Treatment, or Water Distribution System Operator!

Minimum Licensure Eligibility Requirements

The definition of actual experience can be found in the rules section of this handbook under Chapter 62-602.250, (F.A.C).

Water Wastewater Plant Operators and/or Distribution System Operator

Class D

- Pass the Class D examination for the license type;
- A peer reference letter (only if your experience was not signed by a certified operator on FDEP application);
- Be the owner or owner's manager, agent, or trainee operating the system for at least three months (calendar months, not hours); **OR** document successful completion of an approved Class D course accompanied by one hour of experience.

Class C or Level 3

- Pass the Class C or Level 3 examination for the license type, no more than four years prior to application.
- Document at least 2,080 hours of appropriate operational experience prior to application on a DEP licensure application signed by a DEP licensed Operator, **OR**
- A peer reference letter (only if your experience was not signed by a certified operator on FDEP licensure application).

Class B or Level 2

- Pass the Class B or Level 2 examination for the license type, no more than four years prior to application.
- Document at least 6,240 hours of appropriate operational experience prior to application on a DEP licensure application signed by a DEP licensed Operator, **OR**
- A peer reference letter (only if your experience was not signed by a certified operator on FDEP licensure application).

Class A or Level 1

- Pass the Class A or Level 1 examination for the license type, no more than four years prior to application.
- Document at least 10,400 hours of appropriate operational experience prior to application on a DEP licensure application signed by a DEP licensed Operator, **OR**
- A peer reference letter (only if your experience was not signed by a certified operator on FDEP licensure application).

Mailing Addresses and Contact Information

There are **TWO** addresses to use concerning OCP. One is for applications with fees. The other is for general information. Failure to mail fees with applications to the P.O. Box address given will result in delays in the processing of applications. **Please do not send checks or money orders without an application.** If forms or applications are mailed without proper payment, contact our office at (850) 245-7500 immediately. Please note that we have a limited number of program staff answering phone calls. If we are unable to answer your call, it will be sent to our voice mail system. Make sure you leave your name, telephone number (including the area code), and a message. Remember to speak slowly and clearly - we cannot return the call if we cannot understand the message.

For Payment of Fees

(Examination application, licensure application, renewal and late fees, etc.)

Department of Environmental Protection
Operator Certification Program
Attn: Finance & Accounting
Post Office Box 3070
Tallahassee, Florida 32315-3070



Do Not Send Cash!

For General Information

Requests and Correspondence

Department of Environmental Protection
Operator Certification Program
2600 Blair Stone Road M.S. 3506
Tallahassee, Florida 32399-2400



Internet Address

You may visit our website at:

[OCP Home Page](#)

For additional copies of this handbook, forms and other important information. You may also view your CEU credits.



Change of Address

It is the responsibility of the operator to inform the OCP office in writing or by fax of any changes of address. **No changes will be made over the phone.** Failure to notify our office of your current address will delay notification of your examination, licensure and renewal status. Our fax number is (850) 245-8410. The link where you can change your address is <https://floridadep.gov/water/certification-restoration/documents/change-address>.

Technical Assistance and Professional Training

FW & PCOA – Operators Association

Shirley Reaves

FWPCOA Training Office
4401 S. Hopkins Ave. Suite 108
Titusville, FL 32780
Phone: (321) 383-9690; Fax (321) 383-9691
Internet: [FW & PCOA](#)

FRWA – Florida Rural Water Association

Gary Williams, Executive Director
2970 Wellington, Circle W, Suite 101
Tallahassee, FL 32309
(850) 668-2746
Internet: [FRWA](#)

FSAWWA – FL Section American Water Works

Donna Metherall
Training Coordinator
1320 Tennessee Avenue
St. Cloud, FL 34769
(407) 979-4805 Fax (407) 593-0251
[FSAWWA Email](#)

Florida Department of Health

Ed Bettinger – Bureau of Water Programs
4052 Bald Cypress Way, Bin C22
Tallahassee, FL 32399-1742
(850) 245-4444 x-2696
[FDOH Email](#)

University of Florida - TREEO

Training Office – Ron Trygar
3900 Southwest 63rd Blvd
Gainesville, FL 32608
(352) 294-3881
Internet: [UF TREEO Center](#)
[UF-TREEO Email](#)

Mitchell Training, INC.

836 NW 124 Drive
Newberry, FL 32669
(352) 495-3767 Fax (352) 495-3592
Internet: [Mitchell Training](#)
[Mitchell Training Email](#)

Related Regulatory Information

Drinking Water Program

Tallahassee Office (850) 245-8624
Drinking Water Rules are:
[62-550](#), F.A.C.
[62-555](#), F.A.C.
[62-560](#), F.A.C.

Domestic Wastewater Program

Tallahassee Office (850) 245-8605
Domestic Wastewater Rules are:
[62-600](#), F.A.C.
[62-601](#), F.A.C.
[62-620](#), F.A.C.
[62-640](#), F.A.C.

[62-699](#), F.A.C., Staffing requirements for Water/Wastewater treatment plants

40 CFR 141, subpart H, filtration and disinfection
40 CFR 141, subpart I, control of lead and copper
40 CFR 141, subpart L, disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors
40 CFR 141, subpart O, consumer confidence reports
40 CFR 141, subpart P, enhanced filtration and disinfection--systems serving >10,000 people
40 CFR 141, subpart T, enhanced filtration and disinfection--systems serving <10,000 people

*Please be aware that the above FDEP rules can be on any of the licensing exams

Examination Subject Area Overview

The Drinking Water and Wastewater Treatment Plant Operator examinations are composed of four levels; Operators - Class A, Class B, Class C, and Class D. These examinations are given, for each type and level, on one day. The examination time allocated is three (3) hours for Class A, B, and C, with 100 questions. The examination time allocated is two (2) hours for Class D with 50 questions. All exams are composed of multiple choice questions.

Subject Outline for Water Treatment Plant Operators:

Class A Drinking Water Treatment Plant Operators

Each examination item may be from one of the subject areas listed below:

- Chemical Treatment/Addition
- Clarification/Sedimentation
- Coagulation/Flocculation
- Facility Management
- Filtration
- Laboratory Sampling, Analysis & Interpretation
- Math
- Process Control
- Perform Safety & Security Procedures
- Residuals Disposal
- Regulations

Class B Drinking Water Treatment Plant Operators

Each examination item may be from one of the subject areas listed below:

- Characteristics of Source Water
- Chemical Treatment/Addition
- Coagulation and Flocculation
- Corrosion Control
- Clarification/Sedimentation
- Disinfection & Disinfectant Byproducts
- Distribution
- Facility Operation & Maintenance
- Filtration
- Fluoridation
- Iron and Manganese Control
- Laboratory Sampling, Analysis & Interpretation
- Maintain Equipment
- Math
- Operate Equipment
- Regulations
- Reservoir and Well Field Management
- Softening
- Taste and Odor Control

Class C Drinking Water Treatment Plant Operators

Each examination item may be from one of the subject areas listed below:

- Aeration
- Characteristics of Source Water
- Clarification/Sedimentation
- Coagulation and Flocculation
- Corrosion Control
- Disinfection
- Disinfection and Disinfectant Byproducts
- Distribution
- Filtration
- Facility Operation and Maintenance
- Evaluate Equipment
- Iron and Manganese Control
- Laboratory Sampling, Analysis & Interpretation
- Math
- Operate Equipment
- Perform Safety and Security Procedures
- Regulations
- Reservoir & Well Field Management
- Softening

- Taste and Odor Control
- Waste Handling and Disposal
- Water Process

Class D Drinking Water Treatment Plant Operators

Each examination item may be from one of the subject areas listed below:

- Chemical Treatment/Addition
- Maintain Equipment
- Perform Safety and Security Procedures
- Plant Operation
- Regulations
- Reporting Requirements

Subject Outline for Wastewater Treatment Plant Operators:

Class A Wastewater Treatment Plant Operators

Each examination item may be from one of the subject areas listed below:

- Perform Administrative Duties
- Employment Skills
- Facility Management
- Math
- Secondary Processes
- Process Control
- Regulations

Class B Wastewater Treatment Plant Operators

Each examination item may be from one of the subject areas listed below:

- Disinfection
- Effluent Disposal
- Interpret Lab Analysis
- Math
- Primary Treatment
- Solids Handling
- Nutrient Removal
- Odor Control
- Perform Laboratory Analysis
- Regulations
- Perform Safety and Security Procedures
- Secondary Processes

Class C Wastewater Treatment Plant Operators

Each examination item may be from one of the subject areas listed below:

- Disinfection
- Facilities & Collection Systems
- Laboratory Sampling, Analysis & Interpretation
- Maintenance
- Math
- Perform Safety and Security Procedures
- Primary Treatment
- Records & Reporting
- Regulations
- Secondary Processes
- Solids Handling

Class D Wastewater Treatment Plant Operators

Each examination item may be from one of the subject areas listed below:

- Disinfection
- Operate Equipment
- Package Plants & Disinfection
- Perform Safety and Security Procedures
- Regulations

The Water Distribution System Operator examinations are composed of four levels; Operators – Level 1, 2, or 4. These examinations are given, for each type and level, on one day. The examination time allocated is two (2) hours with 50 questions. All exams are composed of multiple choice questions.

SUBJECT OUTLINE FOR WATER DISTRIBUTION OPERATORS:

Level 1, 2 and 3 Water Distribution System Operators

Each examination item may be from one of the subject areas listed below:

- Perform Administrative Duties
- Drinking Water Regulations
- Install Equipment
- Maintain Equipment
- Disinfection
- Operate Equipment
- System Design
- System Inspection
- Water Quality
- Perform Safety and Security Procedures
- Math

Approved Training Courses - Water and Wastewater Treatment Operator

All courses have met the established Florida Department of Education standards and are offered at local community colleges and vocational technical centers throughout the state. Please check in your area for available times and course levels. If no courses are available, refer to the listing of DEP Approved Course List in this handbook.

Approved training courses are valid for examination eligibility purposes for five years from the date a course was completed. **Approved training courses older than five years must be retaken in order to qualify for the respective examination.** Expired course work will result in denial of your examination application. Photocopies of the required training course certificate(s) for first time applications must be attached to the application for examination. Retest applications do not need to re-send coursework.

NOTE: Exams may contain questions on the topics covered in the required course work of the lower levels. We strongly recommend that you review for lower level material when testing at a higher level.

Training outside of Florida

Courses not approved by the Florida Operator Certification Program may not be accepted. Out-of-state training must meet the Florida Department of Environmental Protection's standards for water and wastewater treatment plant operators. Applicants must submit detailed description of out-of-state training to confirm that the training meets Florida's standards. Course work must have been completed no more than five years prior to the application date.

Approved on-line and Community College course list

Listed below are the courses that have been approved by the Operator Certification Program. Please be aware that these courses are subject to change, always check with the course provider that you want to utilize. Only one course is required for the level that you are applying for. Prep courses from any provider cannot substitute for the DEP approved course.

Training Providers	Class Level and Type
<p>California State University, Sacramento Office of Water Programs 6000 J St. Sacramento, CA 95819-6025 (916) 278-6142 Fax: (916) 278-5959 www.owp.csus.edu</p>	<ul style="list-style-type: none"> • Drinking Water D "Small Water Sys Operation and Maintenance" • Wastewater D "Small Wastewater Sys Operation & Maintenance Vol I&II" • Drinking Water C&B "Water Treatment Plant Operation Vol I&II" • Wastewater C "Operation of Wastewater Treatment Plants" Volume I (enrollments A,B,C) & Volume II (enrollments A & B) • Wastewater B "Advanced Waste Treatment" • Drinking Water A & Wastewater A "Manage For Success"
<p>Charlotte Technical College 18150 Murdock Circle Port Charlotte, FL 33948 (941) 255-7500</p>	<ul style="list-style-type: none"> • Water Treatment Plant Operation Level C • Water Treatment Plant Operation Level B • Wastewater Treatment Plant Operation Lvl C • Wastewater Treatment Plant Operation Lvl B

Training Providers	Class Level and Type
<p>Daytona State College 1200 International Speedway Blvd Daytona Beach, FL 32114 (386) 506-4303 https://daytonastate.edu/ Email: jennifer.bell@daytonastate.edu</p>	<ul style="list-style-type: none"> • Water Treatment Plant Operator Level C -Two Year Degree Program • Wastewater Treatment Plant Operator C -Two Year Degree Program
<p>Florida Gateway College Workforce & Economic Development 149 SE College Place Lake City, FL 32025-2007 (386) 754-4308 Fax: (386) 754-4778 Email: water2go@fgc.edu</p>	<ul style="list-style-type: none"> • Wastewater Treatment Plant Operation Lvl B • The Utility Manager Water A • The Utility Manager Wastewater A
<p>Florida Rural Water 2970 Wellington Circle, W, Suite 101 Tallahassee, FL 32309-6885 (850) 668-2746 Fax: (850) 893-4581 Email: frwa@frwa.net http://www.frwa.net</p>	<ul style="list-style-type: none"> • Drinking Water D “Water Treatment Plant Operation and Maintenance” • Wastewater D “Introduction to Wastewater Processing Course” • Drinking Water A & Wastewater A “Utility Management Certification for Water and Wastewater”
<p>Florida Water & Pollution Control Operators Association (FWPCOA) 4401 S. Hopkins Ave. Suite 108 Titusville, FL 32780 Phone (321) 383-9690 Fax (321) 383-9691 Email: training@fwpcoa.org http://www.fwpcoa.org</p>	<ul style="list-style-type: none"> • Water Treatment Plant Operator Lvl C Online • Water Treatment Plant Operator Lvl B Online • Wastewater Treatment Plant Operator Lvl C Online • Wastewater Treatment Plant Operator Lvl B Online • Drinking Water A & Wastewater A “Facility Management”
<p>Michigan State University Henry Center for Executive Development 3535 Forest Rd Lansing, MI 48910 (517) 353-5670 https://msustatewide.msu.edu/Programs/Details/4504</p>	<ul style="list-style-type: none"> • Drinking Water A & Wastewater A “Supervisory Management in the Water/Wastewater Field”
<p>Mitchell Training, Inc. 836 NW 124 Drive Newberry, FL 32669 (352) 317-1726 Fax: (352) 331-5395 Email: mtrainfl@gmail.com www.mtrain.com</p>	<ul style="list-style-type: none"> • Water Treatment Plant Operator Level C • Water Treatment Plant Operator Level B • Drinking Water A & Wastewater A “Management of Water and Wastewater Facilities 1&2”
<p>Pinellas Technical Education Center Public Works Academy 901-34th Street South St. Petersburg, FL 33711 (727) 893-2500</p>	<ul style="list-style-type: none"> • Water Treatment Plant Operator Level C • Wastewater Treatment Plant Operation Lvl C • Wastewater Treatment Plant Operation Lvl B

<p>Palm Beach State College 4200 Congress Avenue Lake Worth, FL 33461 561-868-3700 https://www.palmbeachstate.edu/CCE/water-wastewater.aspx</p>	<ul style="list-style-type: none"> • Water Treatment Plant Operation (C) • Water Treatment Plant Operation (B) • Wastewater Treatment Operation (C) • Wastewater Treatment Operation (B)
<p>Piper Community School 8000 NW 44th Street Sunrise, FL 33351 (754) 322-1800 Fax: (754) 322-1833</p>	<ul style="list-style-type: none"> • Wastewater Treatment Operator C
<p>R. Dillon DBA Exam Review Books and Seminars 5079 Woodstone Circle North Lake Worth, FL 33463 (561)758-9747 Email: rdillon1018@aol.com</p>	<ul style="list-style-type: none"> • Water Plant Operator C • Wastewater Plant Operator C
<p>University of Florida TREEO Center 3900 SW 63rd Street Gainesville, FL 32608 (352) 392-8660 Fax: (352) 392-6910 http://www.treeo.ufl.edu/waterwastewater/</p>	<ul style="list-style-type: none"> • Water Treatment Plant Operations C&B Online • Wastewater Treatment Plant Operations C&B Online

Approved Training Courses - Water Distribution System Operator

Listed below are the approved courses by the Operator Certification Program. Please be aware that these courses are subject to change, always check with the course provider that you want to utilize. Only one course is required for the level that you are applying for.

Training Providers	Class Level and Type
<p>California State University, Sacramento Office of Water Programs 6000 J St. Sacramento, CA 95819-6025 (916) 278-6142 Fax: (916) 278-5959 www.owp.csus.edu</p>	<ul style="list-style-type: none"> • Distribution Level 2&3 “Water Distribution System Operation and Maintenance” • Distribution Level 1 “Manage for Success”
<p>Florida Section American Water Works Association Donna, Training Coordinator 1320 Tennessee Avenue St. Cloud, FL 34769 (407) 957-8447 Fax: (407) 957-8415 Email: donna@fsawwa.org</p>	<ul style="list-style-type: none"> • Water Distribution Operator Certification Level 3 • Water Distribution Operator Certification Level 2
<p>Florida Water & Pollution Control Operators Association (FWPCOA) 4401 S. Hopkins Ave. Suite 108 Titusville, FL 32780 Phone (321) 383-9690 Fax (321) 383-9691 Email: training@fwpcoa.org http://www.fwpcoa.org</p>	<ul style="list-style-type: none"> • Online Water Distribution Level 3 • Online Water Distribution Level 2 • Water Distribution Level 1
<p>Florida Rural Water 2970 Wellington Circle, W, Suite 101 Tallahassee, FL 32309-6885 (850) 668-2746 Fax: (850) 893-4581 Email: frwa@frwa.net http://www.frwa.net</p>	<ul style="list-style-type: none"> • Level 3 Water Distribution • Level 2 Water Distribution • Distribution Level 1 “Utility Management Certification”
<p>Florida Gateway College Workforce & Economic Development 149 SE College Place Lake City, FL 32025-2007 (386) 754-4308 Fax: (386) 754-4778 Email: water2go@fgc.edu</p>	<ul style="list-style-type: none"> • Water Distribution 1
<p>Michigan State University Henry Center for Executive Development 3535 Forest Rd Lansing, MI 48910 (517) 353-5670 https://msustatewide.msu.edu/Programs/Details/4504</p>	<ul style="list-style-type: none"> • Distribution Level 1 “Supervisory Management in the Water/Wastewater Field”

Training Providers	Class Level and Type
<p>Mitchell Training, Inc. 836 NW 124 Drive Newberry, FL 32669 (352) 317-1726 Fax (352) 331-5395 mtrainfl@gmail.com www.mtrain.com</p>	<ul style="list-style-type: none"> • Water Distribution Level 3 • Water Distribution Level 2 • Water Distribution Level 1
<p>Pinellas Technical Education Center Public Works Academy 901 34th Street South St. Petersburg, FL 33711 (727) 893-2500 Fax: (727) 550-2248</p>	<ul style="list-style-type: none"> • Water Distribution Level 3 • Water Distribution Level 2 • Water Distribution Level 1
<p>Port Orange Water Distribution System Resident Class Lynn Stevens 1999 City Center Circle Port Orange, FL 32129 (386) 562-1512</p>	<ul style="list-style-type: none"> • Water Distribution Systems Level 2&3
<p>University of Florida TREEO Center 3900 SW 63rd Street Gainesville, FL 32608 (352) 392-8660 Fax: (352) 392-6910 www.treeo.ufl.edu/waterwastewater/</p>	<ul style="list-style-type: none"> • Level 2&3 Water Distribution Online • Water Distribution Systems Operator Level 1

License Renewal and Failure To Renew

All licenses are biennial and must be renewed, by April 30th of odd numbered years, to continue performing the duties of an operator. Ninety days prior to the renewal deadline, licensees are sent a renewal notice to their last address of record. **Please note that all operators are responsible for keeping track of their renewal periods; all notices sent by the Department are courtesy reminders that renewal of your license(s) is due. Remember to notify our office in writing of your current address.**

Licenses not renewed by the renewal deadline are considered inactive and the operator may not perform any duties of an operator. Those operators working with an inactive license may be subject to disciplinary and enforcement actions. An inactive license which is not reactivated before the end of the current biennial licensure period will be expired and considered **Null & Void**. Subsequent licensure will require meeting all the current requirements for the last highest level of licensure obtained. **Example:** Your license is active until the expiration date 4/30/2023. If you fail to renew your license by this date it becomes inactive until 4/30/2025. If proper fees and CEU's are not received by 4/30/2025, your license will become **Null & Void**.

Operators renewing individual licenses:

License Status	Time of Renewal	Renewal Fee	CEUs Required
Active	Before the license expiration date	\$75 (A, B & C) \$50 (D)	A – 2.0 B – 2.0 C – 1.0 D - 0.5
Inactive	Less than 1 yr. 9 mo. after the license expiration date	\$175 (A, B & C) \$150 (D)	A – 2.0 B – 2.0 C – 1.0 D - 0.5
Inactive	More than 1 yr. 9 mo. after the license expiration date	\$250 (A, B & C) \$200 (D)	A – 4.0 B – 4.0 C – 2.0 D – 1.0

If you are dual licensed with both licenses at the A or B level you must obtain 1.5 CEU's for each. All other combinations of dual licensure will require obtaining CEU's for each level based on the CEU's required for single license levels.

Operators with dual Class A, dual Class B or dual Class A & B Licenses only:

License Status	Time of Renewal	Renewal Fee	CEUs Required
Active Dual "A" & "B" only	Before the license expiration date	\$75 (A & B)	A – 1.5 B – 1.5
Inactive Dual "A" & "B" only	Less than 1 yr. 9 mo. after the license expiration date	\$175 (A & B)	A – 1.5 B – 1.5
Inactive Dual "A" & "B" only	More than 1 yr. 9 mo. after the license expiration date	\$250 (A & B)	A – 3.0 B – 3.0

Distribution System Operators:

License Status	Time of Renewal	Renewal Fee	CEUs Required
Active	Before the license expiration date	(1, 2, 3, 4) \$50	1 – 0.5 2 – 0.5 3 – 0.5 4 – 0.5
Inactive	Less than 1 yr. 9 mo. after the license expiration date	(1, 2, 3, 4) \$150	1 – 0.5 2 – 0.5 3 – 0.5 4 – 0.5
Inactive	More than 1 yr. 9 mo. After the license expiration date	(1, 2, 3, 4) \$200	1 – 1.0 2 – 1.0 3 – 1.0 4 – 1.0

Null and Void Licenses

If your license has lapsed into a Null and Void status you must reapply as a first-time applicant. This will include retaking the coursework at the level your license was previously held. For instance, if you had an A or B level operator license you may reapply and retest at that level. Please note that when you submit the license application, you will have to re-document your actual on-site experience. We do not have all records of null and void files available, so be sure that you can obtain signatures from licensed DEP operators.

Frequently Asked Questions Concerning Continuing Education

1. Q: What is a CEU?

A: CEU is a continuing education unit given for continuing education. CEU's may be given in the form of classroom time or a seminar, self-study programs, and conferences. For operators, one CEU equals 10 hours of continuing education contact time.

2. Q: When will CEU's be required?

A: CEU'S will be required each renewal cycle. Please make sure the courses you take are completed during the two years directly preceding the request for license renewal. Courses taken during that period will be applied as credit earned for that renewal cycle only.

3. Q: What is a Provider?

A: A Provider is a non-profit organization or educational institution accredited by the Southern Association of Colleges and Schools (SACS) that will be approving courses for CEU's. The OCP will not be approving every course and does NOT have a list of all the courses approved. You need to contact one or all of the Providers identified in this booklet to obtain a list of all approved courses.

4. Q: Can training courses taken for the application for examination requirement be accepted for CEU's?

A: YES; as long as you already hold an active license of a lesser level the course can be used as CEUs.

5. Q: How many CEU's must be earned for renewal?

Single license

Active License	CEU's Required
A Level	2.0
B Level	2.0
C Level	1.0
D Level	0.5

Dual License

Active License	Cumulative Amt.	Total
A & A Level	1.5 & 1.5	3.0
A & B Level	1.5 & 1.5	3.0
B & B Level	1.5 & 1.5	3.0
B & C Level	2.0 & 1.0	3.0
C & C Level	1.0 & 1.0	2.0
C & D Level	1.0 & 0.5	1.5
D & D Level	0.5 & 0.5	1.0

6. Q: Can I take the same CEU course again that I took last renewal cycle?

A: No. You cannot complete the same course for CEU credit during back-to-back renewal cycles. Credit will **not** be awarded to you for the second completion of the course.

Please Note:

If you are dual licensed with both licenses at the A or B level you must obtain 1.5 CEU's for each. All other combinations of dual licensure will require obtaining CEU's for each level based on the CEU's required for single license levels. A certified operator who is teaching an approved CEU course shall, upon receipt of documentation, receive credit equal to the CEU's approved for that course. The CEU credit can only be received once for a particular course during the two-year renewal cycle. A certified operator who teaches an approved residence course (required for an examination) may use this experience for one-half of the required CEU's needed to renew his license. This credit can only be received ONCE during that CEU renewal cycle. If you have a C or D and any other license you will need the CEU requirement for each individual license.

Continuing Education Providers

Below is a list of our current CEU Providers. Please contact them for questions regarding:

1. CEU courses and listings;
2. Problems with CEU credits submitted to the department;
3. Becoming a CEU course sponsor and/or course approval

University of FL/TREEO Center

Training Office – Ron Trygar
3900 Southwest 63rd Boulevard
Gainesville, FL 32608
Phone (352) 294-3881
Fax (352) 392-6910
Email: rtrygar@treeo.ufl.edu
Internet: www.treeo.ufl.edu/waterwastewater

FL Water & Pollution Control Operators Association (FWPCOA)

Shirley Reaves
FWPCOA Training Office
4401 S. Hopkins Ave.
Suite 108
Titusville, FL 32780
Phone (321) 383-9690
Fax (321) 383-9691
Email: Training@fwpcoa.org
Internet: <http://fwpcoa.org>

Florida University of Sanitary Education, Inc

Bill Edgar, Executive Director
P.O. Box 10355
Brooksville, Florida 34603
Phone: (352) 754-1259
Fax: (352) 754-1261
Email: FUSEtraining20@gmail.com
Internet: <http://www.fuse.ws>

Florida Section American Water Works Assoc. (FSAWWA)

Donna Metherall
Training Coordinator
FSAWWA
1320 Tennessee Avenue
St. Cloud, FL 34769
(407) 979-4805
Fax: (407) 593-0251
Email: donna@fsawwa.org
Internet: <https://www.fsawwa.org/>

Florida Rural Water Association

Becky Cutshaw
2970 Wellington Circle, W, Suite 101
Tallahassee, FL 32309-6885
(850) 668-2746 Fax (850) 893-4581
Email: frwa@frwa.net
Internet: <http://www.frwa.net>

Approved Correspondence Courses for CEUs

(Courses, course titles, course numbers and CEU amounts are subject to change. Please contact the provider for most recent information.)

California State University at Sacramento:

Approved Courses	Approved License Type	Credit Hours
CSUS Operation of Wastewater Treatment Plants Vol. 1	WW	3
CSUS Operation of Wastewater Treatment Plants Vol. 2	WW	3
CSUS Advanced Waste Treatment	WW	3
CSUS Small Wastewater O & M Vol. 1	WW	3
CSUS Small Wastewater O & M Vol. 2	WW	3
CSUS Treatment of Metal Waste Streams	WW	2.6
CSUS Industrial Waste Treatment Vol. 1	WW	3
CSUS Industrial Waste Treatment Vol. 2	WW	3
CSUS Pretreatment Facility Inspections	WW	3
CSUS Operation & Maintenance of Wastewater Collection Systems, Vol. 1	WW	3
CSUS Operation & Maintenance of Wastewater Collection Systems, Vol. 2	WW	3
CSUS Collection Systems, Methods for Evaluating & Improving Performance	WW	3
CSUS Water Distribution System Operation and Maintenance	DS	3
CSUS Water Distribution: Disinfection	DS	1.8
CSUS Water Distribution: Safety	DS	1.8
CSUS Water Distribution: Distribution Facilities	DS	1.8
CSUS Water Distribution: Operation and Maintenance	DS	1.8
CSUS Water Distribution: Management	DS	1.8
CSUS Water Treatment Plant Operations Vol. 1	DW	3
CSUS Water Treatment Plant Operations Vol. 2	DW	3
CSUS Small Water System Operation and Maintenance	DW	3
CSUS Small Water System, Video Information Series	DW	3

Approved Courses	Approved License Type	Credit Hours
CSUS Small Water System, Disinfection	DW	1.8
CSUS Small Water System: Wells	DW	1.8
CSUS Small Water System: Treatment Plants	DW	1.8
CSUS Small Water System: Safety and Introduction to Small System Management	DW	1.8
CSUS Small Water System: Laboratory Procedures	DW	1.8
* CSUS Manage For Success	WW/DW/DS	3
* CSUS Utility Management	WW/DW/DS	1.6

University of Florida:

Approved Courses	Approved License Type	Credit Hours
UF Water Treatment Plant Operations Class B & C online	DW	3

Michigan State University:

Approved Courses	Approved License Type	Credit Hours
*Michigan State University Supv. Management in the Water/Wastewater Field	WW/DW/DS	3

Mitchell Training:

Approved Courses	Approved License Type	Credit Hours
* Mitchell Training, Management of Water and Wastewater Fac. I & II	WW/DW/DS	3

Florida Rural Water Association:

Approved Courses	Approved License Type	Credit Hours
FRWA Small Water Systems I Internet Course	DW	.5
FRWA Introduction to Wastewater Processing Internet Course	WW	1

Federal Emergency Management Agency (FEMA):

Approved Courses	Approved License Type	Credit Hours
*IS-5.a Introduction To Hazardous Materials	WW/DW/DS	1.0
*IS-29.a Public Information Officer Awareness	WW/DW/DS	0.7
*IS-100.c Introduction to Incident Command Systems (ICS)	WW/DW/DS	0.2
*IS-200.c ICS for Single Resources and Initial Action	WW/DW/DS	0.4
*IS-230.e Fundamentals of Emergency Management	WW/DW/DS	0.6
*IS-235.c Emergency Planning	WW/DW/DS	0.5
*IS-242.c Effective Communication	WW/DW/DS	0.8
*IS-271.a Anticipating Hazardous Weather & Community Risk	WW/DW/DS	0.9
*IS- 324.a Community Hurricane Preparedness	WW/DW/DS	1.0
*IS-326 Community Tsunami Preparedness	WW/DW/DS	0.6
*IS-393.b Introduction to Hazard Mitigation	WW/DW/DS	0.2
*IS-700.b National Incident Management System (NIMS), An Introduction	WW/DW/DS	0.4
*IS-703.b NIMS Resource Management	WW/DW/DS	0.4
*IS-800.d National Response Framework, An Introduction	WW/DW/DS	0.3
*IS-907 Active Shooter: What You Can Do	WW/DW/DS	0.1

* Please note that courses listed above with the (*) are considered generic in nature; i.e. not specific to water treatment, wastewater treatment or water distribution. If you are a dual license holder, the CEUs cannot be divided or split between a drinking water and wastewater license. Also, you may not complete the same course in back-to-back renewal cycles. If you do, you will not receive credit for the second completed course.

WW = Wastewater License **DW** = Drinking Water License **DS** = Water Distribution License

FEMA Course Notice: Once a FEMA course is completed, a certificate of completion is created using its original course completion date. FEMA does not track or issue new certificates of completion for additional attempts of the same course. If you retake a FEMA training course a second time in an effort to receive CEU's for your license and a new course completion date is not issued, you will not receive ceu credit for that course. Furthermore, emails from FEMA are not proof of course completion and will not be accepted as such by the FDEP. Only certificates of completion, with dates within the current license cycle, will be accepted by FDEP for ceus.

Not all FEMA courses in their catalog are approved by FDEP for ceus. Only those listed above are approved by FDEP for ceus. FEMA periodically modifies approved courses which may increase/decrease a ceu value without notice. Please check this before registering.

Things to Remember Before Sending in Your Application

Examination Applicants

1. Complete an examination application form.
2. Sign and date the application form.
3. Attach a personal check, money order, cashiers' check or Journal Transfer payable to "FDEP".
4. \$100.00 for A, B, & C Class applicants. \$75.00 for 1, 2, 3, & D Class applicants.
5. Attach copies of high school diploma, course certificates, a 2x2 photo, and any applicable name change documentation.
6. Supporting documents are not required for re-test applications.
7. Mail all of the above to the address below.

License Applicants

1. Complete a license application form.
2. Attach a peer reference letter (if needed).
3. Sign and date the application form.
4. Attach a personal check, money order, cashiers' check, or Journal Transfer payable to "FDEP".
5. \$100.00 for A, B, & C Class applicants. \$75.00 for 1, 2, 3, & D Class applicants.
6. Attach employment verification. (DEP form should be attached.)
7. DO NOT attach copies of high school diploma, course certificates, or photos.
8. Mail to the address below.

**Department of Environmental Protection
Operator Certification Program
Finance & Accounting
Post Office Box 3070
Tallahassee, FL 32315-3070**

CHAPTER 62-602
WATER OR DOMESTIC WASTEWATER
TREATMENT PLANT OPERATORS AND DISTRIBUTION SYSTEM OPERATORS

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62-602.200 Definitions.

For the purposes of this chapter, the following words, phrases, or terms shall have the following meaning:

- (1) "Approved County Health Department" means Broward, Hillsborough, Lee, Manatee, Miami-Dade, Palm Beach, Polk, Sarasota, or Volusia County Health Department pursuant to Section 403.862(1)(c), F.S.
- (2) "Approved training course" means a course that has received written approval from the Department for the training of operators as described in Rule 62-602.230, F.A.C.
- (3) "Automatic control system" means an on-site computerized system with sensors and programs that can adjust and control domestic wastewater or water treatment plant equipment and processes over the normal range of expected operating conditions without operator assistance.
- (4) "Continuing Education Unit" means 10 classroom hours of approved instruction. It may be abbreviated to "CEU" in these rules.
- (5) "Delegated local program" means Broward County (collection systems only), Miami-Dade County, Hillsborough County, Palm Beach County, or Sarasota County pursuant to Section 403.182, F.S.
- (6) "Department" means the Florida Department of Environmental Protection.
- (7) "Domestic wastewater treatment plant" means any plant or other works used for the purpose of treating, stabilizing, or holding domestic waste.

(8) "Electronic control system" means a comprehensive automatic control system plus electronic surveillance system along with capability for manual adjustment and control of domestic wastewater or water treatment plant equipment and processes via a computerized system at a central or off-site location that is staffed by a Class C or higher treatment plant operator 24 hours per day and seven days per week.

(9) "Electronic surveillance system" means a system that monitors operation of a domestic wastewater or water treatment plant and transmits the results of such monitoring by electronic means to a central or off-site location. The use of a telephone for communication between the lead/chief operator and plant personnel is not considered electronic surveillance.

(10) "Experience" means employment as an employee, volunteer, or contractor at a water or domestic wastewater treatment plant or electronic control system performing the duties described in subsections 62-602.250(1) and (2), F.A.C. or means employment as an employee, volunteer, or contractor on or for a water distribution system performing the duties described in subsection 62-602.250(7), F.A.C. Employment at an industrial treatment plant using water or wastewater treatment processes similar to those used at drinking water or domestic wastewater treatment plants will qualify as water or domestic wastewater treatment plant operator experience and be approved by the Department if the criteria in subsection 62-602.250(3) or (4), F.A.C., are met.

(11) "License" means a document issued by the Department granting the holder the authority to perform the duties of an operator. The license limits this authority to specific type(s) and classification(s) of water or wastewater plants or water distribution systems based on the training and experience of the licensee.

(12) "Local regulatory agency" means any local office of the Florida Department of Health or county government that is delegated the authority for the compliance and enforcement of drinking water or domestic wastewater rules.

(13) "Operator" means, for the purpose of this chapter, any person who has an active license issued, under this chapter, by the Department. License classes and levels are Class A, B, C, and D for treatment plant operators and Level 1, 2, 3, and 4 for water distribution system operators.

(14) "Permittee" means the person or entity to which a permit for a domestic wastewater facility is issued by the Department or approved local regulatory agency.

(15) "Probation letter" means a letter reprimanding the operator for failure to comply with the provisions of Rule 62-602.650, F.A.C. This letter shall initiate up to a two-year probation wherein the operator must complete one additional CEU. The letter shall set forth with specificity the allegations of fact that justify the Department's proposed actions. Within 21 days after receipt of notification, the person affected may petition for an administrative hearing under Sections 120.569 and 120.57, F.S. An additional violation of a similar nature or failure to complete the additional CEU shall result in the suspension of the license for two years.

(16) "Public water system" or "PWS" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS includes: any collection, treatment, storage, or distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under control of the operator of such system but used primarily in connection with such system. A PWS does not include any special irrigation district. A PWS is either a community water system or a non-community water system.

(17) "Standard operating practice" means effective and competent treatment plant or water distribution system operation that is consistent with the existing treatment plant or water distribution system design, the existing treatment plant operation and maintenance manual(s), manufacturers' equipment manuals, professionally accepted operation procedures as contained in the technical manuals listed in Rule 62-602.660, F.A.C., and applicable Department rules. This definition applies to functions that directly affect treatment plant or water distribution system operation and that can be reasonably controlled by the operator.

(18) "Supplier of water" means any person who owns or operates a public water system. This does not include the licensed operator unless that person is also the owner.

(19) "Timely" means that the submittal has been postmarked by the post office before midnight of the date for which the deadline has been established, or has been delivered to the Department before the close of business of that date. If the deadline is a Saturday, Sunday, or legal holiday, timely shall be considered the first working day after the deadline.

(20) "Water distribution system" means those components of a public water system regulated under Chapter 62-550, F.A.C., used in conveying water for human consumption from the water treatment plant to the consumer's property, including pipes, tanks, pumps, and other constructed conveyances.

(21) "Water treatment plant" means those components of a public water system used in collection, treatment, and storage of water for human consumption, whether or not such components are under the control of the operator of such system. Such plants are

permitted and classified by the Department, under Chapters 62-555 and 62-699, F.A.C., respectively.

Rulemaking Authority 403.869 FS. Law Implemented 403.182, 403.1832, 403.8533, 403.862(1)(c), 403.865, 403.866, 403.867, 403.869 FS. History—New 12-30-99, Amended 2-6-02, 10-15-07.

62-602.230 Approval of Residence or Correspondence Courses.

Educational courses for training of operators shall be approved by type and class or level of training provided. The Department shall approve operator training courses that have a course content meeting Department standards as provided in the Department's *Water, Wastewater, & Distribution Operator Knowledge Base Manual 2007*, hereby adopted and incorporated by reference. Copies of this document may be obtained from the Department of Environmental Protection, Operator Certification Program, Mail Station 3506, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Residence courses shall be approved for two years and can be re-approved upon request. The application for approval of a residence course shall contain the following:

- (a) Title of the course, the type and class or level of the course, and the total classroom hours;
- (b) A statement describing the curriculum and materials that will be used;
- (c) A statement that the course will meet Department standards as provided in the Department's *Water, Wastewater, & Distribution Operator Knowledge Base Manual 2007* for the type and class or level of the course offered; and,
- (d) A statement of the qualifications, obligations, and responsibilities of the primary instructor. The primary instructor is responsible for developing or reviewing the course curriculum and ensuring the curriculum meets Department standards as provided in the Department's *Water, Wastewater, & Distribution Operator Knowledge Base Manual 2007*. The primary instructor may have additional experts assist with or instruct areas of specialized training. Primary instructors shall sign all certificates of completion and notify the Department when a change occurs in the primary instructor of an approved course.

(2) Residence courses shall not be approved unless an application as described in subsection (1), above, is submitted more than 60 days before the first day of class.

(3) Approval for a correspondence course shall be for as long as the materials are current and applicable to the training needed by Florida operators. The Department shall review the materials every two years to determine if the course is current. Approval of correspondence courses only shall be granted by the Department for courses that meet the standards in the Department's *Water, Wastewater, & Distribution Operator Knowledge Base Manual 2007*. The publisher or provider of a correspondence course shall submit copies of the text and materials, including tests, to the Department for approval. The application shall outline how the provider will interact with the student, how many lessons will be contained in the course, how much time the student is expected to spend on the course, how successful completion of the course will be indicated, and how frequently the course will be revised to reflect changing technology or new techniques of treatment. The provider of the course shall notify the Department when revisions are made and shall provide the Department with a copy of the revised materials.

(4) The Department shall periodically publish a list of the approved courses. The list shall be available upon request to the Operator Certification Office, Department of Environmental Protection, Mail Station 3506, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Rulemaking Authority 403.869, 403.872 FS. Law Implemented 403.1832, 403.8533, 403.872 FS. History—New 2-6-02, Amended 10-15-07.

62-602.250 Criteria for Determining Eligible Experience.

(1) Experience necessary for treatment plant operators to meet the requirements of Rule 62-602.300, F.A.C., shall include performance of process control as described in paragraph (a), below, while working at a domestic wastewater or water treatment plant or electronic control system as an employee, volunteer, or contractor. Experience listed in paragraph (b), below, while working for a permittee or supplier of water as an employee, volunteer, or contractor also can be included for part of the documented experience if the experience described in paragraph (a), predominates.

(a) Performance of process control shall include the performance of operational control tests and evaluation and interpretation of the test results; preparation of plant process control reports, logs or records; analysis and disposal or distribution of the plant product and the residuals from the treatment process; and control of the hydraulic system and necessary chemical adjustments.

(b) Water distribution system operation and maintenance as described in subsection 62-602.250(7), F.A.C., sample collection and analysis, electronic surveillance system monitoring, and plant maintenance.

(2) For the Class A license, persons can use periods of employment as an on-site supervisor or superintendent of operators at a

treatment plant or electronic control system.

(3) Persons employed in the daily onsite operational control of an industrial wastewater treatment plant can use this experience to meet the experience requirements of the Class A, B, or C wastewater operator license. Industrial wastewater treatment plant means the structures, equipment and processes required to treat wastewater, primarily organic in composition, in a plant using a biodegradation or physical-chemical treatment process, similar to the domestic wastewater secondary, tertiary or advanced treatment processes. A diagram and detailed process description must be submitted for the Department to determine if the experience is commensurate to the level applied for.

(4) Persons employed in the daily on-site operational control of an industrial production process water treatment plant can use this experience to meet the experience requirements of the Class A, B, or C drinking water operator license. Industrial production process water treatment plant means the structures, equipment, and processes required to treat water in a plant using a physical-chemical treatment process similar to drinking water treatment processes. A diagram and detailed process description must be submitted for the Department to determine if the experience is commensurate to the level applied for.

(5) Experience required for the treatment plant operator license shall be acquired in the type of treatment, in either wastewater or drinking water, for which a license is requested. Experience in treatment of wastewater for reuse shall be counted as wastewater experience.

(6) Experience for treatment plant operators excludes:

- (a) Experience in wastewater systems where septic tanks, filter beds, or lagoons are the sole means of treatment;
- (b) Experience in water systems used for swimming;
- (c) Experience in construction or design of treatment plants, or well drilling;
- (d) Experience in the installation or servicing of water softening or conditioning devices installed in residences or commercial establishments for the purpose of altering the aesthetic quality of the public water supply;
- (e) Experience limited solely to driving a sludge truck, monitoring an electronic surveillance system, facility maintenance, or laboratory work; and,
- (f) Periods of employment as directors of public works, utility managers, regulatory inspectors, or in other occupations which do not include the experience as defined in this rule section.

(7) Experience necessary for water distribution system operators to meet the requirements in Rule 62-602.300, F.A.C., shall include performance of the duties listed in paragraph (a), below, while working on or for a water distribution system as an employee, volunteer, or contractor. Experience listed in paragraph (b), below, while working on or for a water distribution system as an employee, volunteer, or contractor also may be included for part of the documented experience if the experience listed in paragraph (a), predominates.

(a) Cleaning (swabbing, pigging, scraping, or air purging) water mains; installing, tapping, repairing/replacing, pressure testing, or disinfecting water mains and appurtenances (including fittings, valves, and hydrants); cleaning or disinfecting finished-water storage tanks; operating or adjusting pumps or control valves as necessary to regulate water distribution system flows or pressures; evaluating and interpreting water quality measurements in water distribution systems and troubleshooting to determine causes of water quality complaints; and estimating and justifying water distribution system operation and maintenance budgets.

(b) Flushing water mains; installing or repairing/replacing water services lines and appurtenances (including fittings, valves, and meters); establishing or implementing a cross-connection control program (including installing, repairing/replacing, or testing backflow preventers); testing and maintaining water meters; locating and marking water mains or service lines; operating or exercising isolation valves; testing and maintaining fire hydrants; repairing/overhauling water pumps, control valves or meters; performing water quality measurements in water distribution systems; collecting and analyzing water samples; reading or updating water distribution system maps; and preparing water distribution system operation and maintenance records.

(8) Water distribution system operator experience excludes work on or for a potable water system that is not a Department-regulated public water system and excludes work on fire protection systems; irrigation systems; or gas, oil, or steam piping systems.

Rulemaking Authority 403.869, 403.872 FS. Law Implemented 403.1832, 403.8533, 403.865, 403.866, 403.867, 403.872 FS. History—New 12-30-99, Amended 2-6-02, 10-15-07.

62-602.270 Eligibility for Operator Examinations.

(1) To be eligible for operator licensing examinations, the applicant must meet the following criteria:

- (a) Have a high school diploma or its equivalent.

(b) For Class A, B, or C treatment plant operator examinations and Level 1, 2, or 3 water distribution system operator examinations, have successfully completed a Department-approved training course for the class or level of the examination to be taken no more than 5 years before the examination.

(c) Treatment plant operators must be currently licensed as follows:

1. Licensed as a Class B operator to take the Class A examination.
2. Licensed as a Class C operator to take the Class B examination.

(d) Water distribution system operators must be currently licensed as follows:

1. Licensed as a Level 2 operator to take the Level 1 examination.
2. Licensed as a Level 3 operator to take the Level 2 examination.

(2) Operators from other states must meet the requirements of Rule 62-602.360, F.A.C.

Note: To be eligible for licensure, all of the applicable requirements of Rule 62-602.300, F.A.C., must be met.

Rulemaking Authority 403.869 FS. Law Implemented 403.1832, 403.8533, 403.872 FS. History--New 2-6-02, Amended 10-15-07.

62-602.300 Qualifications for Operator Licensure.

To be eligible for licensure by the Department, the applicant shall:

(1) For licensure as a Class D operator:

(a) Have a high school diploma or its equivalent;

(b) Be the owner or owner's manager or agent or trainee engaged in the operation and maintenance of a public drinking water or domestic wastewater treatment plant for at least 3 months; or document successful completion of the appropriate training course no more than five years before the application submittal and have at least one hour of experience under a certified operator; and,

(c) Obtain a passing score on the Class D examination as provided for in paragraph 62-602.550(1)(a), F.A.C.

(2) For licensure as a Class C operator:

(a) Have a high school diploma or its equivalent;

(b) Document at least 1 year (2,080 hours) of experience as defined in subsections 62-602.250(1)-(6), F.A.C., completed before application submittal;

(c) Obtain a passing score on the Class C examination as provided for in paragraph 62-602.550(1)(a), F.A.C., within the time frames specified in paragraph (d), below.

(d) For the purposes of obtaining a license, the examination specified in paragraph (c), above, will satisfy the examination criterion for licensing for a period of four years from the date a passing score is obtained.

(3) For licensure as a Class B operator the applicant shall:

(a) Have an active Class C license of the same type;

(b) Document at least 3 years (6,240 hours) of experience as defined in subsections 62-602.250(1)-(6), F.A.C., completed before application submittal; and,

(c) Obtain a passing score on the Class B examination as provided for in paragraph 62-602.550(1)(a), F.A.C., within the time frames specified in (d), below.

(d) For the purposes of obtaining a license, the examination specified in paragraph (c), above, will satisfy the examination criterion for licensing for a period of four years from the date a passing score is obtained.

(4) For licensure as a Class A operator the applicant shall:

(a) Have an active Class B license of the same type;

(b) Document at least 5 years (10,400 hours) of experience as defined in subsections 62-602.250(1)-(6), F.A.C., completed before application submittal; and,

(c) Obtain a passing score on the Class A examination as provided for in paragraph 62-602.550(1)(a), F.A.C., within the time frames specified in paragraph (d), below.

(d) For the purposes of obtaining a license, the examination specified in paragraph (c), above, will satisfy the examination criterion for licensing for a period of four years from the date a passing score is obtained.

(5) For licensure as a Level 4 water distribution system operator, either meet the criteria in paragraphs (a) through (c), below, or hold an active Department-issued Consecutive Public Water System Operator License.

(a) Have a high school diploma or its equivalent; and,

(b) Be the owner or owner's manager, agent, or trainee engaged in the operation and maintenance of a regulated public water

distribution system for at least 3 months before submitting application for licensure; or document successful completion of a Department-approved Level 4 water distribution system operator training course no more than 5 years before submitting application for licensure and have at least 1 hour of water distribution system operation and maintenance experience that is obtained under a licensed operator and that is completed before submitting application for licensure; and,

(c) Obtain a passing score as provided for in paragraph 62-602.550(1)(a), F.A.C., on the Level 4 water distribution system operator examination.

(6) For licensure as a Level 3 water distribution system operator, meet the criteria in paragraphs (a) through (c), below.

(a) Have a high school diploma or its equivalent; and,

(b) Document at least 1 year (2,080 hours) of experience as defined in subsection 62-602.250(7), F.A.C., completed before submitting application for licensure; and,

(c) Obtain a passing score as provided for in paragraph 62-602.550(1)(a), F.A.C., on the Level 3 water distribution system operator examination no more than 4 years before submitting application for licensure.

(7) For licensure as a Level 2 water distribution system operator, meet the criteria in paragraphs (a) through (c), below.

(a) Have a high school diploma or its equivalent; and,

(b) Document at least 3 years (6,240 hours) of experience as defined in subsection 62-602.250(7), F.A.C., completed before submitting application for licensure; and,

(c) Obtain a passing score as provided for in paragraph 62-602.550(1)(a), F.A.C., on the Level 2 water distribution system operator examination no more than 4 years before submitting application for licensure.

(8) For licensure as a Level 1 water distribution system operator, meet the criteria in paragraphs (a) through (c), below.

(a) Have a high school diploma or its equivalent; and,

(b) Document at least five 5 years (10,400 hours) of experience as defined in subsection 62-602.250(7), F.A.C., completed before submitting application for licensure; and,

(c) Obtain a passing score as provided for in paragraph 62-602.550(1)(a), F.A.C., on the Level 1 water distribution system operator examination no more than 4 years before submitting application for licensure.

(9) In lieu of meeting the criteria in subsection (6), (7), or (8), above, applicants for a water distribution system operator license who meet the requirements listed in paragraph (a), (b), or (c), below, may apply for licensure to the Department before May 1, 2011.

(a) For licensure as a Level 3 water distribution system operator, the applicant must have received a high school diploma or its equivalent; have satisfactorily completed or instructed prior to October 15, 2007, one or more Department-approved water distribution system operator training courses that addressed operation and maintenance of water distribution systems, totaled no less than 20 contact hours, and included a Department-approved end-of-course exam; and document at least 1 year (2,080 hours) of experience as defined in subsection 62-602.250(7), F.A.C., or

(b) For licensure as a Level 2 water distribution system operator, the applicant must have received a high school diploma or its equivalent; have satisfactorily completed or instructed prior to October 15, 2007, one or more Department-approved water distribution system operator training courses that addressed operation and maintenance and troubleshooting of water distribution systems, totaled no less than 40 contact hours, and included a Department-approved end-of-course exam; and document at least 3 years (6,240 hours) of experience as defined in subsection 62-602.250(7), F.A.C.; or

(c) For licensure as a Level 1 water distribution system operator, the applicant must have received a high school diploma or its equivalent; have satisfactorily completed or instructed prior to October 15, 2007, one or more Department-approved water distribution system operator training courses that addressed operation and maintenance and troubleshooting of water distribution systems and supervision of water distribution system personnel, totaled no less than 60 contact hours, and included a Department-approved end-of-course exam; and document at least 5 years (10,400 hours) of experience as defined in subsection 62-602.250(7), F.A.C.

Rulemaking Authority 403.869, 403.872 FS. Law Implemented 403.1832, 403.8533, 403.872 FS. History—New 12-30-99, Amended 2-6-02, 10-15-07.

62-602.350 Approval of Residence or Correspondence Courses.

Rulemaking Authority 403.869, 403.872 FS. Law Implemented 403.872 FS. History—New 12-30-99, Repealed 10-15-07.

62-602.360 Licensing Requirements for Non-Florida Operators.

Operators licensed in other states must meet the following requirements to obtain a Florida license:

- (1) Have a high school diploma or its equivalent;
- (2) Have successfully completed a Department-approved training course for the class or level of the license being requested no more than 5 years before the application;
- (3) Have the required experience specified in Rule 62-602.300, F.A.C., for the class or level of license being requested;
- (4) Possess an active license equivalent to the class or level of license being requested;
- (5) Obtain a passing score on the licensing examination, as provided for in paragraph 62-602.550(1)(a), F.A.C., for the class or level of license being requested. For the purpose of obtaining a license, the examination will satisfy the examination criterion for licensing for a period of four years from the date a passing score is obtained.

Rulemaking Authority 403.869 FS. Law Implemented 403.1832, 403.8533, 403.872 FS. History—New 2-6-02, Amended 10-15-07.

62-602.410 Applications for Examination.

(1) Applications for treatment plant operator examinations shall be made on Form 62-602.900(2), “Application for Water or Wastewater Treatment Plant Operator Examination,” hereby adopted and incorporated by reference, effective 10-15-07, and shall include all fees and documentation required by this chapter. Applications for water distribution system operator examinations shall be made on Form 62-602.900(4), “Application for Water Distribution System Operator Examination,” hereby adopted and incorporated by reference, effective 10-15-07, and shall include all fees and documentation required by this chapter.

(2) Documentation of course completion shall include the name and type of training institution, the number of classroom hours in the approved course, the date of course completion, the type and level of training approved (water or domestic wastewater treatment plant Class D, C, B, or A or water distribution system Level 4, 3, 2, or 1), and the signature of the instructor who determined that the applicant has successfully completed the course.

(3) In addition to the completed application form, fees, and all supporting documentation, two photographs of the applicant’s face and head, size 2 inches by 2 inches, not more than 6 months old, must be included. Any photograph that is not identifiable will be returned to the applicant and will delay the processing of the application.

Rulemaking Authority 403.869, 403.872 FS. Law Implemented 403.872 FS. History—New 2-6-02, Amended 10-15-07.

62-602.420 Applications for License.

(1) Applications for treatment plant operator licenses shall be made on Form 62-602.900(1), “Application for Water or Wastewater Treatment Plant Operator License,” hereby adopted and incorporated by reference, effective 10-15-07, and shall include all fees and documentation required by this chapter. Applications for water distribution system operator licenses shall be made on Form 62-602.900(3), “Application for Distribution System Operator License,” hereby adopted and incorporated by reference, effective 10-15-07, and shall include all fees and documentation required by this chapter.

(2) Verification of employment experience as defined in subsection 62-602.200(8) F.A.C., and Rule 62-602.250, F.A.C., shall be provided by the applicant to confirm the hours required in Rule 62-602.300, F.A.C. These hours shall be verified by one of, or a combination of, paragraphs (a) through (d), below.

(a) For applicants who are working as an employee or volunteer, hours shall be verified by the lead operator of the treatment plant or water distribution system or the applicant’s supervisor.

(b) For applicants who are working as a contractor, hours shall be verified by the contract manager for each treatment plant or water distribution system, or the applicant shall submit with the application a copy of the contract for each treatment plant or water distribution system or a certification from the plant or system owner verifying time at each plant or system.

(c) For the purposes of crediting experience, applicants with experience from a treatment plant not permitted by the Department must provide a complete flow diagram and detailed description indicating all plant treatment processes and operations and plant flow rate. The diagram must be attached to the employment verification. This information will be used to determine experience eligibility under the classification of plants established by the Department in Chapter 62-699, F.A.C.

(d) If the employment experience is not verified by a licensed operator, an applicant for a treatment plant operator license must provide a reference from a peer who is a licensed operator of the same type (water or domestic wastewater) to verify the type of experience of the applicant. If the employment experience is not verified by a licensed operator, an applicant for a water distribution system operator license must provide a reference from a peer who is either a licensed water treatment plant operator or a licensed water distribution system operator to verify the type of experience of the applicant.

(3) To be determined complete, the application must include all fees, signatures and affidavits, and document all experience.

Rulemaking Authority 403.869, 403.872 FS. Law Implemented 403.1832, 403.8533, 403.872 FS. History—New 2-6-02, Amended 10-15-07.

62-602.430 Application Processing for Examinations and License.

(1) Applications for operator examinations shall be processed as described. Complete applications for examinations shall be submitted to the Department or its designee no later than 90 days before the date of the requested examination. For purposes of this rule, an application is complete when all items on the application form have been fully answered with all attendant documentation provided, the applicant has paid all fees specified in Rule 62-602.600, F.A.C., and all checks submitted have been honored. Applications postmarked, or delivered by hand to the Department, less than 90 days before the date of an examination shall be processed for the next examination.

(a) Within 30 days after receipt of an incomplete application, the Department shall send notification to an applicant of an incomplete application. The applicant must make such application complete no later than two weeks after notice of incompleteness is sent, or by the application deadline, whichever is later, to be considered eligible for the next examination. If the application is not made complete by this time, the applicant will be considered ineligible and the refundable fees will be returned. The applicant must submit a new application with the required fees to be considered for a later examination. After an application is determined to be complete, an eligibility review shall be conducted by the Department.

(b) The applicant shall be notified of the eligibility status at least 30 days before the examination date, or no more than 90 days after the receipt of a complete application, whichever comes first.

(c) If the Department determines that the applicant is not qualified to take the examination, notice of such determination with administrative hearing rights shall be mailed to the applicant. The applicant may petition for an administrative hearing under Sections 120.569 and 120.57, F.S.

(2) Applications for operator licenses shall be processed as follows:

(a) Applications for operator license may be submitted to the Department or its designee at any time after the requirements of Rule 62-602.300, F.A.C., have been met. For purposes of this rule, an application is complete when all items on the application form have been fully answered with all attendant documentation and the applicant has paid all fees specified in Rule 62-602.600, F.A.C., with all checks honored.

(b) Within 30 days after receipt of an application, the Department shall send notification to an applicant of an incomplete application.

(c) The Department shall notify the applicant of the determination of license eligibility within 90 days after receipt of a complete application.

(d) If the Department determines that the applicant is not qualified for licensure, notice of such determination with administrative hearing rights shall be mailed to the applicant. The applicant may petition for an administrative hearing under Sections 120.569 and 120.57, F.S.

Rulemaking Authority 403.869 FS. Law Implemented 403.1832, 403.8533, 403.872 FS. History—New 2-6-02, Amended 10-15-07.

62-602.450 Notification to Applicants for Examinations.

(1) For each applicant approved by the Department to take the examination, the Department will notify the applicant of the time, place, and date of the examination and will provide the applicant with an admission notice that is required for admission to the examination.

(2) The Department will reschedule an applicant for the next available examination, or provide a refund of the examination fee, when the applicant cannot take the originally scheduled examination and the applicant provides documentation of one of the circumstances below to the Department no later than 21 days after the scheduled examination:

(a) For required military service, the applicant must submit to the Department a copy of the applicant's military orders or a letter from the applicant's commanding officer.

(b) For medical reasons, the applicant must provide a statement from the applicant's treating physician that serious injury, illness, or other impairment prevented the candidate from taking the examination.

(c) For an injury, illness, or death in the immediate family, the applicant must document that this caused the applicant to miss the scheduled examination.

(d) Subpoena to appear in court or for jury duty.

(3) If an applicant does not take the scheduled exam, and does not meet the requirements in subsection (2), above, the examination fee will neither be refunded nor carried forward to the next examination cycle.

Rulemaking Authority 403.869 FS. Law Implemented 403.872 FS. History—New 12-30-99, Amended 10-15-07.

62-602.500 Examination Administration.

(1) During the examination, candidates must follow the instructions of the examination supervisor. The instructions shall be provided to the candidates in written form, and shall be read to the candidates by the examination supervisor. The candidates will be permitted to ask reasonable questions of the Department's examination supervisor and proctors relating to the instructions.

(2) The Department's admission notice for the specified examination and a government-issued photo identification, such as driver's license, must be presented in order to gain admission to the examination. A valid government-issued photo identification shall be acceptable in the absence of the admission notice provided the candidate's name appears on the examination admission roster that has been prepared by the Department for the specific examination.

(3) If a candidate arrives at the designated testing location after the designated starting time, the candidate will be permitted to take the examination only after the candidate has signed a statement clearly indicating the candidate's late arrival time, and has agreed that the candidate will have only the remaining designated time in the examination to complete the examination. Any candidate who refuses to sign such a statement will be disqualified from the examination and may apply to the Department for scheduling for the next examination. If the late candidate arrives after any other candidate has already finished the examination and left the examination room, the late candidate will be disqualified from the examination and may apply to the Department for scheduling for the next examination. The exam fee will not be refunded in either situation described above.

(4) All examination booklets, answer sheets, and other examination papers and materials are the sole property of the Department. No candidate shall take any of the examination booklets, answer sheets, answers, or other examination papers or materials from the examination room, or retain, reproduce or compromise the materials in whole or in part by any means or method.

(5) The examinations will consist of multiple-choice questions. All questions are equally weighted. Knowledge, skills, or abilities to be tested shall be determined by the Department and reviewed by the exam review committee.

(6) If through no fault of the candidate, the candidate is not allowed the standard allotted time to complete the examination, additional time may be allowed upon approval of the examination supervisor. If materials are lost by the Department, or other problems occur because of the Department's inaction or negligence, the Department shall permit reexamination in those areas at no charge at the next available regularly scheduled examination.

Rulemaking Authority 403.869 FS. Law Implemented 403.872 FS. History—New 12-30-99, Amended 10-15-07.

62-602.530 Conduct at Test Site and During Reviews.

(1) Any individual found by the Department to have engaged in conduct which subverts or attempts to subvert the examination or review process will have his or her scores on the examination withheld and declared invalid.

(a) Individuals with an active or inactive license shall be subject to suspension or revocation of the license as stated in subsection 62-602.870(1), F.A.C.

(b) Individuals that do not have an active or inactive license shall be disqualified from taking future exams for a period of two years.

(2) Conduct that subverts or attempts to subvert the examination process includes:

(a) Conduct which violates the security of the examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the licensing examination; aiding by any means in the reproduction or reconstruction of any portion of or information from the licensing examination; selling, distributing, buying, receiving, or having unauthorized possession of any portion of, or information from, a future or current licensing examination.

(b) Conduct which violates the standard of test administration, such as communicating with any other examinee during the administration of the examination; copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination; having in one's possession during the administration of the licensing examination any book, notes, written or printed materials or data of any kind, other than the examination materials distributed or specifically listed as approved materials for the examination room in the information provided to the examinee in advance of the examination date by the Department.

(c) Conduct which violates the credentialing process, such as falsifying or misrepresenting information required for admission

to the examination, impersonating an examinee or having an impersonator take the licensing examination on one's own behalf.

Rulemaking Authority 403.869 FS. Law Implemented 403.872 FS. History—New 12-30-99, Amended 2-6-02.

62-602.550 Grading of Examinations and Grade Notification.

(1) Grading of all examinations shall be as follows:

(a) Examinations shall be graded by the Department or its designee. Examination answer sheets shall be electronically scored. Effective July 1, 2000, the minimum passing score on the examination is 70%. In rounding percentages, any percentage that is 0.5 or above shall be rounded up to the next higher whole number. Percentages less than 0.5 shall be rounded down to the next lower whole number.

(b) After an examination has been graded, the Department shall reject any questions that do not reliably measure the general areas of competency. The Department shall review the item analysis and any statistically questionable items after the examination has been administered. Based upon this review, the Department shall adjust the scoring key by eliminating the questionable items for grading purposes. All questions that do not adequately and reliably measure an applicant's ability to practice the profession shall be rejected. The Department shall calculate each candidate's grade using the scoring key or adjusted scoring key.

(2) The Department shall notify the candidate of the results of the candidate's examination. An examination grade notification letter shall be withheld for insufficient funds resulting from any fee. Any candidate failing to achieve a passing score will also be notified of the requirements for re-examination, and review and appeal rights and procedures.

(3) If there are additional adjustments to the scoring key after the mailing of grades for an examination, amended grade reports shall be mailed to all candidates whose scores increased from a failing score to a passing score as a result of the adjustment.

(4) If it is determined that a candidate's examination or portion thereof cannot be scored through no fault of the candidate, the candidate shall be permitted to take the next available regularly scheduled examination at no charge.

Rulemaking Authority 403.869 FS. Law Implemented 403.872 FS. History—New 12-30-99, Amended 2-6-02.

62-602.560 Candidates' Post Exam Review.

Rulemaking Authority 403.869 FS. Law Implemented 403.872 FS. History—New 12-30-99, Amended 2-6-02, Repealed 10-15-07.

62-602.570 Formal Administrative Hearing Petition and Pre-Hearing Review Request.

Under Sections 120.569 and 120.57, F.S., and Rules 62-110.106, 28-106.201 and 28-106.301, F.A.C., a candidate who has taken and failed an examination may petition for an administrative hearing under the following terms and conditions:

(1) All petitions for administrative hearings shall be filed no later than twenty-one (21) days after the applicant receives the Department's grade notification letter. No petition received more than 21 days from the date of receipt of the grade notification letter will be accepted. The petition shall conform to Rule 28-106.201, F.A.C., when material facts are in dispute, or Rule 28-106.301, F.A.C., when no material facts are in dispute.

(2) After the petition has been filed, for the purpose of preparing for the administrative hearing, the candidate and the candidate's attorney will be permitted to review examination questions, answers, papers, grades, and grade keys for the questions the candidate answered incorrectly. The request for such review will be submitted to the Department in writing.

(3) If, while preparing for a hearing, the Department discovers that credit should be awarded for one or more examination questions listed in the candidate's petition for a hearing, the Department shall issue an amended grade notification letter reflecting the candidate's amended score.

Rulemaking Authority 403.869 FS. Law Implemented 403.872 FS. History—New 12-30-99, Amended 10-15-07.

62-602.580 Use of Operator Examinations.

(1) Operator examinations will be developed by or for the Department, or the Department will use available national operator examinations.

(2) A national examination is an examination developed by or for a national or multi-state professional association, board, council, or society (hereinafter referred to as organization) and administered for the purpose of assessing entry-level skills necessary to protect the health, safety, and welfare of the public from incompetent practice and meets the following standards:

(a) The purpose of the examination shall be to establish entry-level standards of practice that shall be common to all

practitioners;

(b) The practice of the profession at the national level must be defined through an occupational survey with a representative sample of all practitioners and professional practices; and,

(c) The examination must assess the scope of practice and the entry skills defined by the national occupational survey.

(3) The organization that develops a national examination, or for which a national examination is developed, as discussed in subsection (2), above, must meet the following requirements:

(a) The organization must be recognized by practitioners across the nation in the form of representatives from the States or shall have membership representing a substantial number of the nation's or states' practitioners who have been licensed through the national examination.

(b) The organization shall be the responsible body for overseeing the development and scoring of the national examination.

(c) The organization shall provide security guidelines for the development and grading of the national examination and shall oversee the enforcement of these guidelines.

(4) Written examinations developed by or for the Department may include trial test or experimental questions for the purpose of evaluating the statistical or psychometric qualities of new or revised questions prior to their use in an examination. Trial test or experimental questions will not be identified to the candidates as trial test questions on the examination.

(a) The maximum number of trial test questions included in a single examination shall not exceed 20 percent of the total number of questions on the examination, or ten (10) questions, whichever is greater.

(b) Trial test questions shall not be counted toward the candidate's score on the examination. Answers to trial test questions shall not be subject to review by the candidates during the candidate's review process. Additional time will not be given to complete an examination that contains trial questions.

Rulemaking Authority 403.869 FS. Law Implemented 403.1832, 403.8533, 403.872 FS. History--New 12-30-99, Amended 10-15-07.

62-602.600 Fees for Operator Examinations and Licensure.

The following fees are required for the activities associated with operator examination and licensing.

(1) Applicants for operator examinations shall submit the following fees with the application. All application fees are non-refundable.

Examination Class or Level	Application Fee	Examination Fee
Class A Treatment Plant Operator	\$25.00	\$75.00
Class B Treatment Plant Operator	\$25.00	\$75.00
Class C Treatment Plant Operator	\$25.00	\$75.00
Class D Treatment Plant Operator	\$25.00	\$50.00
Level 1 Water Distribution System Operator	\$25.00	\$50.00
Level 2 Water Distribution System Operator	\$25.00	\$50.00
Level 3 Water Distribution System Operator	\$25.00	\$50.00
Level 4 Water Distribution System Operator	\$25.00	\$50.00

(2) Applicants for operator licenses shall submit the following fees with the application. All application fees are non-refundable.

License Class or Level	Application Fee	License Fee
Class A Treatment Plant Operator	\$50.00	\$50.00
Class B Treatment Plant Operator	\$50.00	\$50.00
Class C Treatment Plant Operator	\$50.00	\$50.00
Class D Treatment Plant Operator	\$25.00	\$25.00
Level 1 Water Distribution System Operator	\$25.00	\$25.00
Level 2 Water Distribution System Operator	\$25.00	\$25.00
Level 3 Water Distribution System Operator	\$25.00	\$25.00
Level 4 Water Distribution System Operator	\$25.00	\$25.00

(3) All operators holding a Class A, B, or C treatment plant operator license shall renew their license biennially and pay a non-refundable \$75.00 fee to the Department before a renewal license will be issued. Operators holding a Class D treatment plant

operator license or a Level 1, 2, 3, or 4 water distribution system operator license shall renew their license biennially and pay a non-refundable \$50.00 fee to the Department before a renewal license will be issued.

(4) To obtain a duplicate license or wall certificate, the licensee must submit a written request and pay \$25.00 for each duplicate requested.

(5) To reactivate an inactive license, a reactivation fee of \$100.00 shall be paid in addition to the specified biennial license renewal fee.

(6) The fees stated in subsections (1) through (3), above, shall be \$10 for an application, \$10.00 for an examination, and \$10.00 for a license or license renewal for wards of the state upon submission of written evidence, with the examination or license application or renewal notice, to the Department that said individual is a ward of the state.

Rulemaking Authority 403.869 FS. Law Implemented 403.871, 403.872, 403.874 FS. History—New 12-30-99, Amended 2-6-02, Amended 10-15-07.

62-602.650 Duties of Operators.

An operator is responsible for performing treatment plant or water distribution system operation and maintenance duties in a manner consistent with standard operating practices. The duties shall be the following:

(1) Domestic wastewater treatment plant operators shall perform responsible and effective on-site management of the operation, supervision, and maintenance of domestic wastewater treatment plants, including, if applicable, reuse or disposal systems within the operator's responsibility. Water treatment plant operators shall perform responsible and effective on-site management of the operation, supervision, and maintenance of water treatment plants or water distribution systems. Water distribution system operators shall perform responsible and effective on-site management of the operation, supervision, and maintenance of water distribution systems.

(2) Domestic wastewater treatment plant operators shall submit to the permittee all required reports in the manner required by the Department in Rule 62-601.300, F.A.C. Water treatment plant operators shall submit to the supplier of water all required reports in the manner required by the Department in Rules 62-550.730, 62-555.325, and 62-555.350, F.A.C.

(3) Domestic wastewater treatment plant operators shall notify the permittee as soon as possible following the discovery of any abnormal event or noncompliance that may endanger health or the environment as described in subsection 62-604.550(2) or 62-620.610(20), F.A.C.; additionally, wastewater plant operators shall report to the State Warning Point (SWP) at 1(800)320-0519 and the Department or delegated local program in accordance with subsections 62-604.550(2) and 62-620.610(20), F.A.C., unless the permittee has written procedures designating and directing other knowledgeable staff to report on behalf of the permittee to the SWP and the Department or delegated local program in accordance with subsections 62-604.550(2) and 62-620.610(20), F.A.C. Water treatment plant operators and water distribution system operators shall notify the supplier of water as soon as possible after discovery of any of the circumstances described in subsection 62-555.350(10), F.A.C.; additionally, water treatment plant operators and water distribution system operators shall report to the SWP, the Department or approved county health department (ACHD), and water customers in accordance with subsection 62-555.350(10), F.A.C., unless the supplier of water has written procedures designating and directing other knowledgeable staff to report on behalf of the water supplier to the SWP, the Department or ACHD, and water customers in accordance with subsection 62-555.350(10), F.A.C.

(4) Domestic wastewater treatment plant operators shall maintain a separate operation and maintenance (O&M) log for each domestic wastewater treatment plant, and water treatment plant operators shall maintain a separate O&M log for each water treatment plant. The plant O&M log shall be maintained on site at the plant in a location accessible to 24-hour inspection and protected from weather damage. The plant O&M log shall be maintained in a hard-bound book with consecutive page numbering, or alternatively, part or all of the plant O&M log may be maintained electronically upon written request by the permittee or supplier of water and written approval by the appropriate Department district office, delegated local program, or approved county health department (ACHD). Department district offices, delegated local programs, and ACHDs shall approve partial or complete electronic plant O&M logs if the permittee or supplier of water demonstrates that required data will remain accessible to 24-hour inspection and protected from weather damage; that adequate data storage capacity and data backup will be provided; that entries made by recording equipment will be date/time stamped; and that entries made by an operator will be date/time stamped and accompanied by an electronic signature unique to, and under the sole control of, the operator. The plant O&M log shall be maintained current to the last operation and maintenance performed and shall contain a minimum of the previous three months of data at all times. The plant O&M log shall contain the following information, which shall be entered in the O&M log during each plant visit before leaving the plant:

- (a) Identification of the plant;
- (b) The signature and license number of the operator making any entries;
- (c) Date and time in and out of the plant;
- (d) Description of specific plant operation and maintenance activities, including any preventive maintenance or repairs made or requested;
- (e) Results of tests performed and samples taken, unless documented on a laboratory sheet;
- (f) Notation of any notification or reporting completed in accordance with subsection 62-602.650(3), F.A.C.

(5) Beginning May 1, 2011, water treatment plant or distribution system operators shall maintain one or more operation and maintenance (O&M) logs for each water distribution system. The water distribution system O&M log may be combined with the O&M log for any water treatment plant connected to the water distribution system or may be a separate log. The water distribution system O&M log shall be maintained in a hard-bound book with consecutive page numbering, or alternatively, part or all of the water distribution system O&M log may be maintained electronically upon written request by the supplier of water and written approval by the appropriate Department district office or approved county health department (ACHD). Department district offices and ACHDs shall approve partial or complete electronic water distribution system O&M logs if the supplier of water demonstrates that adequate data storage capacity and data backup will be provided; that entries made by recording equipment will be date/time stamped; and that entries made by an operator will be date/time stamped and accompanied by an electronic signature unique to, and under the sole control of, the operator. The water distribution system O&M log shall be maintained current to the last operation and maintenance performed and shall contain a minimum of the previous three months of data at all times. The water distribution system O&M log shall contain the following information, which shall be entered in the O&M log on the day the information was obtained:

- (a) Identification of the distribution system;
- (b) The signature and license number of the operator making any entries;
- (c) Date, time, and description of water distribution system operation or maintenance (O&M) activities that may affect water quality or quantity and that are listed in Footnote 1 under the tables in subparagraphs 62-699.310(2)(f)1. and 2., F.A.C., including any such activities that are performed by a licensed underground utility and excavation contractor or licensed plumbing contractor;
- (d) Results of tests performed and samples taken, unless documented on a laboratory sheet;
- (e) Notation of any notification or reporting completed in accordance with subsection 62-602.650(3), F.A.C.

Rulemaking Authority 403.869 FS. Law Implemented 403.1832, 403.8533, 403.865, 403.875(1)(a) FS. History—New 12-30-99, Amended 2-6-02, 10-15-07.

62-602.660 Technical Manuals.

The following technical manuals are incorporated by reference herein and are to be used to establish professionally accepted treatment plant or water distribution system operation. These manuals are available from the sources listed below.

(1) Domestic Wastewater Treatment Plants.

(a) *Operation of Wastewater Treatment Plants*, Volume I. Sixth Edition, 2004. California State University Sacramento, Office of Water Programs, 6000 J Street, Sacramento, California 95819-6025.

(b) *Operation of Wastewater Treatment Plants*, Volume II. Sixth Edition, 2003. California State University Sacramento, Office of Water Programs, 6000 J Street, Sacramento, California 95819-6025.

(c) *Advanced Waste Treatment*. Fifth Edition, 2006. California State University Sacramento, Office of Water Programs, 6000 J Street, Sacramento, California 95819-6025.

(d) *Small Wastewater Systems Operation and Maintenance*, Volume I. First Edition, 1997. California State University Sacramento, Office of Water Programs, 6000 J Street, Sacramento, California 95819-6025.

(e) *Small Wastewater Systems Operation and Maintenance*, Volume II. First Edition, 2002. California State University Sacramento, Office of Water Programs, 6000 J Street, Sacramento, California 95819-6025.

(f) *Operation of Municipal Wastewater Treatment Plants*, Volumes I-III, WEF Manual of Practice 11. Fifth Edition, 1996. Water Environment Federation, Publications Order Department, 601 Wythe Street, Alexandria, Virginia 22314-1994.

(2) Water Treatment Plants and Water Distribution Systems.

(a) *Water Treatment Plant Operation*, Volume I. Fifth Edition, 2004. California State University Sacramento, Office of Water Programs, 6000 J Street, Sacramento, California 95819-6025.

(b) *Water Treatment Plant Operation*, Volume II. Fourth Edition, 2004. California State University Sacramento, Office of

Water Programs, 6000 J Street, Sacramento, California 95819-6025.

(c) *Water Distribution System Operation and Maintenance*. Fifth Edition, 2005. California State University Sacramento, Office of Water Programs, 6000 J Street, Sacramento, California 95819-6025.

(d) *Small Water System Operation and Maintenance*. Fourth Edition, 2002. California State University Sacramento, Office of Water Programs, 6000 J Street, Sacramento, California 95819-6025.

(e) *Water Treatment Operator Handbook*, American Water Works Association (AWWA). Revised Edition, 2005. AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235.

(f) *Water Distribution Operator Training Handbook*, American Water Works Association (AWWA). Third Edition, 2005. AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235.

(g) American Water Works Association (AWWA) Standard C651-05, Disinfecting Water Mains; AWWA Standard C652-02, Disinfection of Water-Storage Facilities; AWWA Standard C653-03, Disinfection of Water Treatment Plants; and AWWA Standard C654-03, Disinfection of Wells. AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235.

(h) *Recommended Practice for Backflow Prevention and Cross-Connection Control*, AWWA Manual M14, Third Edition, 2004. American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

(i) "Guidelines for the Issuance of Precautionary Boil Water Notices," December 11, 2006. Florida Department of Health, Bureau of Water Programs, 4052 Bald Cypress Way, Bin # C22, Tallahassee, Florida 32399-1742.

Rulemaking Authority 403.869 FS. Law Implemented 403.867, 403.875 FS. History—New 12-30-99, Amended 10-15-07.

62-602.700 Operator Licensing.

The Department shall issue an appropriate license to each applicant who has met all the license requirements for a specific class or level.

(1) The effective date of the license shall be the date the applicant is notified by the Department and the license shall expire at the end of the current biennium except for instances where the initial operator license became effective within 12 months before the current biennium. These licenses will remain effective until the end of the following biennial period.

(2) Licenses shall be renewed in accordance with Rule 62-602.710, F.A.C.

(a) It shall be the responsibility of the licensee to keep the Department informed of any changes in information or new information that the Department requires, including changes in the current mailing address and name changes.

(b) Licensees shall send their requests for changes to the Department's master file to the Department of Environmental Protection, Operator Certification Program, Mail Station 3506, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(c) Name change requests shall be in writing with supporting legal documentation.

Rulemaking Authority 403.869 FS. Law Implemented 403.1832, 403.8533, 403.867 FS. History—New 12-30-99, Amended 2-6-02, 10-15-07.

62-602.710 Renewal of Operator Licenses.

(1) All active licenses remain active until the end of the current biennium as indicated on the license, except as specified in subsection 62-602.700(1), and Rule 62-602.870, F.A.C. The effective date of an active license shall be the first day of the current biennium or the date the required renewal fee and documentation of completion of CEUs are received, whichever is later. Each biennium extends through the 30th of April of odd numbered years.

(2) At least 90 days before an active license expires, the Department shall mail renewal notices to the operator's last address of record. However, failure to receive a renewal notice shall not excuse the licensee from timely renewal.

(3) To retain an active status following the end of each biennium, the following must be submitted to the Department in a timely manner.

(a) The current name, address, social security number, and the license type and level.

(b) A certification acknowledging the following:

1. Completion of all requirements for license renewal set forth by the Department,

2. That during the upcoming licensure period the applicant may be required to produce proof that all license renewal requirements for that licensure period were met; and,

3. That failure to comply with license renewal requirements, or making a false statement as to such compliance, will subject the applicant to disciplinary action or criminal prosecution.

(c) Submittal of the renewal notice is acceptable for paragraph (a) and (b), above, if the correct, current information required

above is provided and the notice is signed by the licensee.

(d) The fee specified in subsection 62-602.600(3) or (7), F.A.C.

(e) Documentation of successful completion of CEUs as required in subsection 62-602.710(4), F.A.C.

(4) CEUs shall be required for renewal of operator licenses beginning after the renewal cycle ending April 30, 2001. CEUs must be approved by the Department for credit to be given, and the required number of units shall be earned in the two years directly preceding the request for license renewal. Completing an approved training course for the next higher class or level of license during a renewal cycle will satisfy the CEU requirement for that cycle. CEU requirements are as follows:

(a) Two CEUs shall be required for the renewal of a Class A or B water or domestic wastewater treatment plant operator license.

(b) One CEU shall be required for the renewal of each Class C water or domestic wastewater treatment plant operator license.

(c) One-half of one CEU shall be required for the renewal of each Class D water or domestic wastewater treatment plant operator license and each Level 1, 2, 3, or 4 water distribution system operator license.

(d) An individual who has active Class A or B licenses for both drinking water and domestic wastewater shall only be required to obtain 3 CEUs for the renewal of both licenses, but 1.5 CEUs must apply to each type of license; CEUs that can be applied to either type of license must be clearly identified as such on the certification, and cannot be concurrently applied to each license. An individual who has both an active water treatment plant operator license and an active water distribution system operator license may concurrently apply the same CEUs to each license. CEUs for all other combinations of dual licensing shall be additive.

(e) A certified operator who is teaching an approved continuing education course shall, upon receipt of documentation, receive credit equal to the CEUs approved for that course.

(f) A certified operator who teaches an approved residence course may use this experience for one-half of the required CEUs needed to renew his license.

(g) Certificates of completion showing the continuing education credit shall be filed with the request for licensure renewal form and the renewal fee. Electronic confirmation of completion will be accepted from participating institutions in lieu of a certificate of completion. A request for renewal shall be denied if required continuing education cannot be confirmed. The renewal fee shall not be refunded if the license is denied because of insufficient continuing education units.

(h) Approval of CEU courses shall be accomplished in accordance with the Department's "Manual for Approving Continuing Education Courses for Operator Licensing," that may be obtained by writing to Department of Environmental Protection, Operator Certification Program, Mail Station 3506, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(i) Topics for continuing education include operation and control of a treatment plant or water distribution system, troubleshooting treatment processes, troubleshooting to determine the causes of water quality complaints, health and safety, employee and community right-to-know notification procedures, toxic and hazardous materials handling procedures, solids and residuals control, supervision and management, basic chemistry and biology, mathematics of the treatment process or water distribution system, laboratory sampling procedures, equipment or water main maintenance and repair, computer applications for water or wastewater treatment or water distribution, blue print reading, governmental rules and procedures, security, and emergency response.

Rulemaking Authority 403.869 FS. Law Implemented 403.1832, 403.8532, 403.8533, 403.873 FS. History—New 12-30-99, Amended 2-6-02, 10-15-07.

62-602.720 Inactive Status of License; Reactivation Procedures.

(1) Any license shall revert to inactive status if the requirements of subsection 62-602.710(3), F.A.C., have not been met.

(2) A licensee with an inactive status may apply to reactivate the license during the two-year period following the deadline for the last renewal cycle.

(3) To reactivate the license, the licensee shall meet the requirements in subsection 62-602.710(3), F.A.C., including submitting the renewal fee, and shall submit the reactivation fee specified in subsection 62-602.600(5), F.A.C.

(4) The license of an inactive licensee that does not achieve active status within two years following the end of the most recent licensing period shall be expired (null and void), and subsequent licensure will require meeting all the requirements for the type, and class or level of license sought.

Rulemaking Authority 403.869 FS. Law Implemented 403.1832, 403.8533, 403.874 FS. History—New 12-30-99, Amended 10-15-07, 1-24-10.

62-602.750 Denial of Application or Renewal of Licenses.

(1) The Department shall deny an application for license examination, license issuance, or renewal of a license for any of the following reasons:

- (a) Submission of false or misleading information on the license application or renewal request.
- (b) Submission of a non-redeemable check with the license application or renewal request.
- (c) Failure to supply information needed to complete the application or renewal request.
- (d) Failure to pass the appropriate examination.
- (e) Fraud or cheating on an examination.
- (f) Revoked or suspended license in Florida or another state.
- (g) Any of the reasons listed in Rule 62-602.800, F.A.C.

(2) Upon denial of renewal of a license, the Department shall give written notice to the person involved. Within 21 days from receipt of notice, the person affected may petition for an administrative hearing under Sections 120.569 and 120.57, F.S.

Rulemaking Authority 403.869 FS. Law Implemented 403.872, 403.873 FS. History—New 12-30-99, Amended 2-6-02.

62-602.800 Grounds for Disciplinary Proceedings.

The following acts or omissions are grounds for disciplinary actions:

- (1) Practicing as a licensed operator on a revoked, suspended, or inactive license.
- (2) Any operator of a public water system or domestic wastewater treatment plant, licensed operator, supplier of water, or permittee of a domestic wastewater treatment plant who employs any person to perform the duties of an operator, as identified in Rule 62-602.650, F.A.C., who is not licensed.
- (3) Any person fulfilling operator staffing requirements under Chapter 62-699, F.A.C., without an active license of the appropriate level and type.
- (4) An operator performing treatment plant or water distribution system operation in a manner that is not consistent with standard operating practices.
- (5) An operator who has knowingly or negligently submitted misleading, false, or inaccurate information as documentation for licensure, laboratory results, or operational reports.
- (6) Failure to maintain required reports or records required to be maintained by operators by the Department.
- (7) Failure to comply with any provision of Sections 403.865 through 403.876, F.S., this chapter, or Department rules pertaining to water or domestic wastewater treatment plants or water distribution systems.
- (8) Failure to comply with an order of the Department previously entered in a disciplinary action.

Rulemaking Authority 403.869 FS. Law Implemented 403.1832, 403.8533, 403.875, 403.876 FS. History—New 12-30-99, Amended 2-6-02, 10-15-07.

62-602.850 Disciplinary Guidelines.

When the Department finds that a person who is subject to regulation under Sections 403.865 through 403.876, F.S., has violated any of the provisions set forth in Rule 62-602.800 or 62-602.870, F.A.C., or Sections 403.865 through 403.876, F.S., it shall issue an administrative order imposing appropriate penalties for each count within the ranges recommended in the following disciplinary guidelines:

- (1) Performing the duties of an operator without an active license. The recommended penalty is an administrative fine of a minimum of \$100 for each month of performance, up to a maximum of \$1,000.00.
- (2) Use of the name or title “water treatment plant operator,” “domestic wastewater treatment plant operator,” or “water distribution system operator,” or any other words, letters, abbreviations, or insignia indicating or implying that a person is a licensed operator, or otherwise holds himself out as an operator, unless the person is a holder of a valid license. The recommended penalty is an administrative fine of a minimum of \$250.00, up to a maximum of \$1,000.00.
- (3) Knowingly allowing the use or failing to report the use of his or her own license, as the license of another. The recommended penalty is from a minimum of a 1 year suspension, up to a maximum of revocation of the operator's license.
- (4) Knowingly or negligently submitting misleading, false, inaccurate, or forged information or evidence to the Department. The recommended penalty for an applicant not already licensed as an operator is denial of the application and prohibition of reapplication from a minimum of 2 years, up to a maximum of 3 years. The recommended penalty for an operator shall be

revocation of the operator's license and prohibition of reapplication for a minimum of 2 years, up to a maximum of permanent revocation of the operator's license.

(5) Using or attempting to use a license that has been suspended, revoked, or placed on inactive status. The recommended penalty for practicing on an inactive license is a fine of \$100.00 for each month of practice up to \$1,000.00. The recommended penalty for practicing on a suspended license is from a minimum of a \$1,000.00 fine, up to a maximum of an additional 1 year suspension. The recommended penalty for practicing on a revoked license is denial of application for license for a minimum of 3 years, up to a maximum of 5 years, and a referral to the state attorney for criminal sanctions.

(6) Employing unlicensed persons to perform the duties of an operator or fulfilling, or employing persons to fulfill, operator staffing requirements under Chapter 62-699, F.A.C., without an active license of the appropriate type and appropriate class or level. The recommended penalty is an administrative fine of a minimum of \$500.00, up to a maximum of \$1,000.00.

(7) Concealing information relative to any violation of this rule. The recommended penalty is the imposition of an administrative fine of a minimum of \$500.00, up to a maximum of \$1,000.00; and suspension of license from a minimum of 1 year, up to license revocation. The actual penalty imposed depends upon the severity of the violation to cause plant upset, produce drinking water that does not meet the applicable requirements, or endanger the safety of plant employees or the public.

(8) Failure to comply with the provisions of Rule 62-602.650, F.A.C. The recommended penalty for failure to submit reports in a timely manner, or to maintain operation and maintenance logs, as required by Rule 62-602.650, F.A.C., is from a minimum issuance of a probation letter to a maximum administrative fine of \$100.00 per day of the occurrence up to a maximum of \$1,000.00 for the offense. The recommended penalty for failure to report unpermitted discharges, interruption of service, plant upsets, or the failure to report the production of drinking water that does not meet the applicable requirements is from a minimum of a suspension of license of 1 year, up to a maximum of revocation of license. The recommended penalty for failure to perform treatment plant or water distribution system operation in a manner consistent with standard operating practices, or failure to comply with any other provision of Rule 62-602.650, F.A.C., is from a minimum administrative fine of \$100 per day of the occurrence up to a maximum of \$1,000.00 for the offense.

(9) Checks for licensure, license renewal, examination returned for insufficient funds. The recommended penalty is suspension of license until the full fees are received, including the charge for insufficient funds.

Rulemaking Authority 403.869 FS. Law Implemented 403.1832, 403.8533, 403.875, 403.876 FS. History—New 12-30-99, Amended 2-6-02, 10-15-07.

62-602.870 Suspension and Revocation of Operator License.

(1) The Department shall, depending on aggravating and mitigating circumstances, in addition to a fine, suspend a license for a period not to exceed 2 years for any of the following reasons:

- (a) Submission of false or misleading information in an application for license or for renewal of a license.
- (b) Cheating on an examination.

(c) Incompetence in the performance of duties of an operator that results in a treatment plant or water distribution system, under the direct charge of the operator, being operated in a manner inconsistent with standard operating practice.

(2) The Department shall permanently revoke a license for any one of the following reasons:

- (a) Fraud in the submission of applications or documentation for license or renewal.
- (b) Determination by the Department that an operator falsified or intentionally misrepresented, or finds persistent inaccuracy or incompleteness of, data or information contained in documents or reports required to be submitted to the Department or an approved local regulatory agency, including the operation, laboratory or maintenance reports or logs required to be maintained, signed, or submitted by an operator.

(c) A finding by the Department that negligence in the performance of duties as an operator has resulted in harm to public health or safety or to the environment.

- (d) Suspension of license more than twice.

(3) Revocation can be permanent or for a shorter time. If less than permanent, a person with a revoked license may seek certification as an operator upon completion of the revocation period and its conditions. Such certification must meet all of the requirements in Rule 62-602.300, F.A.C.

(4) Before revoking or suspending a license, the Department shall give written notice to the persons involved, setting forth with specificity the allegations of fact which justify the Department's proposed actions. Within 21 days of receipt of notification, the

person affected may petition for an administrative hearing under Sections 120.569 and 120.57, F.S.

(5) Licenses that have been revoked or suspended shall be returned to the Department within 30 days after the effective date of revocation or suspension.

(6) In order to resume practicing as an operator, persons with suspended licenses shall not be required to reexamine for licensure after the period of suspension has passed, unless or until the person's license expires of its own accord.

Rulemaking Authority 403.869 FS. Law Implemented 403.1832, 403.8533, 403.876 FS. History—New 12-30-99, Amended 10-15-07.

62-602.880 Consecutive Public Water System Operator Licenses.

Rulemaking Authority 403.869, 403.872 FS. Law Implemented 403.1842, 403.872 FS. History—New 2-6-02, Amended 10-15-07, Repealed 2-16-12.

62-602.900 Forms for the Operator Certification Program.

Rulemaking Authority 403.869 FS. Law Implemented 403.876 FS. History—New 12-30-99, Amended 2-6-02, 10-15-07, Repealed 2-16-12.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official board position.
DRAFT AGENDA

CHAPTER 62-699
TREATMENT PLANT CLASSIFICATION AND STAFFING

62-699.200	Definitions.
62-699.310	Classification and Staffing of Domestic Wastewater or Water Treatment Plants and Water Distribution Systems
62-699.311	Additional Classification and Staffing Requirements

62-699.200 Definitions.

For the purposes of this chapter, the following words, phrases, or terms shall have the following meaning.

(1) "APPROVED COUNTY HEALTH DEPARTMENT" means Broward, Hillsborough, Lee, Miami-Dade, Palm Beach, Polk, Sarasota, or Volusia County Health Department pursuant to Section 403.862(1)(c), F.S.

(2) "AUTOMATIC CONTROL SYSTEM" means an on-site computerized system with sensors and programs that can adjust and control domestic wastewater or water treatment plant equipment and processes over the normal range of expected operating conditions without operator assistance.

(3) "BIOSOLIDS TREATMENT FACILITY" means a facility that treats biosolids from other facilities for the purpose of meeting the requirements of Chapter 62-640, F.A.C., before use or land application. Biosolids treatment facilities can also treat domestic septage and combinations of biosolids, domestic septage, food establishment sludges, wastes removed from portable toilets, and wastes removed from holding tanks associated with boats, marinas, and onsite sewage treatment and disposal systems, before use or land application.

(4) "CONSECUTIVE SYSTEM" means a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

(5) "DELEGATED LOCAL PROGRAM" means Broward County (collection systems only), Miami-Dade County, Hillsborough County, Palm Beach County, or Sarasota County pursuant to Section 403.182, F.S.

(6) "DEPARTMENT" means the Department of Environmental Protection, any of the approved county health departments, or any of the delegated local programs.

(7) "ELECTRONIC CONTROL SYSTEM" means a comprehensive automatic control system plus electronic surveillance system along with capability for manual adjustment and control of domestic wastewater or water treatment plant equipment and processes via a computerized system at a central or off-site location that is staffed by a Class C or higher treatment plant operator 24 hours per day and seven days per week.

(8) "ELECTRONIC SURVEILLANCE SYSTEM" means a system that monitors operation of a domestic wastewater or water treatment plant and transmits the results of such monitoring by electronic means to a central or off-site location. The use of a telephone for communication between the lead/chief operator and plant personnel is not considered electronic surveillance.

(9) "LEAD OR CHIEF OPERATOR" means the licensed operator who is in responsible charge of a domestic wastewater or water treatment plant or water distribution system and whose responsibilities include supervising all other persons who are employed to operate the plant or distribution system, performing on-site plant or distribution system operation, performing electronic control system operation, and making decisions that relate to the daily operational activities of the plant or distribution system and that directly impact the quality or quantity of effluent, reclaimed water, or drinking water.

(10) "ONSITE," when referring to operating, staffing, visiting, or checking a domestic wastewater or water treatment plant, means at the location of the plant; and when referring to operating or staffing a water distribution system, means at the location of the distribution system pipe, pumps, or tanks where operation or maintenance activities that may affect water quality or quantity are taking place.

(11) "OPERATOR" means any person who is in on-site charge of the actual operation, supervision, and maintenance of a domestic wastewater or water treatment plant or water distribution system and includes the person in onsite charge of a shift or period of operation during any part of the day. Operator also means any person operating an electronic control system. Such persons shall be licensed in accordance with Chapter 62-602, F.A.C.

(12) "PERMITTEE" means the person or entity to which a permit for a domestic wastewater facility is issued by the Department.

(13) "VISIT" means an on-site examination of a domestic wastewater or water treatment plant to ensure that equipment is functioning properly, to ensure that chemical supplies are sufficient, and to record the quantity or quality of wastewater or drinking

water being treated and other relevant information.

(14) "WATER MAIN" means the following:

(a) All piping, regardless of size, conveying finished water, as defined in Rule 62-550.200, F.A.C., from a water treatment plant to either a fire hydrant lead or a water service line; and,

(b) All fire hydrant leads that are under the control of a regulated public water system.

(15) "WATER SERVICE LINE" means the following:

(a) Piping conveying finished water, as defined in Rule 62-550.200, F.A.C., to a single or dual meter box that serves one or two buildings, one or two irrigation systems, or one building and one irrigation system, or

(b) Piping conveying finished water, as defined in Rule 62-550.200, F.A.C., to a single building, irrigation system, or fire protection system.

(16) "WHOLESALE SYSTEM" means a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

Rulemaking Authority 403.869, 403.88(4) FS. Law Implemented 403.182, 403.852, 403.862, 403.866 FS. History—New 10-15-07, Amended 3-6-13.

62-699.310 Classification and Staffing of Domestic Wastewater or Water Treatment Plants and Water Distribution Systems.

This section applies to all domestic wastewater treatment plant permittees and to all suppliers of water except those who own or operate a transient non-community water system (TWS) using only ground water as a source of supply and serving only religious institutions, or businesses, other than public food service establishments as defined and regulated under Chapter 381, 500, or 509, F.S., and other than religious institutions with school or daycare services. Licensed operators are not required for TWSs using only ground water as a source of supply and serving only religious institutions, or businesses, other than public food service establishments and other than religious institutions with school or daycare services.

(1) Domestic wastewater treatment plant permittees and suppliers of water shall employ only persons appropriately licensed under Chapter 62-602, F.A.C., to be in on-site charge of the operation, supervision, or maintenance of a domestic wastewater or water treatment plant during any part of any day. Suppliers of water shall employ only persons appropriately licensed under Chapter 62-602, F.A.C., to be in onsite charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 under the tables in subparagraphs 62-699.310(2)(f)1. and 2., F.A.C.

(2) Permittees and suppliers of water shall employ licensed operators onsite at their domestic wastewater or water treatment plant(s) to fulfill the time and visit requirements specified in paragraphs (a) through (e), below. Suppliers of water shall employ licensed operators to staff their water distribution system as specified in paragraph (f), below.

(a) Classification and Staffing Requirements for Domestic Wastewater Treatment Plants Other than Those Discussed Separately in paragraphs (b) through (d), below. Refer to tables 1. through 4., below, and determine the classification and staffing requirements for each domestic wastewater treatment plant using the following two-step procedure: first determine the category of the plant and then, within that category, determine the classification and staffing requirements for the plant. Determine the plant category by identifying the highest category in tables 1. through 4., listing one or more of the plant's treatment processes, with Category I being the highest category and Category IV being the lowest category. Determine the plant classification and staffing requirements within the determined plant category by using the permitted capacity of the plant. Class A is the highest possible plant classification, and Class D is the lowest possible plant classification.

1. Domestic Wastewater Treatment Plant Category I				
Treatment Process	Class A	Class B	Class C	Class D

<p>Processes to meet permit limits for total nitrogen with or without filtration; processes to meet permit limits for total phosphorus with or without filtration; or membrane processes, including microfiltration, ultrafiltration, nanofiltration, reverse osmosis, and membrane bioreactors.</p>	<p>3.0 MGD and above</p> <p>Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.</p>	<p>0.5 MGD up to 3.0 MGD</p> <p>Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.</p>	<p>0.1 MGD up to 0.5 MGD</p> <p>Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.05 MGD up to 0.1 MGD</p> <p>Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>Less than 0.05 MGD</p> <p>Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit each weekend.</p> <hr/> <p>For all of the above plants, the lead/chief operator must be Class C or higher.</p>	<p>Not Applicable</p>
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2. Domestic Wastewater Treatment Plant Category II				
Treatment Process	Class A	Class B	Class C	Class D

<p>Activated sludge processes, except extended aeration, with or without filtration.</p>	<p>5.0 MGD and above</p> <p>Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.</p>	<p>1.0 MGD up to 5.0 MGD</p> <p>Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.</p>	<p>0.25 MGD up to 1.0 MGD</p> <p>Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.1 MGD up to 0.25 MGD</p> <p>Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>Less than 0.1 MGD</p> <p>Staffing by Class C or higher operator: 1/2 hour/day for 5 days/week and one visit each weekend.</p> <hr/> <p>For all of the above plants, the lead/chief operator must be Class C or higher.</p>	<p>Not Applicable</p>
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3. Domestic Wastewater Treatment Plant Category III

Treatment Process	Class A	Class B	Class C	Class D
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Extended aeration, including oxidation ditches, with or without filtration.	8.0 MGD and above	2.0 MGD up to 8.0 MGD	0.5 MGD up to 2.0 MGD	10,000 GPD up to 25,000 GPD
	Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.	Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.	Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.	Staffing by Class D or higher operator: 3 visits/week on nonconsecutive days for a total of 1 1/2 hours/week.
			0.25 MGD up to 0.5 MGD	2,000 up to 10,000 GPD
			Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit each weekend.	Staffing by Class D or higher operator: 2 visits/week on nonconsecutive days for a total of 1 hour/week. There shall be no more than 5 days between the last visit in one week and the first visit in the next week.
			25,000 GPD up to 0.25 MGD	For all of the above plants, the lead/chief operator must be Class D or higher.
		Staffing by Class C or higher operator: 1/2 hour/day for 5 days/week and one visit each weekend.		
		For all of the above plants, the lead/chief operator must be Class C or higher.		

4. Domestic Wastewater Treatment Plant Category IV

Treatment Process	Class A	Class B	Class C	Class D
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<p>Either of the following processes with or without filtration: trickling filters or rotating biological contactors.</p>	<p>10 MGD and above</p> <p>Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.</p>	<p>3.0 MGD up to 10 MGD</p> <p>Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.</p>	<p>2.0 MGD up to 3.0 MGD</p> <p>Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.75 MGD up to 2.0 MGD</p> <p>Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>25,000 GPD up to 0.75 MGD</p> <p>Staffing by Class C or higher operator: 1/2 hour/day for 5 days/week and one visit each weekend.</p> <hr/> <p>For all of the above plants, the lead/chief operator must be Class C or higher.</p>	<p>2,000 up to 25,000 GPD</p> <p>Staffing by Class D or higher operator: 2 visits/week on nonconsecutive days for a total of 1 hour/week. There shall be no more than 5 days between the last visit in one week and the first visit in the next week. The lead/chief operator must be Class D or higher.</p>
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(b) Staffing Requirements for Domestic Wastewater Treatment Plants that Provide Reclaimed Water to a Reuse System Permitted Under Part III of Chapter 62-610, F.A.C.

1. Plant staffing requirements shall be established in accordance with paragraph (a), above.
2. Additional minimum staffing requirements are provided in subsections 62-610.462(2) and (3), F.A.C., which shall be used in conjunction with the requirements in paragraph (a), above, with the most stringent requirements governing. Reductions in staffing requirements below the minimum established in subsections 62-610.462(2) and (3), F.A.C., shall not be allowed.

(c) Staffing Requirements for Domestic Wastewater Treatment Plants that Provide Reclaimed Water to a Reuse System Permitted Under Part V of Chapter 62-610, F.A.C.

1. Plant staffing requirements shall be established in accordance with paragraph (a), above.
2. Additional minimum staffing requirements are provided in subsections 62-610.567(3), (4), and (5), F.A.C., which shall be used in conjunction with the requirements in paragraph (a), above, with the most stringent requirements governing. Reductions in staffing requirements below the minimum established in subsections 62-610.567(3), (4), and (5), F.A.C., shall not be allowed.

(d) Staffing Requirements for Biosolids Treatment Facilities. Staffing requirements are provided in paragraph 62-640.880(2)(j), F.A.C.

(e) Classification and Staffing Requirements for Water Treatment Plants. Refer to tables 1. through 5., below, and determine the classification and staffing requirements for each water treatment plant using the following two-step procedure: first determine the

category of the plant and then, within that category, determine the classification and staffing requirements for the plant. Determine the plant category by identifying the highest category in tables 1. through 5., listing one or more of the plant's category-determining treatment processes, with Category I being the highest category and Category V being the lowest category. In no case shall a treatment process that is installed and maintained by the Department under the Water Supply Restoration Program be considered in determining the plant category. Otherwise, for any plant that is part of a community water system (CWS), all of the plant's treatment processes shall be considered in determining the plant category, while for any plant that is part of a non-community water system (NCWS), only the plant's treatment processes that are necessary to meet primary drinking water standards, or disinfection requirements, applicable to the NCWS shall be considered in determining the plant category. Determine the plant classification and staffing requirements within the determined plant category by using the permitted maximum-day operating capacity of the plant. Class A is the highest possible plant classification, and Class D is the lowest possible plant classification.

1. Water Treatment Plant Category I				
Treatment Process	Class A	Class B	Class C	Class D
Conventional filtration (coagulation, flocculation, sedimentation, and rapid-rate granular-media filtration), including lime softening; direct filtration, (coagulation and rapid-rate granular-media filtration) of surface water or ground water determined by the Department to be under the direct influence of surface water; or direct filtration of ground water for removal of viruses.	5.0 MGD and above	1.0 MGD up to 5.0 MGD	0.3 MGD up to 1.0 MGD	Not Applicable
	Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.	Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.	Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.	
			0.1 MGD up to 0.3 MGD	
			Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.	
Less than 0.1 MGD	Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day.			
			For all of the above plants, the lead/chief operator must be Class C or higher.	

2. Water Treatment Plant Category II				
Treatment Process	Class A	Class B	Class C	Class D

<p>Microfiltration, ultrafiltration, nanofiltration, or reverse osmosis.</p>	<p>6.5 MGD and above</p> <p>Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.</p>	<p>MGD up to 6.5 MGD</p> <p>Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.</p>	<p>0.5 MGD up to 1.0 MGD</p> <p>Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.25 MGD up to 0.5 MGD</p> <p>Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.1 MGD up to 0.25 MGD</p> <p>Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>Less than 0.1 MGD</p> <p>Staffing by Class C or higher operator: 5 visits per week and one visit each weekend for a total of 2.4 hours/week.</p> <hr/> <p>For all of the above plants, the lead/chief operator must be Class C or higher.</p>	<p>Not Applicable</p>
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3. Water Treatment Plant Category III

Treatment Process	Class A	Class B	Class C	Class D
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<p>Activated alumina or carbon adsorption, with backwashing or on-site media regeneration or reactivation, for removal of any primary contaminant or disinfection byproduct precursors; diatomaceous earth filtration, electro dialysis or electro dialysis reversal; ion exchange for removal of any primary contaminant or disinfection byproduct precursors; oxidation and rapid-rate granular-media filtration, or direct filtration, of ground water for removal of any primary contaminant other than viruses or for removal of disinfection byproduct precursors; or slow sand filtration.</p>	<p>8.0 MGD and above</p> <p>Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.</p>	<p>2.0 MGD up to 8.0 MGD</p> <p>Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.</p>	<p>1.0 MGD up to 2.0 MGD</p> <p>Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.5 MGD up to 1.0 MGD</p> <p>Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.25 MGD up to 0.5 MGD</p> <p>Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>Less than 0.25 MGD</p> <p>Staffing by Class C or higher operator: 5 visits/week and one visit each weekend for a total of 1.8 hours/week.</p> <hr/> <p>For all of the above plants, the lead/chief operator must be Class C or higher.</p>	<p>Not Applicable</p>
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4. Water Treatment Plant Category IV				
Treatment Process	Class A	Class B	Class C	Class D

<p>Activated alumina or carbon adsorption with backwashing or on-site media regeneration or reactivation, for removal of only secondary contaminants; chloramination; chlorine dioxide treatment; ion exchange for removal of any secondary contaminant, sulfide, or hardness from a CWS; oxidation and rapid-rate granular-media filtration, or direct filtration, of ground water for removal of any secondary contaminant or sulfide from a CWS; or ozonation.</p>	<p>Not Applicable</p>	<p>10 MGD and above</p> <p>Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.</p>	<p>5.0 MGD up to 10 MGD</p> <p>Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>3.0 MGD up to 5.0 MGD</p> <p>Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>1.0 MGD up to 3.0 MGD</p> <p>Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.1 MGD up to 1.0 MGD</p> <p>Staffing by Class C or higher operator: 5 visits/week and one visit each weekend for a total of 1.2 hours/week.</p> <hr/> <p>For all of the above plants, the lead/chief operator must be Class C or higher.</p>	<p>Less than 0.1 MGD</p> <p>Staffing by a Class D or higher operator: 3 visits/week on nonconsecutive days for a total of 0.6 hour/week. The lead/chief operator must be Class D or higher.</p>
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5. Water Treatment Plant Category V				
Treatment Process	Class A	Class B	Class C	Class D

<p>Activated alumina or carbon adsorption without backwashing and without on-site media regeneration or reactivation; aeration; alkalinity or pH adjustment; chlorination or hypochlorination; corrosion control inhibitor addition; fluoridation; iron or manganese sequestration; or ultraviolet radiation.</p>	<p>Not Applicable</p>	<p>Not Applicable</p>	<p>5.0 MGD and above</p> <p>Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>3.0 MGD up to 5.0 MGD</p> <p>Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.25 MGD up to 3.0 MGD</p> <p>Staffing by Class C or higher operator: 5 visits/week and one visit each weekend for a total of 0.6 hour/week.</p> <hr/> <p>For all of the above plants, the lead/chief operator must be Class C or higher.</p>	<p>50,000 GPD up to 0.25 MGD</p> <p>Staffing by Class D or higher operator: 3 visits/week on nonconsecutive days for a total of 0.3 hour/week.</p> <hr/> <p>Less than 50,000 GPD</p> <p>Staffing by a Class D or higher operator: 2 visits/week on nonconsecutive days for a total of 0.2 hour/week. There shall be no more than 5 days between the last visit in one week and the first visit in the next week.</p> <hr/> <p>For all of the above plants, the lead/chief operator must be Class D or higher.</p>
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(f) Classification and Staffing Requirements for Water Distribution Systems. Refer to tables 1. and 2., below, and determine the classification and staffing requirements for each water distribution system using the following two-step procedure: first determine the category of the distribution system and then, within that category, determine the classification and staffing requirements for the distribution system. Determine the distribution system category by using the highest classification of water treatment plant to which the distribution system is connected, with Class A being the highest plant classification and Class D being the lowest plant classification. Determine the distribution system classification and staffing requirements within the determined distribution system category by using the number of persons served directly by the distribution system, which excludes any persons served by any separately owned and operated wholesale or regulated consecutive system connected to the distribution system. Level 1 is the highest possible distribution system classification, and Level 4 is the lowest possible distribution system classification.

1. Water Distribution System Category I				
Distribution System	Level 1	Level 2	Level 3	Level 4
Distribution system connected to a Class A, B, or C water treatment plant.	Serving 100,000 or more persons.	Serving at least 10,000 persons and less than 100,000 persons.	Serving at least 1,000 persons and less than 10,000 persons.	Serving less than 1,000 persons ³ .

	<p>The lead/chief operator must be a Level 1 water distribution system operator or a Class C or higher water treatment plant operator. Additionally, a Level 3 or higher water distribution system operator or a Class C or higher water treatment plant operator shall be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 below unless the activity is being performed by a licensed contractor working within the scope of his or her license.²</p>	<p>The lead/chief operator must be a Level 2 or higher water distribution system operator or a Class C or higher water treatment plant operator. Additionally, a Level 3 or higher water distribution system operator or a Class C or higher water treatment plant operator shall be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 below unless the activity is being performed by a licensed contractor working within the scope of his or her license.²</p>	<p>The lead/chief operator must be a Level 3 or higher water distribution system operator or a Class C or higher water treatment plant operator. Additionally, a Level 3 or higher water distribution system operator or a Class C or higher water treatment plant operator shall be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 below unless the activity is being performed by a licensed contractor working within the scope of his or her license.²</p>	<p>The lead/chief operator must be a Level 4 or higher water distribution system operator or a Class D or higher water treatment plant operator. Additionally, a Level 4 or higher water distribution system operator or a Class D or higher water treatment plant operator shall be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 below unless the activity is being performed by a licensed contractor working within the scope of his or her license.²</p>
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¹ The following water distribution system operation or maintenance activities may affect water quality or quantity: cleaning (swabbing, pigging, scraping, or air-purging) existing or repaired water mains; tapping, depressurizing/dewatering, or disinfecting existing or repaired water mains; dewatering, cleaning, or disinfecting existing or repaired finished-water storage tanks; and manually operating pumps, or adjusting automatic pump controls or automatic control valves, as necessary to regulate water distribution system flows or pressures.

² Part I of Chapter 489, F.S., and rules adopted thereunder and administered by the Department of Business and Professional Regulation and the Construction Industry Licensing Board regulate the construction industry and establish whether construction work, including the repair or replacement of water distribution system facilities, must be performed by a licensed contractor.

³ For wholesale systems, a Category I water distribution system serving less than 1,000 persons shall be classified as a Level 3 water distribution system.

2. Water Distribution System Category II

Distribution System	Level 1	Level 2	Level 3	Level 4
Distribution system connected to a Class D water treatment plant.	Not Applicable	Not Applicable	Not Applicable	The lead/chief operator must be a Level 4 or higher water distribution system operator or a Class D or higher water treatment

				<p>plant operator. Additionally, a Level 4 or higher water distribution system operator or a Class D or higher water treatment plant operator shall be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 below unless the activity is being performed by a licensed contractor working within the scope of his or her license².</p>
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¹ Water distribution system operation and maintenance activities that may affect water quality or quantity include the following: cleaning (swabbing, pigging, scraping, or air-purging) existing or repaired water mains; tapping, depressurizing/dewatering, or disinfecting existing or repaired water mains; dewatering, cleaning, or disinfecting existing or repaired finished-water storage tanks; and manually operating pumps, or adjusting automatic pump controls or automatic control valves, as necessary to regulate water distribution system flows or pressures.

² Part I of Chapter 489, F.S., and rules adopted thereunder and administered by the Department of Business and Professional Regulation and the Construction Industry Licensing Board regulate the construction industry and establish whether construction work, including the repair or replacement of water distribution system facilities, must be performed by a licensed contractor.

Rulemaking Authority 403.869, 403.88(4) FS. Law Implemented 403.853(6), 403.867, 403.875(1)(f), 403.88(1), (2), (3) FS. History—New 11-17-70, Revised 10-24-74, Amended 12-25-75, 6-10-76, 1-12-81, Formerly 17-16.12, 17-16.13, Amended 5-8-85, Formerly 17-16.370, 17-602.370, 17-699.310, Amended 10-15-07, 3-6-13.

62-699.311 Additional Classification and Staffing Requirements.

(1) An operator meeting the lead/chief operator class for the treatment plant shall be available during all periods of domestic wastewater or water treatment plant operation, and an operator meeting the lead/chief operator level or class for the water distribution system shall be available during all periods of distribution system operation. “Available” means able to be contacted as needed to initiate the appropriate action in a timely manner.

(2) A daily check of each Class C or D domestic wastewater treatment plant shall be performed by the permittee, or his or her representative or agent, each day the plant is in operation or 5 days per week, whichever is less. The daily check of a plant shall include on-site observation of the plant to verify that it is functioning and may include the taking of readings or samples or the performing of tests or measurements; and the daily check of a plant shall be noted in the operation and maintenance log required under subsection 62-602.650(4), F.A.C. A daily visit, or daily staffing, of a plant by an appropriately licensed operator fulfills the requirement for a daily check of the plant. Nothing in this subsection (2), shall be construed as allowing anyone to perform compliance tests for domestic wastewater unless he or she meets applicable qualification requirements in subsection 62-601.400(3), F.A.C.

(3) Checks of water treatment plants shall be performed by suppliers of water, or their representatives or agents, as described in paragraphs (a) and (b), below. Each plant check shall be noted in the plant’s operation and maintenance log required under paragraph 62-555.350(12)(a), F.A.C., or subsection 62-602.650(4), F.A.C. Nothing in this subsection (3), shall be construed as allowing anyone to perform compliance measurements for drinking water unless he or she meets applicable qualification requirements in subsection 62-550.550(1) or (2), F.A.C.

(a) For each water treatment plant that is part of a community or non-transient non-community water system or is part of a

transient non-community water system subject to operator staffing requirements under Rule 62-699.310, F.A.C., the supplier of water, or the supplier's representative or agent, shall check the plant on each day when one or more plant measurements are required under Chapter 62-550 or 62-555, F.A.C., but the plant is not staffed by a licensed operator. Each plant check shall include onsite observation of the plant to verify it is functioning and shall include performance of the one or more plant measurements required under Chapter 62-550 or 62-555, F.A.C.

(b) For each water treatment plant that is part of a transient non-community water system not subject to operator staffing requirements under Rule 62-699.310, F.A.C., the supplier of water, or the supplier's representative or agent, shall check the plant each day the plant serves water to the public or two days per week, whichever is less. Also, the supplier of water, or the supplier's representative or agent, shall check the plant on any additional days when one or more plant measurements are required under Chapter 62-550 or 62-555, F.A.C. Each plant check shall include on-site observation of the plant to verify it is functioning, shall include performance of any plant measurement required under Chapter 62-550 or 62-555, F.A.C., and can include measurement of the residual disinfectant concentration at the remote point in the water distribution system as required under subsection 62-555.350(6), F.A.C.

(4) A Class D operator shall be the lead/chief operator of no more than one domestic wastewater treatment plant plus one water treatment plant and distribution system except in cases where multiple plants and distribution systems are under the same ownership. In those cases where the plants and distribution systems are all under the same ownership, a Class D operator may be the lead/chief operator of as many as five domestic wastewater treatment plants, as many as five water treatment plants and distribution systems, or any combination of domestic wastewater treatment plants plus water treatment plants and distribution systems totaling five.

(5) Upon written request by the permittee or supplier of water, the Department shall approve in writing, in accordance with paragraph (a) or (b), below, reduction in staffing requirements under paragraph 62-699.310(2)(a) or (e), F.A.C., for proposed new domestic wastewater or water treatment plants that are under an electronic surveillance system, automatic control system, or electronic control system and for existing domestic wastewater or water treatment plants that are under an electronic surveillance system, automatic control system, or electronic control system and that have been in compliance with applicable water quality standards and applicable operation and maintenance requirements for the past year. However, if the Department approves a reduction in staffing requirements under this subsection and the plant's electronic surveillance system, automatic control system, or electronic control system subsequently malfunctions or fails, the Department's approval of reduced staffing requirements shall be considered temporarily revoked while the plant's electronic surveillance system, automatic control system, or electronic control system is not functioning properly.

(a) For plants that are under an electronic surveillance system or automatic control system, staffing requirements shall be reduced as follows:

1. Staffing for a Class A plant shall be reduced to no less than staffing by a Class C or higher operator 12 hours/day for 7 days/week with the 12 hours/day of staffing occurring during the 12-hour period of greatest influent flow or water production. The class of the lead/chief operator shall not be reduced.

2. Staffing for a Class B plant shall be reduced to no less than staffing by a Class C or higher operator 8 hours/day for 7 days/week with the 8 hours/day of staffing occurring during the 8-hour period of greatest influent flow or water production. The class of the lead/chief operator shall not be reduced.

3. Staffing for a Class C plant shall be reduced to no less than the minimum staffing required for the next smaller size of Class C plant in the same treatment process category.

(b) For plants that are under an electronic control system, staffing requirements shall be reduced as follows:

1. Staffing for a Class A plant shall be reduced to no less than staffing by a Class C or higher operator 6 hours/day for 5 days/week and one visit by a Class C or higher operator on each weekend day. The class of the lead/chief operator shall not be reduced.

2. Staffing for a Class B plant shall be reduced to no less than staffing by a Class C or higher operator 4 hours/day for 5 days/week and one visit by a Class C or higher operator on each weekend day. The class of the lead/chief operator shall not be reduced.

3. Staffing for a Class C plant shall be reduced to no less than the minimum staffing required for the smallest size of Class C plant in the same treatment process category.

(6) At Class B domestic wastewater or water treatment plants, the 16 hours/day of staffing shall occur during the 16-hour period, or two 8-hour periods, of greatest influent flow or water production.

(7) At Class A, B, or C domestic wastewater or water treatment plants, a licensed Class C or higher operator shall be onsite and

in charge of each required shift for periods of required staffing time when the lead/chief operator is not onsite.

(8) Upon written request by the supplier of water, the Department shall approve in writing, in accordance with paragraphs (a) through (d), below, reduction in staffing requirements under subparagraph 62-699.310(2)(e)5., F.A.C., for proposed new Category V water treatment plants that are connected to the same water distribution system and for existing Category V water treatment plants that are connected to the same water distribution system and that have been in compliance with applicable water quality standards and applicable operation and maintenance requirements for the past year.

(a) The cumulative number of staffing hours for all the eligible Category V plants connected to the distribution system shall be reduced to no less than the number of staffing hours that would be required for a single Category V plant having a permitted maximum-day operating capacity equal to the cumulative permitted maximum-day operating capacity of all the eligible Category V plants connected to the distribution system.

(b) The cumulative number of staffing hours for all the eligible Category V plants connected to the distribution system shall be divided among the eligible plants in 0.1-hour, or one-visit, increments approximately proportional to the permitted maximum-day operating capacity of each eligible plant.

(c) Staffing requirements for each eligible Category V plant shall be reduced no less than a visit on each day that staffing time or a visit is required for the plant under subparagraph 62-699.310(2)(e)5., F.A.C.

(d) The class of the lead/chief operator for each Category V plant shall not be reduced.

(9) Upon written request by the permittee or supplier of water, the Department shall approve in writing, in accordance with paragraphs (a) and (b) below, reduction in staffing requirements under paragraph 62-699.310(2)(a) or (e), F.A.C., for existing domestic wastewater or water treatment plants that are treating or producing less than the permitted capacity of the plant and that have been in compliance with applicable water quality standards and applicable operation and maintenance requirements for the past year.

(a) Staffing hours and visits shall be reduced to no less than the minimum staffing that would be required if the permitted capacity of a domestic wastewater treatment plant were considered to be equal to the actual treatment plant influent flow or if the permitted capacity of a water treatment plant were considered to be equal to the actual maximum-day production.

(b) The class of the lead/chief operator shall not be reduced.

(10) The classification of the operator, the number of days per week, and the number of hours per day specified in paragraphs 62-699.310(2)(a) through (e), F.A.C., are minimum requirements. The Department shall require a higher classification, more frequent visits, or more hours per day in those cases where additional staffing is necessary to ensure that a facility will comply with permit requirements or where there is a history of repeated non-compliance with permit requirements or applicable rule requirements. The Department shall provide to the permittee or supplier of water written notice of its intent to impose these more stringent requirements, setting forth with specificity the reasons that justify the Department's proposed actions. Within fourteen days of receipt of notification, the permittee or supplier of water may petition for an administrative hearing under Sections 120.569 and 120.57, F.S.

(11) This subsection applies to the lead/chief operator of Class A or B domestic wastewater or water treatment plants. The lead/chief operator shall be employed at the plant full time. "Full-time" shall mean at least 4 days per week, working a minimum of 35 hours per week, including leave time. Upon written request by the permittee or supplier of water and written approval by the Department, the lead/chief operator may supervise the operation of two plants located in close physical proximity or multiple plants connected to a single water distribution system or domestic wastewater collection system when the multiple plants are under an electronic control system. The lead/chief operator's time shall be allocated between or among the plants and electronic control system based upon the size and complexity of the plants and the availability of an electronic control system for the plants.

(12) For Class C domestic wastewater or water treatment plants, the lead/chief operator shall staff or visit the plant at least twice per month, and for Class D domestic wastewater or water treatment plants, the lead/chief operator shall visit the plant at least once per month.

(13) Upon written request by the permittee or supplier of water, the Department shall approve in writing reduction of staffing requirements under paragraph 62-699.310(2)(a) or (e), F.A.C., for domestic wastewater or water treatment plants that are operational (i.e., on line and able to treat wastewater or water) fewer hours per day, or fewer days per week, than the plant must be staffed per paragraph 62-699.310(2)(a) or (e), F.A.C. In such cases, staffing requirements shall be reduced to the number of hours per day, or days per week, that the plant is operational, but the class of the lead/chief operator shall not be reduced.

(14) Upon written request by the permittee or supplier of water, the Department shall approve in writing an interchange of

weekend visits with the same number of required weekdays of staffing for domestic wastewater or water treatment plants that have greater influent flow or water production on weekends than on weekdays. The total number of days per week that a plant is staffed versus visited shall not be reduced.

(15) A licensed water treatment plant operator may serve both as an operator, or the lead/chief operator, of a water treatment plant and as an operator, or the lead/chief operator, of the water distribution system connected to that plant.

Rulemaking Authority 403.869, 403.88(4) FS. Law Implemented 403.867, 403.88(1), (2), (3) FS. History--New 11-17-70, Revised 10-24-74, Amended 12-25-75, 6-10-76, Formerly 17-16.13, Amended 5-8-85, Formerly 17-16.375, 17-602.375, 17-699.311, Amended 7-5-01, 10-15-07, 3-6-13.

DRAFT AGENDA
Materials contained in this agenda are for discussion purposes only and are not to be construed as regulation.
DRAFT AGENDA

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 06 WATERWORKS AND WASTE SYSTEMS OPERATORS

Chapter 01 General Regulations

Authority: Environment Article, Title 12, Annotated Code of Maryland

DRAFT AGENDA
Materials contained in this agenda are proposed
and are not to be construed as regulation or official board position.
DRAFT AGENDA

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the State Board of Waterworks and Waste Systems Operators.

(2) "Categorical industrial users" means industrial users subject to pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with §307 of the Clean Water Act that regulates process wastewater.

(3) Certificate.

(a) "Certificate" means a certificate of certification as an operator or superintendent, issued by the Board.

(b) "Certificate" includes:

(i) An operator certificate, as limited by Regulation .06C of this chapter;

(ii) A superintendent certificate, as limited by Regulation .06F of this chapter;

(iii) A temporary certificate, as limited by Regulation .06B of this chapter;

(iv) A grandparented certificate, as limited by Regulation .06D of this chapter; and

(v) A certification renewal card.

(4) "Certified operator" means an operator who has a current operator certificate issued by the Board.

(5) "Certified superintendent" means a superintendent who has a current superintendent certificate issued by the Board.

(6) "Department" means the Department of the Environment.

(7) "Direction" means supervision provided by:

(a) A certified operator located on-site;

(b) A set of site-specific standard operating procedures approved by the Maryland Department of the Environment with a certified operator available on call; or

(c) Direct on-site control.

(8) "Industrial wastewater works" means a facility used to collect, store, pump, treat, or discharge any waste substance that results from:

(a) A manufacturing process;

(b) A business process; or

(c) The development of natural resources.

(9) Operator.

(a) "Operator" means an individual who participates in the operation of:

(i) A waterworks, including the control of the flow, processing, or distribution of water;

(ii) A wastewater works, including the collection, control of flow, processing, or discharge of wastewater and effluent; or

(iii) An industrial wastewater works, including collection, control of flow, processing, or discharge of industrial wastewater and effluent.

(b) "Operator" does not include a superintendent.

(10) "Operator-in-training" means an individual who has not satisfied the experience, education, and examination requirements that are necessary to receive Operator certification from the Board, and holds a temporary certificate from the Board.

(11) Package Activated Sludge Plant.

(a) "Package activated sludge plant" means a wastewater treatment plant that is determined by the Department to have the following characteristics:

(i) Employs an activated sludge process;

(ii) Its major components are prefabricated at the factory and transported to the site; and

(iii) It is designed with an emphasis on automated operation to minimize on-site supervision required.

(b) Package activated sludge plants shall be designated by the Department on a case-by-case basis.

(12) "Pretreatment plant" means an industrial wastewater works discharging to a wastewater works.

(13) "Responsible charge" means responsibility for the operation and supervision of all or any part of a waterworks, wastewater works, or industrial wastewater works.

(14) "Secretary" means the Secretary of the Environment.

(15) "Significant industrial users" means:

(a) All categorical industrial users subject to categorical pretreatment standards;

(b) Noncategorical industrial users with 25,000 gallons per day or more discharge of process wastewater to the publicly owned wastewater treatment plant;

(c) Noncategorical industrial users which make up 5 percent or more of the dry weather hydraulic or organic capacity of the publicly owned wastewater treatment plant; or

(d) Any industrial user with a reasonable potential to adversely affect the operation of a publicly owned wastewater treatment plant or violating any pretreatment standard or requirement.

(16) "Superintendent" means an individual who is designated by any employing or appointing person, county, municipality, sanitary district, or this State as the individual in responsible charge of a waterworks, wastewater works, or industrial wastewater works.

(17) "Training, Review, and Evaluation Committee" means the committee that is established by the Board to receive, review, and evaluate each application for training approval.

(18) "Wastewater collection system" means that portion of a wastewater works that collects, stores, or pumps any liquid or waterborne waste.

(19) "Wastewater treatment plant" means that portion of a wastewater works that receives, treats, and discharges any liquid or waterborne waste.

(20) Wastewater Works.

(a) "Wastewater works" means a facility used to collect, store, pump, treat, or discharge any liquid or waterborne waste.

(b) "Wastewater works" does not include:

(i) A facility that is used only by a private residence;

(ii) A facility that uses a septic tank or subsoil absorption; or

(iii) An industrial wastewater works.

(21) "Water distribution system" means that portion of the waterworks that receives, stores, pumps, and distributes water for human consumption.

(22) "Water treatment plant" means that portion of the waterworks that collects and treats water for human consumption.

(23) "Waterworks" means a facility used to collect, store, pump, treat, or distribute water for human consumption. "Waterworks" does not include a facility that is used only by a private residence.

(24) "Works" means a specific waterworks, wastewater works, or industrial wastewater works.

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.02 Board Organization.

A. Function. The Board, in accordance with these regulations, shall:

- (1) Review and approve all applications for certification and certification renewal;
- (2) Interview applicants for certification in specific cases, when referred by the secretary of the Board;
- (3) Prepare and give examinations to qualified applicants for certification;
- (4) Hear appeals concerning certification requirements;
- (5) Determine the subject, scope, form, and passing score for examinations;
- (6) Investigate all reports of fraud or deception in the obtaining or use of a certificate issued by the Board;
- (7) Investigate all reports of unsatisfactory performance in the operation or supervision of a waterworks, wastewater works, or industrial wastewater works;
- (8) Take disciplinary action, including the reprimand of a certificate holder or suspension or revocation of a certificate; and
- (9) Recommend regulations for promulgation by the Secretary.

B. Meetings. The Board shall meet at least annually, at the times and places that it determines.

C. Communication with the Board. All communications with the Board shall be directed to the secretary of the Board of Waterworks and Waste Systems Operators, 1800 Washington Boulevard, Baltimore, Maryland 21230.

D. Payment of Fee. All fees shall be directed to the Maryland Department of the Environment, Board of Waterworks and Waste Systems Operators, as specified by the Board.

.03 Classification of Facilities.

A. Industrial Wastewater Works.

(1) Industrial wastewater works are classified into the seven classes set out in Table 1 of Regulation .16 of this chapter.

(2) Unless the Department determines that a reasonable potential exists to adversely affect the quality of the receiving body of water or the environment, the following categories are not industrial wastewater works as defined in Environment Article, §12-101(h), Annotated Code of Maryland:

- (a) Petroleum storage and distribution facilities;
- (b) Seafood processors;
- (c) Vehicle washing facilities;
- (d) Vehicle maintenance facilities;
- (e) Sand and gravel facilities;
- (f) Stone quarries;
- (g) Industries dechlorinating supply water as their only treatment;
- (h) Industries discharging only stormwater runoff; and
- (i) Industries performing tank or pipe hydrostatic testing.

(3) The Department may require classification of any individual works within the categories identified under §A(2)(a)—(i) of this regulation.

(4) Classification of the pretreatment plants will be required only for significant industrial users.

B. Wastewater Treatment Plants. Wastewater treatment plants are classified into the eight classes set out in Table 2 of Regulation .16 of this chapter.

C. Wastewater Collection Systems.

(1) Wastewater collection systems are classified into the following two classes:

- (a) Class 1—Wastewater collection systems with gravity flow;
- (b) Class 2—Wastewater collection systems with gravity and pumped or vacuum flow.

(2) A wastewater collection system is not classified as a separate entity if it is under the operation and supervision of certified wastewater treatment plant personnel.

D. Water Treatment Plants. Water treatment plants are classified into the six classes set out in Table 3 of Regulation .16 of this chapter.

E. Water Distribution Systems.

(1) Water distribution systems are classified as one class, Water Distribution (WD).

(2) A water distribution system is not classified as a separate entity if it is under the operation and supervision of certified water treatment plant personnel.

.04 Classification, Authority, and Requirements of Operators and Superintendents.

A. Industrial Wastewater Works Operators and Superintendents.

(1) The classification of industrial wastewater works operators and superintendents is determined by the classification of industrial wastewater works.

(2) Classification, authority, and certification requirements of the industrial wastewater works operators and superintendents are set out in Table 4 of Regulation .16 of this chapter.

B. Wastewater Treatment Plant Operators and Superintendents.

(1) The classification of wastewater treatment plant operators and superintendents is determined by the classification of wastewater treatment plants.

(2) Classification, authority, and requirements of the wastewater treatment plant operators and superintendents are set out in Table 5 of Regulation .16 of this chapter.

C. Wastewater Collection Systems Operators and Superintendents.

(1) The classification of wastewater collection systems operators and superintendents is determined by the classification of the wastewater collection systems.

(2) Classification, authority, and requirements of the wastewater collection systems operators and superintendents are set out in Table 6 of Regulation .16 of this chapter.

D. Water Treatment Plant Operators and Superintendents.

(1) The classification of water treatment plant operators and superintendents is determined by the classification of water treatment plants.

(2) Classification, authority, and requirements of the water treatment plant operators and superintendents are set out in Table 7 of Regulation .16 of this chapter.

E. Water Distribution Systems Operators and Superintendents.

(1) Water distribution systems operators and superintendents are classified under one class, Water Distribution (WD).

(2) Minimum education and experience requirements for water distribution systems operators and superintendents are:

(a) Successful completion of high school or high school equivalency; and

(b) One year experience in water distribution.

.05 Certification.

A. General.

(1) An individual may not practice as an operator or superintendent in a works unless that individual has been certified by the Board in the appropriate classification.

(2) Unless the Department determines that a reasonable potential exists to adversely affect the quality of the receiving body of water or the environment, operators or superintendents working in the following categories need not be certified under this regulation:

- (a) Petroleum storage and distribution facilities;
- (b) Seafood processors;
- (c) Vehicle washing facilities;
- (d) Vehicle maintenance facilities;
- (e) Sand and gravel facilities;
- (f) Stone quarries;
- (g) Industries dechlorinating supply water as their only treatment;
- (h) Industries discharging only stormwater runoff; and
- (i) Industries performing tank or pipe hydrostatic testing.

(3) The Department may require certification of operators and superintendents working in the industrial wastewater works of any individual facility within the categories identified under §A(2)(a)—(i) of this regulation.

(4) Certification of operators and superintendents working in pretreatment plants may be required only for those plants that are significant industrial users.

B. Individuals Who Shall Have an Operator or Grandparented Certificate.

(1) Wastewater Treatment Plant and Water Treatment Plant. Individuals who are responsible for one or more of the following tasks shall be certified as water treatment plant or wastewater treatment plant operators:

- (a) Makes decisions regarding the control of flow, and processing of raw and treated drinking water, wastewater, or sludge, or makes the adjustments that control flow or processing of raw or treated drinking water, wastewater, or sludge;
- (b) Observes variations in operating conditions, and interprets meter and gauge readings and test results to determine processing requirements for treatment of drinking water, wastewater, or sludge; or
- (c) In the absence of the superintendent or operator in responsible charge, makes operating decisions based on the superintendent's or operator in responsible charge's directives or on standard operating procedures.

(2) Wastewater Collection System and Water Distribution System. Individuals who are responsible for one or more of the following tasks shall be certified as wastewater collection system or water distribution system operators:

- (a) Determines remedial action in emergencies;
- (b) In the absence of the superintendent or operator in responsible charge, makes operating decisions based on the superintendent's or operator in responsible charge's directives or on standard operating procedures; or
- (c) Makes the adjustments that control flow of treated drinking water or wastewater, unless directed by an operator in responsible charge or superintendent who is available on-site when the adjustment is made.

(3) Industrial Wastewater Works and Pretreatment Plants. An individual who is responsible for one or both of the following tasks shall be certified as an industrial wastewater works operator:

(a) Makes decisions on operation procedures;

(b) Trains and directs employees to maintain equipment operating procedures.

C. Individuals Who Shall Have a Superintendent Certificate. Individuals appointed to the following positions by an employing or appointing person, county, municipality, sanitary district, or this State shall be certified as superintendents:

(1) Superintendent of the works; or

(2) Assistant superintendent of the works.

D. Employment of Certified Personnel. A person, county, municipality, sanitary district, or this State may not operate a works unless all operators and superintendents as provided in this regulation are certified by the Board.

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.06 Types of Certificates and Certification Requirements.

A. The Board shall issue a certificate only for a class of works at which the applicant is employed or is awaiting specific employment. If the applicant is not employed or awaiting specific employment in the class of works under review, the Board may not issue a certificate.

B. Temporary Certificates and Certification.

(1) The Board shall issue a temporary certificate to an applicant who:

(a) Is employed by a waterworks, wastewater works, or industrial wastewater works in Maryland, and is awaiting specific assignment to duties in the job functions defined in Regulation .05 of this chapter;

(b) Applies for certification; and

(c) Pays a certification fee in accordance with Regulation .07 of this chapter.

(2) The temporary certificate holder shall work only under the direction of a holder of a superintendent or operator certificate.

(3) The Board may not issue a temporary certificate to an applicant if the certificate applied for would replace a temporary certificate that could be renewed.

(4) A temporary certificate holder will be identified as an Operator-in-Training.

C. Operator Certificates and Certification.

(1) The Board shall issue an operator certificate to an applicant who:

(a) Is employed or is awaiting specific employment, in the job functions defined in Regulation .05B of this chapter, at a waterworks, wastewater works, or industrial wastewater works that is regulated under Environment Article, Annotated Code of Maryland;

(b) Meets the education and experience requirements established in Regulations .04 and .16 of this chapter;

(c) Passes an appropriate examination given by the Board; and

(d) Pays a certification fee in accordance with Regulation .07 of this chapter.

(2) Experience as an operator in Maryland that was obtained in the certification class for which operator certification has been requested is fully creditable toward the experience requirements established in Regulations .04 and .16 of this chapter if the experience:

(a) Was obtained under a valid certificate from the Board; or

(b) Occurred before March 29, 1991.

(3) The following experience may be credited toward the experience requirements established in Regulations .04 and .16 of this chapter, as determined by the Board:

(a) Experience as an operator in Maryland that was obtained in a certification class other than the one for which operator certification has been requested, if the experience:

(i) Was obtained under a valid certificate from the Board, or

(ii) Occurred before March 29, 1991;

(b) Experience as an operator that was obtained in another state, in the armed forces of the United States, or at other federal facilities; or

(c) Related experience that was not as an operator.

(4) The approval by the Board of experience credit under §C(3)(b) or (c) of this regulation is based upon the following information in writing from the applicant:

- (a) A description of the unit processes for which the applicant seeks experience credit;
- (b) A description of the applicant's specific job duties for which the applicant seeks experience credit; and
- (c) Verification from the applicant's present employer or previous employer, or both, of the information provided in §C(4)(a) and (b) of this regulation.

(5) The approval of experience credit under §C(3)(a)(i) of this regulation for a person who holds multiple certificates will be determined by the Board. The following information will be considered:

- (a) Experience as a water, wastewater, or industrial wastewater operator that is earned under a valid certificate may be credited hour-for-hour toward the experience requirement for an operator certificate;
- (b) Whether the applicant has passed the appropriate examination for the certification that is under review; and
- (c) Whether a minimum of 1,800 hours or 1 year of experience was earned in the highest class of each certificate category for which a temporary certificate is held.

(6) The minimum experience requirements for operator certification for individuals whose applications for temporary or operator certification were received by the Board before the effective date of this regulation shall be:

- (a) For wastewater collection class 1, 1 year or 1,800 hours, whichever occurs first;
- (b) For wastewater collection class 2 and industrial class 6, 2 years or 3,600 hours, whichever occurs first;
- (c) For industrial class 5, wastewater classes 4, 5, S, and A, and water class 4, 3 years or 5,400 hours, whichever occurs first; and
- (d) For all other classes, the requirements set forth in Regulation .16 of this chapter.

(7) Except as provided in §C(3)(a)—(c) of this regulation, the minimum requirements for operator certification shall be as set forth in Regulations .04 and .16 of this chapter.

(8) As set forth in Tables 4, 5, and 7 of Regulation .16 of this chapter, the holder of a valid operator certificate may be authorized to operate more than one class of works or system.

D. Grandparented Certificates and Certification.

(1) The Board shall issue a grandparented certificate to any applicant who:

- (a) Meets the education and experience requirements in accordance with Regulation .04 of this chapter;
- (b) Is employed as an operator in the waterworks for a public water system:
 - (i) As defined in COMAR 26.04.01; and
 - (ii) Not covered by this chapter before February 5, 2001, as determined by the Approving Authority;
- (c) Applies for certification; and
- (d) Pays a certification fee in accordance with Regulation .07 of this chapter.

(2) A grandparented certificate shall be site-specific, and expire immediately upon termination of employment at the waterworks identified in the certificate.

(3) If the classification of the plant or distribution system changes to a higher level, the grandparented certificate is no longer valid.

(4) All grandparented certificates shall be applied for by February 5, 2003.

E. Superintendent Certificates and Certification.

(1) The Board shall issue a superintendent certificate for a specific works to an applicant who:

(a) Has a valid operator certificate from the Board for the classification in which the applicant is employed as set out in Regulations .04 and .16 this chapter;

(b) Meets the education requirements set out in Regulations .04 and .16 of this chapter;

(c) Meets the experience requirements set out in Regulations .04 and .16 of this chapter and §E(2) of this regulation;

(d) Is appointed by the employing or appointing person, county, municipality, sanitary district, or this State; and

(e) Pays a certification fee in accordance with Regulation .07 of this chapter.

(2) The following experience may be credited toward the experience requirements for superintendent certification:

(a) Experience gained with an operator certificate from the Board in the class of facility for which superintendent certification has been requested; and

(b) Other experience as determined by the Board, including:

(i) Experience in responsible charge of a facility as defined in Regulation .01B(12) of this chapter, and

(ii) Other management experience acceptable to the Board.

(3) Requests for crediting of experience under §E(2)(b) of this regulation shall include:

(a) A written description of the applicant's specific job duties and responsibilities; and

(b) Written verification from the applicant's present employer or previous employer, or both, of the information provided in §E(3)(a) of this regulation.

F. Education Substituted for Experience.

(1) Education may be substituted for a portion of the experience requirements set out in Regulations .04 and .16 of this chapter.

(2) The following are eligible for education substitution:

(a) College course work in science or engineering at the rate of 30 semester credit hours of course work for a year of experience; and

(b) Other job-related courses or training as determined by the Board.

(3) The substitution of education for experience is limited as follows:

(a) Only education completed beyond the minimum educational requirements specified in Regulations .04 and .16 of this chapter may be substituted for experience;

(b) The substitution of college course work in science or engineering for experience is specified in Regulation .16 of this chapter;

(c) The substitution of education for experience may not exceed a total of 1 year; and

(d) Each request to substitute education for experience shall be supported by an official transcript sent directly to the Board from the applicant's college or university, or by other documentation acceptable to the Board.

G. Experience Substituted for Education. When applicable, experience may be substituted for the education requirements set out in Regulations .04 and .16 of this chapter. Substitution of experience for education shall be limited as follows:

(1) One year of experience may be substituted for 1 year of college;

(2) One year of experience beyond the minimum experience requirement may be substituted for education.

H. Certificate. Each certificate shall:

(1) Indicate the classification the operator or temporary certificate holder is authorized to operate as set out in Tables 4—7 of Regulation .16 of this chapter;

- (2) Indicate the works that the superintendent certificate holder is authorized to superintend;
- (3) Indicate the certification number and the date of issuance;
- (4) Bear the seal of the Board; and
- (5) In the case of superintendent and operator certificates, be signed by the chairman and the secretary of the Board.

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.07 Payment of Fees.

- A. Payment of all fees under this chapter shall be made payable to the "Board of Waterworks and Waste Systems Operators".
- B. Payment of fees shall accompany the completed application form for examination, or certificate issuance or renewal.
- C. All fees are nonrefundable.
- D. Except as provided in §F of this regulation, the following fees are established by the Board for items and services provided under this chapter:

Types of Certificates (Currency unit - U.S. dollars)

Service	Operator	Temporary	Superintendent	Grandparented
Examination fee	\$50	N/A	N/A	N/A
Fee to retake an exam	\$100	\$100	N/A	N/A
Reciprocity	\$150	N/A	N/A	N/A
Late Renewal Fee (in addition to standard renewal fees)	\$100	\$100	\$100	\$100
Reinstatement Fee (in addition to standard renewal fees)	\$150	N/A	N/A	N/A
Replace certificate	\$25	\$25	\$25	\$25
Replace renewal card	\$15	\$15	\$15	\$15
Fee for initial certification	\$50	\$50	\$50	N/A
Name/address change	No charge for any name/address change			

- E. The renewal fee paid by an individual shall be based upon the types and categories of certificates held by that individual. The renewal fee for a 3-year period shall be \$50 per certification category and type.

Types of Certificates (Currency unit - U.S. dollars)

Certification Categories	Operator	Temporary	Superintendent	Grandparented
Wastewater	\$50	\$50	\$50	N/A
Water treatment	\$50	\$50	\$50	\$50
Industrial wastewater	\$50	\$50	\$50	N/A
Wastewater collection	\$50	\$50	\$50	N/A
Water distribution	\$50	\$50	\$50	\$50

- F. The maximum fee for the renewal of all certificates held by an individual shall be \$100 if the certificates are renewed at the same time. This does not include any late renewal fees, reinstatement fee, computer-based examination fees charged by the testing facility, or examination fees that may be applicable. The maximum late renewal fee assessed for an operator with multiple certificates shall be \$100.

- G. Applicants who are utilizing the services of computer-based examination sites shall:

- (1) Pay the examination fee to the Board that is specified in §D of this regulation; and
- (2) Pay the site-specific fee that is required by the approved examination location.

.08 Duration of All Certificates.

A. Except as provided in §B of this regulation, superintendent, operator, temporary, and grandparented certificates are valid for 3 years from the date of issuance.

B. The initial superintendent certificate issued to an individual in any category is valid for 1 year and shall be renewed by the Board for 3 years once the certificate holder has satisfactorily completed the superintendent certification training program approved by the Board.

C. A certificate is invalid after the expiration date of the current certificate if not renewed in accordance with the requirements of Regulation .12 of this chapter.

D. A certificate holder may request to consolidate multiple certificate renewal dates if all renewal requirements for the certificates have been met. Certificates may be valid for less than 3 years in this event.

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.09 Application Procedures.

A. An application to the Board for certification or examination shall be:

- (1) Addressed to the secretary of the Board of Waterworks and Waste Systems Operators;
- (2) Made on forms provided by the Board;
- (3) Completed fully and signed by the applicant; and
- (4) Accompanied by the fee specified by Regulation .07 of this chapter.

B. In addition to satisfying the requirements of §A of this regulation, each application for certification shall be:

- (1) Attested by the employing or appointing authority of the works where the applicant is employed; and
- (2) Accompanied by verification that the applicant meets the education and experience requirements set forth in Regulations .04 and .16 of this chapter.

C. In addition to satisfying the requirements of §A of this regulation, each application for examination shall be postmarked, or delivered to the Board, at least 21 days before the examination for which application is made.

.10 Examination for Certification.

A. The Board shall permit an applicant to take the examination for certification only after the Board has determined that the applicant has:

- (1) Any type of valid certification as set forth in Regulation .06 of this chapter; or
- (2) Submitted an application to renew a temporary certificate late.

B. Scope of Examinations. Examinations shall be based on the need-to-know criteria for each specific classification determined by the Board.

C. Passing Score for Examinations. The passing score for examinations is a minimum of 69.5 percent.

D. Schedule and Frequency of Examinations. Examinations shall be held at least twice yearly. Exact dates, times, and locations of the examinations shall be set by the Board.

E. Notification. Each applicant approved for an examination by the Board shall be:

- (1) Notified in writing at least 14 days before the examination of the time and place of the examination; and
- (2) Required to show some form of positive identification before taking the examination.

F. If the exam is passed, a certificate may not be issued until all requirements are met as set out in Regulations .06 and .09 of this chapter.

.11 Reciprocity.

A. General. The Board may grant operator certification to out-of-State applicants without examination, if the applicant:

(1) Submits an application that provides evidence of educational and experience qualifications which satisfies Regulations .04 and .16 of this chapter;

(2) Possesses a valid certificate from the Association of Boards of Certification, or from another state which administers examinations that are substantially equivalent to the examinations in Maryland;

(3) Is employed or awaiting specific employment pending certification in Maryland;

(4) Pays an application fee as specified in Regulation .07 of this chapter; and

(5) Upon approval of the application for reciprocity, pays a certification fee as specified by Regulation .07 of this chapter.

B. Procedure.

(1) Operators. Applicants for operator certification by reciprocity shall submit information in writing on forms provided by the Board. The application shall be verified by the present employer in Maryland and accompanied by proof of requirements set out in Regulations .04 and .16 of this chapter.

(2) Superintendents. Superintendent certification may not be granted by way of reciprocity. Upon certification as an operator by reciprocity, persons shall follow superintendent certification requirements set out in these regulations.

.12 Requirements for Renewal of All Certificates.

A. Except as provided in Regulation .08 of this chapter, the Board shall renew an operator, grandparented, or superintendent certificate if the certificate holder:

- (1) Meets the applicable training requirements set out in Regulation .13 of this chapter;
- (2) Pays a renewal fee in accordance with Regulation .07 of this chapter;
- (3) Submits the application for renewal and payment of the renewal fee to the Board before the current certificate expires; and
- (4) Meets the applicable training requirements set out in Regulation .13 of this chapter;

B. Temporary Certificate.

- (1) The Board may renew a temporary certificate if the certificate holder:
 - (a) Complies with §A of this regulation; and
 - (b) Has taken an examination for operator certification during the 3-year period which ends with the expiration date of the certificate.
- (2) The examination taken under §B(1)(b) of this regulation shall have been for the classification of works for which renewal has been requested.

C. Late Renewal Procedures.

- (1) Holders of expired operator, grandparented, or superintendent certificates shall:
 - (a) Meet the requirements of §A(1) of this regulation;
 - (b) Pay the renewal fee and a late renewal fee to the Board in accordance with Regulation .07 of this chapter not later than 90 days after the expiration date of the certificate; and
 - (c) Submit to the Board a completed application and the fees due.
- (2) Holders of expired temporary certificates shall submit a completed application to the Board which includes:
 - (a) The renewal fee and the late renewal fee in accordance with Regulation .07 of this chapter; and
 - (b) Verification that since the certificate was issued or last renewed, the applicant has:
 - (i) Taken the Board-approved examination for the same certification class that is being renewed; and
 - (ii) Met the applicable training requirements set out in Regulation .13 of this chapter.
- (3) Those who fail to comply with §C(1) of this regulation may:
 - (a) Apply to the Board for reinstatement in accordance with §D of this regulation; or
 - (b) Comply with Regulations .09 and .10 of this chapter.

D. Reinstatement.

(1) Limitations.

- (a) A request for reinstatement shall be submitted to the Board within 2 years after the expiration date of the operator certificate that is to be reinstated.
- (b) Temporary, grandparented, and superintendent certificates may not be reinstated.

(c) The Board may not grant a request for reinstatement that is received after the 2-year period following the expiration of the operator certificate. The operator shall apply for a temporary certificate, and complete the requirements for operator certification in accordance with Regulation .06C of this chapter.

(2) To qualify for reinstatement of an expired operator certificate, an individual shall:

(a) Submit a written request for reinstatement on a form provided by the Board;

(b) Provide evidence that the individual has satisfied the training requirements in Regulation .13 of this chapter for the last renewal period covered by the expired certificate, and has completed additional training in accordance with §D(3) of this regulation; and

(c) Pay a reinstatement fee in accordance with Regulation .07 of this chapter.

(3) The additional training that must be completed before submitting a request for reinstatement shall be:

(a) For reinstatement up to 1 year following the expiration date of the operator certificate, 1/3 of the training units specified by Table 8 in Regulation .16 of this chapter for the class of operator certificate that is to be reinstated;

(b) For reinstatement from 1 to 2 years following the expiration date of the operator's certificate, 2/3 of the training units specified by Table 8 in Regulation .16 of this chapter for the class of operator certificate that is to be reinstated.

.13 Training.

A. Training Requirements for Certification Renewal. In order to be eligible for certification renewal, operators and superintendents shall demonstrate completion of the training requirements set out in Table 8 of Regulation .16 of this chapter.

B. Except as provided in §C of this regulation, training used to renew a certificate under Regulation .12 of this chapter shall be completed during the 3-year period that precedes the expiration date of the certificate.

C. Training used to renew a certificate late may be taken either during the 3-year period that preceded the expiration date of the certificate or during the late renewal period.

D. Training Approval. The Board, in conjunction with the Department and based on a review of the recommendations of the Training, Review, and Evaluation Committee, if applicable, will approve courses for purposes of satisfying the training requirements in §A, based on the following factors:

(1) Course objectives;

(2) Course outline;

(3) Training material;

(4) Instructor credentials; and

(5) Student evaluation methods and criteria.

E. Type of Training. Any of the following types of training may be approved:

(1) Academic courses;

(2) On-the-job training;

(3) Home-study courses;

(4) Laboratory practice;

(5) Technical part of operator or superintendent meetings; and

(6) Providing instructions.

F. Assignment of Units for Approved Training.

(1) The Board in conjunction with the Department will assign one training unit to approved training courses for each hour of instruction.

(2) Instructors shall earn units at the rate of 1.5 times for each hour of instruction given.

G. Training Used for Certification Renewal.

(1) Training that is to be used to satisfy the requirements for certificate renewal must have been approved by the Board for the class of certificate that is to be renewed.

(2) A certificate holder may not use the units from an approved training course more than once per renewal period to satisfy the requirements for certification renewal.

(3) If the Board has approved a training course for both operators and superintendents, a certificate holder may apply the units from that course toward the renewal of either an operator or a superintendent certificate renewal, but not both.

(4) Process related training means a class or training event where at least 50 percent of the material presented concerns the processes listed in Tables 1, 2, and 3 of Regulation .16 of this chapter.

H. The Board may direct operators or superintendents to participate in specific training as determined necessary.

.14 Reconsideration.

A. If the Board denies an application to issue or renew a certificate, for reasons other than those set forth in Regulation .15A of this chapter, the Board shall notify the applicant, in writing, of:

- (1) The reason, or reasons, for the denial; and
- (2) The applicant's right to request reconsideration.

B. An applicant may request reconsideration of a denied application by:

- (1) Submitting new or additional information to the Board; or
- (2) Requesting an informal meeting with the Board.

C. Requests for reconsideration under §B of this regulation shall be based upon one or more of the following grounds:

- (1) Clerical errors in the minutes, decisions, or other parts of the record related to the denial;
- (2) Mistake of fact or law by the Board; or
- (3) Newly discovered or additional evidence that the applicant could not have discovered by due diligence in time to be considered as part of the initial denial.

D. Requests for reconsideration shall be submitted to the Board in writing by certified mail within 30 days of receipt of the denial under §A of this regulation.

.15 Denials, Reprimands, Suspensions, and Revocations.

A. Grounds for Board Action.

(1) Denials. Subject to the hearing provisions of §B of this regulation, the Board may deny certification, limited certification, or temporary certification to any applicant if the applicant fraudulently or deceptively:

- (a) Obtains or attempts to obtain a certificate, limited certificate, or temporary certificate for the applicant or for another person;
- or
- (b) Uses a certificate, limited certificate, or temporary certificate.

(2) Reprimands, Suspensions, and Revocations. Subject to the hearing provisions of §B of this regulation, the Board may reprimand any certificate holder, or suspend or revoke a certification for either of the following:

(a) If the certificate holder fraudulently or deceptively:

- (i) Obtains or attempts to obtain a certificate, limited certificate, or temporary certificate for the applicant or for another,
- (ii) Uses a certificate, limited certificate, or temporary certificate;

(b) Other reasonable cause, such as:

- (i) Professional incompetency;
- (ii) Falsification of records;
- (iii) Failure to submit required self-monitoring documents;
- (iv) Negligence in operation and maintenance of the works.

B. Right to a Hearing.

(1) Before the Board revokes or suspends a certificate or reprimands a certificate holder, it shall:

(a) Notify the certificate holder in writing by certified mail to his last known address that it is considering action for reasons stated in the notice;

(b) Request the certificate holder to appear at a hearing of the Board of Waterworks and Waste Systems Operators at a designated time and place to show cause why the certificate should not be revoked or suspended or the certificate holder reprimanded.

(2) The form of the notice and the hearing shall conform to the provisions of the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

C. Ex Parte Hearing. If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, the Board, nevertheless, may hear and determine the matter.

D. Effect of Adverse Finding by the Board.

(1) If, after the hearing by the Board, the certificate is revoked or suspended, the certificate holder shall:

- (a) Cease his or her activities as a certified operator or superintendent; and
- (b) Return the certificate to the Board.

(2) Until the notice of revocation or suspension is delivered to the last known address of the certificate holder, the certificate remains valid.

(3) Voluntary surrender by the certificate holder of his certificate will constitute a waiver of the hearing before the Board.

(4) Suspensions of certificates may not exceed 1 year or suspensions shall terminate when the certificate holder complies with all conditions stipulated by the Board at the time of suspension, whichever is later.

(5) After the expiration of 1 year following revocation of a certificate, the person previously holding the certificate may apply for a new certificate subject to a new examination and review by the Board.

E. Judicial Review.

(1) A person aggrieved by a final decision of the Board under §D may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

3.27 BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS CERTIFICATION

Information to Become a Water or Wastewater Certified Operator or Superintendent

Why do I need to be certified?

This certification helps to protect public health and the environment by setting minimum education, experience, and examination standards that applicants must satisfy. It is required for individuals working in water treatment plants, water distribution systems, wastewater treatment plants, wastewater collection systems, certain pretreatment facilities that discharge to sanitary sewers, or industrial wastewater facilities who make process control decisions or determine remedial action in emergencies.

What laws or regulations give MDE the legal authority to issue this approval?

STATE: Environment Article, Title 12 COMAR 26.06.01.

What is the process to get this approval?

- 1) You must be employed at a facility (works) in Maryland or have employment pending the issuance of your Maryland Certification before applying.
- 2) Determine the correct facility classification(s) for your certificate, based upon your employment (see [COMAR 26.06.01.16 Tables 1-3](#))
- 3) Submit completed certificate application form and fee to the Board of Waterworks and Waste Systems Operators.
- 4) Pass necessary certification examination(s).
- 5) Complete experience and education requirements (see [COMAR 26.06.01.16 Tables 4-7](#)).
- 6) Submit a completed application for full certification and the application fee to the Board.

APPLICATIONS & OTHER INFO

[Application for Initial Operator-in-Training \(OIT\) Certificate](#)

[Application for Initial Operator Certification](#)

[Application for Operator Examination](#)

[Application for Initial Superintendent Certificate](#)

[Application for Operator Reciprocity](#)

[Application for Training Approval](#)

To request a **Reinstatement or Renewal Application**, contact the Board at wwso.board@maryland.gov or (410)537-3167. *Please have your certification number.*

Are there any other requirements?

PRE- APPROVAL: A minimum of high school education, six months to three years of related work experience (based upon facility class) and pass the appropriate examination.

POST-APPROVAL: Renewal requires completion of specified number of hours of Board-approved training (see [COMAR 26.06.01.13](#)). Contact the Board for the details.

Once I get this approval, how long will it last? Maximum of three years; renewal is required.

How long should I expect it to take to get this approval after I submit a complete application?

Type of Certificate	Turnaround Time
New certificates	45 days
Renewal certificates	30 days

How much will this approval cost?

Type of Fee	Fee
Examination	\$50
Application fee for OIT, operator or superintendent certificate for each facility classification*	\$50
Renewal fee for each facility classification*	\$50 each with cap of \$100 during any 3-year renewal period

Do I need to know any additional information?

- 1) Facility classifications for fees*:
 - Water Treatment
 - Wastewater Treatment
 - Industrial Wastewater Treatment
 - Water Distribution
 - Wastewater Collections
- 2) Exams are given monthly by the Board; applications and fees must be received at least three weeks before the examination date. Exams are also available by an approved third-party proctor in and around Maryland.
- 3) Renewal dates are based upon the date of issuance. Multiple renewal dates can be aligned to a single renewal date; contact the Board for more information.

Am I eligible for Reciprocity?

- 1) Before applying, you must be employed at a facility in Maryland or employment pending the issuance of your Maryland Certification.
- 2) Your experience & current certification from the previous state of employment must be equal to the treatment process that you will be working with in Maryland.
- 3) See Reciprocity Application for additional requirements.

Who do I contact with additional questions?

MDE Board of Waterworks and Waste Systems Operators

Email: wwso.board@maryland.gov

Phone: (410) 537-3167

.16 Tables.

Table 1
CLASSIFICATION OF INDUSTRIAL WASTEWATER WORKS

<i>Class of Plants</i>	<i>Type of Treatment Systems</i>	<i>Typical Processes Included in the System</i>
1	Basic Treatment	Petroleum base oil separators, liquid cooling, and pH control.
2	Physical Treatment	Sedimentation, screening, pH control, solids removal.
3	Land Treatment	Primary treatment, sedimentation, solids removal, pumping and land treatment.
4	Biological Lagoons	Aerobic or anaerobic waste stabilization lagoons, disinfection, and chemical addition.
5	Activated Sludge	Primary treatment, sedimentation, activated sludge, and sludge handling.
6	Physical Chemical Treatment	Reduction of chemical and toxic substances including but not limited to cyanide and chromium, acid-alkali neutralization, coagulation, and flocculation.
7	Site Specific	Plants not covered under the first six types of treatment yet covered under these regulations.

Table 2
CLASSIFICATION OF WASTEWATER TREATMENT PLANTS

<i>Class of Plants</i>	<i>Types of Treatment Systems</i>	<i>Typical Processes Included in the System</i>
1	Lagoons	Aerated or nonaerated lagoons, filtration, disinfection, and land or wetland treatment.
2	Physical/Biological	Primary treatment, sand filter, land or wetland treatment, and disinfection.
3	Package Activated Sludge Plants	Screening, activated sludge, sedimentation, filtration, disinfection, chemical addition, sludge handling, pumping and land or wetland treatment.
4	Trickling Filters Rotating Biological Contractors (RBC)	Preliminary treatment, primary treatment, sedimentation, activated sludge, oxidation ditches, filtration, chemical addition, disinfection, sludge handling, and pumping.
5	Activated Sludge	Preliminary treatment, primary treatment, sedimentation, activated sludge, oxidation ditches, filtration, chemical addition, disinfection, sludge handling, and pumping.
6	Site Specific	Other alternative technology systems not covered under this classification system which may include groundwater discharge systems such as spray irrigation systems, and drip dispersal systems.
S*	Solids Handling	Chemical conditioning, sludge thickening, sludge digestion, thermal treatment, chlorine treatment, filtration, dewatering, composting, land application.
A**	Advanced Wastewater Treatment	Filtration, activated carbon adsorption, nitrification, denitrification, phosphorus removal, ammonia stripping, chemical feeding and conditioning, coagulation and flocculation.

*Class S will only be required when the specific works is limited to solids handling.

**Class A is used in conjunction with other classes.

Table 3
CLASSIFICATION OF WATER TREATMENT PLANTS

<i>Class of Plants</i>	<i>Type of Treatment Systems</i>	<i>Typical Processes Included in the System</i>
1	Disinfection	Chlorination.
2	Chemical Treatment	Chlorination, pH control, and fluoridation.
3	Simple Iron Removal	Chlorination, pH control, fluoridation, filtration, and iron removal utilizing ion exchange or contact oxidation processes.
4	Complete Treatment	Chlorination, pH control, fluoridation, aeration, coagulation, sedimentation, filtration, and complex iron removal.
5	Site Specific	Site specific - any alternative technology plant not covered under the classification system.

6	6	6			AS DETERMINED BY THE BOARD					
S ⁷	S ⁷	S ⁷	Completion of High School OR High School Equivalency	NONE	5400 hours or 3 years ⁹	1800 hours or 1 year ³	2 years college ⁴	2 years ⁵	3600 hours or 2 years ⁶	1800 hours or 1 year ³
A ⁸	A ⁸	A ⁸								

Notes:

- 1 Whichever is longer, years of experience is based on 2 hours/day operation.
- 2 Whichever is longer, years of experience is based on 3.5 hours/day operation.
- 3 One year of college course work in science or engineering leading toward a degree, for 1 year experience.
- 4 In science, engineering, or management leading toward a degree.
- 5 One year experience for 1 year college.
- 6 Experience obtained as provided in Regulation .06E of this chapter.
- 7 Is limited to solids handling.
- 8 Class A is used in conjunction with other classes.
- 9 Whichever is longer.

**Table 6
WASTEWATER COLLECTION SYSTEMS**

A	B	C	D				E			
			Operators				Superintendents			
Class of Plants	Class of Operators and Superintendents	Authorized to Operate or Supervise Plants (Class)	1 Education Requirements	2 Maximum Education Substitution	3 Experience Requirements	4 Maximum Experience Substitution	1 Education Requirements	2 Maximum Education Substitution	3 Experience Requirements	4 Maximum Experience Substitution
1	1	1	Completion of High School OR High School Equivalency	NONE	1800 hours or 1 year ³	NONE	Completion of High School OR High School Equivalency	NONE	NONE	NONE
2	2	2			3600 hours or 2 years ³	1800 hours or 1 year ¹			1800 hours or 1 year ²	

Notes:

- 1 One year of college course work in science or engineering leading toward a degree, for 1 year experience.
- 2 Experience obtained as provided in Regulation .06E of this chapter.
- 3 Whichever is longer (for application received by the Board before the effective date of these regulations, see Regulation .06 of this chapter).

**Table 7
WATER TREATMENT PLANTS AND DISTRIBUTION SYSTEMS**

A	B	C	D				E			
			Operators				Superintendents			
Class of Plants	Class of Operators and Superintendents	Authorized to Operate or Supervise Plants (Class)	1 Education Requirements	2 Maximum Education Substitution	3 Experience Requirements	4 Maximum Experience Substitution	1 Education Requirements	2 Maximum Education Substitution	3 Experience Requirements	4 Maximum Experience Substitution
D	D	None	Completion of High School OR High School Equivalency	NONE	500 hours or 1 year ¹	NONE	Completion of High School OR High School Equivalency	NONE		NONE
1	1	D, G, and 1							NONE	
2	2	D, G, 1, and 2							500 hours or 1 year ^{1,6}	

3	3	D, G, 1, 2, and 3	1800 hours or 2 years ²	900 hours or 1 year ^{2,3}	1 year college ⁴	1 year ⁵	900 hours or 1 year ^{2,6}	900 hours or 1 year ³
4	4	D, G, 1, 2, 3, and 4	5400 hours or 3 years ⁷	1800 hours or 1 year ³	2 years college ⁴	2 years ⁵	3600 hours or 2 years ⁶	1800 hours or 1 year ³
5	5	5	AS DETERMINED BY THE BOARD					
G	G	G	AS DETERMINED BY THE BOARD					

Notes:

- 1 Whichever is longer, years of experience is based on 2 hours/day operation.
- 2 Whichever is longer, years of experience is based on a 3.5 hours/day operation.
- 3 One year of college course work in science or engineering leading toward a degree, for 1 year of experience.
- 4 In science, engineering, or management leading toward a degree.
- 5 One year experience for 1 year college.
- 6 Experience obtained as provided in Regulation .06E of this chapter.
- 7 Whichever is longer (for applications received by the Board before the effective date of these regulations, see Regulation .06 of this chapter).

**Table 8
TRAINING REQUIREMENTS FOR OPERATORS AND SUPERINTENDENTS
CERTIFICATE RENEWAL FOR 3-YEAR RENEWAL PERIOD**

Class	INDUSTRIAL WASTEWATER WORKS			WASTEWATER TREATMENT PLANTS			WASTEWATER COLLECTION SYSTEMS			WATER TREATMENT PLANTS			WATER DISTRIBUTION SYSTEMS		
	Operators ⁽⁴⁾	Super-intendents ⁽³⁾	Temporary ⁽⁴⁾	Operators ⁽⁴⁾	Super-intendents ⁽³⁾	Temporary ⁽⁴⁾	Operators ⁽⁴⁾	Super-intendents ⁽³⁾	Temporary ⁽⁴⁾	Operators ⁽⁴⁾	Super-intendents ⁽³⁾	Grandparented, and Temporary ⁽⁴⁾	Operators ⁽⁴⁾	Super-intendents ⁽³⁾	Grandparented, and Temporary ⁽⁴⁾
	UNITS ⁽²⁾			UNITS ⁽²⁾			UNITS ⁽²⁾			UNITS ⁽²⁾			UNITS ⁽²⁾		
1	0	0	0	16	7	24	16	7	24	16	7	24	16	7	24
2	0	0	0	16	7	24	16	7	24	16	7	24			
3	16	7	24	30	7	45				30	7	45			
4	16	7	24	30	7	45				30	7	45			
5	30	7	45	30	7	45				(1)					
6	16	7	24	(1)		(1)									
7	(1)		(1)												
S															
A				16	7	24									
G										7	7	7			

Notes:

- 1 For site-specific operator classifications, training units to be determined by the Board on a case-by-case basis.
- 2 For operators that hold multiple certificates, units of training may be applied to multiple classifications if the training is approved as defined in Regulation .13.
- 3 For superintendents, training units approved by the Board for superintendents are required in addition to their operator's training.
- 4 Effective January 1, 2006, for all operator categories, except Water Class 1, Water Class 2, Water Class G, Water Distribution, and Wastewater Collection, a minimum of 50 percent of the training units submitted for issuance or renewal of a certificate shall be process related.

Article 2.

Certification of Water Treatment Facility Operators.

§ 90A-20. Purpose.

It is the purpose of this Article to protect the public health and to conserve and protect the water resources of the State; to protect the public investment in water treatment facilities; to provide for the classifying of public water treatment facilities; to require the examination of water treatment facility operators and the certification of their competency to supervise the operation of water treatment facilities; and to establish the procedures for such classification and certification. Further, it is the purpose of this Article to provide for the certification of personnel operating the distribution portion of a water treatment facility. (1969, c. 1059, s. 2; 1989, c. 227, s. 1.)

§ 90A-20.1. Definitions.

In this Article, unless the context clearly requires otherwise, the following definitions apply:

- (1) "Board" or "Board of Certification" means the Water Treatment Facility Operators Board of Certification.
- (2) "Operator" means a person who operates, maintains or inspects water treatment facilities.
- (3) "Operator in responsible charge" means a person designated by the owner of the water treatment facility to be responsible for the total operation and maintenance of the facility.
- (4) "Public water system" means a system for the provision of piped water for human consumption as defined in G.S. 130A-313(10).
- (5) "Unit of local government" means a county, city, consolidated city-county, sanitary district or other local political subdivision, authority or agency of local government.
- (6) "Water treatment facility" means any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system. (1989, c. 227, s. 2.)

§ 90A-21. Water Treatment Facility Operators Board of Certification.

(a) Board Membership. - There is hereby established within the Department of Environmental Quality a Water Treatment Facility Operators Board of Certification (hereinafter termed the "Board of Certification") composed of eight members to be appointed by the Governor as follows:

- (1) One member who is currently employed as a water treatment facility operator;
- (2) One member who is manager of a North Carolina municipality using a surface water supply;
- (3) One member who is manager of a North Carolina municipality using a treated groundwater supply;
- (4) One member who is employed as a director of utilities, water superintendent, or equivalent position with a North Carolina municipality;
- (5) One member employed by a private water utility or private industry and who is responsible for the operation or supervision of a water supply and

treatment facility;

- (6) One member who is a faculty member of a four-year college or university whose major field is related to water supply;
- (7) One member employed by the Department of Environmental Quality and working in the field of water supply;
- (8) One member not certified or regulated under this Article, who shall represent the interest of the public at large.

(b) **Terms of Office.** - All members serving on the Board on June 30, 1981, shall complete their respective terms. No member appointed to the Board on or after July 1, 1981, shall serve more than two complete consecutive three-year terms, except that the member employed by the Department of Environmental Quality may serve more than two consecutive terms, and except that each member shall serve until his successor is appointed and qualifies. The Governor may remove any member for good cause shown and shall appoint members to fill unexpired terms. The Governor shall appoint the public member not later than July 1, 1981.

(c) **Powers and Responsibilities.** - The Board of Certification shall establish all rules, regulations and procedures with respect to the certification program and advise and assist the Secretary of Environmental Quality in its administration.

(d) **Compensation.** - Members of the Board of Certification who are officers or employees of State agencies or institutions shall receive subsistence and travel allowances at the rates authorized by G.S. 138-5.

(e) **Officers.** - The Board shall elect a chairman and all other necessary officers to serve one-year terms. A majority of the members of the Board shall constitute a quorum for the transaction of business.

(f) **Annual Report.** - The Board shall report annually to the Governor a full statement of its disciplinary and enforcement programs and activities during the year, together with such recommendations as it may deem expedient. (1969, c. 1059, s. 2; 1973, c. 476, s. 128; 1981, c. 616, ss. 1-5; 1989, c. 727, s. 219(7); 1997-443, s. 11A.24; 2015-241, ss. 14.30(u), (v).)

§ 90A-22. Classification of water treatment facilities; notification of users.

(a) On or before July 1, 1982, the Board of Certification, with the advice and assistance of the Secretary of Environmental Quality, shall classify all surface water treatment facilities and all facilities for treating groundwater supplies that are used, or intended for use, as part of a public water supply system with due regard for the size of the facility, its type, character of water to be treated, other physical conditions affecting the treatment of the water, and with respect to the degree of skill, knowledge, and experience that the operator responsible for the water treatment facility must have to supervise successfully the operation of the facilities so as to adequately protect the public health.

(b) The Board shall notify users of such facilities when any classification of a facility by the Board would result in a certified operator's not being required to supervise the operation of that facility. Any user so notified may demand a hearing on the Board's decision, and that hearing and any appeal therefrom shall be conducted in accordance with Articles 3 and 4 of Chapter 150B of the General Statutes. (1969, c. 1059, s. 2; 1973, c. 476, s. 128; 1981, c. 616, s. 6; 1987, c. 827, ss. 1, 230; 1989, c. 727, s. 219(8); 1997-443, s. 11A.25; 2015-241, s. 14.30(v).)

§ 90A-23. Grades of certificates.

The Board of Certification, with the advice and assistance of the Secretary of Environmental Quality, shall establish grades of certification for water treatment facility operators corresponding to the classification of water treatment facilities. (1969, c. 1059, s. 2; 1973, c. 476, s. 128; 1989, c. 227, s. 3; c. 727, s. 219(9); 1997-443, s. 11A.26; 2015-241, s. 14.30(v).)

§ 90A-24. Operator qualifications and examination.

The Board of Certification, with the advice and assistance of the Secretary of Environmental Quality shall establish minimum requirements of education, experience and knowledge for each grade of certification for water treatment facility operators, and shall establish procedures for receiving applications for certification, conducting examinations and making investigations of applicants as may be necessary and appropriate to the end that prompt and fair consideration be given every application and the water treatment facilities of the State may be adequately supervised by certified operators. (1969, c. 1059, s. 2; 1973, c. 476, s. 128; 1989, c. 727, s. 219(10); 1997-443, s. 11A.27; 2015-241, s. 14.30(v).)

§ 90A-25. Issuance of certificates.

(a) The Board shall issue a certificate to an applicant who meets the requirements for certification and pays the required fee. The certificate shall state the grade of certification appropriate for the classification of water treatment facilities the applicant is qualified to operate.

(b) The board shall issue a certificate, without examination, in a comparable grade to any person who holds a certificate in any state, territory or possession of the United States, if in the judgment of the Board of Certification the requirements for operators under which the person's certificate was issued are of a standard not lower than that specified under rules and regulations adopted under this Article.

(c) Certificates in an appropriate grade will be issued to operators who, on July 1, 1969, hold certificates of competency issued under the voluntary certification program now being administered through the Department of Environmental Quality with the cooperation of the North Carolina Water Works Operators Association, the North Carolina Section of the American Water Works Association, and the North Carolina League of Municipalities.

(d) Certificates in an appropriate grade will be issued without examination to any person or persons certified by the governing board in the case of a city, town, county, sanitary district, or other political subdivision, or by the owner in the case of a private utility or industry, to have been in responsible charge of its water treatment facilities on the date the Board of Certification notifies the governing board, or owner, of the classification of its water treatment facility, provided the facility was classified before July 1, 1981, and provided the application for such certification is made within one year of the date of notification. A certificate so issued will be valid for use by the holder only in the water treatment facility in which he was employed at the time of his certification. No certificate shall be issued under this subsection to any operator of any water treatment facility classified by the board on or after July 1, 1981.

(e) Temporary certificates in any grade may be issued without examination to any person employed as a water treatment facility operator when the Board of Certification finds that the supply of certified operators, or persons with training necessary to certification, is inadequate. Temporary certificates shall be valid for only one year. Temporary certificates may be issued with such special conditions or requirements relating to the place of employment of the person holding the certificate, his supervision on a consulting or advisory basis, or other

matters as the Board of Certification may deem necessary to protect the public health. No temporary certificate may be renewed more than one time either by any operator at the same grade level or by any operator for employment at the same water treatment facility. (1969, c. 1059, s. 2; 1973, c. 476, s. 128; 1981, c. 616, ss. 7, 8; 1989, c. 727, s. 18; 1991, c. 321, s. 1; 1997-443, s. 11A.28; 2015-241, s. 14.30(u); 2022-6, s. 20.1(a).)

§ 90A-25.1. Renewal of certificate.

A certificate expires on December 31 of the year in which it is issued or renewed. The Board, with the advice and assistance of the Secretary of Environmental Quality, may establish minimum continuing education requirements that an applicant must meet to renew a certificate. The Board shall renew a certificate if the applicant meets the continuing education requirements imposed as a condition for renewal, pays the required renewal fee plus any renewal fees in arrears, and, if the application is late, pays the late penalty. (1991, c. 321, s. 2; 1997-443, s. 11A.29; 2015-241, s. 14.30(v).)

§ 90A-26. Revocation or suspension of certificate.

The Board of Certification, in accordance with the procedure set forth in Chapter 150B of the General Statutes of North Carolina, may issue a reprimand to an operator, or suspend or revoke the certificate of an operator, when it finds any of the following:

- (1) The operator has practiced fraud or deception.
- (2) The operator failed to use reasonable care, judgment, knowledge, or ability in the performance of an operator's duties.
- (3) The operator is incompetent or unable to properly perform the duties of an operator.
- (4) The operator has failed to comply with the requirements for certification or renewal of certification. (1969, c. 1059, s. 2; 1973, c. 1331, s. 3; 1981, c. 616, s. 9; 1987, c. 827, s. 1; 1991, c. 321, s. 3.)

§ 90A-27. Application fee.

The Board may establish a schedule of fees for the issuance or renewal of a certificate to cover the costs of administering the certification programs. The fee for issuing or renewing a certificate may not exceed fifty dollars (\$50.00). The Board may impose a penalty not to exceed thirty dollars (\$30.00) for the late renewal of a certificate. (1969, c. 1059, s. 2; 1981, c. 562, s. 1; 1991, c. 321, s. 4.)

§ 90A-28. Promotion of training and other powers.

The Board of Certification and the Secretary of Environmental Quality may take all necessary and appropriate steps in order to effectively and fairly achieve the purposes of this Article, including, but not limited to, the providing of training for operators and cooperating with educational institutions and private and public associations, persons, or corporations in the promotion of training for water treatment facility personnel. (1969, c. 1059, s. 2; 1973, c. 476, s. 128; 1989, c. 727, s. 219(11); 1997-443, s. 11A.30; 2015-241, s. 14.30(v).)

§ 90A-29. Certified operators required.

(a) On and after July 1, 1971, every person, corporation, company, association, partnership, unit of local government, State agency, federal agency, or other legal entity owning or having control of a water treatment facility shall have the obligation of assuring that

the operator in responsible charge of such facility is duly certified by the Board of Certification under the provisions of this Article.

(b) No person, after July 1, 1971, shall perform the duties of an operator, in responsible charge of a water treatment facility, without being duly certified under the provisions of this Article. (1969, c. 1059, s. 2; 1981, c. 616, s. 10; 1989, c. 227, s. 4.)

§ 90A-30. Penalties; remedies; contested cases.

(a) Upon the recommendation of the Board of Certification, the Secretary of Environmental Quality or a delegated representative may impose an administrative, civil penalty on any person, corporation, company, association, partnership, unit of local government, State agency, federal agency, or other legal entity who violates G.S. 90A-29(a). Each day of a continued violation shall constitute a separate violation. The penalty shall not exceed one hundred dollars (\$100.00) for each day such violation continues. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation.

The clear proceeds of penalties imposed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Any person wishing to contest a penalty issued under this section shall be entitled to an administrative hearing and judicial review conducted according to the procedures outlined in Articles 3 and 4 of Chapter 150B of the General Statutes.

(c) The Secretary may bring a civil action in the superior court of the county in which the violation is alleged to have occurred to recover the amount of the administrative penalty whenever an owner or person in control of a water treatment facility

- (1) Who has not requested an administrative hearing fails to pay the penalty within 60 days after being notified of such penalty, or
- (2) Who has requested an administrative hearing fails to pay the penalty within 60 days after service of a written copy of the decision as provided in G.S. 150B-36.

(d) Notwithstanding any other provision of law, this section imposes the only penalty or sanction, civil or criminal, for violations of G.S. 90A-29(a) or for the failure to meet any other legal requirement for a water system to have a certified operator in responsible charge. (1981, c. 616, s. 11; 1987, c. 827, s. 231; 1989, c. 227, s. 5; c. 727, s. 219(12); 1989 (Reg. Sess., 1990), c. 1024, s. 18; 1997-443, s. 11A.31; 1998-215, s. 45; 2015-241, s. 14.30(v).)

§ 90A-31. Commercial water treatment operation firms.

(a) Every person, corporation, company, association, partnership, unit of local government, State agency, federal agency, or other legal entity owning or having control of a water treatment facility may contract with a responsible commercial water treatment facility operation firm for operational and other services of that firm. The owner with the firm's consent may designate an employee of that contracting firm as the operator in responsible charge. This designee and other licensed employees of the firm shall be responsible for the total operation and maintenance of the water treatment facility, and shall be limited as to the number of facilities, distance between facilities, and frequency of visits as can reasonably be handled during the ordinary course of business as well as during emergencies. Contractual firms shall not be limited as to the number of facilities, distance between facilities, location of office or other internal management procedures.

(b) Any operator in responsible charge shall obtain certification from the Water Treatment Facility Operators Board of Certification and shall comply with all of the requirements specified in Chapter 90A and the rules and reasonable standards of the Board,

applicable to all operators in responsible charge, designed to assure satisfactory operation of water treatment facilities. (1985, c. 550, s. 1; 1989, c. 227, s. 6.)

§ 90A-32. Certification of distribution operators.

The Board of Certification shall have the authority to establish certification programs for personnel who operate the distribution portion of a water treatment facility. The Board may provide for voluntary or mandatory certification and may provide requirements for training, education, and experience of personnel to be certified. The owner of a water treatment facility shall have three years to obtain certification or the services of appropriately certified distribution personnel after the effective date of mandatory certification. (1989, c. 227, s. 7.)

§ 90A-33: Reserved for future codification purposes.

§ 90A-34: Reserved for future codification purposes.

DRAFT AGENDA
Materials combined for this agenda item for discussion
and are not to be considered as recommendations for Board action.
DRAFT AGENDA

Drinking Water Operator Certification in NC

Are you over 18 and have your high school diploma or GED? What's next?

1. Attend a state approved certification school (usually 4-5 days).
2. Submit exam application, your school certificate of completion and \$50.00 fee to sit for the state exam for the certification you seek.
 - Exams are multiple choice and you must score a minimum of 70% to pass.
 - Traditional and Electronic Exams are given several times per year at multiple locations statewide.

There are experience requirements to qualify for all drinking water certifications except apprentice levels. See table.

Where do I find a state approved certification school?

The Operator Certification Program does **NOT** conduct certification schools, however we do post upcoming schools as the training providers provide dates so you can check our [approved schools](#) page, or call the training providers directly to check for future availability and registration information.

- [NC American Water Works Assn/WEA](#)
- [NC Rural Water Assn](#)
- [NC Waterworks Operators Assn](#)

How do I apply to take a certification exam?

You must complete and mail an [exam application](#) (SSN required for initial certification), and include your certificate of completion for the approved school attended for the level of certification you are seeking along with the \$50.00 exam fee, to the address on your application. The application must be postmarked [no later than 30 days prior to the desired exam date](#).

Now that I am a certified operator, how do I maintain my certificate?

As a certified operator, you will be required to renew your certification annually, each year following the year of initial certification and every year thereafter. You must annually complete six hours of Board-approved [professional growth hours](#) prior to the expiration of the certificate to be eligible to renew your certification.

CROSS CONNECTION	
CROSS CONNECTION	6 months at D Grade or higher system <u>or</u> have 1 year operating CC devices
CROSS CONNECTION - APPRENTICE	NO EXPERIENCE REQUIRED

DISTRIBUTION	
D	3 months at a distribution system
C	6 months at D Grade or higher system + trenching/shoring certificate
C <u>or</u> D - APPRENTICE	NO EXPERIENCE REQUIRED but must have trenching/shoring certificate for C Apprentice
B	1 year at C Grade distribution system while holding C Certificate
A	1 year at B Grade distribution system while holding B Certificate

SURFACE	
C	6 months at a surface water facility
C - APPRENTICE	NO EXPERIENCE REQUIRED
B	1 year at a surface water facility while holding a C certificate
A	1 year at a surface water facility while holding a B certificate

WELL	
D	3 months at a well water facility
C	6 months at a well water facility
C <u>or</u> D - APPRENTICE	NO EXPERIENCE REQUIRED
B	1 year at a well facility while holding C certificate
A	1 year at a well facility while holding B certificate

* For more details on eligibility see [Operator Rules](#).

For more information: 919-707-9040

Wastewater Operator Certification in NC

Are you over 18 and have your high school diploma or GED? What's next?

1. Attend a state approved certification school (usually 4-5 days).
2. Submit exam application, your school certificate of completion and \$85.00 fee to sit for the state exam for the certification you seek.
 - Exams are multiple choice and you must score a minimum of 70% to pass.
 - Exams are given 4 times per year at multiple locations statewide.

For promotion beyond entry level certification (CS-1, WW-1, PC-1), there are experience requirements to qualify. See table.

Where do I find a state approved certification school?

The Operator Certification Program does NOT conduct certification schools, however we do post upcoming schools as the training providers provide dates so you can check our [approved schools](#) page, or call the training providers directly to check for future availability and registration information.

- [NC American Water Works Assn/WEA](#)
- [NC Rural Water Assn](#)
- Some Community Colleges

Some training providers offer combo classes for levels 1 & 2 or 3 & 4.

How do I apply to take a certification exam?

You must complete and mail an [exam application](#) (SSN required for initial certification), and include your certificate of completion for the approved school attended for the level of certification you are seeking along with the \$85.00 exam fee, to the address on your application. The application must be postmarked [no later than 30 days prior to the desired exam date](#).

Now that I am a certified operator, how do I maintain my certificate?

As a certified operator, you will be required to renew your certification annually, each year following the year of initial certification and every year thereafter. You must annually complete six hours of Commission approved [continuing education](#) prior to the expiration of the certificate to be eligible to renew your certification.

COLLECTION SYSTEMS	
CS-1	NO EXPERIENCE REQUIRED
CS-2	6 months - collection systems operations
CS-3	2 years - collection systems operations *
CS-4	3 years - collection systems operations *

WASTEWATER TREATMENT	
WW-1	NO EXPERIENCE REQUIRED
WW-2	6 months - operational experience at WW-2 system (or higher)
WW-3	2 years - operational experience at WW-2 system (or higher) *
WW-4	3 years - operational experience at WW-3 system (or higher) *
PC-1 (Physical/Chemical)	NO EXPERIENCE REQUIRED
PC-2 (Physical/Chemical)	1 year - operational experience at PC-2 system
LA (Land Application)	1 year - experience land applying residuals *
SI (Spray Irrigation)	1 year - experience with surface irrigation *
SS (Subsurface)	1 year - experience with subsurface system *

ANIMAL WASTE TREATMENT	
AWA	NO EXPERIENCE REQUIRED
AWB	NO EXPERIENCE REQUIRED

* For more details on eligibility see [Operator Rules](#).

SUBCHAPTER 08G - AUTHORITY: ORGANIZATION: STRUCTURE: DEFINITIONS

SECTION .0100 - GENERAL PURPOSE AND DEFINITIONS

15A NCAC 08G .0101 PURPOSE

The purpose of these Rules is to:

- (1) protect the public health of the citizens of the State; and
- (2) conserve, protect, and maintain the quality of the water resources of the State as assigned by the North Carolina Environmental Management Commission; and
- (3) protect the public investment in water pollution control systems; and
- (4) provide for the classification of water pollution control systems; and
- (5) establish the procedures for the examination and certification of operators of water pollution control systems.

History Note: Authority G.S. 90A-35;

Eff. April 1, 1999;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0102 DEFINITIONS

In addition to the definitions in G.S. 90A-46, the following definitions shall apply throughout this Subchapter:

- (1) "Activated sludge" means a biological wastewater treatment process in which biodegradable pollutants in wastewater are absorbed, or adsorbed, by living aerobic organisms and bacteria in an aerated suspension that is separated from the treated wastewater.
- (2) "Actual experience" means the time working as a water pollution control system operator or operator in responsible charge. An operator is an individual whose job responsibility is the physical operation of process equipment and systems at a water pollution control system. Job responsibilities such as laboratory testing, facility and equipment maintenance, administrative support, or direct or indirect supervision do not qualify as actual experience.
- (3) "ATU" means aerobic treatment unit and refers to a treatment component that utilizes oxygen to degrade or decompose wastewater with or without mechanical means. The term is used to describe proprietary devices that use direct introduction of air into wastewater by mechanical means to maintain aerobic conditions.
- (4) "Approved training" means any training required for examination eligibility or to meet continuing education requirements as established in accordance with 15A NCAC 08G .0400 and 15A NCAC 08G .0701.
- (5) "Back-up ORC" means Back-up Operator in Responsible Charge and refers to the operator who is designated to act as surrogate for the Operator in Responsible Charge (ORC) when the ORC is absent from his or her professional duties as set forth in G.S. 90A-44.
- (6) "Basic sciences" means courses in agronomy, biology, botany, chemistry, engineering, environmental health and sciences, geology, math, physics, soil science, and zoology offered by a college or university accredited by an agency recognized by the United States Department of Education.
- (7) "Chemical process" means a water pollution control system process consisting of the addition of chemicals to treat wastewaters.
- (8) "Collection system" means a connection of pipelines, conduits, pumping stations, and other related constructions or devices used to conduct wastewater to a water pollution control system.
- (9) "Commission" means the Water Pollution Control System Operators Certification Commission created by G.S. 143B-300.
- (10) "Contact Hour" means one hour of Commission-approved operator instruction in accordance with 15A NCAC 08G .0701.
- (11) "Contract operations firm" means any commercial water pollution control system operations firm that contracts with the owner of a water pollution control system to provide operational services for the system pursuant to G.S. 90A-45(a).
- (12) "Contract operator" means any certified water pollution control system operator who contracts with the owner of a water pollution control system to provide operational and other services for the system pursuant to G.S. 90A-45(a).

- (13) "Electrodialysis system" means a system utilizing a selective separation of dissolved solids process that is based on electrical charge and diffusion through a semipermeable membrane.
- (14) "GED" means general educational development in reference to a high school diploma equivalency.
- (15) "Media filter" means a device that uses materials designed to treat effluent by reducing biochemical oxygen demand and removing suspended solids in an unsaturated environment. Biological treatment is facilitated via microbial growth on the surface of the media.
- (16) "Operator in Training (OIT)" means the certificate issued with Commission approval to an individual prior to the completion of the experience requirements for that level of certification.
- (17) "Operator in Responsible Charge (ORC)" means the individual designated by a person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as the operator of record of the water pollution control system and who has primary responsibility for the operation of such system as defined in G.S. 90A-46
- (18) "Owner" means the person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as defined in G.S. 90A-44.
- (19) "Passing score" means earning 70 percent of the available points on an examination administered by the Commission.
- (20) "Physical/Chemical system" means any water pollution control system that utilizes a physical or a chemical process or both.
- (21) "Physical process" means any water pollution control system process consisting of electrodialysis, adsorption, absorption, air stripping, gravimetric sedimentation, flotation, or filtration as the means of treatment.
- (22) "Reciprocity certificate" means a certificate issued of the appropriate type and grade to an applicant certified in another state and who meets all other requirements set forth in Rule .0410 of this Section.
- (23) "Regional office" means one of the seven local offices of the Department of Environmental Quality located across the State.
- (24) "Residuals" means any solid, semisolid, or liquid waste, other than effluent or residues from agricultural products and processing, generated from a water pollution control facility, water supply treatment facility, or air pollution control facility permitted under the authority of the Environmental Management Commission or the Commission for Public Health.
- (25) "Reverse osmosis system" means a system that utilizes solutions and semipermeable membranes to separate and treat wastewaters.
- (26) "Submerged fixed growth" means a biological wastewater treatment system in which the wastewater is treated by contact with a biological growth that is fixed to submerged support media and includes systems such as rotating biological contactors and sequencing batch reactors.
- (27) "Successful completion" means the attendance of 80 percent of the approved training for examination eligibility and 100 percent of training for continuing education.
- (28) "Temporary certificate" means a certificate issued of an appropriate type and grade, without examination, to any person employed as a water pollution control system operator when the Commission finds that the supply of certified operators, or persons with the training and experience necessary for certification, is inadequate and the situation meets the requirements set forth in G.S. 90A-40(e).
- (29) "Ultrafiltration system" means a system that utilizes a membrane filter process to remove pollutants from wastewater.
- (30) "Valid certificate" means the certificate of an operator that has all required renewal fees paid, all required continuing education training completed, and has not been revoked, relinquished, invalidated, or suspended.
- (31) "Water pollution control system" means any system for the collection, treatment, or disposal of wastewater and is classified under the provisions of G.S. 90A-37.

*History Note: Authority G.S. 143B-300;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.*

SECTION .0200 - DUTIES AND RESPONSIBILITIES

15A NCAC 08G .0201 RESPONSIBILITY OF SYSTEM OWNERS TO DESIGNATE CERTIFIED OPERATORS

Owners of classified water pollution control systems shall designate operators certified by the Commission of the same type and grade as the classification for the system and for each classification shall:

- (1) designate one ORC who possesses a valid certificate of the type and grade at least equivalent to the type and grade of the system;
- (2) designate one or more Back-up ORC(s) who possesses a valid certificate of the type of the system and no more than one grade less than the grade of the system, with the exception of no Back-up ORC is required for systems whose minimum visitation requirements are twice per year; and
- (3) submit a signed completed Operator Designation Form to the Commission (or to the local health department for owners of subsurface systems) countersigned by the designated certified operators, designating the ORC and the Back-up ORC:
 - (a) 60 days prior to wastewater or residuals being introduced into a new system;
 - (b) within 120 days following:
 - (i) notification of a change in the classification of the system requiring the designation of a new ORC and Back-up ORC of the proper type and grade; or
 - (ii) a vacancy in the position of ORC or Back-up ORC; or
 - (c) within seven days of vacancies in both ORC and Back-up ORC positions replacing or designating one of the responsibilities.

the Operator Designation Form may be found on the Commission website at: <https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator-certification-downloads> and shall include:

- (i) the owner's name, contact information, and signature;
- (ii) the system name, location, permit number, type, and classification;
- (iii) the ORC name, contact information, the type and grade of the certification, and signature; and
- (iv) the Back-up ORC name(s), contact information, the type(s) and grade(s) of the certification(s), and the signature(s).

History Note: Authority G.S. 90A-37; 90A-38; 90A-39; 90A-40; 90A-44; 90A-45;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0202 RESPONSIBILITIES OF SYSTEM OWNERS

History Note: Authority G.S. 90A-37 through 90A-45;
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.

15A NCAC 08G .0203 RESPONSIBILITIES OF ALL CERTIFIED OPERATORS

Certified operators must:

- (1) comply with all terms and conditions of their certification as set forth in these Rules;
- (2) notify the Commission, in writing, within 30 calendar days of any changes in their mailing address;
- (3) be responsible for the renewal of their certification(s) as specified in Section .0700 of this Subchapter; and
- (4) comply with all statutes and rules regarding the operation of water pollution control systems.

History Note: Authority G.S. 90A-40; 90A-41; 90A-42; 90A-44;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0204 RESPONSIBILITIES OF AN OPERATOR IN RESPONSIBLE CHARGE (ORC)

An ORC of a water pollution control system shall:

- (1) possess a valid certificate of the appropriate type and grade for the system;

- (2) visit the system as often as is necessary to ensure the proper operation of the system but in no case less frequently than specified in the following schedule, unless otherwise specified in permit:
- (a) biological Grade I systems with the exception of Sub-item (2)(e) of this Rule: weekly;
 - (b) biological Grade II, III, and IV systems, other than those systems specified in Sub-item (2)(f) of this Rule: five days per week, excluding State and federal holidays;
 - (c) surface irrigation systems with the exception of Sub-item (2)(e) of this Rule: weekly;
 - (d) collection systems: within 24 hours of knowledge of a bypass, spill, or overflow of wastewater from the system, unless visited by a collection system Back-up ORC;
 - (e) domestic wastewater systems with a treatment capacity of 1500 gallons per day or less: twice per year with a six-month interval between visits;
 - (f) domestic wastewater ATUs with a treatment capacity of 1500 gallons per day or less: weekly;
 - (g) systems permitted under rules adopted by the Commission for Public Health: as required by 15A NCAC 18A .1961, which is hereby incorporated by reference, including subsequent amendments and editions;
 - (h) physical/chemical systems:
 - (i) Grade I systems, including groundwater remediation systems: weekly;
 - (ii) Grade II systems: five days per week, excluding State and federal holidays;
 - (i) land application systems: during or within 48 hours after application of residuals;
 - (j) systems not otherwise classified: as specified by the Commission based on the complexity of the system;
- (3) operate and maintain the system and attempt to ensure the compliance of the system with any permits issued for the system as well as any other applicable local, State, and federal environmental permitting and regulatory requirements;
- (4) certify by signature the validity of all monitoring and reporting information performed on the system as prescribed in any permit issued for the system and provide the owner a copy of monitoring and reporting forms;
- (5) document the operation, maintenance, and all visitation of the system in a log that shall be maintained at the system;
- (6) notify the owner of the system within 24 hours and in writing within five days of first knowledge, of any:
- (a) overflows from the system or any treatment process unit;
 - (b) bypasses of the system or any treatment process unit; or
 - (c) violations of any limits or conditions of the permit;
- (7) notify the owner in writing of the need for any system repairs and modifications that may be necessary to ensure the compliance of the system with all local, State, and federal environmental permitting and regulatory requirements;
- (8) be available on an on-call basis for in-person interactions:
- (a) for consultations with the system owner and regulatory officials;
 - (b) to handle emergency situations; and
 - (c) to provide access to the facility to regulatory agencies; and
- (9) upon vacating an ORC position, send the Commission and the appropriate regional office, or the local health department for subsurface system owners, written notice within 14 days of the vacancy.

*History Note: Authority G.S. 90A-37; 90A-38; 90A-44;
 Eff. April 1, 1999;
 Amended Eff. December 1, 2006;
 Readopted Eff. September 1, 2018.*

15A NCAC 08G .0205 RESPONSIBILITIES OF A BACK-UP OPERATOR IN RESPONSIBLE CHARGE (BACK-UP ORC)

The Back-up ORC:

- (1) may act as surrogate for the ORC, if he or she possesses a valid certificate of the appropriate type and grade for the system, for a period:
 - (a) not to exceed 40 percent of the system visitations required per calendar year under Rule .0204(2) of this Section; or
 - (b) not to exceed 120 consecutive days when the ORC is absent due to:

- (i) the vacancy of the ORC position; or
- (ii) personal or familial illness;
- (2) shall fulfill all of the requirements of Rule .0204 of this Section when acting as surrogate for the ORC; and
- (3) upon vacating a Back-up ORC position, send the Commission and the appropriate regional office, or the local health department for owners of subsurface systems, written notice within 14 days of the vacancy.

History Note: Authority G.S. 90A-37; 90A-38; 90A-44;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

SECTION .0300 - CLASSIFICATION OF WATER POLLUTION CONTROL SYSTEMS

15A NCAC 08G .0301 APPLICABILITY

(a) Notwithstanding the requirements in Rules .0302 through .0307 of this Section, the Commission shall modify the classification of a water pollution control system when:

- (1) conditions created by system design features, or inherent operational requirements exist that make operation of the system more or less complex than when the system was first permitted;
- (2) upgrades or other modifications to a system are completed; or
- (3) changes in Commission classification rules are made.

(b) In-plant processes and related water pollution control equipment that are integral parts of direct industrial production shall not be considered water pollution control systems for the purpose of this Section.

(c) Water pollution control systems permitted under rules adopted by the Commission for Public Health shall be classified pursuant to Rule .0307 of this Section.

(d) Water pollution control systems permitted under rules adopted by the Environmental Management Commission shall be classified pursuant to Rules .0302 through .0308 of this Section.

(e) Reservoirs, settling ponds, and associated pumps and piping that are an integral part of closed-loop water recycle systems for the non-biological and non-toxic treatment of process water at sand, gravel, and crushed stone operations shall not be subject to the requirements of these Rules unless the Commission determines that the system is not being operated or maintained in accordance with permit conditions, as reported by regional office DEQ staff or from citizen complaints.

(f) Any water pollution control system, regardless of type or ownership, may be classified and required to designate an ORC and a Back-up ORC, in the event that the Commission determines that the system is not being operated or maintained in accordance with permit conditions, as reported by regional office DEQ staff or from citizen complaints.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0302 CLASSIFICATION OF BIOLOGICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

(a) The following discharging systems shall be assigned a classification of Grade I Biological Water Pollution Control System unless the permitted design flow, or operational complexity of the system requires a higher classification:

- (1) septic tank/ media filter systems;
- (2) biological lagoon systems; and
- (3) constructed wetlands and associated appurtenances.

(b) Systems that utilize an activated sludge or submerged fixed growth process with a permitted flow less than or equal to 0.5 million gallons per day (mgd) shall be assigned the classification of Grade II Biological Water Pollution Control System.

(c) Systems utilizing an activated sludge or submerged fixed growth process with permitted flows of greater than 0.5 through 2.5 mgd shall be assigned the classification of Grade III Biological Water Pollution Control System.

- (d) Systems utilizing an activated sludge or submerged fixed growth process with a permitted flow greater than 2.5 mgd shall be assigned a classification of Grade IV Biological Water Pollution Control System.
- (e) Any system receiving a classification of Grade II Biological Water Pollution Control System that is required to comply with a permit limit for Total Nitrogen or Total Phosphorus shall be assigned the classification of Grade III Biological Water Pollution Control System.
- (f) Any system receiving a classification of Grade III Biological Water Pollution Control System that is required to comply with a permit limit for Total Nitrogen or Total Phosphorus shall be assigned the classification of Grade IV Biological Water Pollution Control System.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0303 CLASSIFICATION OF WATER POLLUTION CONTROL COLLECTION SYSTEMS

(a) Water pollution control collection systems operated to convey wastewater to water pollution control systems which are permitted or tributary to municipalities, regional water pollution control systems, water and sewer authorities, public utilities, or are a Grade II, III or IV state or federally owned system, are subject to classification in accordance with Rule .0303(b) of this Section. Any collection system, regardless of ownership, is classified pursuant to this Rule and required to designate an Operator in Responsible Charge (ORC) and a Back-up Operator in Responsible Charge (Back-up ORC) if the Commission determines that the system is not being operated and maintained in a manner which prevents the escape of wastewater from the system into the environment.

(b) Collection systems are assigned the lower grade classification that is either:

- (1) the same as the grade of the biological water pollution control system to which the collection system is tributary; or
- (2) based on the population served by the collection system in accordance with the following chart:

(A)	1,500 or less	Grade I;
(B)	1,501 to 15,000	Grade II;
(C)	15,001 to 50,000	Grade III;
(D)	50,001 or more	Grade IV.

In the event that the population served cannot be determined, the equivalent population served shall be calculated by using the design flow of the system divided by a flow of 60 gallons per day per person.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0304 CLASSIFICATION OF SURFACE IRRIGATION WATER POLLUTION CONTROL SYSTEMS

(a) Systems that utilize surface irrigation for the treatment, reuse, or disposal of wastewater shall be classified as surface irrigation water pollution control systems. Those systems that contain only preliminary treatment processes such as septic tanks, media filters, oil/water separators, lagoons, storage basins, physical screening, or sedimentation processes shall not be subject to the additional operator requirements as specified in Rule .0302 or .0306 of this Section.

(b) Any surface irrigation system that has as part of its treatment process systems other than those specified in Paragraph (a) of this Rule, shall be subject to additional classification pursuant to these Rules.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0305 CLASSIFICATION OF LAND APPLICATION OF RESIDUALS SYSTEMS

The following systems shall be classified as land application of residuals systems if permitted for the land application of:

- (1) residuals that are produced by a water pollution control system, water supply treatment facility, as defined in G.S. 90A-20.1, or air pollution control facility, as defined in G.S. 159C-3(2); or

- (2) contaminated soils.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0306 CLASSIFICATION OF PHYSICAL/CHEMICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

- (a) Any water pollution control system, including systems designed for the remediation of contaminated groundwater, that utilizes a physical process to treat wastewaters shall be classified as a Grade I Physical/Chemical Water Pollution Control System.
- (b) Any water pollution control system that utilizes a chemical process to treat wastewaters, including those systems whose treatment processes are augmented by physical processes, shall be classified as a Grade II Physical/Chemical Water Pollution Control System. Any reverse osmosis, electrodialysis, and ultrafiltration system shall be classified as a Grade II Physical/Chemical Water Pollution Control System.
- (c) Any water pollution control system that has as part of its treatment process a biological water pollution control system shall be subject to additional classification as a biological water pollution control system.
- (d) Any water pollution control system subject to classification under Rule .0302 of this Section utilizing a physical or chemical process to enhance an activated sludge or fixed growth process shall not be subject to additional classification under this Rule.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0307 CLASSIFICATION OF SUBSURFACE WATER POLLUTION CONTROL SYSTEMS

- (a) Systems permitted under rules adopted by the Environmental Management Commission that utilize the soil for the subsurface treatment and disposal of wastewater shall be classified as subsurface water pollution control systems.
- (b) Any subsurface water pollution control system that is required to have a certified operator under 15A NCAC 18A .1961 shall be deemed classified as a subsurface water pollution control system.
- (c) Any subsurface water pollution control system that has as part of its treatment process a water pollution control system that may be classified under Rules .0302 through .0306 of this Section shall be subject to additional classification if required by rules for wastewater systems adopted by the Commission for Public Health based upon system complexity and the designated treatment standard. If the subsurface system consists only of septic tanks, pump tanks, siphon or pump dosing systems, media filters, grease traps or grease interceptors, or oil/water separators, and subsurface disposal of the wastewater, additional classification shall not be required.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0308 SYSTEMS NOT OTHERWISE CLASSIFIED

The Commission may classify any water pollution control system which is not otherwise classified when that system is receiving wastewater that has distinctly different characteristics from typical domestic wastewater or is a water pollution control system which contains treatment processes that are sufficiently different from the conventional treatment processes classified in Rules .0302 through .0306 of this Section.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SECTION .0400 - ELIGIBILITY REQUIREMENTS FOR EXAMINATIONS

15A NCAC 08G .0401 GENERAL REQUIREMENTS

(a) An applicant for certification as an operator of a water pollution control system must meet the following criteria and possess the knowledge and abilities listed as they relate to the specific type of system for which certification is being sought and shall, at a minimum, include:

- (1) possess a high school diploma or a general educational development (GED) equivalent;
- (2) be at least 18 years of age;
- (3) have a general knowledge of typical wastewater characteristics and treatment processes; and
- (4) have the ability to:
 - (A) read and understand the statutes and rules which govern water pollution control system operators and the operation of the type of system for which certification is being sought;
 - (B) perform mathematical calculations required to operate the system for which certification is being sought;
 - (C) complete and maintain logs and regulatory reporting forms required to document the proper operation of the system; and
 - (D) safely and effectively operate the equipment employed in the type of system for which certification is being sought; and
 - (E) describe the general maintenance requirements for such equipment.

(b) An applicant who has failed to achieve a passing score on a specific type and grade of examination after three consecutive attempts must:

- (1) attend and successfully complete approved training for the same type and grade as the certification being sought; and
- (2) provide verification, in the form of a certificate of completion or other such documentation, of the successful completion of the required training with any subsequent application made to the Commission to sit for the examination.

(c) An applicant for certification must not have had any certification revoked by the Commission within the two - year period prior to the date of the application for certification.

(d) An applicant for certification is not allowed to sit for any examination offered by the Commission during the period of a suspension of any certification held by the applicant with the Commission.

(e) An applicant who holds a valid biological or collection certification of any level on April 1, 1999, may progress to the highest level of certification of the same type without meeting the requirements of Subparagraph (a)(1) of this Rule.

*History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

15A NCAC 08G .0402 ELIGIBILITY REQUIREMENTS FOR BIOLOGICAL WATER POLLUTION CONTROL SYSTEM OPERATORS

Eligibility for certification as a Biological Water Pollution Control System Operator is based on the following qualifications:

- (1) for Grade I certification, the applicant must:
 - (a) have successfully completed approved training for Grade I Biological Water Pollution Control System operators.
- (2) for Grade II certification, the applicant must:
 - (a) hold a valid North Carolina Grade I Biological Water Pollution Control System Operator certificate;
 - (b) have 6 months of actual experience at a Grade II or higher biological water pollution control system; and
 - (c) have successfully completed approved training for Grade II Biological Water Pollution Control System operators.
- (3) for Grade III certification, the applicant must:
 - (a) hold a valid North Carolina Grade II Biological Water Pollution Control System Operator certificate;
 - (b) have successfully completed approved training for Grade III Biological Water Pollution Control System operators; and
 - (c) either:

- (i) have two years of actual experience at a Grade II, or higher, biological water pollution control system, or
 - (ii) be a graduate of two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences and have 18 months of actual experience at a Grade II, or higher, biological water pollution control system.
- (4) for Grade IV certification, the applicant must:
- (a) hold a valid North Carolina Grade III Biological Water Pollution Control System Operator certificate;
 - (b) have successfully completed approved training for Grade IV Biological Water Pollution Control System operators; and
 - (c) either:
 - (i) have three years of actual experience at a Grade III, or higher, biological water pollution control system, or
 - (ii) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences and have two years of actual experience at a Grade III, or higher, biological water pollution control system.

History Note:

Authority G.S. 90A-39.

Eff. April 1, 1999;

Amended Eff. December 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0403 ELIGIBILITY REQUIREMENTS FOR WATER POLLUTION CONTROL COLLECTION SYSTEM OPERATORS

Eligibility for certification as a Water Pollution Control Collection System Operator is based on the following qualifications:

- (1) for Grade I certification, the applicant must: have successfully completed approved training for Grade I water pollution control collection system operators.
- (2) for Grade II certification, the applicant must:
 - (a) hold a valid North Carolina Grade I Water Pollution Control Collection System Operator certificate;
 - (b) have six months of actual experience in water pollution control collection system operations; and
 - (c) have successfully completed approved training for Grade II water pollution control collection system operators.
- (3) for Grade III certification, the applicant must:
 - (a) hold a valid North Carolina Grade II Water Pollution Control Collection System Operator certificate;
 - (b) have successfully completed approved training for Grade III water pollution control collection system operators; and
 - (c) either:
 - (i) have two years of actual experience in water pollution control collection system operations, or
 - (ii) be a graduate of a two or four year college or university and have taken and passed, a minimum of six courses in a field directly related to the operation and maintenance of a collection system, e.g. civil, mechanical, or environmental engineering, and have one year of actual experience in the operation of a water pollution control collection system.
- (4) for Grade IV certification, the applicant must:
 - (a) hold a valid North Carolina Grade III Water Pollution Control Collection System Operator certificate;
 - (b) have successfully completed approved training for Grade IV water pollution control collection system operators; and
 - (c) either:
 - (i) have three years of actual experience in water pollution control collection system operations, or

- (ii) be a graduate of a two or four year college or university and have taken and passed, a minimum of six courses in a field directly related to the operation and maintenance of a collection system, e.g. civil, mechanical, or environmental engineering, and have two years of actual experience in the operation of a water pollution control collection system.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0404 ELIGIBILITY REQUIREMENTS FOR LAND APPLICATION OF RESIDUALS OPERATORS

An applicant for certification as a Land Application of Residuals Operator shall have successfully completed approved training for land application of residuals operators and shall have met one of the following:

- (1) have one year of actual experience in the land application of residuals;
- (2) be a graduate of a two or four-year college or university and have taken and passed six courses in the basic sciences; or
- (3) hold a valid Grade II or higher biological water pollution control system operator certification.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0405 ELIGIBILITY REQUIREMENTS FOR PHYSICAL/CHEMICAL WATER POLLUTION CONTROL SYSTEM OPERATORS

Eligibility for certification as a Physical/Chemical Water Pollution Control System Operator shall be based on the following qualifications:

- (1) for the Grade I, the individual shall have successfully completed approved training for Grade I Physical/Chemical Water Pollution Control System Operators.
- (2) for the Grade II, the individual shall:
 - (a) possess a valid Grade I Physical/Chemical Water Pollution Control System Operator certificate;
 - (b) have one year of actual experience at a Grade II Physical/Chemical Water Pollution Control System or at an industrial pretreatment or indirect discharge permitted facility; and
 - (c) have successfully completed approved training for Grade II Physical/Chemical Water Pollution Control System Operators.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0406 ELIGIBILITY REQUIREMENTS FOR SURFACE IRRIGATION WATER POLLUTION CONTROL SYSTEM OPERATORS

An applicant for certification as a Surface Irrigation Water Pollution Control System Operator shall have successfully completed approved training for surface irrigation water pollution control system operators and shall have met one of the following:

- (1) have one year of actual experience in the operation of a surface irrigation water pollution control system;
- (2) be a graduate of a two or four-year college or university and have taken and passed six courses in the basic sciences;

- (3) be a private homeowner who intends to operate only his or her own domestic surface irrigation water pollution control system; or
- (4) hold a valid Grade II or higher biological water pollution control system operator certification.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0407 ELIGIBILITY REQUIREMENTS FOR SUBSURFACE WATER POLLUTION CONTROL SYSTEM OPERATORS

An applicant for certification as a Subsurface Water Pollution Control System Operator shall have successfully completed approved training for subsurface water pollution controls system operators and shall have met one of the following:

- (1) have one year of actual experience in the operation of a subsurface water pollution control system;
- (2) be a graduate of a two or four-year college or university and have taken and passed six courses in the basic sciences;
- (3) be a private homeowner who intends to operate only his or her own domestic subsurface water pollution control system; or
- (4) hold a valid Grade II or higher biological water pollution control system operator certification.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0408 ELIGIBILITY REQUIREMENTS FOR OPERATOR IN TRAINING (OIT) CERTIFICATION

- (a) The Commission may allow an applicant for any water pollution control system operator certificate to take the examination if the individual has met all of the prerequisite education and certification requirements but is unable to meet the actual experience requirement.
- (b) Upon achieving a passing score on the examination, the applicant shall be issued an Operator In Training (OIT) certificate of the same type and grade as the examination.
- (c) The Operator In Training (OIT) must not be designated as the Operator in Responsible Charge (ORC) or Back-up Operator In Responsible Charge (Back-Up ORC) of a system.
- (d) Operator In Training (OIT) certificates must be renewed annually as stipulated in 15A NCAC 08G .0701.
- (e) When the holder of an Operator in Training (OIT) certificate completes the prerequisite experience for the permanent certificate at that type and level, the holder must submit an application documenting the experience, with the appropriate fee for a replacement certificate in order to receive the permanent certificate at that level.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0409 ELIGIBILITY REQUIREMENTS FOR CONDITIONAL WATER POLLUTION CONTROL SYSTEM OPERATORS

Conditional Certificates shall remain valid contingent upon the individuals holding the certificates meeting renewal requirements as found in Section .0700 of this Subchapter.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0410 RECIPROCITY CERTIFICATION

(a) The Commission shall issue certification(s) to an individual certified in other states or legal jurisdictions if the individual:

- (1) meets or exceeds all eligibility requirements or the equivalent set forth in Rules .0402 to .0408 of this Section, with the exception of completion of approved training;
- (2) submits an Application for Reciprocity Form with the one hundred dollar (\$100.00) Reciprocity Certificate fee as set forth in G.S. 90A-42(a)(6). The Application for Reciprocity Form may be found at: <https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator-certification-exams>, and shall include the following:
 - (A) the applicant's name, Social Security number, mailing address, and contact information;
 - (B) the type and grade of certification sought;
 - (C) the date and location of exam requested;
 - (D) the type and grade of certification held in another state;
 - (E) educational information;
 - (F) professional schools and training completed;
 - (G) employment information; and
 - (H) operational experience;
- (3) provides a letter of verification from the certifying state agency that applicant is certified at the stated level and that no disciplinary actions are outstanding against the applicant; and
- (4) achieves a passing score on a Commission-administered examination of the same type and grade as that for which reciprocity certification is being requested. The requirement for completion of approved training shall be waived in the case of applicants pursuant to this Rule.

(b) An applicant who has failed to achieve a passing score on the Commission-administered exam for the same type and grade of certification within the last two years is ineligible to apply under this Rule.

(c) Applicants that fail to achieve a passing score on three examinations shall be required to successfully complete the approved training for that certification before becoming eligible to take the examination again.

(d) Applicants who obtain certification by providing false information to the Commission shall be subject to disciplinary actions as set forth in Section .0800 of this Subchapter.

*History Note: Authority G.S. 90A-40;
Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.*

SECTION .0500 - CERTIFICATION BY EXAMINATION

15A NCAC 08G .0501 APPLYING FOR EXAMINATION

(a) All applications for examination submitted to the Commission shall be:

- (1) submitted on a Examination Application found at <https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator-certification-downloads>. The Application Form shall include the following:
 - (A) the applicant's name, mailing address, and contact information;
 - (B) the applicant's Social Security number (if a first-time applicant) or certification number;
 - (C) the type and grade of certification sought;
 - (D) the date and location of exam requested;
 - (E) approved training and educational information;
 - (F) employment information;
 - (G) operational experience;
 - (H) the applicant's supervisor's signature; and
 - (I) the applicant's signature.
- (2) accompanied by the eighty-five dollar (\$85.00) application fee per G.S. 90A-42(a)(1);
- (3) completed with all required information, documentation, and signatures provided; and
- (4) postmarked at least 30 days prior to the scheduled date of the examination, as indicated on the Commission website.

(b) Upon receipt by the Commission, the application shall be reviewed for completeness and a determination as to the eligibility of the applicant to sit for the requested examination shall be made based on eligibility requirements set forth in Rules .0401 through .0408 of this Subchapter. Incomplete applications shall be returned to the applicant.

(c) Each applicant shall be notified, in writing, of the applicant's eligibility to sit for the requested examination. Individuals determined to be eligible for an examination shall be sent written notification containing information concerning the date, time, and location of the examination. This written notification shall be considered a receipt from the Commission to the applicant for the examination fee. Applicants found to be ineligible for an examination shall be sent written notification of the ineligibility determination.

(d) Any applicant who obtains certification by supplying false information to the Commission shall be subject to disciplinary action as set forth in Section .0800 of this Subchapter.

History Note: Authority G.S. 90A-39; 90A-41; 90A-42;

Eff. April 1, 1999;

Amended Eff. December 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;

Amended Eff. September 1, 2018.

15A NCAC 08G .0502 INELIGIBLE APPLICANTS

History Note: Authority G.S. 90A-39;

Eff. April 1, 1999;

Repealed Eff. December 1, 2006.

15A NCAC 08G .0503 EXAMINATION ADMINISTRATION

(a) The Commission shall set the dates, times, and locations for all examinations.

(b) Examinations may be administered by the Commission at any time, or at any location, when a sufficient number of applications have been received to warrant such an examination.

(c) Before each applicant receives an examination paper, an applicant shall display a valid driver's license, photo identification or other form of identification satisfactory to the proctor.

History Note: Authority G.S. 90A-39;

Eff. April 1, 1999;

Amended Eff. December 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0504 EXAMINATION GRADING

(a) A passing score on any examination administered by the Commission is 70 percent of the available points on the examination.

(b) Each applicant, and only the applicant, shall be notified, in writing, of the results on an examination.

(c) If a passing score is attained by an applicant on an examination, the written notification to the applicant shall constitute the certification of the applicant as an operator or operator in training of a water pollution control system of the same type and grade as the examination.

History Note: Authority G.S. 90A-39; 90A-40;

Eff. April 1, 1999;

Amended Eff. December 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0505 EXAMINATION REVIEWS

(a) Any applicant who fails to make a passing score on an examination shall be allowed to review his or her exam at a date, time, and location specified by the Commission. Notification of the reviews shall be sent using the address submitted upon application and this shall be the only opportunity the applicant shall be allowed for reviewing the examination.

(b) An applicant shall not be allowed to review the examination within 30 days of an upcoming examination date.

(c) All examinees shall receive a report that summarizes his or her performance on the exam, including the score, subject matter areas from which the questions were drawn, as well as correct and incorrect responses to each question. Specific questions from the exam shall not be included in this report.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

SECTION .0600 - CERTIFICATION WITHOUT EXAMINATION

15A NCAC 08G .0601 RECIPROCITY CERTIFICATION

History Note: Authority G.S. 90A-40; 90A-42;
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.

15A NCAC 08G .0602 TEMPORARY CERTIFICATES

(a) Temporary certificates, of any type and grade, may be issued by the Commission to the operator of a water pollution control system, for a period not to exceed one year, due to:

- (1) the vacancy of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC);
- (2) the suspension or revocation of the certification of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC);
- (3) a change in the classification of the system due to a permit modification or the completion of an upgrade or expansion; or
- (4) a modification to Commission rules.

(b) Temporary Certificates shall only be issued for the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC) of the system specified on the application.

(c) All applications for a temporary certificate must:

- (1) be submitted by the owner of the system for the applicant;
- (2) be accompanied by the required fee; and
- (3) include a letter from the owner that contains:
 - (A) an explanation for the need of a temporary certificate for the applicant;
 - (B) an explanation of all of the efforts that were made to employ an operator who possessed the required certification;
 - (C) a statement designating the applicant as either the Operator in Responsible Charge (ORC) or Back-up Operator in Responsible Charge (Back-up ORC) of the system; and
 - (D) a plan that describes the actions that:
 - (i) the applicant will pursue in order to attempt to obtain permanent certification during the effective period of the temporary certificate; and
 - (ii) the owner of the system will be pursuing in the event that the applicant fails to obtain permanent certification during the effective period of the temporary certificate.

(d) Applicants for a temporary certificate must:

- (1) Either:
 - (A) for biological or collection system grade II or higher operator certification, possess a valid certificate of the same type as the system and that is no more than one grade lower than the classification of the system when applying as an Operator in Responsible Charge (ORC) and no more than two grades lower than the classification of the system when applying as a Back-up Operator in Responsible Charge (Back-up ORC); or
 - (B) for a Grade I biological, Grade I Physical/Chemical, Grade I Collection, Surface Irrigation, Land Application, or Subsurface Water Pollution Control System; have a minimum of three months of actual experience in the operation of the type of system for which a temporary certificate is being applied if the temporary certificate is requested.
- (2) be eligible for permanent certification prior to the expiration date of the temporary certificate;

- (3) not have made three previous unsuccessful attempts to make a passing score on the same type and grade examination as the temporary certificate; and
 - (4) have never relinquished, nor had revoked, any water pollution control operator certificate issued by the Commission.
- (e) Applicants who obtain a temporary certificate by providing false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

*History Note: Authority G.S. 90A-40; 90A-42;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

15A NCAC 08G .0603 TEMPORARY CERTIFICATE RENEWAL

- (a) All applications for renewal of a temporary certificate must:
- (1) be submitted by the owner of the system 60 calendar days prior to the expiration date of the original temporary certificate;
 - (2) be accompanied by the required fee; and
 - (3) include a letter from the owner that explains:
 - (A) the need for renewal of the temporary certificate;
 - (B) the reasons for the failure of the applicant to obtain permanent certification during the original effective period of the temporary certificate;
 - (C) the efforts that have been made by the owner to employ a properly certified operator during the effective period of the original temporary certificate; and
 - (D) the actions that will be taken by:
 - (i) the applicant in order to obtain permanent certification during the effective period of the renewed temporary certificate; and
 - (ii) the owner if the applicant does not obtain permanent certification during the effective period of the renewed temporary certificate.
- (b) The renewal request shall be denied if the applicant has failed:
- (1) to seek permanent certification by examination during the original effective period of the temporary certificate; or
 - (2) to obtain permanent certification after four examination attempts during the original effective period of the temporary certificate.
- (c) A temporary certificate may be renewed only once for the same operator.
- (d) Applicants who obtain a temporary certificate renewal by providing false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

*History Note: Authority G.S. 90A-40; 90A-42;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

15A NCAC 08G .0604 CONVERSION OF VOLUNTARY CERTIFICATION TO MANDATORY CERTIFICATION

*History Note: Authority G.S. 90A-39; 90A-40; 90A-42;
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.*

SECTION .0700 - RENEWAL OF CERTIFICATION

15A NCAC 08G .0701 REQUIREMENTS

- (a) The holder of the certificate shall annually renew the certificate by:
- (1) Submitting payment of the required annual renewal fee by December 31 as set forth in G.S. 90A-40 and G.S. 90A-46.1.

- (2) Each operator shall provide documentation of six contact hours of Commission approved training during each year following the year of initial certification.
- (b) Certificates that are not renewed when due shall be invalid. To renew a certificate that has been invalid for less than two consecutive years, all outstanding renewal fees and penalties that have accrued since the certificate was last renewed shall be paid and all accrued continuing education requirements shall be met. To renew a certificate that has been invalid for two or more consecutive years, the operator shall be required make a passing score on an examination of the same type and grade as the former certificate. To qualify for the examination, all relevant requirements of Section .0400 of this Subchapter shall be met. Any requirements in Section .0400 of this Subchapter for Commission approved training shall have been met within the previous 12-month period.
- (c) The Commission shall send renewal notices to each certified operator, using the last known address on file for that individual, 60 days prior to the renewal date. Failure to receive a renewal notice does not relieve a certified operator of the responsibility to renew the certificate by the renewal due date.

History Note: Authority G.S. 90A-40; 90A-42; 90A-46.1;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

SECTION .0800 - DISCIPLINARY ACTIONS

15A NCAC 08G .0801 GROUNDS FOR DISCIPLINARY ACTIONS

The Commission may take disciplinary actions, in accordance with Rule .0802 of this Section, against a certified operator for:

- (1) practicing fraud or deception;
- (2) failure to use reasonable care or judgment in the performance of duties;
- (3) failure to apply their knowledge or ability in the performance of duties; or
- (4) incompetence or the inability to perform duties.

History Note: Authority G.S. 90A-41;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0802 DISCIPLINARY ACTIONS

- (a) The Commission may revoke or suspend the certification of an operator or issue a letter of reprimand to an operator in accordance with the provisions of G.S. 90A-41.
- (b) The Chairman of the Commission may issue notification of summary suspension, in accordance with the provisions of G.S. 150B-3.
- (c) The Chairman shall convene a disciplinary committee to review the circumstances of the proposed disciplinary action(s).
- (1) The disciplinary committee shall include:
 - (A) the Chairman of the Commission;
 - (B) the Vice Chairman of the Commission;
 - (C) the member of the Commission who represents the type of system at which the operator is employed or another member of the Commission appointed by the Chairman of the Commission; and
 - (D) a certified operator who is not a member of the Commission and has been appointed from the public by the Chairman.
 - (2) The members of the disciplinary committee shall offer guidance to the Commission chairman in regards to the actions that should be taken against an operator.
- (d) Notification of the disciplinary committee meeting shall be sent by certified mail to the last known address of the operator at least 15 days prior to the date of the meeting of the disciplinary committee. This notification shall contain the alleged facts or conduct upon which the proposed revocation or suspension of the certification or letter of reprimand is based.

(e) The operator shall have an opportunity to submit a written response to the Chairman prior to the date of the disciplinary committee meeting. The operator shall also be given the opportunity to make an oral statement before the disciplinary committee.

(f) Within 10 business days of the conclusion of the disciplinary committee meeting, the Chairman shall issue the decision of the disciplinary committee. If this decision is to issue a revocation or suspension or a letter of reprimand, the Chairman shall advise the operator of the effective date of the action and the facts or conduct upon which the action is based. The revocation or suspension of a certification or the letter of reprimand shall be delivered to the operator and the owner of the system(s) at which the operator works by certified mail, at the last known address for the operator and owner on file with the Commission, at least 20 days prior to the effective date of the revocation or suspension or letter of reprimand.

(g) If the certified operator initiates administrative proceedings, the Commission shall defer final action on the matter until receipt of a decision as provided for in G.S. 150B-34.

(h) If an applicant is caught cheating on an examination by a proctor, the applicant shall be removed from the examination, the examination shall not be graded, the fee for the examination shall be forfeited by the applicant, and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-41 and in Rule .0801 of this Section.

(i) If the Commission determines, after the examination has been graded, that an applicant cheated on an examination and certification has been conveyed to the applicant, the certification obtained through the examination shall be revoked and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-41 and in Rule .0801 of this Section.

*History Note: Authority G.S. 90A-40; 90A-41;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
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Amended Eff. December 1, 2018.*

15A NCAC 08G .0803 CERTIFICATION FOLLOWING DISCIPLINARY ACTIONS

(a) An individual who has had certification revoked by the Commission may petition the Commission for any new certification sought, but no sooner than two years from the effective date of the revocation. An individual shall wait one year to reapply for certification following the denial of eligibility for re-certification after relinquishment or revocation.

(b) The following information shall be included in the petition for certification:

- (1) a written statement explaining the actions that the individual has taken to correct those problems that lead to the revocation of the certification previously held with the Commission; and
- (2) a statement that attests to the Commission that, upon obtaining certification, the individual shall comply with all laws governing the operation of water pollution control systems.

(c) After submittal of the petition for certification, the petitioner shall be required to appear before the Commission at a regularly scheduled meeting. The petitioner shall be notified, by certified mail, of the date, time, and location of the meeting at least 15 days prior to the meeting.

(d) The Commission shall send written notification to the individual within 120 days following receipt of the petition of its decision. Eligibility for certification shall be granted only if the petitioner presents evidence that those conditions that lead to the revocation of previous certification held by the petitioner have been corrected.

(e) Certification of an individual whose previous certification has been revoked shall occur only after the individual obtains a passing score on an examination. After the Commission approves the petition for certification, the individual shall submit an application, accompanied by the examination fee of eighty-five dollars (\$85.00) set forth in G.S. 90A-42(a)(1), and meet the examination eligibility requirements for the type of certification being sought as set forth in Section .0400 of this Subchapter. The individual shall begin the certification process at the lowest grade level offered for the type of certification sought. Operational experience accrued by the individual prior to the revocation of any previously held certification(s) shall not be considered when determining the eligibility of the individual for the examination.

(f) Applicants for certification who were previously determined to be ineligible for certification due to supplying false information to the Commission shall follow the procedures set forth in Paragraphs (a) through (e) of this Rule in order to obtain certification.

*History Note: Authority G.S. 90A-39; 90A-41; 90A-42;
Eff. April 1, 1999;*

*Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.*

15A NCAC 08G .0804 CONTESTED CASE PROCEDURES

(a) Administrative hearings shall be held in accordance with G.S. 150B and the administrative hearing procedures codified at 15A NCAC 01B .0200 et seq., are hereby incorporated by reference including any subsequent amendments and additions.

(b) For information on obtaining a copy of 15A NCAC 01B .0200, you may contact the Rules Division of the NC Office of Administrative Hearings at (919) 733-2678.

*History Note: Authority G.S. 143B-300; 150B-23;
Eff. April 1, 1999;*

Amended Eff. December 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SECTION .0900 - CONTRACT OPERATION OF WATER POLLUTION CONTROL SYSTEMS

15A NCAC 08G .0901 RESPONSIBILITIES OF CONTRACT OPERATORS AND CONTRACT OPERATIONS FIRMS

Each contract operator, or contract operations firm, that enters into a contract with the owner of a water pollution control system to operate the system must notify the owner, in writing, within five calendar days of:

- (1) any change in the designation of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC) of the system; or
- (2) becoming aware of any situation or problem (preexisting, anticipated, or otherwise) which may interfere with the proper operation of the system and necessitate corrective action by the owner. This notice shall include the comments and recommendations of the operator in regards to actions or measures that should be taken to correct the noted situation or problem.

*History Note: Authority G.S. 90A-44; 90A-45;
Eff. April 1, 1999;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0902 ANNUAL REPORT

*History Note: Authority G.S. 90A-45;
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.*

SECTION .1000 - RULE MAKING PROCEDURES AND PETITIONS FOR REGULATORY ACTIVITY

15A NCAC 08G .1001 PETITIONS FOR REGULATORY ACTIVITY

(a) Any person(s) desiring to request the adoption, amendment, or repeal of a rule may make such request in a petition filed pursuant to G.S. 150B-20, addressed to the Water Pollution Control System Operators Certification Commission and mailed to the Chairman at 1618 Mail Service Center, Raleigh, NC 27699-1618. Such petitions must contain:

- (1) a draft of the proposed rule or a summary of its intent;
- (2) reasons for adoption of the proposed rule(s) and the effect it will have on existing rules and practices; and
- (3) the name(s) and address(es) of the petitioner(s).

(b) Petitions shall be placed on the agenda of the next regularly scheduled meeting of the Commission if received at least four weeks prior to the meeting. The Chairman shall prepare recommended responses to petitions for the Commission's consideration. Petitions shall be considered in accordance with the requirements of G.S. 150B-20.

*History Note: Authority G.S. 143B-300; 150B-20;
Eff. April 1, 1999;*

Amended Eff. December 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SECTION .1100 - ADMINISTRATIVE DUTIES

15A NCAC 08G .1101 REFUNDING OF FEES

History Note: Authority G.S. 90A-42;
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.

DRAFT AGENDA
Materials contained in this agenda are for discussion
and are not to be construed as regulatory proposals.
DRAFT AGENDA

SUBCHAPTER 18D - WATER TREATMENT FACILITY OPERATORS

SECTION .0100 - GENERAL POLICIES

Rules .0101 - .0105 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0101 - .0105); has been transferred and recodified from Rules .0101 - .0105 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0101 - .0105), effective April 4, 1990.

15A NCAC 18D .0101 PURPOSE

History Note: Authority G.S. 90A-20; 90-21(c);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Repealed Eff. September 1, 1990.

15A NCAC 18D .0102 ORGANIZATION

History Note: Authority G.S. 90A-21;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Repealed Eff. September 1, 2004.

15A NCAC 18D .0103 MEETINGS OF THE BOARD

- (a) The Board shall meet at least twice each year for the purpose of examining applications.
- (b) Additional meetings shall be held at such other times, and at such places as deemed necessary for the conduct of board business.

History Note: Authority G.S. 90A-21(c);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979.

15A NCAC 18D .0104 QUORUM

History Note: Authority G.S. 90A-21(c);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Repealed Eff. September 1, 1990.

15A NCAC 18D .0105 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

- (1) "Acceptable Experience"
 - (a) For surface grades means at least 50 percent of the duties shall consist of active on-site performance of operational duties, including on-site water facility laboratory duties, at a surface water treatment facility. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection-control and other skills necessary for maintaining and operating a surface water treatment facility. The remaining duties shall be in related fields such as wastewater facility operation, water/wastewater laboratory,

water pumping stations, water system design and engineering, wells, distribution systems, or cross-connection-control. The experience of Division of Environmental Health, Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.

- (b) For well grades means at least 50 percent of the duties shall consist of active on-site performance of operational duties for public water systems with chemical treatment having one or more wells. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection-control and other skills necessary for maintaining and operating a treated well water system. The remaining duties shall be in related fields such as wastewater facility operation, water/wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, distribution systems, or cross-connection-control. The experience of Division of Environmental Health, Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.
- (c) For distribution grades means at least 50 percent of the duties shall consist of active on-site performance of operational duties for distribution systems within public water systems. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection-control and other skills necessary for maintaining and operating a water distribution system. The remaining duties shall be in related fields such as wastewater facility operation, water/wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, wells, or cross-connection-control. The experience of Division of Environmental Health, Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.
- (d) For cross-connection-control grade means the duties shall consist of on-site performance of cross-connection-control duties for a public water system. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, back flow prevention and other skills necessary for maintaining and operating a cross-connection-control program for a public water system. The remaining duties shall be in related fields such as wastewater facility operation, water/wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, or wells. The experience of Division of Environmental Health, Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.
- (2) "Certified Operator" means any holder of a certificate issued by the Board in accordance with the provisions of G.S. 90A-20 to -29.
- (3) "College Graduate" means a graduate of a regionally accredited four-year institution awarding degrees on the bachelor level.
- (4) "Licensee" means any person who holds a current certificate issued by the Water Treatment Facility Operators Board of Certification.
- (5) "Owner" shall mean the person, political subdivision, firm, corporation, association, partnership or non-profit corporation formed to operate a public water supply facility.
- (6) "Political Subdivision" means any city, town, county, sanitary district, or other governmental agency or privately owned public water supply operating a water treatment facility.
- (7) "Secretary" shall mean the Secretary of the Department of Environment and Natural Resources.
- (8) "Service Connection" means a water tap made to provide a water connection to the water distribution system.
- (9) "Fire Protection System" means dry or wet sprinkler systems or fire hydrant connection to the water distribution system.

*History Note: Authority G.S. 90A-21(c);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. May 1, 2006; August 1, 2002; August 1, 1998; August 3, 1992; January 1, 1992; September 1, 1990; June 1, 1988.*

SECTION .0200 – QUALIFICATION OF APPLICANTS AND CLASSIFICATION OF FACILITIES

Rules .0201 - .0205 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0201 - .0205); has been transferred and recodified from Rules .0201 - .0205 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0101 - .0105), effective April 4, 1990.

15A NCAC 18D .0201 GRADES OF CERTIFICATION

(a) Applicants for the various grades of certification shall be at least 18 years' old and meet the following educational and experience requirements:

- (1) GRADE A-SURFACE shall have one year of acceptable experience at a surface water facility while holding a Grade B-Surface certificate and have satisfactorily completed an A-Surface school conducted by the Board.
- (2) GRADE B-SURFACE shall:
 - (A) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, have six months of acceptable experience at a surface water facility, and have satisfactorily completed a B-Surface school conducted by the Board; or
 - (B) Have one year of acceptable experience at a surface water facility while holding a Grade C-Surface certificate and have satisfactorily completed a B-Surface school conducted by the Board.
- (3) GRADE C-SURFACE shall:
 - (A) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, have six months of acceptable experience at a surface water facility, and have satisfactorily completed a C-Surface school conducted by the Board; or
 - (B) Be a high school graduate or equivalent, have six months acceptable experience at a surface water facility and have satisfactorily completed a C-Surface school conducted by the Board.
- (4) GRADE A-WELL shall have one year of acceptable experience at a well water facility while holding a Grade B-Well certificate and have satisfactorily completed an A-Well school conducted by the Board.
- (5) GRADE B-WELL shall:
 - (A) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, have six months of acceptable experience at a well water facility, and have satisfactorily completed a B-Well school conducted by the Board; or
 - (B) Have one year of acceptable experience at a well water facility while holding a Grade C-Well certificate and have satisfactorily completed a B-Well school conducted by the Board.
- (6) GRADE C-WELL shall:
 - (A) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, have three months of acceptable experience at a well water facility, and have satisfactorily completed a C-Well school conducted by the Board; or
 - (B) Be a high school graduate or equivalent, have six months of acceptable experience at a well water facility, and have satisfactorily completed a C-Well school conducted by the Board; or
 - (C) Hold a Grade A-Surface certification and have satisfactorily completed a C-Well school conducted by the Board.
- (7) GRADE D-WELL shall be a high school graduate or equivalent, have three months of acceptable experience at a well water facility, and have satisfactorily completed a C-Well or D-Well school conducted by the Board.
- (8) GRADE A-DISTRIBUTION shall have one year of acceptable experience at Class B or higher distribution system while holding a Grade B-Distribution certificate and have satisfactorily completed an A-Distribution school conducted by the Board.
- (9) GRADE B-DISTRIBUTION shall:
 - (A) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, have six months of acceptable experience at a Class B or higher distribution system, have satisfactorily

- completed a B-Distribution school conducted by the Board, and shall hold a certificate of completion of trench shoring training conducted by the Board; or
- (B) Have one year of acceptable experience at a Class C or higher distribution system while holding a Grade C-Distribution certificate and have satisfactorily completed a B-Distribution school conducted by the Board.
- (10) GRADE C-DISTRIBUTION shall hold a certificate of completion of trench shoring training conducted by the Board and shall:
- (A) Be a college graduate with a bachelor's degree in the physical or natural sciences, or be a graduate of a two year technical program with a diploma in water and wastewater technology, have three months of acceptable experience at a Class C or higher distribution system, and have satisfactorily completed a C-Distribution school conducted by the Board; or
- (B) Be a high school graduate or equivalent, have six months of acceptable experience at a Class D or higher distribution system and have satisfactorily completed a C-Distribution school conducted by the Board.
- (11) GRADE D-DISTRIBUTION shall be a high school graduate or equivalent, have three months of acceptable experience at a distribution system, and have satisfactorily completed a D-Distribution school conducted by the Board.
- (12) GRADE CROSS-CONNECTION-CONTROL shall:
- (A) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two-year technical program with a degree in water and wastewater or civil engineering technology, and have satisfactorily completed a cross connection control school conducted by the Board; or
- (B) Be a high school graduate or equivalent, have six months of acceptable experience at Class D - Distribution or higher system or have one year experience in the operations of cross connection control devices, and have satisfactorily completed a cross connection control school conducted by the Board; or
- (C) Be a plumbing contractor licensed by the State of North Carolina and have satisfactorily completed a cross connection control school conducted by the Board.
- (13) APPRENTICE shall be a high school graduate or equivalent. The apprentice shall have satisfactorily completed a Grade C, Grade D, or CC school conducted by the Board and shall have successfully passed an examination designed for the class of certification for which the applicant is applying. The apprentice certification may be renewed annually for a maximum of five years, pursuant to the continuing education and renewal requirements of this Subchapter. An apprentice shall not act as a certified operator or an ORC for a facility. An apprentice is eligible for Grade C, D, or CC certification after meeting the applicable experience requirements as set forth in this Rule and making application to the Board.

(b) Applications for certification of an operator certified in a state other than North Carolina shall be submitted on the Board's form. The application shall supply information to assist the Board in determining whether or not the requirements under which the out-of-state certification was obtained are equivalent to those required by the rules of the Water Treatment Facility Operators Board of Certification

History Note: Authority G.S. 90A-21(c); 90A-22; 90A-23; 90A-24;
 Eff. February 1, 1976;
 Amended Eff. September 1, 1977;
 Readopted Eff. March 1, 1979;
 Amended Eff. February 1, 2012; May 1, 2006; September 1, 2004; August 1, 2000; August 1, 1998; May 3, 1993; August 3, 1992; July 1, 1991; December 31, 1980.

15A NCAC 18D .0202 EXAMINATIONS

In addition to the educational and experience requirements in .0201 of this Section, the applicant must successfully pass an examination designed for the class of certification for which the applicant is applying. If an applicant fails an examination three times, the applicant shall retake the appropriate school designated in Rule .0201 of this Section.

History Note: Authority G.S. 90A-21(c); 90A-23; 90A-24;
 Eff. February 1, 1976;

Readopted Eff. March 1, 1979;
Amended Eff. May 1, 2006.

15A NCAC 18D .0203 DETERMINATION OF VARIOUS CLASSES OF CERTIFICATION

(a) Determination of various classes of certification shall be based on the classification of water treatment facilities to be operated.

(b) The designation of plant classification shall be based on the following point system:

	PARAMETER	RATING VALUE
(1)	Surface Water Source	
	(A) flowing stream	5
	(B) flowing stream with impoundment	7
	(C) raw water treatment	3
(2)	Ground Water Source	
	(A) first five wells	5
	(B) add 1 point per 5 wells or fraction thereof over 5	1
(3)	Coagulation	
	(A) aluminum sulfate, ferric chloride	10
	(B) polymer	5
(4)	Mixing	
	(A) baffle	2
	(B) mechanical	4
	(C) air	3
(5)	Oxidation (pre-treatment)	
	(A) Cl ₂ O ₂	5
	(B) ozone	5
	(C) KMnO ₄	3
	(D) Cl ₂	3
(6)	Carbon Treatment	2
(7)	Aeration	
	(A) mechanical draft	3
	(B) coke tray/splash tray	2
	(C) diffused	3
	(D) packed tower (VOC reduction)	10
(8)	pH Adjustment (primary)	
	(A) caustic (NaOH)	10
	(B) lime/soda ash	3
	(C) acid	10
(9)	Sedimentation	
	(A) standard rate	5
	(B) tube settlers	3
	(C) upflow	8
	(D) pulsators and plates	5
(10)	Contact Tank	1
(11)	Filtration	
	(A) pressure	
	(i) sand/anthracite	8
	(ii) synthetic media (birm)	8
	(iii) granular activated carbon (GAC)	10
	(B) gravity	
	(i) sand	10
	(ii) anthracite (mixed)/GAC	12
	(iii) with surface wash or air scour	2
	(C) membrane	10
(12)	Ion Exchange	

	(A)	softener, Na cycle	5	
	(B)	softener, H cycle	7	
	(C)	Fe and Mn (greensand)	10	
	(D)	mixed bed or split stream	12	
(13)		Lime Softening		
	(A)	spiractors	10	
	(B)	clarifier with coagulation	12	
	(C)	fuel burner (recarbonation)	5	
(14)		Phosphate (sequestering agent)	5	
(15)		Stabilization		
	(A)	acid feed	10	
	(B)	phosphate	2	
	(C)	caustic (NaOH)	10	
	(D)	lime/soda ash	3	
	(E)	contact units	5	
(16)		Reverse Osmosis, Electrodialysis	15	
(17)		Disinfection		
	(A)	gas Cl ₂	10	
	(B)	hypochlorite solution	7	
	(C)	Cl ₂ O ₂ (sodium chlorite and Cl ₂)	13	
	(D)	ozone	13	
	(E)	ammonia and Cl ₂	12	
	(F)	ultraviolet light (uv)	5	
(18)		Fluoridation		
	(A)	saturator		8
	(B)	dry feed	8	
	(C)	solution (acid)	10	
(19)		Pumping		
	(A)	raw	3	
	(B)	intermediate	1	
	(C)	finished	3	
	(D)	system booster	2	
(20)		Storage		
	(A)	raw	1	
	(B)	treated ground level tank	1	
	(C)	elevated in system (each extra tank 1 pt)	2	
	(D)	hydropneumatic	2	
(21)		Population Served 1 point per 1,000 persons served	50 max.	
(22)		Plant Capacity 1 point per 1 MGD capacity	25 max.	
(23)		On-Site Quality Control		
	(A)	bacteriological		
	(i)	MPN/MF	5	
	(ii)	HPC	2	
	(iii)	MMO-MUG (Colilert)	2	
	(B)	pH		
	(i)	meter	2	
	(ii)	test kit	1	
	(C)	fluoride		
	(i)	meter	3	
	(ii)	colorimetric	3	
	(D)	chlorine		
	(i)	titrator	3	
	(ii)	colorimeter/spec.	2	
	(iii)	test kit	1	

DRAFT AGENDA
 Materials contained in this agenda are prepared for public discussion
 and are not to be construed as official Board positions.
 DRAFT AGENDA

(E)	iron	1	
(F)	hardness		1
(G)	alkalinity	1	
(H)	turbidity	1	
(I)	manganese	1	
(J)	others (1 pt. each)	1	
(K)	A.A. Spec, or G.C. Unit		5 each

(c) The designation of distribution system classifications shall be based on system characteristics as outlined in Rule .0205 of this Section.

History Note: Authority G.S. 90A-21(c); 90A-22;
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Amended Eff. August 1, 2000; August 3, 1992; January 1, 1992; September 1, 1990.

15A NCAC 18D .0204 PUMPAGE CHART

History Note: Authority G.S. 90A-21(c), -22;
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Amended Eff. June 30, 1980;
 Repealed Eff. September 1, 1990.

15A NCAC 18D .0205 CLASSIFICATION OF WATER TREATMENT FACILITIES

(a) With the exception of Class D-Well, the public water system treatment classification shall be based on the source of water and the number of points assigned to each facility as taken from the table in Rule .0203(b) of this Section. Classifications are as follows:

Class C	1-50 points
Class B	51-110 points
Class A	over 110 points

Class D-Well is any non-community public water system with hypochlorite solution as the only treatment applied to the water.

(b) The classification of distribution systems shall apply to all community and non-transient non-community public water systems. The distribution system class level shall be the greater of the treatment plant class level from Paragraph (a) of this Rule or the following class level based on the number of service connections and fire protection:

- (1) Class D-DISTRIBUTION is any system with 100 or fewer service connections with no fire protection system;
- (2) Class C-DISTRIBUTION is any system with more than 100 service connections but not exceeding 1,000 service connections, with no fire protection system;
- (3) Class B-DISTRIBUTION is any system with more than 1,000 service connections but not exceeding 3,300 service connections or any system not exceeding 1,000 service connections with a fire protection system and
- (4) Class A-DISTRIBUTION is any system with more than 3,300 service connections.

(c) The classification CROSS-CONNECTION-CONTROL is also applied to any distribution system with requirement for five or more testable backflow prevention assemblies to be installed within the water distribution system.

History Note: Authority G.S. 90A-21(c); 90A-22;
 Eff. February 1, 1976;
 Amended Eff. September 1, 1977;
 Readopted Eff. March 1, 1979;
 Amended Eff. November 1, 2006; August 1, 2002; August 1, 2000; August 3, 1992; September 1, 1990;
 December 31, 1980; January 1, 1980.

15A NCAC 18D .0206 CERTIFIED OPERATOR REQUIRED

- (a) All public water systems, except transient non-community systems with either or both ultraviolet light disinfection, or softening (not required by the North Carolina Department of Environmental Health - Public Water Supply Section), as the only treatment applied to water, must have a certified operator in responsible charge for each water treatment facility that alters the physical, chemical, or microbiological characteristics of the water; has approved plans for such alterations; or has equipment installed for such alterations. Upon vacancy of a position resulting in noncompliance with this requirement each facility must notify the Board Office and Division of Environmental Health Public Water Supply Section Regional Office, in writing, within 10 days.
- (b) There must be an operator holding at least a Grade C-Surface certification or above assigned to be on duty on the premises when a surface water treatment facility is treating water. Implementation of this requirement is subject to the following provisions:
- (1) Upon vacancy of a position resulting in noncompliance with this requirement each facility must notify the Board Office within 24 hours or at the start of the next regular business day of such vacancy;
 - (2) Upon such vacancy the facility must fill the position with a certified grade C-Surface operator or an operator with a temporary C-Surface within 90 days.
- (c) There must be an operator in responsible charge for the distribution portion of the community and non-transient non-community public water systems. This operator must possess a valid certificate issued by the Board equivalent to or exceeding the distribution classification of the facility for which he or she is designated. A system serving 100 or fewer service connections is exempt from this requirement if it has an operator in responsible charge as required in Paragraph (a) of this Rule. A system which is classified as D-distribution only may use a state certified distribution, well or surface operator to meet the operator in responsible charge requirements of this Rule.
- (d) Effective July 1, 2003 there must be an operator in responsible charge for the cross-connection-control facilities of the distribution system for all public water systems required by 15A NCAC 18C to have five or more testable backflow prevention assemblies. This operator must possess a valid Grade Cross-Connection-Control certificate issued by the Board.
- (e) All operators of community and non-transient non-community public water systems must follow the standard operating procedures established by the operator in responsible charge. Any decisions about water quality or quantity that affect public health which have not been defined in the standard operating procedures must be referred to the operator in responsible charge or to the certified operator on duty.
- (f) No operator in responsible charge is required for transient non-community public water systems with ultraviolet light (uv) disinfection or softening (not required by the North Carolina Department of Environmental Health - Public Water Supply Section) as the only treatment applied to water.

*History Note: Authority G.S. 90A-20; 90A-28; 90A-29; 90A-32;
Eff. July 1, 1991;
Amended Eff. November 1, 2006; August 1, 2004; August 1, 2002; August 1, 2000; May 1, 1994; May 3, 1993.*

SECTION .0300 - APPLICATIONS AND FEES

Rules .0301 - .0304 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0301 - .0304); has been transferred and recodified from Rules .0301 - .0304 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0301 - .0304). Rules .0305 - .0306 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0305 - .0306); has been transferred and recodified from Rules .0306 - .0307 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0306 - .0307), effective April 4, 1990.

15A NCAC 18D .0301 APPLICATION FOR EXAM

- (a) All applicants for exams shall file an application on a form available from: Chairman, North Carolina Water Treatment Facility Operators Certification Board, 1635 Mail Service Center, Raleigh, North Carolina 27699-1635.
- (b) Applications for certification must be submitted to the Board at least 30 days prior to the date of the examination.
- (c) The applicant shall certify that the information given is correct to the best of his/her knowledge. In addition, the applicant's supervisor shall certify that he/she has reviewed the application and recommends that the applicant be considered for certification by the Board.
- (d) Applicants shall take the examination at the place and date specified by the Board.

History Note: Authority GS. 90A-21(c); 90A-24;
Eff. February 1, 1976;
Amended Eff. September 1, 1977;
Readopted Eff. March 1, 1979;
Amended Eff. May 1, 2006; August 1, 2004; February 1, 2002; August 3, 1992; September 1, 1990.

15A NCAC 18D .0302 APPLICATION FOR RECIPROCITY

History Note: Authority G.S. 90A-21(c); 90A-24;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2004; February 1, 2002; September 1, 1990;
Repealed Eff. May 1, 2006.

15A NCAC 18D .0303 APPLICATION FOR TEMPORARY CERTIFICATE

All applicants for a temporary certificate shall file an application on a form available from: Chairman, North Carolina Water Treatment Facility Operators Certification Board, 1635 Mail Service Center, Raleigh, North Carolina 27699-1635.

History Note: Authority G.S. 90A-21(c); 90A-24;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2004; February 1, 2002; September 1, 1990.

15A NCAC 18D .0304 FEES SCHEDULE

- (a) The cost of examination and certification shall be fifty dollars (\$50.00). The cost of upgrading an apprentice to Grade C,D, or CC certification shall be fifty dollars (\$50.00).
- (b) The cost of a temporary certificate shall be fifty dollars (\$50.00).
- (c) The examination and certification fee must be paid to the Board when the application is submitted.
- (d) The cost of the annual certification renewal shall be thirty dollars (\$30.00). Renewal fees shall be due December 31 of each calendar year and shall be delinquent on the first day of February. Delinquent certifications shall be charged an additional fee of thirty dollars (\$30.00).
- (e) The operator shall notify the Board, in writing, within 30 days of any change in his or her address.

History Note: Authority G.S. 90A-27;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. March 1, 1979;
Amended Eff. February 1, 2012; September 22, 2004; August 1, 2000; August 3, 1992; December 1, 1990; December 1, 1989; June 30, 1981.

15A NCAC 18D .0305 WAITING PERIOD

History Note: Authority G.S. 90A-24;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. March 1, 1979;
Repealed Eff. August 1, 2000.

15A NCAC 18D .0306 REVOCATION OF CERTIFICATE

History Note: Authority G.S. 90A-26;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;

Repealed Eff. September 1, 1990.

15A NCAC 18D .0307 EXPIRATION AND REVOCATION OF CERTIFICATE

- (a) If the operator fails to pay the renewal fee or meet the continuing education requirements of Rule .0308(a) of this Section, the certificate shall expire.
- (b) If an operator in responsible charge fails to meet the requirements of 15A NCAC 18D .0701, his/her certificate may be revoked.
- (c) An individual who has had certification revoked by the Board shall petition the Board for any new certification sought and may not petition the Board for such new certification sooner than two years after the effective date of the revocation.
- (d) An operator who has a certificate that has been expired less than two years must pay any renewal fees in arrears and late fees before receiving an upgrade or a certificate in another area.

*History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 3, 1992;
Amended Eff. November 1, 2008; August 1, 2004; August 1, 2002; August 1, 2000; August 1, 1998.*

15A NCAC 18D .0308 PROFESSIONAL GROWTH HOURS

- (a) All certified operators shall complete six contact hours of Board approved training each year following the year of initial certification. The Board shall approve training if it determines that the subject matter of the training is relevant to water treatment facility operation, and to the professional growth of operators. Training providers shall submit an attendance roster to the Board after completion of the training event. Ultimately proof of professional growth hours is the responsibility of the operator. The roster shall contain the operator's certification ID number or the last four digits of the Social Security number.
- (b) The organization providing the training shall give each participant a certificate or other proof of completion which includes the name of the provider, the provider's address, and contact person with telephone number. The proof of completion shall identify the name of the participant, the number of contact hours completed, the course name, the instructor's name, and the date of the training received. For in-house training, an instructor from outside of the organization shall provide the training.
- (c) The Board shall mail renewal notices to operators prior to the renewal date and shall state whether the Board has a record of their professional growth hours for the preceding year. If the Board does not have a record of professional growth for an operator, the operator must provide proof of the required six contact hours of training at the time of annual certification renewal.

*History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 1, 1998;
Amended Eff. December 1, 2008; August 1, 2004; August 1, 2000.*

15A NCAC 18D .0309 CERTIFICATION REINSTATEMENT

- (a) An operator whose certification has expired may seek reinstatement within two years of expiration by paying any renewal fees in arrears, including late fees and either providing proof of continuing education for each calendar year as required in Rule .0308 of this Section, or passing another examination of that grade.
- (b) Any person having a certification expired for more than two years or revoked shall apply to the Board for approval to be eligible for any further certification or reinstatement of certificate.

*History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 1, 1998;
Amended Eff. May 1, 2006; August 1, 2004; August 1, 2000.*

SECTION .0400 - ISSUANCE OF CERTIFICATE

Rules .0401 - .0405 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0401 - .0405); has been transferred and recodified from Rules .0401 - .0405 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0401 - .0405), effective April 4, 1990.

15A NCAC 18D .0401 NOTIFICATION OF CLASSIFICATION

Each town, city or private water utility having a water treatment facility shall be notified of the classification of the treatment facility as determined by the Board in cooperation with the Secretary. This classification shall determine the grade of certificate required by the operator in responsible charge of the water treatment facility.

History Note: Authority G.S. 90A-21(c); 90A-22; 90A-25;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979.

15A NCAC 18D .0402 INFORMATION NEEDED BY BOARD

History Note: Authority G.S. 90A-21(c); 90A-22;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Repealed Eff. September 1, 1990.

15A NCAC 18D .0403 ISSUANCE OF GRADE CERTIFICATE

- (a) When the names of the operators and the grade of their current voluntary certificate are known, the Board shall notify the operator involved and upon payment of the license fee issue a grade certificate corresponding to the grade of certification now held by the operator.
- (b) To obtain a certificate the applicant shall satisfactorily complete an examination except in the case of a temporary certificate or when the certificate is being issued to the holder of a current voluntary certificate pursuant to Paragraph (a) of this Rule.
- (c) All distribution and cross connection voluntary certification conversions shall be obtained by December 31, 2005.

History Note: Authority G.S. 90A-21(c); 90A-23; 90A-25;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2004; August 1, 2000; August 3, 1992; January 1, 1992; March 1, 1991;
September 1, 1990.

15A NCAC 18D .0404 TEMPORARY CERTIFICATE

- (a) A temporary certificate may be issued by the Board when it is found that the supply of certified operators, or persons with training necessary to obtain certification, is inadequate. It shall be demonstrated to the Board that the person applying for the temporary certificate is competent and able to fulfill the appropriate duties according to the requirements of 15A NCAC 18C.
- (b) Application for such temporary certificate shall be made on a form approved by the Board and must supply the information needed by the Board in order to protect the public health while such temporary certificates are in force.
- (c) A temporary certificate is applicable only for the system for which the operator is employed at time of issuance.

History Note: Authority G.S. 90A-21(c); 90A-23; 90A-25;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. January 1, 1992.

15A NCAC 18D .0405 RECIPROCAL CERTIFICATES

History Note: Authority G.S. 90A-21(c); 90A-25(b);

Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 1998; September 1, 1990;
Repealed Eff. May 1, 2006.

SECTION .0500 - RULE MAKING PROCEDURES

Rules .0501 - .0508 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0501 - .0508); has been transferred and recodified from Rules .0501 - .0508 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0501 - .0508), effective April 4, 1990.

15A NCAC 18D .0501 PETITIONS

(a) Any person wishing to request the adoption, amendment, or repeal of a rule of the Water Treatment Facility Operators Board of Certification (hereinafter referred to as the Board) shall make his request in a petition addressed to: Chairman, North Carolina Water Treatment Facility Operators Certification Board, 1635 Mail Service Center, Raleigh, North Carolina 27699-1635.

(b) The petition shall contain the following information:

- (1) either a draft of the proposed rule or a summary of its contents;
- (2) the statutory authority for the agency to promulgate the rule;
- (3) the reasons for the proposal;
- (4) the effect of proposed rules on existing rules or orders;
- (5) any data supporting the proposal;
- (6) the effect of the proposed rule on existing practices in the area involved, including cost factors;
- (7) the names and addresses, if known, of those most likely to be affected by the proposed rule; and
- (8) the name and address of the petitioner.

(c) The Board shall determine, based on a study of the facts stated in the petition, whether the public interest will be served by granting the petition. The Board shall consider all the contents of the submitted petition, plus any additional information it deems relevant.

History Note: Authority G.S. 150B-20; 90A-21(c);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. February 1, 2002; September 1, 1990.

15A NCAC 18D .0502 NOTICE

15A NCAC 18D .0503 HEARING OFFICER

15A NCAC 18D .0504 HEARINGS

15A NCAC 18D .0505 STATEMENT OF REASONS FOR AND AGAINST RULE MAKING DECISION

15A NCAC 18D .0506 RECORD OF RULE MAKING PROCEEDINGS

15A NCAC 18D .0507 FEES

History Note: Authority G.S. 90A-21(c); 150A-11; 150A-12;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Repealed Eff. September 1, 1990.

15A NCAC 18D .0508 DECLARATORY RULINGS

(a) The Board shall have the power to make declaratory rulings. All requests for declaratory rulings shall be by written petition and shall be submitted to: Chairman, North Carolina Water Treatment Facility Operators Certification Board, 1635 Mail Service Center, Raleigh, North Carolina 27699-1635.

(b) Every request for a declaratory ruling must include the following information:

- (1) the name and address of the petitioner;
- (2) the statute or rule to which the petition relates;

- (3) a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or its potential application to him; and
- (4) the consequences of a failure to issue a declaratory ruling.
- (c) The Board shall notify in writing the petitioner of the Chairman's decision to refuse issue a declaratory ruling and state the reasons. The Chairman may refuse to consider a request for a declaratory ruling:
- (1) unless the petitioner shows that the circumstances are so changed since adoption of the rule that such a ruling would be warranted;
 - (2) unless the rule making record evidences a failure by the agency to consider specified relevant factors;
 - (3) if there has been a similar controlling factual determination in a contested case, or if the factual context being raised for a declaratory ruling was specifically considered upon adoption of the rule being questioned as evidenced by the rule making record; or
 - (4) if circumstances stated in the request or otherwise known to the agency show that a contested case hearing would presently be appropriate.
- (d) Where a declaratory ruling is deemed appropriate, the Board shall issue the ruling within 60 days of the receipt of the petition.
- (e) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedures as may be deemed appropriate, in the discretion of the chairman, in the particular case.
- (f) The chairman may issue notice to persons who might be affected by the ruling that written comments may be submitted or oral presentations received at a scheduled hearing.

History Note: Authority G.S. 150B-4;
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Amended Eff. February 1, 2002; September 1, 1990; January 1, 1980.

SECTION .0600 - CONTESTED CASES

Rules .0601 - .0624 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0601 - .0624); has been transferred and recodified from Rules .0601 - .0624 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0601 - .0624), effective April 4, 1990.

15A NCAC 18D .0601 OPPORTUNITY FOR LICENSEE OR APPLICANT TO HAVE HEARING

All contested cases shall be conducted in accordance with Article 3A of Chapter 150B of the General Statutes.

History Note: Authority G.S. 90A-26; 150B-38;
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Amended Eff. September 1, 1990.

- 15A NCAC 18D .0602 NOTICE TO APPLICANT OF BOARD ACTION**
- 15A NCAC 18D .0603 NOTICE TO LICENSEE OF BOARD ACTION**
- 15A NCAC 18D .0604 REQUEST FOR HEARING**
- 15A NCAC 18D .0605 FAILURE TO MAKE REQUEST**
- 15A NCAC 18D .0606 NOTICE OF HEARING**
- 15A NCAC 18D .0607 WAIVER OF HEARING**
- 15A NCAC 18D .0608 INTERVENTION**
- 15A NCAC 18D .0609 HEARING OFFICER**
- 15A NCAC 18D .0610 WRITTEN ANSWER**
- 15A NCAC 18D .0611 VENUE**
- 15A NCAC 18D .0612 AVAILABILITY OF BOARD RECORDS**
- 15A NCAC 18D .0613 DEPOSITIONS AND DISCOVERY**

15A NCAC 18D .0614	PRE-HEARING CONFERENCE
15A NCAC 18D .0615	SUBPOENAS
15A NCAC 18D .0616	CONSOLIDATION
15A NCAC 18D .0617	STIPULATIONS
15A NCAC 18D .0618	DISQUALIFICATION OF HEARING OFFICER
15A NCAC 18D .0619	FAILURE OF PARTY TO ATTEND HEARING
15A NCAC 18D .0620	OATH
15A NCAC 18D .0621	CONDUCT OF HEARING
15A NCAC 18D .0622	PROPOSAL FOR DECISION
15A NCAC 18D .0623	RECORD
15A NCAC 18D .0624	TRANSCRIPT

History Note: Authority G.S. 90A-26; 150A-3; 150A-23 through 150A-37;
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Repealed Eff. September 1, 1990.

SECTION .0700 - OPERATIONS AND MANAGEMENT

15A NCAC 18D .0701 OPERATOR IN RESPONSIBLE CHARGE

(a) An operator in responsible charge must possess a valid certificate issued by the Board equivalent to or exceeding the classification of the facility for which he or she is designated.

(b) The operator in responsible charge is actually in charge of the daily operation and maintenance of the facility and shall not reside more than 50 miles from the facility without written permission from the Board. The operator in responsible charge shall be readily available for consultation on the premises of the facility in case of an emergency, malfunction or breakdown of equipment or other needs. No person shall be in responsible charge of more than any one of the following without written permission from the Board:

- (1) One surface water treatment facility;
- (2) Five community public water systems with well water facilities;
- (3) 10 non-community public water systems with well water facilities;
- (4) One distribution system serving over 3,300 service connections;
- (5) Five distribution systems serving over 500 service connections and less than 3,300 service connections;
- (6) 10 total distribution systems; or
- (7) 10 total cross-connection control systems.

No person shall be in responsible charge of any combination of a surface water treatment facility, a community public water system with well water facilities, a non-community public water system with well water facilities, a distribution system, and a cross-connection control facility without written permission from the Board.

(c) When permission from the Board is required, the request shall include sufficient documentation to satisfy the Board that the facilities in question can be managed in compliance with the requirements of 15A NCAC 18C.

(d) The operator in responsible charge shall report with annual certification renewal the name(s) and public water system identification number(s) for all systems for which the operator is the operator in responsible charge.

(e) If an operator in responsible charge takes responsibility for an additional system or relinquishes responsibility for any system, the operator shall notify the Board in writing within 30 days of this change.

(f) The operator in responsible charge shall establish standard operating procedures for each facility for which he/she is responsible. These procedures shall provide sufficient instruction to ensure that his/her decisions about water quality or quantity that affect public health are carried out properly. The procedures shall instruct persons lacking proper certification to refer all such decisions affecting public health to the certified operator on duty or to the operator in responsible charge.

History Note: Authority G.S. 90A-21(c); 90A-31;
 Eff. August 1, 1998;
 Amended Eff. May 1, 2006; August 1, 2002; August 1, 2000.

South Carolina Code of Laws Unannotated

Title 40 - Professions and Occupations

CHAPTER 23

Environmental Certification Board

SECTION 40-23-5. Application of chapter; conflict of laws.

Unless otherwise provided in this chapter, Article 1 of Chapter 1, Title 40, applies to the Environmental Certification Board and its licensees regulated by the Department of Labor, Licensing and Regulation. If there is a conflict between this chapter and Chapter 1 of Title 40, the provisions of this chapter control.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-10. Environmental Certification Board; creation; membership; terms.

(A) There is created the South Carolina Environmental Certification Board composed of nine members appointed by the Governor. Of the nine members, one must be a licensed public water treatment operator and one must be a licensed public water distribution system operator; two must be licensed wastewater operators, one of whom must be certified in the physical chemical specialty; one must be a licensed well driller; one must be a member of the public at large; one must be a representative from the Land, Water, and Conservation Division of the Department of Natural Resources; one must be a member of the Department of Health and Environmental Control, designated by the Commissioner of the Department of Health and Environmental Control; and one must be a representative from a technical education or other higher education institution actively involved in operator training.

(B) The Water Environment Association of South Carolina may recommend two licensed public wastewater treatment operators, one of whom must be certified in biological specialty and one of whom must be certified in the physical chemical specialty; the South Carolina Section of the American Water Works Association may recommend one licensed public water treatment operator; the South Carolina Ground Water Association may recommend a licensed well driller; and the South Carolina Rural Water Association may recommend one licensed public water distribution system operator. Any individual, group, or association may nominate qualified individuals to the Governor for his consideration.

(C) Members shall serve terms of four years and until their successors are appointed and qualify. The Governor may reject any of the nominees that the Governor finds unacceptable. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term.

HISTORY: 2002 Act No. 185, Section 1.

Editor's Note

Prior Laws: 1962 Code Section 56-1544.1; 1966 (54) 2668; 1969 (56) 179; 1972 (57) 2829; 1980 Act No. 340; 1982 Act No. 459, Section 2; 1983 Act No. 104, Sections 3, 8; 1988 Act No. 621, Section 1; 1989 Act No. 185, Section 2; 1993 Act No. 181, Section 896; 1976 Code Sections 40-23-20, 40-23-35.

SECTION 40-23-20. Definitions.

When used in this chapter:

- (1) "Abate" or "abatement" refers to actions taken to ameliorate or correct conditions requiring remediation as defined in this section.
- (2) "Accessible supervision" means the supervisor is on-site or immediately available to supervised persons via telephone, radio, or other electronic means.
- (3) "Board" means the South Carolina Environmental Certification Board.
- (4) "Bored" means a large diameter well, commonly greater than or equal to twenty-four inches in diameter, which is typically installed at a very shallow depth and constructed of rock, concrete, or ceramic material.
- (5) "Certificate of Registration", "Certificate", or "License" means a serially numbered document issued by the board, containing the name of the person registered, certified, or licensed and the date of registration, certification, or licensing and certifying that the person named is authorized to practice a profession regulated by the board as specified on said document.
- (6) "Coastal well" means an opening into the ground, which qualifies as a "well" of Type II, III, IV, or V construction as defined in this section, that is made by boring, drilling, jetting, driving, direct push technology, or any other method into unconsolidated materials, and that does not qualify as an environmental well.
- (7) "Director" means the Director of Labor, Licensing and Regulation.
- (8) "Direct push technology" means the creation of a man-made opening in the earth through the use of mechanical means wherein a tool is forced or hammered into the earth. Direct push technology includes but is not limited to cone penetrometers.
- (9) "Direct supervision" means supervision provided by a licensee who must:
 - (a) be on-site or immediately available to supervise persons by means of telephone, radio, or other electronic means; and
 - (b) maintain continued involvement in appropriate aspects of each professional activity of the supervisee.
- (10) "Environmental systems operator" is a generic term for any occupation licensed by the board.
- (11) "Environmental well" means an opening into the ground which qualifies as a "well" of Type I, II, III, IV, or V construction as defined in this section, that is made by boring, drilling, jetting, driving, direct push technology, or any other method for obtaining a sample of underground waters or soils for environmental or geological investigation or research or for environmental remediation, where the depth of the opening is reasonably likely to penetrate the water table.
- (12) "Explorational boring" means a borehole for the purpose of subsurface, mineral investigation, exploration, and mineral sampling that can be converted later to measure groundwater levels.
- (13) "Human consumption" means water used for drinking, bathing, cooking, dishwashing, maintaining oral hygiene, or other similar uses.

- (14) "Licensed activity" means any operation, function, or action of any kind in which one may not engage, or offer to engage, without a license issued pursuant to this chapter.
- (15) "Licensee" means a person currently or previously authorized to practice a licensed activity pursuant to this chapter and includes a person holding a license, permit, certification, or registration granted pursuant to this chapter.
- (16) "Operator" when used in reference to public water or wastewater treatment means a person employed in a public water treatment facility or public wastewater treatment plant whose duties include alteration of the physical, chemical, or bacteriological characteristics of water or wastewater. When used in reference to public water distribution, "operator" means a person employed in a public water distribution system whose duties include making process control and system integrity decisions about water quality or quantity that affect public health.
- (17) "Person" means an individual, partnership, copartnership, cooperative, firm, company, public or private corporation, political subdivision, government agency, trust, estate, joint structure company, or any other legal entity or its legal representative, agent, or assigns.
- (18) "Public wastewater treatment plant" means that portion of any system that treats domestic or industrial waste and that alters physical, chemical, or bacteriological characteristics before placing the waste into any receiving waters.
- (19) "Public water distribution system" means that portion of a public water system that is utilized for the delivery of water for human consumption, whether bottled, piped, or delivered through some other constructed conveyance, up to the point of consumer or owner connection.
- (20) "Public water system" means:
- (a) any publicly or privately owned waterworks system which provides water, whether bottled, piped, or delivered through some other constructed conveyance, for human consumption, including the source of supply whether the source of supply is of surface or subsurface origin;
 - (b) all structures and appurtenances used for the collection, treatment, storage, or distribution of water delivered to point of meter of consumer or owner connection;
 - (c) any part or portion of the system, including any water treatment facility, which in any way alters the physical, chemical, radiological, or bacteriological characteristics of the water; however, a public water system does not include a water system serving a single private residence or dwelling. A separately owned system with its source of supply from another waterworks system must be a separate public water system. A connection to a system that delivers water by a constructed conveyance other than a pipe must not be considered a connection if:
 - (i) the water is used exclusively for purposes other than residential uses consisting of drinking, bathing, and cooking or similar uses;
 - (ii) the Department of Health and Environmental Control determines that alternative water sources to achieve the equivalent level of public health protection provided by the applicable State Primary Drinking Water Regulations is provided for residential or similar uses for drinking or cooking; or
 - (iii) the Department of Health and Environmental Control determines the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level or protection provided by the applicable State Primary Drinking Water Regulations.
- (21) "Public water system treatment facility" means that portion of a public water system that alters the physical, chemical, or bacteriological characteristics of water furnished to the public for human consumption, whether the source of supply is of surface or subterranean origin.
- (22) "Remediation" means the correction, repair, restoration, or any other action taken in order to bring any condition or circumstance into compliance with a statute, standard, or regulation.
- (23) "Rock well" means an opening into the ground, which qualifies as a "well" of Type I construction as defined in this section, that is made by boring, drilling, jetting, driving, direct push technology, or any other method into consolidated materials, and that does not qualify as an environmental well.
- (24) "Safe Drinking Water Act" means Article 1, Chapter 55, Title 44.
- (25) "Soil sampling" means the extraction of soils from beneath the surface of the earth by mechanical means for the purpose of environmental or geological investigation or research or for environmental remediation, where the depth of the opening is reasonably likely to penetrate the water table.
- (26) "Well" means a manmade horizontal, vertical, or angled opening in the ground made by digging, boring, drilling, jetting, driving, direct push technology, or any other method through which water is injected or withdrawn from beneath the surface of the earth for the purpose of human consumption, irrigation, industrial or commercial processes, or construction of closed loop systems. The duration of, existence of, or use of any well is of no consequence for purposes of this definition. For purposes of this chapter, wells are categorized by the following types of construction:
- (a) Construction Type I: open hole wells into bedrock aquifers;
 - (b) Construction Type II: screened, natural filter wells into unconsolidated aquifers;
 - (c) Construction Type III: screened, artificial filter wells into unconsolidated aquifers including, but not limited to, gravel pack filters;
 - (d) Construction Type IV: open hole wells into limestone aquifers;
 - (e) Construction Type V: bored wells;
 - (f) Construction Type VI: environmental wells of any other construction method.
- (27) "Well drilling category" means the taxonomy of well drilling licenses according to the type of well a licensee is authorized to construct including, but not limited to, environmental wells, coastal wells, rock wells, and bored wells.

HISTORY: 2002 Act No. 185, Section 1; 2014 Act No. 156 (H.4574), Section 1, eff April 14, 2014.

Editor's Note

Prior Laws: 1962 Code Section 56-1544; 1966 (54) 2668; 1968 (55) 2439; 1969 (56) 179; 1972 (57) 2829; 1981 Act No. 157, Section 1; 1982 Act No. 459, Section 1; 1988 Act No. 621, Section 1; 2000 Act No. 322, Sections 2, 3; 2000 Act No. 325, Sections 1, 2; 1976 Code Section 40-23-10.

Effect of Amendment

2014 Act No. 156, Section 1, added subsection (9), definition of "Direct supervision"; redesignated former subsection (9) as subsection (11); redesignated former subsection (28) as subsection (12), definition of "Explorational boring"; redesignated former subsections (11) through (15) as subsections (13) through (17); and deleted former reserved subsections (16) and (17).

SECTION 40-23-30. Environmental systems operator licensure requirement.

It is unlawful for a person to practice as an environmental systems operator in this State without prior authorization through licensure in accordance with this chapter.

HISTORY: 2002 Act No. 185, Sections 1.

SECTION 40-23-40. Purpose of board.

The purpose of the Environmental Certification Board is to protect the general public through the regulation of persons engaged in occupations appointed by the legislature for regulation by the board. These occupations are referred to in this chapter, collectively, as "environmental systems operators".

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-60. Conducting election of officers and board meetings; rules and regulations promulgation.

The board shall conduct election of officers and board meetings as provided by Section 40-1-60. The board may adopt rules governing its proceedings and internal operations and may promulgate regulations and adopt standards as necessary to carry out the provisions of this chapter.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-70. Powers and duties.

In addition to the powers and duties provided in this chapter, the board has those powers and duties set forth in Section 40-1-10, et seq.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-80. Conduct of investigations.

Investigations pursuant to this chapter must be conducted as provided in Section 40-1-80.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-90. Investigation by board of initial complaints; authorizing department to issue formal complaint for disciplinary action.

Presentation of results of an investigation and proceedings pursuant to this chapter must be conducted as provided in Section 40-1-90. The board may receive complaints by any person against a licensee and may require the complaints to be submitted in writing, specifying the exact charge or charges and to be signed by the initial complainant. Upon receipt of an initial complaint, where appropriate, the initial complaint may be referred to an investigator of the department, who shall investigate the allegations in the complaint. The results of any investigation must be reported to the board. If from these results it appears a violation has occurred or a licensee has become unfit to practice, the board may authorize the department to issue a formal complaint for disciplinary action as authorized by Section 40-1-120 or 40-23-120.

HISTORY: 2002 Act No. 185, Section 1; 2014 Act No. 156 (H.4574), Section 2, eff April 14, 2014.

Editor's Note

Prior Laws: 1962 Code Section 56-1544.11; 1966 (54) 2668; 1968 (55) 2439; 1983 Act No. 104, Section 2; 1988 Act No. 621, Section 1; 1976 Code Section 40-23-120.

Effect of Amendment

2014 Act No. 156, Section 2, in the third sentence, substituted "where appropriate, the initial complaint may be referred" for "the board administrator, where appropriate, may refer the complaint".

SECTION 40-23-95. Administrative citations; cease and desist orders; protest hearings; appeals; disciplinary hearings; enforcement of contracts.

(A) The department may issue administrative citations and cease and desist orders, in person or by certified mail, and may assess administrative penalties against any person for a violation of this chapter.

(B)(1) The department may issue separate citations and assess separate administrative penalties for each violation. However, no more than two thousand dollars in administrative penalties may be assessed against a person a day pursuant to a single citation.

(2) Administrative citations may include an order to abate any existing violations, where possible and appropriate, by a date certain. Abatement, timely or otherwise, does not absolve the accused of professional misconduct or of other violation of law or terminate the board's jurisdiction to prosecute the accused on these grounds. However, the board or hearing officer may take timely abatement into consideration in determining an appropriate sanction, including reduction or elimination of a minimum sanction otherwise required by law.

(3) If within fifteen calendar days of a person's receipt of an administrative citation issued by the department, the person files a written protest of the citation with the board administrator, a protest hearing must be scheduled before the board or before a hearing officer appointed by the board. Timely filing of the protest stays imposition of the sanctions assessed by the citation until final order of the board. If no protest is timely filed, the citation is deemed a final order of the board and the administrative penalties must be paid within thirty days of receipt of the citation.

(4) If a citation is timely protested, the protesting party must be given no less than thirty days' notice of the place and date of the protest hearing. The hearing must be conducted in accordance with the Administrative Procedures Act hearing procedures under this title. Service of the notice of hearing shall be accomplished in the same manner as specified for pleadings by Section 40-23-90. Failure to appear may be deemed a default and an admission to the violations specified in the citation.

(5) After notice and hearing, the board or hearing examiner shall issue an order which may affirm, dismiss, or modify the citation. A party aggrieved by a final order from a protest hearing conducted by a hearing officer may appeal to the full board within fifteen calendar days of the party's receipt of a written order by a hearing. The notice of appeal must be in writing and served upon the administrator of the board. Appeals from the decision of the board are to an administrative law judge in accordance with Title 1, Chapter 23, Article 5.

(6) Nothing in this section is to be construed as limiting in any way the authority of the board or the department to seek other applicable remedies which are provided by this chapter or by any other provision of law including, but not limited to, civil penalties, injunctive relief, and criminal sanctions.

(C) A licensee who within any three-year period, or as otherwise provided by regulation, has accumulated at least three final, affirmed citations pursuant to this chapter and who is accused of any subsequent violations of this chapter or regulations promulgated under this chapter, upon receipt of a formal complaint and notice of hearing, shall appear before the board for a disciplinary hearing. The licensee is subject to all applicable sanctions that may be imposed under these proceedings. Further, in any circumstance where a citation is issuable pursuant to this chapter, except for prosecution for unlicensed practice, the department may elect to recommend the matter for disciplinary proceedings by formal complaint pursuant to Section 40-23-90.

(D) A person who, without a valid license as required by this chapter, engages in any activity requiring licensure by this chapter may not bring any action or raise a counterclaim, either at law or in equity, to enforce the provisions of any contract arising from, or in any way associated with, the performance of or commitment to perform, such activity. A sworn affidavit from department staff attesting to a person's unlicensed status is admissible without further foundation as a defense in a proceeding to enforce provisions of a contract associated with activities requiring a license by this chapter.

HISTORY: 2002 Act No. 185, Section 1; 2014 Act No. 156 (H.4574), Section 3, eff April 14, 2014.

Editor's Note

Prior Laws: 1983 Act No. 104, Section 5; 1988 Act No. 621, Section 1; 1993 Act No. 181, Section 898; 1976 Code Section 40-23-127.

Effect of Amendment

2014 Act No. 156, Section 3, in subsection (A), deleted text relating to the reference of reports of violations to the board.

SECTION 40-23-100. Board authorized to seek remedies for violations; immunity; bonds.

In addition to all other remedies and immunities provided for in this chapter, the board and its members have the authority to seek remedies for violations of this chapter and regulations promulgated under this chapter, and have the associated immunities for its actions, as provided by Section 40-1-100. No bond may be required of the board by a judge as a condition to the issuance of an injunction or order contemplated by the provisions of this section.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-105. Recovery of payment for regulated services by unlicensed provider; limitations.

(A) If a person has made payment for services subject to regulation by this chapter, the person has a cause of action in magistrate's court or the court of common pleas, as appropriate, for recovery of the payment, plus reasonable costs and attorney's fees, if the person providing or offering to provide the services:

- (1) at any point in the transaction, did not possess a valid license, registration, or certificate as required by this chapter; or
- (2) failed to timely file a report, record, application, or other document required by law with respect to the construction or abandonment of wells.

(B) This section is to be construed in favor of recovery for the plaintiff.

(C) An action or claim to enforce the provisions of this section must be filed within three years of the date of completion of the services subject to regulation under this chapter.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-110. Disciplinary action; grounds.

(A) In addition to the grounds for disciplinary action provided in Section 40-1-110, the board may revoke, suspend, or otherwise restrict a licensee's right to practice or reprimand or otherwise discipline a licensee if, upon a satisfactory showing to the board, the licensee:

- (1) has used a false, fraudulent, or forged statement or document or practiced a fraudulent, deceitful, or dishonest act in connection with any of the licensing, registration, or certificate requirements of the board;
- (2) has practiced while under the influence of alcohol or drugs to such a degree as to affect adversely the licensee's ability to practice;
- (3) uses alcohol or drugs to such a degree as to affect adversely the licensee's ability to practice;
- (4) has knowingly performed an act which in any way assists a person to practice illegally;
- (5) has sustained physical or mental impairment or disability which renders further practice by the licensee dangerous to the public;
- (6) has violated the principles of ethics as adopted by the board in regulation;
- (7) is guilty of obtaining fees or assisting in obtaining fees under deceptive, false, or fraudulent circumstances;
- (8) is guilty of the use of intentionally false or fraudulent statements in a document connected with his work;
- (9) is guilty of misrepresentation or the omission of a material fact in a transaction involving the public, the board, or any government entity with authority to regulate actions performed in the course of a licensed activity;
- (10) is guilty of making a false or fraudulent representation or of engaging in a deceitful practice in offering, selling, or providing a product or service;
- (11) is guilty of engaging in dishonorable, unethical, or unprofessional conduct that is likely to deceive, defraud, or harm the public;
- (12) has been found by the board to lack the professional or ethical competence to practice a licensed activity;
- (13) has engaged in substandard work or is guilty of gross negligence in the course of a licensed activity;
- (14) has engaged in a pattern of failure to perform pursuant to an oral or written contract, in the course of a licensed activity or has failed to timely pay employees or suppliers;
- (15) has failed to timely abate or remediate deficient or substandard work after receiving notice of deficient or substandard work from regulating authorities including, but not limited to, the board, the department, or the Department of Health and Environmental Control;
- (16) has violated a provision of this chapter or of the State Safe Drinking Water Act or a regulation or standard adopted pursuant to this chapter or the State Safe Drinking Water Act;
- (17) has knowingly violated a statute, regulation, or ordinance that in any way controls, regulates, limits, or affects the performance of an action associated with a licensed activity;
- (18) failed to obtain a license before doing business in this State;
- (19) has been convicted of, or has pled guilty or nolo contendere to, a felony or to any other crime involving fraud, moral turpitude, or drugs or to any criminal violation of any law that controls, regulates, limits, or affects the performance of any action associated with a licensed activity. For purposes of this section, "drugs" includes a substance whose possession, use, or distribution is governed by Section 44-53-110 through Section 44-53-580 or which is listed in the current edition of the Physician's Desk Reference;
- (20) has incurred any disciplinary sanction including, but not limited to, a denial, revocation, suspension, or restriction of a license to practice a profession or occupation in any state or jurisdiction if the disciplinary action taken in the state or jurisdiction is based upon grounds that would constitute misconduct under this section or Section 40-1-110 ;
- (21) has constructed or supervised the construction of any well in violation of the bonding requirements of this chapter.

(B) In addition to all other remedies and actions incorporated in this chapter, the certificate, registration, or license of a licensee adjudged mentally incompetent by a court of proper jurisdiction is deemed automatically suspended upon the adjudication until he is adjudged by a court of competent jurisdiction or in any manner provided by law as being restored to mental capacity.

(C) The license of a person who is convicted of, or who pleads guilty or nolo contendere to, a crime stated in item (19) of subsection (A) must be immediately suspended pending hearing and final action of the board. A license suspended under this subsection must be reinstated immediately upon the filing of a certificate that the conviction has been reversed. The reinstatement does not terminate a disciplinary action pending against the person.

(D) Acts or omissions by a licensee causing the imposition of a disciplinary sanction including, but not limited to, a denial, revocation, suspension, or restriction of a licensee to practice a profession or occupation in another state or jurisdiction supports the issuance of a formal complaint and the commencement of disciplinary proceedings under this chapter if the disciplinary action taken in another state is based on grounds that would constitute misconduct under this section or Section 40-1-110. Proof of these acts or omissions may be shown by a copy of the transcript of record of the disciplinary proceedings in another state or a copy of the final order, consent order, or similar order stating the basis for the action taken. For purposes of this section, a certified true copy of the documents is admissible evidence without further foundation.

No later than thirty days after a licensee's receipt of a formal complaint alleging that the licensee has been disciplined in another state or jurisdiction, the licensee must file an answer to the complaint with the administrator of the board, and include for the board copies of all transcripts, documents, and orders used, relied upon, or issued by the authority imposing the alleged discipline.

If the licensee fails to produce these items within thirty days of the board's formal complaint the board may suspend the individual's license until such time as the items have been supplied to the board.

HISTORY: 2002 Act No. 185, Section 1.

Editor's Note

Prior Laws: 1983 Act No. 104, Section 4; 1988 Act No. 621, Section 1; 1976 Code Section 40-23-125.

SECTION 40-23-115. Board jurisdiction.

(A) The board has jurisdiction over the actions committed or omitted by current and former licensees during the entire period of licensure.

(B) The board has jurisdiction to act on any matter which arose prior to any licensee's period of licensure by the board where the matter reflects upon the licensee's fitness to practice in this State.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-120. Sanctions and other disciplinary actions.

In addition to any and all sanctions provided for in this chapter, the board has the authority to impose sanctions and take other actions as provided by Section 40-1-120 in all proceedings before the board. Further, the board may take any other appropriate disciplinary action against a licensee including, but not limited to, requiring the licensee to undertake additional professional training, requiring an increase in surety bonding or imposing other security requirements, or imposing any other appropriate discipline or reprimand, including any combination of these sanctions.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-130. Licensure denial.

The board may deny licensure to an applicant as provided by Section 40-1-130.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-140. Licensure denial; prior criminal record.

The board may deny licensure to an applicant based upon the applicant's prior criminal record as provided in Section 40-1-140.

HISTORY: 1962 Code Section 56-1544.13; 1966 (54) 2668; 1968 (55) 2439; 1969 (56) 179; 1972 (57) 2829; 1981 Act No. 157, Section 3; 1982 Act No. 459, Section 4; 1988 Act No. 621, Section 1; 2002 Act No. 185, Section 1.

SECTION 40-23-150. License; voluntary surrender.

A licensee under investigation for a violation of this chapter or a regulation promulgated under this chapter may voluntarily surrender the license in accordance with Section 40-1-150. A voluntary surrender does not deprive the board of jurisdiction to pursue any pending or future disciplinary proceedings involving the licensee.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-160. Appeal.

A party aggrieved by a final action of the board may seek review of the decision in accordance with Section 40-1-160.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-170. Costs.

A person found in violation of this chapter or regulations or standards promulgated under this chapter may be required to pay costs associated with the investigation and prosecution of the case in accordance with Section 40-1-170.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-180. Costs and fines; collection and enforcement.

All costs and fines imposed pursuant to this chapter must be paid in accordance with, and are subject to, the collection and enforcement provisions of Section 40-1-180.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-190. Confidentiality of initial investigations; formal complaints open to public; communications privileged; respondent's due process rights preserved.

(A) Except as otherwise provided by law, all initial complaints, investigations, proceedings, records, and information relating to allegations of misconduct or incapacity are confidential and must not be disclosed to the public. A record published, released, or made public must not disclose the initial complainant's name or identity except by order of the board made with due consideration of the complainant's privacy. While the matter remains confidential, the members and staff of the department and the board must not reveal in any way the nature of the initial complaint except to persons directly involved in the matter and then only to the extent necessary for proper investigation and disposition of the matter.

(B) When a formal complaint is filed regarding an allegation of misconduct, the formal complaint and any answer become open to the public after the filing of the answer or if no answer is filed, thirty days after the service of the charges upon the licensee. Thereafter, except as otherwise provided by this chapter, all subsequent records and proceedings relating to the misconduct allegation are open to the public. If an allegation of incapacity is raised during the misconduct proceedings, all records, information,

and proceedings relating to the allegation are confidential.

(C) However, the department or the board may disclose information to another government agency, including law enforcement officials, at any stage of the proceedings in order to protect the public or for the administration of justice.

(D) Each communication, oral or written, made by or on behalf of a complainant or by a person in the course of an investigation or hearing pursuant to this chapter to or by the department, the board, or their agent is privileged. A civil or criminal action or proceeding may not be brought against the person, by or on whose behalf the communication is made, except upon other proof that the communication was made with malice.

(E) Nothing in this chapter may be construed to prohibit the licensee respondent or the respondent's legal counsel from exercising the respondent's constitutional right of due process as provided by law or to prohibit the respondent from normal access to the charges made and evidence filed against the respondent as part of due process as provided by law.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-200. Unauthorized practice; penalty.

A person who practices or offers to practice in this State in violation of this chapter or a regulation promulgated under this chapter or who knowingly submits false information for the purpose of obtaining a license is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not more than one thousand dollars, or both.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-210. Civil penalties and injunctive relief.

In addition to initiating a criminal proceeding for a violation of this chapter, the board may seek civil penalties and injunctive relief in accordance with Section 40-1-210.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-220. Severability.

The severability provisions of Section 40-1-220 apply to any determination that a provision of this chapter, or the application of a provision of this chapter to a person or circumstance, is invalid.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-230. Issuance, renewal, and reinstatement of licenses; notification of address change.

(A) The board may issue a license to an applicant if he satisfies all licensure requirements of this chapter. A license confers a personal right and is not transferable, and the issuance of a license is evidence that the person is entitled to all rights and privileges of a licensee while the license remains current and unrestricted. A license is the property of the State and upon suspension or revocation must be returned to the board immediately.

(B) A license issued under this chapter is renewable:

- (1) as provided for in Section 40-1-30;
- (2) upon the payment of a renewal fee; and
- (3) upon the fulfillment of continuing education as determined by the board in regulation.

(C) The department may reinstate the license of a licensee who allows his license to lapse by failing to renew the license as provided in this section if the licensee:

- (1) makes payment of a reinstatement fee and the current renewal fee;
- (2) files an application for renewal within three hundred sixty-five days of the date on which the license expired; and
- (3) demonstrates he complies with the current continuing education requirements of the prior licensing period or that he complies with the current continuing education requirements after the department renews his license, provided he does not engage in licensed activity until he has completed the continuing education requirement.

(D) A licensee shall ensure that the board administrator has the licensee's correct official mailing address of record and that the administrator is expressly and specifically notified in writing and in a timely manner of any change in the licensee's official mailing address.

HISTORY: 2008 Act No. 223, Section 1; 2014 Act No. 156 (H.4574), Section 4, eff April 14, 2014.

Editor's Note

Prior Laws: 2000 Act No. 322, Section 5; 2000 Act No. 325, Section 4; 2002 Act No. 185, Section 1.

Effect of Amendment

2014 Act No. 156, Section 4, deleted former subsection (E), relating to the eligibility of current well driller license holders to receive either a class A or class B license.

SECTION 40-23-240. Reciprocity agreements; licensure of person credentialed in another jurisdiction.

(A) The board may enter into a reciprocal agreement with another jurisdiction of the United States that credentials any licensed activities regulated by this chapter if the board finds the jurisdiction has substantially the same or higher licensure criteria as are required by this chapter.

(B) The board may license a person who is currently credentialed in another jurisdiction of the United States for licensed activities regulated by this chapter if the person demonstrates to the satisfaction of the board that he possesses credentials, education, and experience that are the substantial equivalent of the requirements of this chapter for the licensed activity in question.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-250. License as prerequisite to practice or offer to practice.

No person may practice or offer to practice any licensed activity regulated by this chapter or use any advertisement, business card, or letterhead or make any other verbal or written communication asserting or suggesting that the person is available to engage in any licensed activity or acquiesce in such a representation unless that person has fully complied with this chapter and holds a current license issued by the board authorizing the person to perform the licensed activity.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-260. Continuing education; code of ethics.

The board may establish continuing education requirements and a code of ethics in regulations. The absence of an adopted code of ethics does not prevent the board from finding a licensee is guilty of unethical or unprofessional conduct.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-270. Exceptions from application of chapter.

This chapter does not apply to:

- (1) salaried employees performing duties for which they were trained and hired solely within a federal or state governmental agency;
- (2) persons constructing, opening, or closing wells on their own property;
- (3) persons constructing, opening, or closing exploration borings;
- (4) persons licensed as contractors pursuant to Chapter 11 who drill a borehole for measuring groundwater levels, blasting, or short term dewatering for construction purposes.

HISTORY: 2002 Act No. 185, Section 1.

SECTION 40-23-280. Requirements, proof, and initiation of claim on bond.

(A) If an applicant is required to provide proof of a bond in order to receive a license pursuant to this chapter, the bond must:

- (1) be payable for losses because of defective construction or performance by the bond principal or the principal's agents operating in the course and scope of the principal's agency; and
- (2) be cancelable only upon thirty days' written notice to the board; and
- (3) provide that cancellation does not affect any liability on the bond that accrued before cancellation; and
- (4) be subject to claims as authorized by subsection (B); and
- (5) be approved by the board as to form, execution, and sufficiency of the surety.

(B) If proof of a bond is required for licensure by this chapter, the requirement may be satisfied by proof that:

- (1) the applicant maintains a current bond in his own name that is in compliance with the requirements of subsection (A);
- (2) the applicant is a bona fide employee of a corporation that maintains a current bond in the corporate name that is in compliance with the requirements of subsection (A); or
- (3) the applicant is a bona fide employee of a licensed well driller who maintains a current bond in the employer licensee's name that is in compliance with the requirements of subsection (A).

(C) After a hearing the board may initiate claims on the bond of any licensee for the cost of remediation or abatement of deficiencies or losses found to be the responsibility of the licensee. Claims are limited to actual damages and may not include attorney's fees or consequential or punitive damages. Claims may also be initiated upon the bond by the Department of Health and Environmental Control for remediation of deficiencies or losses determined, in accordance with that agency's procedures, to be the responsibility of a licensee.

HISTORY: 2002 Act No. 185, Section 1.

Editor's Note

Prior Laws: 2000 Act No. 322, Section 6; 2000 Act No. 325, Section 5.

SECTION 40-23-300. Certification classifications.

(A) A person employed as an operator of a public water treatment facility must hold a water treatment operator license issued by the board in the certification class required by this section. The required certification class must be determined based upon the treatment group of the public water system treatment facility where the operator is employed, as established by the Department of Health and Environmental Control pursuant to Section 44-55-40(K). The certification class required for each treatment group is as follows:

- (1) Group I treatment facilities require operators with at least a Class "E" certification.
 - (2) Group II treatment facilities require operators with at least a Class "D" certification.
 - (3) Group III treatment facilities require operators with at least a Class "C" certification.
 - (4) Group IV treatment facilities require operators with at least a Class "C" certification.
 - (5) Group V treatment facilities require operators with at least a Class "B" certification.
 - (6) Group VI treatment facilities require operators with at least a Class "A" certification.
- (B)(1) To be licensed by the board as a Trainee Water Treatment Operator, an applicant must submit an application on forms approved by the board and the prescribed fee.
- (2) To be licensed by the board as a Class "E" Water Treatment Operator, an applicant must:
- (a) hold a valid Trainee Operator license;
 - (b) have completed high school or the equivalent;
 - (c) pass an examination approved by the board;
 - (d) have completed at least six months of actual operating experience as an operator of a public water treatment facility; and
 - (e) submit an application on forms approved by the board and the prescribed fee.
- (3) To be licensed by the board as a Class "D" Water Treatment Operator, an applicant must:

- (a) hold a valid Class "E" operator certification;
 - (b) pass an examination approved by the board;
 - (c) have completed at least one year of actual operating experience as an operator of a public water treatment facility or the equivalent; and
 - (d) submit an application on forms approved by the board and the prescribed fee.
- (4) To be licensed by the board as a Class "C" Water Treatment Operator, an applicant must:
- (a) hold a valid Class "D" operator certification;
 - (b) pass an examination approved by the board;
 - (c) have completed at least two years of actual operating experience as an operator of a public water treatment facility or the equivalent; and
 - (d) submit an application on forms approved by the board and the prescribed fee.
- (5) To be licensed by the board as a Class "B" Water Treatment Operator, an applicant must:
- (a) hold a valid Class "C" operator certification;
 - (b) pass an examination approved by the board;
 - (c) have completed at least three years of actual operating experience as an operator of a public water treatment facility or the equivalent; and
 - (d) submit an application on forms approved by the board and the prescribed fee.
- (6) To be licensed by the board as a Class "A" Water Treatment Operator, an applicant must:
- (a) hold a valid Class "B" operator certification;
 - (b) pass an examination approved by the board;
 - (c) have completed at least four years of actual operating experience as an operator of a public water treatment facility or the equivalent; and
 - (d) submit an application on forms approved by the board and the prescribed fee.
- (7) To be licensed as a Bottled Water Class Operator, an applicant must:
- (a) pass an examination approved by the board;
 - (b) have completed high school or the equivalent; and
 - (c) submit an application on forms approved by the board and the prescribed fee.

HISTORY: 2002 Act No. 302, Section 1; 2014 Act No. 156 (H.4574), Section 5, eff April 14, 2014.

Editor's Note

Prior Laws: 2000 Act No. 322, Section 7; 2000 Act No. 325, Section 6; 2002 Act No. 185, Section 1.

Effect of Amendment

2014 Act No. 156, Section 5, in subsection (B)(1), deleted former paragraph designators, and deleted text relating to age and education requirements; in subsection (B)(2), added paragraph (b), relating to high school education, and redesignated the remaining paragraphs accordingly.

SECTION 40-23-305. Wastewater treatment operator licenses.

A person employed as an operator of a public wastewater treatment plant must hold a wastewater treatment operator license issued by the board in the certification class required by this section and the regulations of the board. The required certification class must be determined by the treatment group of the public wastewater treatment plant where the operator is employed, as established by the Department of Health and Environmental Control pursuant to Section 48-1-110. The board shall establish in regulations the certification class required for each treatment group of public wastewater treatment plants defined in Section 40-23-20.

HISTORY: 2002 Act No. 185, Section 1.

Editor's Note

Prior Laws: 2000 Act No. 322, Section 7; 2000 Act No. 325, Section 6.

SECTION 40-23-310. Water distribution system operator licenses.

(A) A person employed as an operator of a public water distribution system facility must hold a water distribution system operator license issued by the board in the certification class as required by this section. The required certification class must be determined based upon the distribution group of the public water distribution system facility where the operator is employed, as established by the Department of Health and Environmental Control pursuant to Section 44-55-40(L). The certification class required for each distribution group is as follows:

- (1) Group I distribution facilities do not require a certified operator.
- (2) Group II distribution facilities require operators with at least a Class "D" certification.
- (3) Group III distribution facilities require operators with at least a Class "C" certification.
- (4) Group IV distribution facilities require operators with at least a Class "B" certification.
- (5) Group V distribution facilities require operators with at least a Class "A" certification.

(B)(1) To be licensed by the board as a Trainee Water Distribution System Operator, an applicant must submit an application on forms approved by the board and the prescribed fee.

(2) To be licensed by the board as a Class "D" Water Distribution System Operator, an applicant must:

- (a) hold a valid Trainee Operator license;
 - (b) have completed high school or the equivalent;
 - (c) pass an examination approved by the board;
 - (d) have completed at least one year of actual operating experience as an operator of a public water distribution system facility; and
 - (e) submit an application on forms approved by the board and the prescribed fee.
- (3) To be licensed by the board as a Class "C" Water Distribution System Operator, an applicant must:
- (a) hold a valid Class "D" operator certification;
 - (b) pass an examination approved by the board;
 - (c) have completed at least two years of actual operating experience as an operator of a public water distribution system facility or the equivalent; and
 - (d) submit an application on forms approved by the board and the prescribed fee.
- (4) To be licensed by the board as a Class "B" Water Distribution System Operator, an applicant must:
- (a) hold a valid Class "C" operator certification;
 - (b) pass an examination approved by the board;
 - (c) have completed at least three years of actual operating experience as an operator of a public water distribution system facility or the equivalent; and
 - (d) submit an application on forms approved by the board and the prescribed fee.
- (5) To be licensed by the board as a Class "A" Water Distribution System Operator, an applicant must:
- (a) hold a valid Class "B" operator certification;
 - (b) pass an examination approved by the board;
 - (c) have completed at least four years of actual operating experience as an operator of a public water distribution system facility or the equivalent; and
 - (d) submit an application on forms approved by the board and the prescribed fee.

HISTORY: 2002 Act No. 185, Section 1; 2014 Act No. 156 (H.4574), Section 6, eff April 14, 2014.

Editor's Note

Prior Laws: 2000 Act No. 322, Section 7; 2000 Act No. 325, Section 6.

Effect of Amendment

2014 Act No. 156, Section 6, in subsection (B)(1), deleted former paragraph designators, and deleted text relating to age and education requirements; in subsection (B)(2), added paragraph (b), relating to high school education, and redesignated the remaining paragraphs accordingly.

SECTION 40-23-320. Well drilling licenses; categories; classes.

(A) Well drilling licenses must be issued in one of three well drilling categories—environmental wells, coastal wells, and rock wells—and in one of four classes—Class "D", Class "C", Class "B", and Class "A". However, a Class "A" licensee is authorized to practice in all three well drilling categories. No person may engage, or offer to engage, in the drilling of wells for which he does not possess a license of the proper well drilling category and class.

(B) To be licensed as a Class "D" environmental, coastal, or rock well driller, an applicant must:

- (1) be at least eighteen years of age;
- (2) pass a written examination approved by the board; and
- (3) submit an application on forms approved by the board, and pay the prescribed fee.

(C) To be licensed as a Class "C" environmental, coastal, or rock well driller, an applicant must:

- (1) pass a written examination approved by the board;
- (2) submit an application on forms approved by the board, and pay the prescribed fee;
- (3) complete at least one year of experience as a Class "D" well driller, primarily spent in installing wells of the well drilling category for which Class "C" status is sought;
- (4) possess the necessary drilling equipment or present to the board sufficient evidence to show the applicant has access to the use of this equipment at any time the applicant needs it; and

(5) furnish proof of a surety bond in accordance with Section 40-23-280 in an amount of at least twenty-five thousand dollars or in an amount as specified by the board in regulation. The board, by regulation, may establish bonding requirements in amounts greater or less than twenty-five thousand dollars if the board finds these amounts are in the public interest.

(D) To be licensed as a Class "B" environmental, coastal, or rock well driller, an applicant must:

- (1) pass a written examination approved by the board;
- (2) submit an application on forms approved by the board, and pay the prescribed fee;
- (3) complete at least one year of experience as a Class "C" employee of a Class "B" or Class "A" well driller, primarily spent in installing wells of the well drilling category for which Class "B" status is sought;
- (4) possess the necessary drilling equipment or present to the board sufficient evidence to show the applicant has access to the use of this equipment at any time the applicant needs it; and

(5) furnish proof of a surety bond in accordance with Section 40-23-280 in an amount of a least twenty-five thousand dollars or in an amount as specified by the board in regulation. The board, by regulation, may establish bonding requirements in amounts greater or less than twenty-five thousand dollars if the board finds these amounts are in the public interest.

(E) To be licensed as a Class "A" well driller, an applicant must:

- (1) pass a written examination approved by the board;
- (2) submit an application on forms approved by the board, and pay the prescribed fee;
- (3) complete at least two years in practice as a Class "C" or Class "B" well driller in each of the three well drilling categories;
- (4) possess the necessary drilling equipment or present to the board sufficient evidence to show the applicant has access to the use of this equipment at any time the applicant needs it; and
- (5) furnish proof of a surety bond in accordance with Section 40-23-280 in an amount of at least twenty-five thousand dollars or in an amount as specified by the board in regulation. The board, by regulation, may establish bonding requirements in amounts greater or less than twenty-five thousand dollars if the board finds these amounts are in the public interest.

HISTORY: 2002 Act No. 185, Section 1; 2014 Act No. 156 (H.4574), Section 7, eff April 14, 2014.

Effect of Amendment

2014 Act No. 156, Section 7, in subsection (C)(3), substituted "a Class 'D' well driller" for "an apprentice well driller".

SECTION 40-23-340. Well driller practice categories; restrictions.

(A)(1) A well driller authorized to practice as an environmental well driller may engage in the drilling of environmental wells of construction Types I through VI, inclusive, as these wells are defined by Section 40-23-20. However, these wells must be constructed in accordance with all applicable well construction requirements of the State Safe Drinking Water Act and associated regulations and any other applicable requirements of law.

(2) A well driller authorized to practice as a coastal well driller may engage in the drilling of wells, other than environmental wells, of construction Types II, III, IV, and V as these wells are defined by Section 40-23-20. However, these wells must be constructed in accordance with all applicable well construction requirements of the State Safe Drinking Water Act and associated regulations and any other applicable requirements of law.

(3) A well driller authorized to practice as a rock well driller may engage in the drilling of wells, other than environmental wells, of construction Type I as these wells are defined by Section 40-23-20. However, these wells must be constructed in accordance with all applicable well construction requirements of the State Safe Drinking Water Act and associated regulations and any other applicable requirements of law.

(4) A well driller authorized to practice as a bored well driller may engage in the drilling of wells, other than environmental wells, of construction Type V as these wells are defined by Section 40-23-20. However, these wells must be constructed in accordance with all applicable well construction requirements of the State Safe Drinking Water Act and associated regulations and any other applicable requirements of law.

(B)(1) A Class "D" well driller may not engage in the construction of wells that are not within the well drilling category for which the Class "D" well driller is licensed. Further, a Class "D" well driller may practice only as a bona fide employee of a Class "A" or Class "B" driller, and under direct supervision of a Class "A", Class "B", or Class "C" driller who is licensed to practice in the same well drilling category of the Class "D" driller.

(2) A Class "C" well driller may not engage in the construction of or supervise the construction of wells that are not within the well drilling category for which the Class "C" driller is licensed. Further, a Class "C" driller may practice only as a bona fide employee and under the direct supervision of a Class "A" or Class "B" driller who is licensed to practice in the same well drilling category of the Class "C" driller.

(3) A Class "B" well driller may not engage in the construction of or supervise the construction of wells that are not within the well drilling category for which the Class "B" well driller is licensed. A Class "B" driller is not required to practice as an employee of any other licensee, if the Class "B" driller is bonded in accordance with this chapter.

(4) A Class "A" well driller may engage in the construction of wells in all well drilling classes. A Class "A" driller is not required to practice as an employee of any other licensee if the Class "A" driller is bonded in accordance with this chapter.

HISTORY: 2002 Act No. 185, Section 1; 2014 Act No. 156 (H.4574), Section 8, eff April 14, 2014.

Effect of Amendment

2014 Act No. 156, Section 8, in subsection (B)(1), twice substituted "Class 'D' Well Driller" for "apprentice", and substituted "under direct supervision" for "under accessible supervision"; and in subsection (B)(2), substituted "under the direct supervision" for "under the general supervision".

CHAPTER 55
Water, Sewage, Waste Disposal

ARTICLE 1
State Safe Drinking Water Act

SECTION 44-55-10. Citation of article.

This article may be cited as the State Safe Drinking Water Act.

HISTORY: 1962 Code Section 32-1201; 1968 (55) 2436; 1976 Act No. 658; 1982 Act No. 459, Section 10; 2000 Act No. 322, Section 1.

SECTION 44-55-20. Definitions.

As used in this article:

(1) "Board" means the South Carolina Board of Health and Environmental Control which is charged with responsibility for implementation of the Safe Drinking Water Act.

(2) "Commissioner" means the commissioner of the department or his authorized agent.

(3) "Community water systems" means a public water system which serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents. This may include, but is not limited to, subdivisions, municipalities, mobile home parks, and apartments.

(4) "Construction permit" means a permit issued by the department authorizing the construction of a new public water system or the expansion or modification of an existing public water system.

(5) "Contamination" means the adulteration or alteration of the quality of the water of a public water system by the addition or deletion of any substance, matter, or constituent except as authorized pursuant to this article.

(6) "Cross-connection" means any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

(7) "Department" means the South Carolina Department of Health and Environmental Control, including personnel authorized and empowered to act on behalf of the department or board.

(8) "Human consumption" means water used for drinking, bathing, cooking, dish washing, and maintaining oral hygiene or other similar uses.

(9) "Noncommunity water system" means a public water system which serves at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year and does not meet the definition of a community water system.

(10) "Nontransient noncommunity water system" means a public water system that is not a community water system and that regularly serves at least twenty-five of the same persons over six months per year.

(11) "Operating permit" means a permit issued by the department that outlines the requirements and conditions under which a person must operate a public water system.

(12) "Person" means an individual, partnership, copartnership, cooperative, firm, company, public or private corporation, political subdivision, government agency, trust, estate, joint structure company, or any other legal entity or its legal representative, agent, or assigns.

(13) "Public water system" means:

(a) any publicly or privately owned waterworks system which provides water, whether bottled, piped, or delivered through some other constructed conveyance for human consumption, including the source of supply whether the source of supply is of surface or subsurface origin;

(b) all structures and appurtenances used for the collection, treatment, storage, or distribution of water delivered to point of meter of consumer or owner connection;

(c) any part or portion of the system, including any water treatment facility, which in any way alters the physical, chemical, radiological, or bacteriological characteristics of the water; however, a public water system does not include a water system serving a single private residence or dwelling. A separately owned system with its source of supply from another waterworks system must be a separate public water system. A connection to a system that delivers water by a constructed conveyance other than a pipe must not be considered a connection if:

(i) the water is used exclusively for purposes other than residential uses consisting of drinking, bathing, and cooking or other similar uses;

(ii) the department determines that alternative water to achieve the equivalent level of public health protection provided by the applicable State Primary Drinking Water Regulations is provided for residential or similar uses for drinking and cooking; or

(iii) the department determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable State Primary Drinking Water Regulations.

(14) "State water system" means any water system that serves less than fifteen service connections or regularly serves an average of less than twenty-five individuals daily.

(15) "Transient noncommunity water system" means a noncommunity water system that does not regularly serve at least twenty-five of the same persons over six months a year.

(16) "Well" means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension, from which water is extracted or injected. This includes, but is not limited to, wells used for water supply for irrigation, industrial and manufacturing processes, or drinking water, wells used for underground injection of waste for disposal, storage, or drainage disposal, wells used in mineral or geothermal recovery, and any other special process wells.

(17) "Well driller" means an individual, corporation, partnership, association, political subdivision, or public agency of this State who is licensed with the South Carolina Department of Labor, Licensing and Regulation for constructing wells and is in immediate supervision of and responsible for the construction, development, drilling, testing, maintenance, repair, or abandonment of any well as defined by this chapter. This term does include owners constructing or abandoning wells on their own property for their own personal use only, except that these owners are not required to be licensed by the Department of Labor, Licensing and Regulation for construction wells.

HISTORY: 1962 Code Section 32-1202; 1968 (55) 2436; 1976 Act No. 658; 1980 Act No. 319, Section 2; 1982 Act No. 459, Sections 5, 10; 1993 Act No. 181, Section 1126, eff July 1, 1994; 2000 Act No. 322, Section 1.

SECTION 44-55-30. Design and construction of public water system; regulations, procedures, or standards to be established by board.

In general, the design and construction of any public water system must be in accord with modern engineering practices for these installations. The board shall establish regulations, procedures, or standards as may be necessary to protect the health of the public and to ensure proper operation and function of public water systems. These regulations may prescribe minimum design criteria, the requirements for the issuance of construction and operation permits, operation and maintenance standards, and bacteriological, chemical, radiological, and physical standards for public water systems, and other appropriate regulations.

HISTORY: 1962 Code Section 32-1203; 1968 (55) 2436; 1976 Act No. 658; 1982 Act No. 459, Section 10; 2000 Act No. 322, Section 1.

SECTION 44-55-40. Application for construction permit; final inspection and approval; protection and maintenance of water system; classification of public water treatment facilities and distribution systems;

certification of well drillers; well construction and operation regulations; public water system operating permit.

(A) Before the construction, expansion, or modification of any public water system, application for a permit to construct must be made to, and a permit to construct obtained from, the department.

(B) All applications for a permit to construct shall include such engineering, chemical, physical, radiological, or bacteriological data as may be required by the department and must be accompanied by engineering plans, drawings, and specifications prepared by or under the direct supervision of a person properly qualified to perform engineering work as provided in Chapter 22, Title 40 and must be signed or certified by a professional engineer as defined in Chapter 22, Title 40.

(C) Upon the completion of construction, modification, or extension to a public water system, arrangements must be made for a final inspection and approval before operation as prescribed by regulation. No new facility may be operated prior to approval by the department.

(D) Any public water system must be adequately protected and maintained so as to continuously provide safe and potable water in sufficient quantity and pressure and free from potential hazards to the health of the consumers. No person may install, permit to be installed, or maintain any unprotected cross-connection between a public water system and any other water system, sewer, or waste line or any piping system or container containing polluting substances. To facilitate the prevention and control of cross-connections, the department shall certify qualified individuals who are capable of testing cross-connection control devices to ensure their proper operation.

(E) Hand dug and bored wells constructed with casing materials of rock, concrete, or ceramic must not be used as a source of water for a public water system.

(F) In exercising its responsibility under this article, the department is authorized to investigate the public water system as often as the department considers necessary. Records of operation of public water systems must be kept on forms approved or furnished by the department, and this data must be submitted at such times and intervals as the department considers necessary. Samples of water must be collected and analyzed by the systems as required.

(G) The department may authorize variances or exemptions from the regulations issued pursuant to this section under conditions and in such manner as the board considers necessary and desirable; however, these variances or exemptions must be permitted under conditions and in a manner which is not less stringent than the conditions under, and the manner in which, variances and exemptions may be granted under the Federal Safe Drinking Water Act.

(H) The department or its authorized representative has the authority to enter upon the premises of any public water system at any time for the purpose of carrying out the provisions of this article.

(I) The department may issue, modify, or revoke any order to prevent any violation of this article after adequate notice and proper hearing as required by the Administrative Procedures Act.

(J) The department may hold public hearings and compel the attendance of witnesses; conduct studies, investigations, surveillance of laboratories, including certification programs, and research with respect to the operation and maintenance of any public water system; adopt and implement plans for the provision of drinking water under emergency circumstances; and issue, deny, revoke, suspend, or modify permits under such conditions as it may prescribe for the operation of any public water system; however, no permit may be revoked without first providing an opportunity for a hearing.

(K) The Commissioner of the Department of Health and Environmental Control shall classify all public water system treatment facilities giving due regard to the size, type, complexity, physical condition, source of supply, and treatment process employed by the public water system treatment facility and the skill, knowledge, and experience necessary for the operation of these facilities. Each treatment facility must be classified at the highest applicable level of the following classification system, with Group VII Treatment being the highest classification level:

Group I Treatment. A facility which provides disinfection treatment using a sodium hypochlorite or calcium hypochlorite solution as the disinfectant.

Group II Treatment. A facility which provides disinfection treatment using gaseous chlorine or chloramine disinfection or includes sequestering, fluoridation, or corrosion control treatment.

Group III Treatment. A facility treating a groundwater source which is not under the direct influence of surface water, utilizing aeration, coagulation, sedimentation, lime softening, filtration, chlorine dioxide, ozone, ultra-violet light disinfection, powdered activated carbon addition, granular activated carbon filtration or ion exchange, or membrane technology or that includes sludge storage or a sludge dewatering process.

Group IV Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing aeration, coagulation, clarification with a minimum detention time of two hours in the clarification unit, lime softening, rapid rate gravity filtration (up to four gallons per minute per square foot), slow sand filtration, chlorine dioxide, powdered activated carbon addition, or granular activated carbon filtration or ion exchange or that includes sludge storage or a sludge dewatering process. This classification also includes any treatment facility which does not provide filtration for a surface water source or a groundwater source which is under the direct influence of surface water.

Group V Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing high rate gravity filtration (greater than four gallons per minute per square foot), clarification with a detention time of less than two hours in the clarification unit, diatomaceous earth filtration, or ultraviolet light disinfection.

Group VI Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing direct filtration, membrane technology, or ozone.

Group VII Treatment. Drinking water dispensing stations and vending machines which utilize water from an approved public water system or bottled water plants which treat water from the distribution system of a public water system or from a groundwater source which is not under the direct influence of surface water.

(L) The Commissioner of the Department of Health and Environmental Control shall classify all public water distribution systems giving due regard to the size, type, and complexity of the public water distribution system and the skill, knowledge, and experience necessary for the operation of these systems. The classification must be based on:

Group I Distribution. Distribution systems associated with state and transient noncommunity water systems.

Group II Distribution. Distribution systems associated with community and nontransient noncommunity public water systems which have a reliable production capacity not greater than six hundred thousand gallons a day and which do not provide fire protection.

Group III Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than six hundred thousand gallons a day but not greater than six million gallons a day (MGD) or have a reliable production capacity not greater than six hundred thousand gallons a day and provide fire protection.

Group IV Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity than six MGD, but not greater than twenty MGD.

Group V Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than twenty MGD.

(M) It is unlawful for a person to operate a public water treatment facility or distribution system classified in subsection (K) or (L) unless the operator-in-charge holds a valid certificate of registration issued by the South Carolina Environmental Certification Board in a grade corresponding to the classification of the public water treatment facility or distribution system supervised by the operator in charge. All public water treatment facilities classified in Group IV Treatment through Group VI Treatment of subsection (K) must have an operator of the appropriate grade certified by the South Carolina Environmental Certification Board on duty while the facility is in operation.

(N) Effective July 1, 1983, it is unlawful for a person to engage in the business of well drilling or represent himself or herself to the public as a well driller without obtaining certification from the South Carolina Environmental Certification Board or employing well drillers which are certified by the South Carolina Environmental Certification Board. Persons constructing or abandoning wells on their own property for their own personal use only are not required to be licensed by the Department of Labor, Licensing and Regulation.

(O) The board, to ensure that underground sources of drinking water are not contaminated by improper well construction and operation, may promulgate regulations as developed by the Advisory Committee established pursuant to Section 44-55-45, setting standards for the construction, maintenance, operation, and abandonment of any well except for wells where well construction, maintenance, and abandonment are regulated by the Groundwater Use Act of 1969, Sections 49-5-10 et seq.; the Oil and Gas Exploration, Drilling, Transportation, and Production Act, Sections 48-43-10 et seq.; or the Water Use Reporting and Coordination Act, Section 49-4-10 et seq. For these excepted wells, the board may promulgate regulations. The board shall further ensure that all wells are constructed in accordance with the standards. The board shall make available educational training on the standards to well drillers who desire this training.

(P) The owner of a public water system must possess a valid operating permit to operate a public water system in this State.

HISTORY: 1962 Code Section 32-1204; 1952 Code Section 32-1203; 1942 Code Section 5049; 1932 Code Section 5035; Civ. C. '22 Section 2345; Civ. C. '12 Section 1601; 1907 (25) 536; 1968 (55) 2436; 1976 Act No. 658; 1980 Act No. 319, Section 3; 1981 Act No. 157, Sections 5, 6; 1982 Act No. 459, Sections 6, 10; 1993 Act No. 181, Sections 1127, 1128; 2000 Act No. 322, Section 1.

SECTION 44-55-45. Advisory Committee to Board; membership; appointment; qualifications; terms.

An advisory committee to the board must be appointed for the purpose of advising the board during development or subsequent amendment of regulatory standards for the construction, maintenance, operation, and abandonment of wells subject to the jurisdiction of the board. The Advisory Committee is composed of eight members appointed by the board. Five members must be active well drillers; one member must be a registered professional engineer with experience in well design and construction; one member must be a consulting hydrogeologist with experience in well design and construction; and one member must be engaged in farming and shall represent the public at large. Three ex officio members shall also serve on the Advisory Committee, one of whom must be an employee of the Department of Health and Environmental Control, and appointed by the commissioner; and two of whom must be employees of the South Carolina Department of Natural Resources and appointed by the director.

The term of office of members of the Advisory Committee is for four years and until their successors are appointed and qualify. No member may serve more than two consecutive terms. The initial terms of office must be staggered and any member may be removed for cause after proper notification and an opportunity to be heard.

HISTORY: 1982 Act No. 459, Section 7; 1993 Act No. 181, Section 1129; 2000 Act No. 322, Section 1.

SECTION 44-55-50. Recreational activities in reservoirs.

(A) In establishing regulations, procedures, and standards under Section 44-55-30 and in exercising supervisory powers under Section 44-55-40 the board or department must not prohibit or fail to include provisions for recreational activities including boating, water skiing, fishing, and swimming in any reservoir without first making and publishing specific findings that these recreational activities would be injurious to the public health and assigning with particularity the factual basis and reasons for these decisions.

(B) If the board or department determines that these recreational activities would be injurious to the public health it shall cause to have published at least once a week for six consecutive weeks in a newspaper of general circulation in the county or area affected a summary of its findings. Any citizen of this State who objects to the findings of the board or department is entitled to request a public hearing, which the board or department shall conduct within thirty days after the request. The public hearing must be a formal evidentiary hearing where testimony must be recorded. After the hearing the board or department shall review its initial findings and shall within thirty days after the hearing affirm or reevaluate its findings in writing and give notice to known interested parties. The findings of the board or department may be appealed to the circuit court, which is empowered to modify or overrule the findings if the court determines the findings to be arbitrary or unsupported by the evidence. Notice of intention to appeal must be served on

CHAPTER 51

South Carolina Environmental Certification Board

(Statutory Authority: 1976 Code §§ 40-23-70, 40-23-305, and 40-1-70)

51-1. Applications for Certification.

Any person who desires to become certified by the board must make application on the proper form. The board on request will furnish this form. The application for initial certification must be accompanied by a nonrefundable fee as specified in 51-6. An application for Well Driller that is not acted upon by the applicant within twelve (12) months of receipt by the board shall become inactive.

HISTORY: Amended by State Register Volume 29, Issue No. 4, eff April 22, 2005; State Register Volume 36, Issue No. 2, eff February 24, 2012; State Register Volume 38, Issue No. 6, Doc. No. 4410, eff June 27, 2014.

51-2. Examinations.

A. Examinations, required for licensure, are approved by the board. An applicant may apply under the Americans' with Disabilities Act (ADA) and provide documentation for consideration.

B. An examination fee will be charged for each examination taken by an applicant.

C. Such examinations as may be prescribed under this rule will be administered through a provider approved by the board.

HISTORY: Amended by State Register Volume 29, Issue No. 4, eff April 22, 2005; State Register Volume 38, Issue No. 6, Doc. No. 4410, eff June 27, 2014.

51-3. Levels of Licensure, Requirements for Each Level, Operator-in-Charge Requirements for Facilities.

A. The board shall certify qualified applicants in accordance with the levels of licensure defined in this article. In each case, the applicant must meet at least the minimum experience requirements set for the level of licensure being sought. Further, each applicant must comply with the examination requirements, as established in 51-2, relevant to the level of licensure desired.

B. An applicant's education, both degree-related and non-degree-related, may be considered by the board in determining whether the applicant meets the experience requirements for licensure. However, no applicant shall receive a graded certificate without having completed at least one (1) year of actual operating experience. This applies for "C", "B" and "A" level licensure only.

C. There will be no additional application fee for an operator to progress from a lower license to a higher one. However, an examination fee will be charged for each examination taken by an applicant.

D. Licensees and applicants are responsible for notifying the board within fifteen (15) days, whenever they change employers and their position requires certification.

E. The levels of licensure for water treatment plant and water distribution operators, and the requirements for each level, are defined in Section 40-23-300, South Carolina Code of Laws, 1976 as amended.

F. The levels of licensure for physical/chemical wastewater treatment plant operators, and the requirements for each level, are defined as:

1. To be licensed by the board as a "Trainee" physical/chemical wastewater treatment plant operator an applicant must:

a. submit an application on forms approved by the board and the prescribed fee.

2. To be licensed by the board as “D” physical/chemical wastewater treatment operator an applicant must:

- a. hold a valid “Trainee” License;
- b. have a high school diploma or the equivalent;
- c. pass an examination approved by the board;
- d. have completed at least one (1) year of actual operating experience at a physical/chemical wastewater facility, or the equivalent; and,
- e. submit an affidavit of employment documenting the experience.

3. To be licensed by the board as a “C” physical/chemical wastewater treatment plant operator an applicant must:

- a. hold a valid “D” License;
- b. pass an examination approved by the board;
- c. have completed at least two (2) years of actual operating experience at a physical /chemical wastewater facility, or the equivalent; and,
- d. submit an affidavit of employment documenting the experience.

4. To be licensed by the board as a “B” physical/chemical wastewater treatment plant operator an applicant must:

- a. hold a valid “C” License;
- b. pass an examination approved by the board;
- c. have completed at least three (3) years of actual operating experience at a physical/chemical wastewater facility, or the equivalent; and,
- d. submit an affidavit of employment documenting the experience.

5. To be licensed by the board as an “A” physical/chemical wastewater treatment plant operator an applicant must:

- a. hold a valid “B” License;
- b. pass an examination approved by the board;
- c. have completed at least four (4) years of actual operating experience at a physical/chemical wastewater facility, or the equivalent; and,
- d. submit an affidavit of employment documenting the experience.

G. The levels of licensure for biological wastewater treatment plant operators, and the requirements for each level, are defined as:

1. To be licensed by the board as a “Trainee” biological wastewater treatment plant operator an applicant must:

- a. submit an application on forms approved by the board and the prescribed fee.

2. To be licensed by the board as a “D” biological wastewater treatment plant operator an applicant must:

- a. hold a valid “Trainee” License;
- b. have a high school diploma or the equivalent;
- c. pass an examination approved by the board;
- d. have completed at least one (1) year of actual operating experience at a biological wastewater facility, or the equivalent; and,
- e. submit an affidavit of employment documenting the experience.

3. To be licensed by the board as a “C” biological wastewater treatment plant operator an applicant must:

- a. hold a valid “D” Operator License;
- b. pass an examination approved by the board;

c. have completed at least two (2) years of actual operating experience at a biological wastewater facility, or the equivalent; and,

d. submit an affidavit of employment documenting the experience.

4. To be licensed by the board as a "B" biological wastewater treatment plant operator an applicant must:

a. hold a valid "C" License;

b. pass an examination approved by the board;

c. have completed at least three (3) years of actual operating experience at a biological wastewater facility, or the equivalent; and,

d. submit an affidavit of employment documenting the experience.

5. To be licensed by the board as an "A" biological wastewater treatment plant operator an applicant must:

a. hold a valid "B" License;

b. pass an examination approved by the board;

c. have completed at least four (4) years of actual operating experience at a biological wastewater facility, or the equivalent; and,

d. submit an affidavit of employment documenting the experience.

H. The operator-in-charge of a biological wastewater treatment plant classified by the Department of Health and Environmental Control as requiring the services of a licensed operator must hold licensure as a biological wastewater treatment plant operator at a level no lower than the level of license designated for the classification or grouping assigned the plant by the Department of Health and Environmental Control:

1. Group IB wastewater treatment plants require an operator with at least a "D" license.

2. Group IIB wastewater treatment plants require an operator with at least a "C" license.

3. Group IIIB wastewater treatment plants require an operator with at least a "B" license.

4. Group IVB wastewater treatment plants require an operator with at least an "A" license.

I. The operator-in-charge of a physical/chemical wastewater treatment plant classified by the Department of Health and Environmental Control as requiring the services of a certified operator must hold licensure as a physical/chemical wastewater treatment plant operator at a level no lower than the level of licensure designated for the classification or grouping assigned the plant by the Department of Health and Environmental Control.

1. Group I-P/C wastewater treatment plants require an operator with at least a "D" Physical/Chemical license.

2. Group II-P/C wastewater treatment plants require an operator with at least a "C" Physical/Chemical license.

3. Group III-P/C wastewater treatment plants require an operator with at least a "B" Physical/Chemical license.

4. Group IV-P/C wastewater treatment plants require an operator with at least an "A" Physical/Chemical license.

J. Actual operating experience shall be verified by an affidavit.

HISTORY: Amended by State Register Volume 29, Issue No. 4, eff April 22, 2005; State Register Volume 38, Issue No. 6, Doc. No. 4410, eff June 27, 2014.

51-4. Renewal of License and Permit, Continuing Education.

A. Each license issued by the board shall be renewed annually or biennially on or before June 30. Any license not renewed within three hundred sixty-five (365) days of the date on which the license expired shall be considered lapsed and declared nonrenewable.

B. The board shall charge a renewal fee, the amount of such fee to be fixed by the board, in accordance with 51-6. Renewal applications received between July 1 and June 30 of the following year shall be subject to a reinstatement fee of two hundred dollars (\$200.00).

C. A person who practices while a license is lapsed may be fined up to five hundred dollars (\$500.00).

D. A certificate revoked for cause by the board may be reinstated only by action of the board.

E. Each applicant applying for renewal of any license must provide evidence of having completed twelve (12) hours of relevant continuing education every two (2) years. Alternatively, in accordance with 40-23-230(C)(3), a licensee may demonstrate he complies with the current continuing education requirements after the department renews the license, provided he does not engage in licensed activity until he has completed the continuing education requirement. Continuing education credit shall be in accordance with Continuing Education Guidelines as approved by the board. In lieu of continuing education, the applicant may take and pass the appropriate examination for his/her license grade.

HISTORY: Amended by State Register Volume 29, Issue No. 4, eff April 22, 2005; State Register Volume 36, Issue No. 2, eff February 24, 2012; State Register Volume 38, Issue No. 6, Doc. No. 4410, eff June 27, 2014.

51-5. Operator-in-Training Licenses.

A. Biological Wastewater Operators, Physical/Chemical Wastewater Operators, Water Treatment Operators, and Water Distribution Operators.

1. For biological wastewater treatment operators, physical/chemical wastewater treatment operators, water treatment operators, and water distribution operators the board shall issue "trainee" licenses that are valid for two (2) years for new personnel with qualifications as stated in 51-3. Operation under this license shall always be under the direct supervision of a legally licensed operator of the proper grade. All applications must be endorsed by the applicant's chief operator, or operator-in-charge.

B. Application for Trainee Licenses.

1. Trainee licenses will be valid only for the two (2) year period and will not be renewed except when an examination for a graded certificate has been passed.

HISTORY: Added by State Register Volume 29, Issue No. 4, eff April 22, 2005; State Register Volume 36, Issue No. 2, eff February 24, 2012; State Register Volume 38, Issue No. 6, Doc. No. 4410, eff June 27, 2014.

51-6. Fees.

The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-15 and on the South Carolina Environmental Certification Board website at <http://llr.sc.gov/POL/Environmental/>.

HISTORY: Amended by State Register Volume 29, Issue No. 4, eff April 22, 2005; State Register Volume 38, Issue No. 6, Doc. No. 4410, eff June 27, 2014; State Register Volume 39, Issue No. 6, Doc. No. 4504, eff June 26, 2015.

51-7. Definitions.

As used in S.C. Code Title 40, Chapter 23, and these regulations

A. "Direct Supervision" means supervision provided by a licensee who must (a) be on-site or immediately available to supervised persons via telephone, radio, or other electronic means; and (b) maintain continued involvement in appropriate aspects of each professional activity of the supervisee.

HISTORY: Amended by State Register Volume 29, Issue No. 4, eff April 22, 2005.

Tenn. Code Ann. § 68-221-909

Copy Citation

Current through the 2022 Regular Session.

TN - Tennessee Code Annotated Title 68 Health, Safety and Environmental Protection Environmental Protection Chapter 221 Water and Sewerage Part 9 Water And Wastewater Operator Certification Act

68-221-909. Certification of operators — Responsibilities — Multiple functions.

- (a) All operators of water and wastewater systems are encouraged to become certified, although this part requires only that a person in direct charge of a water treatment plant, wastewater treatment plant, water distribution system or wastewater collection system be certified.
- (b) There is nothing in the part to prohibit a single person becoming a certified operator for more than one (1) of the functions listed in subsection (a).
- (c) It is permissible for one (1) certified operator to have the responsibility for more than one (1) water and/or wastewater system where two (2) or more systems are involved in reasonable proximity to one another, and where the duties of operation are such that the work time of one (1) person may properly be divided among two (2) or more systems, or where a certified operator may adequately supervise the work of others in more than one (1) system.

History

Acts 1984, ch. 812, § 8; T.C.A., § 68-13-909.

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Tenn. Code Ann. § 68-221-904

Copy Citation

Current through the 2022 Regular Session.

TN - Tennessee Code Annotated Title 68 Health, Safety and Environmental Protection Environmental Protection Chapter 221 Water and Sewerage Part 9 Water And Wastewater Operator Certification Act

68-221-904. Certified operators only — Violations of part — Penalties.

(a) It is unlawful for any person, firm or corporation, both municipal and private, operating a water supply system or wastewater system, to operate the water treatment plant, wastewater treatment plant, water distribution system, or wastewater collection system unless the competency of the operators in direct charge of such system are duly certified by the commissioner under this part in effect on and after May 25, 1984, or under former chapter 13, part 3 of this title in effect prior to May 25, 1984.

(b) Any municipality, utility district, corporation, or persons violating any provisions of this part or the rules and regulations adopted thereunder commits a Class C misdemeanor, and each day in violation constitutes a separate offense.

(c)

(1) Additionally, any municipality, utility district, corporation or persons violating any provisions of this part, or the rules and regulations adopted thereunder, shall be subject to civil penalties up to ten thousand dollars (\$10,000) per day, for each day during which the violation occurs.

(2) The commissioner has the duty and authority to levy civil penalties authorized in subdivision (c)(1), the duty and authority to issue orders requiring compliance with this part, and to hold show cause meetings with the persons or entities to whom the orders are proposed to be issued.

History

Acts 1984, ch. 812, §§ 4, 13; 1989, ch. 591, § 113; T.C.A., § 68-13-904; Acts 2013, ch. 362, § 2.

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Tenn. Code Ann. § 68-221-910

Copy Citation

Current through the 2022 Regular Session.

TN - Tennessee Code Annotated Title 68 Health, Safety and Environmental Protection Environmental Protection Chapter 221 Water and Sewerage Part 9 Water And Wastewater Operator Certification Act

68-221-910. Issuance, duration and renewal of certificates — Reciprocity.

(a)

(1) Upon satisfactory fulfillment of the requirements and based upon recommendation of the board, the commissioner shall issue a suitable certificate to the applicant designating the applicant's competency.

(2) The certificate will indicate that portion of the plant or system for which the operator is qualified.

(3) Certificates shall be permanent except as noted subsequently in this part.

(b) Certificates shall be renewed annually upon payment of the renewal fee and the fulfillment of continuing education and/or experience requirements established by the board, unless revoked or replaced by one of a higher grade.

(c) Operators who desire to become certified in a higher grade must satisfactorily complete the requirements before the certificate is issued.

(d)

(1) Certificates shall be valid only so long as the holder uses reasonable care, judgment and application of such holder's knowledge in the performance of such holder's duties.

(2) No certificate will be valid if obtained through fraud, deceit or the submission of inaccurate data on qualifications.

(e) Certificates may be issued, without examination, in a comparable classification to any person who holds a certificate in another state; provided, that the requirements of that state are comparable or higher; and provided further, that such requirements do not conflict with this part. Such issuance of a certificate may be contingent upon reciprocal privileges being granted by that state to an operator from Tennessee.

History

Acts 1984, ch. 812, § 9; T.C.A., § 68-13-910.

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Tenn. Code Ann. § 68-221-1003

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Current through the 2022 Regular Session.

**TN - Tennessee Code Annotated Title 68 Health, Safety and Environmental
Protection Environmental Protection Chapter 221 Water and Sewerage Part 10
Wastewater Facilities**

68-221-1003. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Authority" means the Tennessee local development authority as created by title 4, chapter 31;
- (2) "Board" means the wastewater financing board established by this part;
- (3) "Clean Water Act" means the Water Pollution Control Act of 1972, P.L. 92-500, as amended, compiled in 33 U.S.C. § 1251 et seq., and rules and regulations promulgated thereunder;
- (4) "Department" means the department of environment and conservation;
- (5) [Deleted by 2022 amendment.]
- (6) "Fund" means the wastewater facility revolving loan fund;
- (7)
 - (A) "Local government" means:
 - (i) A county, incorporated town or city, metropolitan government, state agency, water/wastewater authority, energy authority or any instrumentality of government created by any one (1) or more of these or by an act of the general assembly:
 - (a) Which has authority to administer a wastewater facility; or
 - (b) Whose residents are served or are eligible to be served, in whole or in part, by a wastewater facility operated by another local government as defined by this subdivision (7);
 - (ii) One (1) of the foregoing acting jointly with a utility district operating or having the authority to operate a wastewater facility; or
 - (iii) Any combination of two (2) or more of the foregoing acting jointly in connection with a wastewater facility;

(B) "Local government" also means any utility district created pursuant to title 7, chapter 82, existing on July 1, 1984, and which operates a wastewater facility; and also includes such utility district created after July 1, 1984, if such utility district operates a wastewater facility comprised of at least five hundred (500) customer connections;

(C) "Local government" also means, for the purposes of this part only, a privately owned community wastewater treatment system subject to regulation by the Tennessee public utility commission;

(8) "Security" means that which is determined by the authority to be acceptable to secure a loan to a local government under this part and includes, but is not limited to, revenues of the facility, ad valorem taxes, state-shared taxes, letters of credit or bond insurance;

(9) "Stormwater" has the same meaning as "storm water" as defined in § 68-221-1102;

(10) "Stormwater facilities" has the same meaning as "storm water facilities" as defined in § 68-221-1102; and

(11)

(A) "Wastewater facility" means any facility, including the reserve capacity thereof, whose purpose is to collect, store, treat, neutralize, stabilize, recycle, reclaim or dispose of wastewater, including treatment or disposal plants, interceptors, outfall, and outlet sewers, pumping stations, equipment and furnishings thereof and their appurtenances which are necessary to accomplish the foregoing purposes;

(B) "Wastewater facility" also includes best management practice projects for controlling non-point sources of water pollution, failed innovative/alternative wastewater construction projects, and the planning or replanning requirements of designated management authorities;

(C) "Wastewater facility", for purposes of the program administered by the department pursuant to § 68-221-1005(a), also includes stormwater facilities, stormwater management projects, or other eligible projects as outlined in the Clean Water Act.

History

Acts 1987, ch. 299, § 3; T.C.A., § 68-13-1003; Acts 1992, ch. 1023, § 2; 2002, ch. 603, § 1; 2009, ch. 409, § 2; 2021, ch. 99, § 1; 2022, ch. 886, §§ 1-4.

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Tenn. Code Ann. § 68-221-903

Copy Citation

Current through the 2022 Regular Session.

TN - Tennessee Code Annotated Title 68 Health, Safety and Environmental Protection Environmental Protection Chapter 221 Water and Sewerage Part 9 Water And Wastewater Operator Certification Act

68-221-903. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Board" means the board of certification created in § 68-221-905;
- (2) "Certificate" means a certificate of competency issued by the commissioner stating that the operator has met the requirements for the specified operator classification of the certification program;
- (3) "Commissioner" means the commissioner of environment and conservation or the commissioner's duly authorized representative;
- (4) "Operator" means a person who is in direct charge, or that by education, training and experience is qualified to be in direct charge, of a water treatment plant, wastewater treatment plant, water distribution system or wastewater collection system;
- (5) "Wastewater collection system" means the entire system of pipes, valves, pumping stations and appurtenances through which wastewater is collected and conveyed to the wastewater treatment plant;
- (6) "Wastewater treatment plant" means the facility or group of units provided for the treatment of wastewater, either or both domestic and industrial wastes. Industrial wastes which do not enter a public wastewater system are excluded;
- (7) "Water distribution system" means that portion of the water supply system in which water is conveyed from the water treatment plant or other supply point to the premises of the consumer;
- (8) "Water supply system" means the system of pipes, structures and facilities through which water is obtained, treated, and sold, distributed or otherwise offered to the public for household use or any use by humans, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals at least one hundred twenty (120) days or at least sixty (60)

consecutive days out of the year. An industrial water system not delivering water for human consumption is excluded from this definition; and

(9) "Water treatment plant" means the portion of the water supply system which in some way alters the physical, chemical or bacteriological quality of the water.

History

Acts 1984, ch. 812, § 3; T.C.A., § 68-13-903.

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Tenn. Code Ann. § 68-221-101

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Current through the 2022 Regular Session.

TN - Tennessee Code Annotated Title 68 Health, Safety and Environmental Protection Environmental Protection Chapter 221 Water and Sewerage Part 1 General Provisions

68-221-101. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Auxiliary intake" means any piping connection or other device whereby water may be secured from a source other than that normally used;
- (2) "By-pass" means any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant;
- (3) "Commissioner" means the commissioner of environment and conservation or the commissioner's authorized agent;
- (4) "Cross connection" means any physical connection whereby a potable water supply system is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the potable water supply is possible, either through the manipulation of valves or because of ineffective check or back pressure valves;
- (5) "Department" means the department of environment and conservation through its executive officer, the commissioner of environment and conservation, or the commissioner's legally designated representative;
- (6) "Interconnection" means any system of piping or other arrangement whereby a potable water supply is connected directly with a sewer, drain, conduit or other device which does or may carry sewage or other liquid or waste which would be capable of imparting contamination to the potable water supply;
- (7) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country;

(8) "Potable water supply" means any public or other water supply, the quality of which is approved by the department for human consumption;

(9) "Public sewerage system" means the conduits, sewers, and all devices and appurtenances by means of which sewage is collected, pumped, treated or disposed of finally. "Public sewerage system" does not include systems for private residences or dwellings;

(10) "Public water supply" means any waterworks system as defined in subdivision (12), whether privately or publicly owned, where water is furnished to any community, collection or number of individuals for a fee or charge or any other waterworks system which, on account of the people who are or may be affected by the quality of the water, is classified as a public water supply by the department;

(11) "Sewage" means all water-carried human and household wastes from residences, buildings, institutions or industrial establishments, together with such ground, surface, or storm water as may be present; and

(12) "Waterworks system" means the source of supply and all structures and appurtenances used for the collection, treatment, storage and distribution of water delivered to the consumers. This does not include waterworks systems for private residences or dwellings or waterworks systems for industrial purposes not intended for human consumption.

History

Acts 1945, ch. 52, § 1; C. Supp. 1950, § 5826.1; T.C.A. (orig. ed.), §§ 53-2001, 68-13-101.

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**RULES
OF
THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
BOARD OF WATER AND WASTEWATER OPERATOR CERTIFICATION**

**CHAPTER 0400-49-01
RULES GOVERNING WATER AND WASTEWATER OPERATOR CERTIFICATION**

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0400-49-01-.01 APPLICATION FOR CERTIFICATE.

- (1) Application for certification by examination.
 - (a) A separate application for each certification shall be made on an original form approved by the Board for that purpose and available upon request from the Secretary of the Board.
 - (b) An application for certification must be submitted to the Secretary of the Board and include the following items:
 1. A sworn application signed by the applicant.
 2. Payment of a non-refundable \$100 fee for each application for examination.
 3. A copy of any verifying document in support of an application must be submitted with the application unless the applicant has previously provided such documentation to the Secretary of the Board. This includes, but is not limited to, proof of high school education or equivalent of the applicant. College transcripts, if needed to document experience credit, must be submitted directly from the college and/or university to the Secretary to the Board. Credit for enrollment in special training courses and programs will only be granted to an applicant upon verification that he/she satisfactorily completed all course or program requirements. If training credit is requested, a copy of a course attendance card, a class roster, or a certificate of completion must be submitted to the Secretary. Verification of work experience must be provided in a written document signed by a certified operator of a similar or higher classification, familiar with the applicant's work experience. However, if no such person is available, it may be documented by a person in authority with the system. The Board may exempt applicants from the verification of work experience requirement where there are unusual circumstances.
 - (c) A complete application must be received by the Secretary sixty (60) days or more in advance of the scheduled examination date for consideration. Applications received

(Rule 0400-49-01-.01, continued)

less than sixty (60) days prior to an examination date will be reviewed for the next examination. Upon written request by an applicant, the Board may choose to review, at the next Board meeting, a late exam application where extenuating circumstances contribute to the delay.

- (d) Applications will be reviewed for completeness and for compliance with the requirements of Rules 0400-49-01-.07 and 0400-49-01-.09 for education and experience by staff of the Board under the supervision of the Secretary. The operating experience of an applicant will be determined through the end of the month in which the examination for the operator classification desired is given.

1. Applications which are not complete or which provide inadequate information to allow a reasonable judgment of experience and/or education shall either be returned to the applicant by the Secretary for amendment or the Secretary may request additional information from the applicant. Upon notification of a deficiency in an application by the Secretary, the applicant shall have ten (10) days or up to the Board meeting date, whichever date comes first, to submit the required information. If an amendment to the application is not received by the aforementioned date, the application will be denied, and the applicant must submit a new application and fees for further consideration.
2. The staff of the Board under the supervision of the Secretary shall make a recommendation to approve, disapprove, or refer to the Board each applicant with a complete application.
3. Upon consideration of the recommendation of the Secretary and after any evaluation considered desirable by the Board, the Board shall act to approve or disapprove all applicants with complete applications.
4. If an application for examination is denied, the applicant must submit a new application with fees for consideration for any future examination.

- (2) Application for certification by reciprocity.

(a) A separate application for each certification shall be made on an original form approved by the Board for that purpose and available upon request from the Secretary of the Board.

(b) An application for certification must be submitted to the Secretary of the Board and include the following items:

1. A sworn application signed by the applicant.
2. Payment of a non-refundable \$100 for each application for reciprocity.
3. A copy of any verifying document in support of an application must be submitted with the application unless the applicant has previously provided such documentation to the Secretary of the Board. This includes, but is not limited to, proof of high school education or equivalent of the applicant. College transcripts, if needed to document experience credit, must be submitted directly from the college and/or university to the Secretary to the Board. Credit for enrollment in special training courses and programs will only be granted to an applicant upon verification that he/she satisfactorily completed all course or program requirements. If training credit is requested, a copy of a course attendance card, a class roster, or a certificate of completion must be submitted to the Secretary.

(Rule 0400-49-01-.01, continued)

- (c) A complete application must be received by the Secretary sixty (60) days or more in advance of the scheduled Board meeting date for consideration. Applications received less than sixty (60) days prior to the Board meeting date will be reviewed at the next Board meeting. Upon written request by an applicant, the Board may choose to review a late reciprocity application where extenuating circumstances occur.
- (d) Applications will be reviewed for completeness and for compliance with the requirements of Rules 0400-49-01-.07 and 0400-49-01-.09 for education and experience by staff of the Board under the supervision of the Secretary.
1. Applications which are not complete or which provide inadequate information to allow a reasonable judgment of experience and/or education shall either be returned to the applicant by the Secretary for amendment or the Secretary may request additional information from the applicant. Upon notification of a deficiency in an application by the Secretary, the applicant shall have ten (10) days or up to the Board meeting date, whichever date comes first, to submit the deficient information. If an amendment to the application is not received by the aforementioned date, the application will be denied, and the applicant must submit a new application with fees for further consideration.
 2. Verification of certification from the reciprocating state must be received before staff of the Board can make a recommendation and before the application can be offered to the Board for review.
 3. The staff of the Board under the supervision of the Secretary shall make a recommendation to approve, disapprove, or refer to the Board each applicant with a complete application.
 4. Upon consideration of the recommendation of the Secretary and after any evaluation considered desirable by the Board, the Board shall act to approve or disapprove all applicants with complete applications.
 5. If an application for reciprocity is denied, the applicant must submit a new application with fees for consideration for any future reciprocity requests.

Authority: T.C.A. §§ 4-5-201, et seq. and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03. Amendments filed January 18, 2017; effective April 18, 2017.

0400-49-01-.02 EXAMINATIONS.

- (1) All examinations shall be taken in a manner provided by the Board; however, the Board may approve alternate examination methods if an applicant has a disability which would prevent him/her from taking the provided methods of examination. The Board may provide examinations in written or electronic formats.
- (2) All examinations shall be taken by the applicant without the assistance of course text materials, student notes, computer stored materials, or other materials.
- (3) The examination may contain one or more of the following type questions: matching, multiple choice, true-false, discussion, short answer, and problems.
- (4) An applicant who correctly scores at least seventy percent (70%) on a written examination, and who is otherwise eligible, shall receive a certificate of competency.

(Rule 0400-49-01-.02, continued)

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- (5) An applicant shall be notified in writing whether his/her examination score was satisfactory for the issuance of a certificate.
 - (6) An applicant who fails to achieve a satisfactory score may reapply for the next examination by submitting an abbreviated application for examination with fees, but he/she shall not be eligible to take another examination for the particular operator classification which he/she failed until five months have elapsed from the date that examination was taken.
 - (7) All examinations shall be administered by the Board or its authorized representatives who are empowered to maintain the integrity of all examinations.
 - (8) (a) An applicant shall be guilty of cheating upon a written examination who does an act including, but not limited to, the following:
 1. violates paragraph (2) of this rule; or
 2. without express authorization from examination officials,
 - (i) removes examination materials furnished by the Board or the written examination itself, in whole or in part, from the examination room, or
 - (ii) aids another applicant in answering examination questions during a written examination; or
 3. violates the examination rules.
 - (b) Upon a determination by the Commissioner that an applicant is guilty of cheating upon a written examination for a particular operator classification, the applicant shall not be issued an initial certificate of competency for that classification.
 - (c) An applicant shall be ineligible to again apply for certification in that same operator classification for one year from the date the determination of cheating becomes final.
- (9) Required training.
- (a) Any person seeking to apply to sit for a Grade III or Grade IV examination who failed to achieve a satisfactory score on two previous examinations for the same operator classification for which the person is seeking to apply shall complete 30 hours of Board-sanctioned comprehensive training before the Board will consider the application.
 - (b) A person seeking to apply to sit for a Grade I or Grade II examination who failed to achieve a satisfactory score on two previous examinations for the same operator classification for which the person is seeking to apply shall complete 18 hours of Board-sanctioned comprehensive training before the Board will consider the application.
 - (c) A person seeking to apply to sit for a Small Water Systems or a Biological/Natural Systems examination who failed to achieve a satisfactory score on two previous examinations for the same operator classification for which the person is seeking to apply shall complete 18 hours of Board-sanctioned comprehensive training before the Board will consider the application.

(Rule 0400-49-01-.02, continued)

Authority: T.C.A. §§ 4-5-201, et seq. and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03. Amendments filed January 18, 2017; effective April 18, 2017. Amendments filed April 12, 2021; effective July 11, 2021.

0400-49-01-.03 FEES.

(1) Fees for Certification

(a) Fees for certification shall be required of each applicant and paid in advance as follows:

1. Application fee for each operator examination or reciprocity request applied for..... \$100
2. Missed examination fee \$50
3. Discount annual renewal fee for each operator certificate:
(Payment prior to February 1) \$50
4. Standard annual renewal fee for each operator certificate:
(Payment from February 1 through June 30) \$100

(b) No application fee will be returned.

(c) Upon payment of an application fee and approval by the Board, an applicant may take any one scheduled examination during the following 12 months. If an applicant chooses not to take or fails to appear for the first examination offered after receiving approval, the applicant must reapply on a form approved by the Board and submit the missed examination fee to be scheduled for a subsequent exam within the established time. The reapplication must occur 60 days in advance of the examination he/she wishes to take. If an applicant does not take the examination within 12 months of the Board's approval, he/she must reapply by submitting a new application with fees in order to be considered to take a subsequent examination.

(d) Each year a certified operator shall submit to the Board for the following year a completed certificate renewal application and a fee for the renewal of each operator certificate he/she possesses. Applications received prior to February 1 of each year shall be subject to discount renewal fees. Applications received February 1 through June 30 of each year shall be subject to standard renewal fees. Any person failing to meet the June 30 deadline may, within 90 days of the deadline, request that the Board grant a variance. The Board may grant a variance when the delay was caused by extenuating circumstances. A completed certificate renewal application or appropriate annual renewal fee for an expired certificate not received by the Board by June 30 shall preclude the recertification of the operator in his/her expired classification until he/she shall have fulfilled all the requirements for the issuance of an initial certificate in that classification, including the satisfactory completion of a written examination. When an operator classification is upgraded, the certificate he/she was upgraded from becomes void; and no additional fee payment is necessary until renewal.

(2) Reserved.

(3) Fees for Cross Connection Control Testing Application

(a) Fees for Cross Connection Control Testing Application shall be required of each person and paid in advance as follows:

(Rule 0400-49-01-.03, continued)

1. Application fee for a Cross Connection Control Basic Test (Department employees who assist with cross connection control training or testing are exempt)..... \$60
 2. Application fee for Cross Connection Control Renewal Test (Department employees who assist with cross connection control training or testing are exempt)..... \$60
- (b) Application fees are not refundable or transferable.
- (c) The application for testing conducted by the Department must be received a minimum of thirty (30) days in advance of the test he/she wishes to take, however, applications from private institutions may be received the day the test materials are submitted to the Fleming Training Center.
- (d) Prior to sitting for a test, an applicant must present proof of completion of training accepted by the Department for the appropriate test. Basic training may be accepted by the Department if it has a minimum class length of 480 minutes (300 minutes minimum in classroom), including but not limited to the following topics: hydraulic and backflow principles, theory of backflow and cross connection, codes and regulations of a cross connection control program, responsibilities and actions in a cross connection control program and mechanical equipment for cross connection control. Acceptable training must also provide a minimum of one working practice station and test kit for each three students. Renewal training may be accepted by the Department if it has a minimum class length of 300 minutes (180 minutes minimum in classroom) including but not limited to the following topics: hydraulic and backflow principles, theory of backflow and cross connection, codes and regulations of a cross connection control program, responsibilities and actions in a cross connection control program and mechanical equipment for cross connection control. Acceptable training must also provide a minimum of one working station and test kit for each three students.
- (e) An applicant must take the test within twelve (12) months of receipt of the training certificate.

Authority: T.C.A. §§ 4-5-201, et seq.; 68-203-101, et seq.; and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03. Amendments filed January 18, 2017; effective April 18, 2017. Amendments filed April 12, 2021; effective July 11, 2021.

0400-49-01-.04 GENERAL.

- (1) Certification under T.C.A. §§ 68-221-901 et seq., being the “Water and Wastewater Operator Certification Act,” is available to any operator of a water treatment plant, a wastewater treatment plant, a water distribution system, or a wastewater collection system who meets the minimum qualifications of a given classification.
- (2) Each person in direct charge at a water treatment plant, a wastewater treatment plant, a water distribution system, or a wastewater collection system shall hold a certificate in a grade equal to or higher than the grade of the treatment plant, distribution system, or collection system he/she operates. The grade of a facility will be established by the criteria set forth in this chapter of rules.

(Rule 0400-49-01-.04, continued)

- (3) All operating personnel making process control/system integrity decisions about water quality or quantity that affect public health must be certified. A designated certified operator must be available for each operating shift.
- (4) Each water supply system and wastewater system required to have a certified operator shall, no later than the first day of August annually, inform the Board, through its designated agent, the Division of Water Resources, in writing of the name of each person who is a certified operator in direct charge of any water treatment plant, wastewater treatment plant, water distribution system or wastewater collection system it operates. A system shall notify the Division of Water Resources in writing within thirty (30) days of its loss of the services of a certified operator in direct charge.
- (5) A certified operator shall be responsible for keeping the Board Secretary informed of his/her current address.

Authority: T.C.A. §§ 4-5-201, et seq. and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03.

0400-49-01-.05 DEFINITIONS.

- (1) "Available" means that a certified operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner, based on system size, complexity and the quality of either the source water or the receiving stream.
- (2) "Board" means the board of certification as described in T.C.A. § 68-221-905.
- (3) "Commissioner" and "Department" mean the Commissioner of the Tennessee Department of Environment and Conservation or his/her duly authorized representative.
- (4) "Operating shift" is that period of time during which operator decisions that affect public health are necessary for proper operation of the system.
- (5) "Person in direct charge" as used in these rules means the person or persons expressly designated to be in direct charge and so named in writing to the Board's authorized representative by each water supply system and wastewater system, whose decisions and directions to system personnel control the manipulation of equipment and thereby determine the quality and quantity of the water supplied by a water treatment plant or a water distribution system, or the quality of the effluent from a wastewater treatment plant or the integrity of a wastewater collection system.
- (6) "Process control/system integrity decisions" means decisions regarding the manipulation of equipment, chemicals or processes that determine the quality and quantity of the water supplied by a water treatment plant or a water distribution system, or the quality of the effluent from a wastewater treatment plant or the integrity of a wastewater collection system.
- (7) "Written examination" means an examination taken in either written or electronic format.

Authority: T.C.A. §§ 4-5-201, et seq. and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03. Amendments filed April 12, 2021; effective July 11, 2021.

0400-49-01-.06 CLASSIFICATION OF WATER TREATMENT PLANTS AND WATER DISTRIBUTION SYSTEMS.

- (1) Water treatment plants shall be classified by the Board or its authorized representative into one of five groups, designated either as Small Water, Grade I, II, III, or IV. These classifications shall be made according to the number of population served, the type of treatment plant, and the complexity of treatment required for a particular water.
- (2) The classification of a water treatment plant or a water distribution system may be changed by the Board or its authorized representative because of changes in the conditions or the circumstances upon which the original classification was based. Notice of such a classification change shall be given to the management officers of the plant or system.

(3) Types of Water Systems:

- (a) Water Treatment. A water treatment plant using filtration, iron removal, and/or lime-soda softening processes or requiring chemical or bacteriological control of operation will be classified in accordance with the following point totals:

Grade IV	61 or more points
Grade III	35 to 60 points
Grade II	16 to 34 points
Grade I	15 or less points

Point totals for plant classification shall be computed in accordance with the following rating value criteria:

Rating Value
Points

Design Flow - For every one million gallons per day design capacity, or fraction thereof, a plant will be awarded a rating value of:..... 1 pt.

Water Supply Source - Based upon the type and quality of the raw water source, a plant will be awarded rating values of:

Groundwater.....	3 pts.
Ground water under the direct influence of surface water.....	5 pts.
Surface water.....	5 pts.
Average raw water quality.....	0-10 pts.*

Treatment Process - A plant employing any of the following treatment processes will be awarded rating values of:

Aeration	4 pts.
Presettling	2 pts.
Flash mix	2 pts.
Coagulation.....	6 pts.
Flocculation	5 pts.
Settling	5 pts.
Upflow Solids Contact	8 pts.
Lime softening	5 pts.
Gravity Filtration	
slow sand	2 pts.
rapid	6 pts.
Pressure Filtration	3 pts.

(Rule 0400-49-01-.06, continued)

Recarbonation	3 pts.
Membrane Filtration	20 pts.
Activated alumina	10 pts.
Ion Exchange	5 pts.

Chemical Treatment - A plant utilizing any of the following chemicals or chemical treatment processes will be awarded rating values of:

Fluoridation	3 pts.
Disinfection	
Gaseous chlorine	5 pts.
Liquid or powdered chlorine	3 pts.
Chlorine dioxide	7 pts.
Ozonization (on-site generation)	10 pts.
On-site generation of Chlorine	5 pts.
Mixed Oxidants	7 pts.
UV Light	3 pts.

Taste and Odor Control

Peroxide	3 pts.
Potassium Permanganate	2 pts.
Powdered activated carbon	4 pts.
Activated carbon columns	6 pts.
Activated carbon slurry	8 pts.

Chemical Stabilization (polyphosphate, Soda Ash, etc.)	4 pts.
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Laboratory Control by Plant Personnel - Based upon the type and the difficulty of the laboratory work performed at a plant, a plant will be awarded rating values of:

Bacteriological	0-10 pts.*
Chemical	0-10 pts.*

Total Points **

* See Table 1

** If a rating value points total would not accurately reflect special conditions at a plant and a material distortion in its rating would occur, the Board will establish the classification of the plant after a review of its special conditions.

Table 1

*Average Raw Water Quality - Points are assigned to a plant as follows:

Raw water quality varies enough to require treatment process changes less than thirty-six (36) days each calendar year	2 pts.
Raw water quality varies enough to require treatment process changes thirty-six (36) days or more each calendar year	5 pts.
Raw water quality varies enough to require treatment process changes due to existing industrial waste pollution sources	10 pts.

(Rule 0400-49-01-.06, continued)

*Laboratory Control by Plant Personnel (Bacteriological) - Points are assigned in accordance with the type of laboratory control performed at the plant:

Lab work done outside of plant	0 pts.
Enzyme Substrate Method	4 pts.
Membrane filter procedure	5 pts.
Fermentation tubes or any dilution method	7 pts.
Biological identification	10 pts.

*Laboratory Control by Plant Personnel (Chemical) - Points are assigned in accordance with the type of laboratory control performed at the plant:

Lab work done outside the plant	0 pts.
Colorimetric methods for simple tests such as chlorine, pH	3 pts.
Procedures such as titration, jar tests	5 pts.
More advanced determinations including inorganics	7 pts.
Highly sophisticated instrumentation such as atomic absorption and gas chromatography	10 pts.

- (b) Grade I Distribution. This classification is for a water distribution system that serves at least fifty (50) service connections but no more than five thousand (5,000) service connections. This classification serves as a certificate to operate a small water system.
- (c) Grade II Distribution. This classification is for a water distribution system that serves more than five thousand (5,000) service connections. This classification serves as a certificate to operate a small water system.
- (d) Small Water Systems. This classification includes:
 - 1. All community and non-transient non-community water systems which have a ground water source not under the direct influence of surface water and serve less than fifty (50) service connections, provided the system does not use any treatment other than disinfection, and those systems which purchase water for resale and serve less than fifty (50) service connections; and
 - 2. Transient non-community water systems which have a ground water source not under the direct influence of surface water and serve less than one-hundred (100) service connections, provided the system does not use any treatment other than disinfection and/or cartridge filtration.

This classification serves as a distribution system certification for those systems meeting the definition of a small water system.

Authority: T.C.A. §§ 4-5-201, et seq. and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03.

0400-49-01-.07 CLASSIFICATIONS AND QUALIFICATIONS OF WATER TREATMENT PLANT OPERATORS AND WATER DISTRIBUTION SYSTEM OPERATORS.

- (1) (a) Grade IV Water Treatment Plant Operator - Certification as an operator in this classification will be made only upon the satisfactory completion by the applicant of the requirements of either part 1. or 2. of this subparagraph.
 - 1. An applicant must have a bachelor degree in engineering, chemistry or a related science from an accredited college or university, must have twelve (12) months

(Rule 0400-49-01-.07, continued)

of operating experience at a Grade III or a Grade IV Water Treatment plant, and must satisfactorily complete a written examination.

2. An applicant must have a high school education or equivalent, must have sixty (60) months of operating experience at a Grade III or a Grade IV Water Treatment plant, and must satisfactorily complete a written examination. Within the discretion of the Board, college course work in related science or engineering courses satisfactorily completed or Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of water treatment satisfactorily completed through schools for operators, correspondence courses, or other special training may be credited toward the required operating experience to a maximum equivalency of thirty-six (36) months.
3. To receive full time operating experience credit, a minimum of 100% of the activities must be work experience duties. The Board reserves the right to adjust calendar months of experience to a reduced number of months of experience where it is obvious that an applicant's experience routinely includes other duties. The Board encourages documented apprenticeship training programs and classroom training provided by the employer to better prepare an operator to make decisions in plant operation to assure public health protection.

(b) Grade III Water Treatment Plant Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a Grade III water treatment plant or twelve (12) months at a Grade II and six months at a Grade III, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of water treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 50% of the activities must be work experience duties.

(c) Grade II Water Treatment Plant Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a Grade I or a Grade II Water Treatment plant, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of water treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 33% of the activities must be work experience duties.

(d) Grade I Water Treatment Plant Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a Grade I water treatment plant or a small water system, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of water treatment satisfactorily completed through schools for

(Rule 0400-49-01-.07, continued)

operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.

2. To receive full time operating experience credit, a minimum of 33% of the activities must be work experience duties.

(e) Small Water System Operator - An applicant must have a high school education or equivalent, and must have three (3) months of experience in a water system classified as a "small water system" and must satisfactorily complete a written examination.

(f) Grades I & II Water Distribution System Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a water distribution system, and must satisfactorily complete a written examination. Board sanctioned comprehensive training including installation, operation, maintenance and repair of distribution systems, satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.

2. To receive full time operating experience credit, a minimum of 50% of the activities must be work experience duties.

(2) Reclassifications Resulting from Amendments of this Chapter

(a) The reclassification of a water treatment plant or a water distribution system that immediately occurs as a result of amendments to this chapter shall not reduce the operator classification of a certified operator then employed at that plant or system to a lower operator classification.

(b) The reclassification of a water treatment plant or a water distribution system that immediately occurs as a result of amendments to this chapter shall raise the operator classification of a certified operator then employed at that plant or system to a higher operator classification equivalent with the new classification of the plant or system. This subparagraph shall apply only to a certified operator whose operator classification, immediately prior to reclassification of the plant or system pursuant to amendments to this chapter, is at least equivalent with the classification of the plant or system at which he/she is employed.

(c) An applicant for examination who is employed at a water treatment plant or a water distribution system that has been reclassified by the Department and certified at the appropriate level may have his/her experience at the facility applied at a rate equal to the level of the reclassified facility.

(d) An operator classification authorized under prior rules that is eliminated upon amendments to this chapter becoming effective shall be reclassified to the highest comparable operator classification authorized under these rules.

(e) An operator's classification may be changed by the Board if the operator is employed at a water plant or distribution system that has been incorrectly classified by the Department for one year or more. The operator must hold a valid certificate equal to the incorrect plant or system classification and must have applied for and achieved the certificate based on the incorrect classification.

(Rule 0400-49-01-.07, continued)

(3) Operating Experience Credit for Approved Study

- (a) For part (1)(a)2. of this rule, the Board may approve for each one (1) semester hour, or one and one half (1½) quarter hours, of academic study satisfactorily completed at an accredited college or university in related science or engineering courses as equal to one month of the operating experience required as a qualification of a certified water treatment plant operator.
- (b) For parts (1)(a)2., (1)(b)1., (1)(c)1., (1)(d)1., and (1)(f)1. of this rule, each day of Board sanctioned comprehensive training, satisfactorily completed, through schools for operators, correspondence courses, or other special training programs may be equal to one month of the operating experience required as a qualification of a certified water treatment plant operator.

(4) Work Experience

- (a) The Board may approve the water treatment operating experience required in parts (1)(a)1., (1)(a)2., (1)(b)1., (1)(c)1., and (1)(d)1. of this rule in two or more of the following work experience duties:

Operation and/or maintenance of:

- Pretreatment systems
- Coagulant feed systems
- Filtration systems
- Fluoride feed systems
- Stabilization feed systems
- Hypochlorination systems
- Gas chlorination systems
- Pumps and/or motors
- Laboratory Control Tests
- Interpretation and plant adjustments

- (b) An operator applying for a Grade IV water treatment system certification may be granted partial credit by the Board for up to sixty percent (60%) of any approved operating experience obtained in a wastewater system.
- (c) The Board may approve the distribution system operating experience required in part (1)(f)1. of this rule in two or more of the following work experience duties:

Operation and/or maintenance of:

- Pumps
- Booster stations
- Fire hydrants
- Valves
- Storage tanks
- Distribution system flushing
- Pipeline installation
- Tap installation
- Leak detection
- Leak repairs
- Cross connection control

(Rule 0400-49-01-.07, continued)

(5) Summary of Water Treatment Plant and Distribution System Operator Education and Experience Requirements

Water Treatment Plant Operators

Classification	Experience			Maximum Training or College Classwork Substitution	Maximum Related Work Substitution
	Experience needed with:	HS Education	BS Degree		
Grade IV	Gained at a Grade III or IV Water Plant	*60 months	12 Months	36 Months	36 Months
*Regardless of the substitution allowances, a minimum of 1 year of actual work experience is required					
Grade III	Gained at a Grade III Water Plant	12 Months		3 Months	
	Gained at a Grade II and	12 Months		3 Months	
	Gained at a Grade III	6 Months			
Grade II	Gained at a Grade I or II Water Plant	12 Months		3 Months	
Grade I	Gained at a Grade I Water Plant or SWS	12 Months		3 Months	
Grade SWS	Gained at a Small Water System (SWS)	3 Months			

Distribution System Operators

Classification	Experience		Maximum Training or College Classwork Substitution	Maximum Related Work Substitution
	Experience needed with:	HS Education		
Grade II	Gained at a Distribution I or II System	12 Months	3 Months	
Grade I	Gained at a Distribution I or II System	12 Months	3 Months	

Authority: T.C.A. §§ 4-5-201, et seq. and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03.

0400-49-01-.08 CLASSIFICATION OF WASTEWATER TREATMENT PLANTS AND WASTEWATER COLLECTION SYSTEMS.

- (1) Wastewater treatment plants shall be classified by the Board or its authorized representative into one of five groups, designated either as Biological/Natural, Grade I, II, III, or IV. These classifications shall be made in accordance with the point total scheme below which takes into account the design flow of the plant, its type of unit processes, its character, and the volume of wastewater it treats.
- (2) The term “collection system” means a system for the collection and transmission of wastewater to a treatment plant.
- (3) The classification of a wastewater treatment plant or a wastewater collection system may be changed by the Board or its authorized representative because of changes in the conditions or the circumstances upon which the original classification was based. Notice of such a classification change shall be given to the management officers of the plant or system.
- (4) Types of Wastewater Systems:

(Rule 0400-49-01-.08, continued)

- (a) A wastewater treatment plant, except Biological/Natural, will be classified either as Grade I, II, III or IV in accordance with the following point totals:

Grade IV	76 or more points
Grade III	56 to 75 points
Grade II	55 points or less
Grade I.....	This classification is for a wastewater treatment plant with a capacity of seventy-five thousand (75,000) gallons per day or less. This classification serves as a Collection System certification for Grade I Collection Systems with less than fifteen (15) service connections.

Biological/Natural... This classification is for wastewater systems using natural biological treatment as the predominant means for treatment. This includes stabilization ponds, intermittent sand filters, recirculating sand filters, spray-irrigation, constructed wetlands, aerated lagoons, and overland flow systems. This classification serves as a Collection System certification for Grade I Collection Systems with less than fifteen (15) service connections.

Point totals for plant classification shall be computed in accordance with the following rating value criteria:

Rating Value
Points

Design Flow - For every one million (1,000,000) gallons per day design capacity, fraction thereof, a plant will be awarded rating value of: 2 pts.

(30 points maximum)

Effluent Discharge - Based upon the following factors, a plant will be awarded rating values of:

Receiving stream (sensitivity)	0-7 pts.*
Land disposal – evaporation	2 pts.
Subsurface disposal	4 pts.

Variation in Raw Wastes - Based upon the variation in the quality of the raw wastes, plant will be awarded a rating value of: 0-6 pts.*

Preliminary Treatment Units - A plant employing any of the following preliminary treatment processes will be awarded rating values of:

Manually cleaned screens	2 pts.
Mechanically cleaned screens	3 pts.
Preaeration	2 pts.
Comminutor, barminutor, grinders, etc	3 pts.
Grit removal	3 pts.
Raw sewage pumping	3 pts.
Flow equalization basins (Aerated)	5 pts.
Flow equalization basins (Unaerated)	2 pts.
Fine screens	3 pts.

(Rule 0400-49-01-.08, continued)

Primary Treatment Units - A plant employing any of the following primary treatment processes will be awarded rating values of:

Pre-chlorination	3 pts.
Primary Clarifiers	5 pts.
Primary Clarifiers with chemical settling aid	7 pts.
Swirl system	3 pts.

Secondary Treatment Units - A plant employing any of the following secondary treatment processes will be awarded rating values of:

Secondary Clarifiers	5 pts.
Flocculation with or without chemical aid	7 pts.
Trickling Filter without recirculation	6 pts.
Trickling Filter with recirculation	8 pts.
Activated Sludge+	
Oxidation ditch	8 pts.
Mechanical aeration	9 pts.
Diffused or dispersed aeration	10 pts.
Batch Treatment (ICEAS, etc	10 pts.
Pure oxygen	15 pts.

+ Add ten (10) additional points for a two-stage activated sludge facility

Tertiary Treatment Units/Advanced Treatment - A plant employing any of the following tertiary, or advanced, treatment processes will be awarded rating values of:

Polishing pond or Effluent flow equalization	2 pts.
Land application of treated effluent	5 pts.
Chemical treatment removal	6 pts.
Denitrification	10 pts.
Sand or mixed media filters	8 pts.
Activated Carbon Beds	10 pts.
Nitrification required by permit	
By Activated Sludge	6 pts.
Nitrification by other process	5 pts.

Disinfection - Based upon the type of disinfection process employed, a plant will be awarded rating values of:

Chlorination	5 pts.
Dechlorination	5 pts.
Ozonization	10 pts.
Ultraviolet	5 pts.

Sludge Treatment and Handling - A plant employing any of the following sludge treatment and handling facilities will be awarded rating values of:

Anaerobic digestion	
Unheated	5 pts.
Heated	10 pts.
Aerobic digestion	7 pts.
Drying beds	3 pts.
Sand bed with polymer added	5 pts.
Gravity thickener	5 pts.

(Rule 0400-49-01-.08, continued)

Dissolved air floatation thickener	8 pts.
Vacuum filter	8 pts.
Centrifuge	8 pts.
Belt Press, Plate & Frame	8 pts.
Solids reduction (Incinerator, wet oxidation, etc.)	15 pts.
Land application	5 pts.
Chemical stabilization with lime	8 pts.
All other dewatering units including wedgewire and vacuum beds, both with polymers	5 pts.
Composting: In vessel	10 pts.
Composting: Static Pile	5 pts.
Sludge Lagoon	3 pts.

Laboratory Control by Plant Personnel - Based upon the type and difficulty of laboratory work performed at a plant, a plant will be awarded rating values of:

Bacteriological (Complexity)	0-10 pts.*
Chemical/Physical (Complexity)	0-10 pts.*

Total Points **

* See Table 2

** If a rating value points total would not accurately reflect special conditions at a plant and a material distortion in its rating would occur, the Board will establish the classification of the plant after a review of its special conditions.

Table 2

Effluent Discharge - Points are assigned to a plant based upon the following receiving stream sensitivity criteria 0-7 pts.*

The key concept is the degree of dilution provided under low flow conditions. Assigned point values are:

Secondary, or equivalent to secondary, wastewater treatment only is required	1 pt.
Advanced secondary treatment	3 pts.
Tertiary treatment	5 pts.
Effluent used in a direct reuse system	7 pts.

Variation in Raw Wastes - Points are assigned to a plant based upon the variation from slight to extreme of the following factors: 0-6 pts.*

The key concept is frequency and/or intensity of deviation or excessive variation from normal or typical fluctuations; such deviation can be in terms of strength, toxicity, shock.

Recurring deviations or excessive variations in strength and/or flow less than 100 percent 0 pts.

Recurring deviations or excessive variations in strength and/or flow from 100 to 200 percent 2 pts.

Recurring deviations or excessive variations in strength and/or flow of more than 200 percent 4 pts.

(Rule 0400-49-01-.08, continued)

Raw wastes subject to toxic waste discharges 6 pts.

Laboratory Control by Plant Personnel - Points are assigned in accordance with the type of laboratory control performed at the plant:

Bacteriological/biological (complexity) 0-10 pts.*

The key concept is to credit bacteriological/biological lab work done on-site by plant personnel. Assigned point values are:

Lab work done outside the plant 0 pts.
Membrane filter procedures 3 pts.
Use of fermentation tubes or any dilution method 5 pts.
Biological identification 7 pts.

Chemical/physical (complexity) 0-10 pts.*

The key concept is to credit chemical/physical lab work done on-site by plant personnel.

Lab work done outside the plant 0 pts.
Push-button or visual methods for simple tests such as pH, settleable solids 3 pts.
Additional procedures such as DO, COD, BOD, gas analysis, titrations, solids, volatile content 5 pts.
More advanced determinations such as specific nutrients, total oils, phenols, etc 7 pts.
Highly sophisticated instrumentation such as atomic absorption and gas chromatography 10 pts.

These terms describe the minimum level of effluent quality attainable for treated wastewater under standard design conditions in terms of the arithmetic mean of the values for effluent samples collected in a period of thirty (30) consecutive days for the following parameters: five-day biochemical oxygen demand (BOD₅); total suspended solids (TSS); and acidity/alkalinity (pH).

1. "Equivalent to secondary wastewater treatment" means the 30-day average for BOD₅ does not exceed 45 mg/l and there is no ammonia limit.
 2. "Secondary wastewater treatment" means the 30-day average for BOD₅ does not exceed 30 mg/l and there is no ammonia limit.
 3. "Advanced secondary wastewater treatment" means that the biochemical oxygen demand is expressed as the carbonaceous form (CBOD₅) that is equal to or greater than 10 mg/l and is equal to or less than 25 mg/l; and there is an ammonia limit.
 4. "Tertiary wastewater treatment" means that the CBOD₅ is less than 10 mg/l and there is an ammonia limit.
- (b) Grade I Collection System. This classification is for a wastewater collection system that uses collector and/or transmission lines to transport wastewater to a treatment plant and which serves no more than five thousand (5,000) service connections.

(Rule 0400-49-01-.08, continued)

- (c) Grade II Collection System. This classification is for a wastewater collection system that uses collector and/or transmission lines to transport wastewater to a treatment plant and which serves more than five thousand (5,000) service connections.

Authority: T.C.A. §§ 4-5-201, et seq. and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03.

0400-49-01-.09 CLASSIFICATIONS AND QUALIFICATIONS OF WASTEWATER TREATMENT PLANT OPERATORS AND WASTEWATER COLLECTION SYSTEM OPERATORS.

(1) (a) Grade IV Wastewater Treatment Plant Operator

Certification as an operator in this classification will be made only upon the satisfactory completion by the applicant of the requirements of either parts 1. or 2. of this subparagraph.

1. An applicant must have a bachelor degree in engineering, chemistry or a related science from an accredited college or university, must have twelve (12) months of operating experience at a Grade III or a Grade IV Wastewater Treatment plant, and must satisfactorily complete a written examination.
2. An applicant must have a high school education or equivalent, must have sixty (60) months of operating experience at a Grade III or a Grade IV Wastewater Treatment plant, and must satisfactorily complete a written examination. Within the discretion of the Board, college course work in related science or engineering courses satisfactorily completed, or Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of wastewater treatment satisfactorily completed through schools for operators, correspondence courses, or other special training, may be credited toward the required operating experience to a maximum equivalency of thirty-six (36) months.
3. To receive full time operating experience credit, a minimum of 100% of the activities must be work experience duties. The Board reserves the right to adjust calendar months of experience to a reduced number of months of experience where it is obvious that an applicant's experience routinely includes other duties. The Board encourages documented apprenticeship training programs and classroom training provided by the employer to better prepare an operator to make decisions in plant operation to assure public health protection.

(b) Grade III Wastewater Treatment Plant Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a Grade II wastewater treatment plant or a Grade III wastewater treatment plant, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of wastewater treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 50% of the activities must be work experience duties.

(c) Grade II Wastewater Treatment Plant Operator

(Rule 0400-49-01-.09, continued)

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a Grade I wastewater treatment plant or a Grade II wastewater treatment plant, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of wastewater treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 33% of the activities must be work experience duties.

(d) Grade I Wastewater Treatment Plant Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience in a Grade I wastewater treatment plant or twelve (12) months operating experience at a biological/natural system and six (6) months at a Grade I wastewater treatment plant, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of wastewater treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 33% of the activities must be work experience duties.

(e) Biological/Natural System Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience in a wastewater system classified as a biological/natural system, and must satisfactorily complete a written examination. Board sanctioned comprehensive training in chemistry, bacteriology, and the fundamentals of wastewater treatment satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 33% of the activities must be work experience duties.

(f) Grades I & II Wastewater Collection System Operator

1. An applicant must have a high school education or equivalent, must have twelve (12) months of operating experience at a wastewater collection system, and must satisfactorily complete a written examination. Board sanctioned comprehensive training including installation, operation, maintenance and repair of collection systems, satisfactorily completed through schools for operators, correspondence courses, or other special training programs may be credited toward the required operating experience to a maximum equivalency of three (3) months.
2. To receive full time operating experience credit, a minimum of 50% of the activities must be work experience duties.

(2) Reclassifications Resulting from Amendments to this Chapter

(Rule 0400-49-01-.09, continued)

- (a) The reclassification of a wastewater treatment plant or a wastewater collection system that immediately occurs as a result of amendments to this chapter shall not reduce the operator classification of a certified operator then employed at that plant or system to a lower operator classification.
- (b) The reclassification of a wastewater treatment plant or a wastewater collection system that immediately occurs as a result of amendments to this chapter shall raise the operator classification of a certified operator then employed at that plant or system to a higher operator classification equivalent with the new classification of the plant or system. This subparagraph shall apply only to a certified operator whose operator classification, immediately prior to reclassification of the plant or system pursuant to amendments to this chapter, is at least equivalent with the classification of the plant or system at which he/she is employed.
- (c) An applicant for examination who is employed at a wastewater treatment plant or a wastewater collection system that has been reclassified by the Department, and certified at the appropriate level, may have his/her experience at the facility applied at a rate equal to the level of the reclassified facility.
- (d) An operator classification authorized under prior rules that is eliminated upon amendments to this chapter becoming effective shall be reclassified to the highest comparable operator classification authorized under these rules. (Industrial Biological Waste Treatment certificates become Grade IV Wastewater certificates).
- (e) An operator's classification may be changed by the Board if the operator is employed at a wastewater plant or collection system that has been incorrectly classified by the Department for one (1) year or more. The operator must hold a valid certificate equal to the incorrect plant or system classification and the operator must have applied for and achieved the certificate based on the incorrect classification.
- (3) Operating Experience Credit for Approved Study
- (a) For part (1)(a)2. of this rule, the Board may approve each one (1) semester hour, or one and one half (1½) quarter hour, of academic study satisfactorily completed at an accredited college or university in related science or engineering courses as equal to one month of the operating experience required as a qualification of a certified wastewater treatment plant operator.
- (b) For parts (1)(a)2., (1)(b)1., (1)(c)1., (1)(d)1., (1)(e)1., and (1)(f)1. of this rule, each day of Board sanctioned comprehensive training, satisfactorily completed, through schools for operators, correspondence courses, or other special training programs may be equal to one month of the operating experience required as a qualification of a certified wastewater treatment plant operator.
- (4) Work Experience
- (a) The Board may approve the wastewater treatment operating experience required in parts (1)(a)1., (1)(a)2., (1)(a)3., (1)(b)1., (1)(c)1., (1)(d)1., and (1)(e)1. of this rule in two (2) or more of the following work experience duties:

Control of:

- Solids pumping from clarifiers
- Scum removal in clarifiers
- Return and waste sludge rates

(Rule 0400-49-01-.09, continued)

- Aeration rates
- Recirculation rates to trickling filter or rotating biological contactor (RBC)

Operation of:

- Disinfection system feed rates
- Digesters and/or solids conditioning processes

Performance of:

- Calculations and plant control
- Interpretation of laboratory test results
- Interpretation of process control data
- Cleaning and maintenance of preliminary treatment
- Adjustment of wastewater levels or flow through a lagoon system

- (b) An operator applying for a Grade IV wastewater system certification may be granted partial credit by the Board for up to forty percent (40%) of any approved operating experience obtained in a water supply system.
- (c) The Board may approve the collection system operating experience required in part (1)(f)1. of this rule in two or more of the following work experience duties:

Operation and/or maintenance of:

- Pumps
- Lift stations
- Valves
- Lines and equipment
- Pipeline installation
- Service connection installation
- Leak detection
- TV crew activities
- Line repairs
- Line cleaning
- Manhole maintenance
- Pretreatment

(5) Summary of Wastewater Treatment Plant and Collection System Operator Education and Experience

Wastewater Treatment Plant Operators

Classification	Experience			Maximum Training or College Classwork Substitution	Maximum Related Work Substitution
	Experience needed with:	HS Education	BS Degree		
Grade IV	Gained at a Grade III or IV Wastewater Plant	*60 months	12 Months	36 Months	24 Months
*Regardless of the substitution allowances, a minimum of 1 year of actual work experience is required					
Grade III	Gained at a Grade II or III Wastewater Plant	12 Months		3 Months	
Grade II	Gained at a Grade I or II Wastewater Plant	12 Months		3 Months	
Grade I	Gained at a Grade I Wastewater Plant	12 Months		3 Months	
	Gained at Biological/Natural and Grade I Wastewater Plant	12 Months 6 Months			
Grade BNS	Gained at a BNS Wastewater Plant	12 Months		3 Months	

(Rule 0400-49-01-.09, continued)

COLLECTION SYSTEM OPERATORS

Classification	Experience		Maximum Training or College Classwork Substitution	Maximum Related Work Substitution
	Experience needed with:	HS Education		
Grade II	Gained at a Collection I or II System	12 Months	3 Months	
Grade I	Gained at a Collection I or II System	12 Months	3 Months	

Authority: T.C.A. §§ 4-5-201, et seq. and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03.

0400-49-01-.10 CONTINUING EDUCATION.

- (1) Completion of Continuing Education Requirements. At least once during every continuing education period each certified operator shall satisfactorily complete the required number of continuing education hours approved by the Board for the particular type of certificate he/she holds.
- (2) Continuing Education Period. The continuing education period is three calendar years and shall begin either with the date the certified operator obtained his/her certificate or the date the certified operator last satisfactorily completed the required number of continuing education hours and shall end at the conclusion of the annual continuing education term three calendar years thereafter. An annual continuing education term shall begin each year on October 1 and shall end on September 30 of the following year.
- (3) Failure to Complete Continuing Education Requirements. The failure of an operator to satisfactorily complete the required number of continuing education hours approved by the Board Secretary during his/her continuing education period shall be grounds for the denial of his/her application for the renewal of his/her certificate. An operator that fails to satisfactorily complete the required number of continuing education hours during his/her continuing education period due to extenuating circumstances may make a written request to the Board for an extension of time to do so. All requests by an operator for an extension of time to meet the continuing education requirement must be made in writing to the Board either within two months of the elapsed continuing education period or by the date of return of the operator to active employment, whichever is later. All such requests must be accompanied by complete supporting documentation of the circumstances causing the failure to meet the continuing education requirement.
- (4) Notification of Satisfactory Completion. An operator shall notify the Board Secretary upon his/her satisfactory completion of the continuing education requirement by furnishing appropriate documentation of course completion. Notification by the operator is not necessary in those cases where an agency notifies the Board Secretary of such activity.
- (5) A certified operator shall only receive credit for a continuing education course that is completed in its entirety. A certified operator attending the same continuing education course more than once in two consecutive continuing education periods shall only receive credit for the operator's first attendance.

Authority: T.C.A. §§ 4-5-201, et seq. and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03. Amendments filed April 12, 2021; effective July 11, 2021.

0400-49-01-.11 SUMMARY SUSPENSION AND REVOCATION OF CERTIFICATE.

- (1) An operator's certificate may be revoked when:
- (a) In accordance with paragraph (2) of this rule, an operator has not used reasonable care, judgment, or the application of his/her knowledge in the performance of his/her duties as a certified operator, or
 - (b) In accordance with paragraph (3) of this rule, an operator is incompetent to perform those duties properly; or
 - (c) In accordance with paragraph (4) of this rule, an operator has practiced fraud or deception.
- (2) An operator shall be deemed to have not used reasonable care, judgment, or the application of his/her knowledge in the performance of his/her duties if he/she does not comply with the laws, rules, permit requirements, or orders of any governmental agency or court which govern the water supply system or the wastewater system he/she operates. Such acts of noncompliance include but are not limited to the following:
- (a) The intentional or the negligent failure by the operator or persons under his/her supervision to act that results in a water supply system facility or a wastewater system facility not operating in the manner in which it is capable of being operated for the performance of its designed function.
 - (b) The intentional or the negligent failure by the operator or persons under his/her supervision to comply with the monitoring, sampling, analysis, or reporting requirements for a water supply system facility or a wastewater system facility.
 - (c) The intentional or the negligent unlawful discharge of wastes from a water supply system facility or a wastewater system facility.
 - (d) The intentional or the negligent failure by the operator or persons under his/her supervision to notify the Department of conditions: which may affect the quantity or quality of water being supplied to the customers of a water supply system; which cause the pollution of the waters of the State of Tennessee; or, which are violative of a standard of water quality promulgated by any governmental agency.
- (3) An operator shall be deemed to be incompetent to perform his/her duties properly when he/she does not possess the basic skills and knowledge necessary to operate a water supply system facility or a wastewater system facility including laboratory functions or if he/she fails to have a system of verification and oversight of employees under his/her charge. Incompetency shall be determined by examining the technical skills of the operator in operating the type of facility of which he/she is in direct charge.
- (4) An operator shall be deemed to have practiced fraud or deception as follows:
- (a) Obtained his/her certificate through fraud, deceit, or the submission of inaccurate data regarding his/her qualifications upon his/her application for a certificate.;
 - (b) Has practiced fraud or deception during the performance of his/her duties as a certified operator; or
 - (c) Has prepared and/or signed reports of laboratory analysis results for the system that:

(Rule 0400-49-01-.11, continued)

1. Contain inaccurate data and are known or should be known by the operator to be false; or,
2. Contain inaccurate data because the operator has not used reasonable care, judgment, or the application of his/her knowledge either in the performance of the laboratory analysis or in the preparation of the laboratory analytical reports.

(5) Revocation

(a) The Commissioner may initiate the process to revoke a certificate when he/she believes an operator has engaged in any of the activities set forth in paragraph (1) of this rule.

(b) The Commissioner shall give notice by mail to the affected operator of facts or conduct that warrants revocation of the certificate and give the affected operator an opportunity to show compliance with these rules by conducting an informal hearing as provided in T.C.A. § 4-5-320(c).

(c) After the T.C.A. § 4-5-320(c) informal hearing, if the Commissioner determines that the affected operator has failed to demonstrate compliance, the Commissioner shall issue a notice of hearing for revocation and include a recommendation to the Board to revoke and reinstate or not to reinstate the certificate. Any recommendation of reinstatement of the certificate shall include terms for such reinstatement.

(d) The notice of hearing for revocation shall contain the information required by part 1. of this subparagraph and be served in accordance with part 2. of this subparagraph.

1. The notice shall include:

- (i) A statement of the time, place, nature of the hearing, and the right to be represented by counsel;
- (ii) A statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the statute and rules involved; and
- (iii) A short and plain statement of the facts or conduct that warrant a revocation. (If the Commissioner is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon timely, written application a more definite and detailed statement shall be furnished ten (10) days prior to the time set for the hearing.)

2. A copy of the notice of hearing shall be:

- (i) Served upon the operator no later than thirty (30) days prior to the hearing date; and
- (ii) Served by personal service, return receipt mail or equivalent carrier with a return receipt,

A person making personal service on the operator affected shall return a statement indicating the time and place of service, and a return receipt must be signed by the operator affected. However, if the affected operator evades or attempts to evade service, service may be made by leaving the notice or a copy

(Rule 0400-49-01-.11, continued)

of the notice at the affected operator's dwelling house or usual place of abode with some person of suitable age and discretion residing therein, whose name shall appear on the proof of service or return receipt card. Service may also be made by delivering the notice or copy to an agent authorized by appointment or by law to receive service on behalf of the affected operator, or by any other method allowed by law in judicial proceedings.

(6) Summary Suspension and Revocation

- (a) The Commissioner may initiate the process of summary suspension and revocation of the certificate when the Commissioner believes that an emergency action is needed to protect the public health, safety or welfare.
- (b) The Commissioner shall give a notice to the affected operator by any reasonable means and shall inform the affected operator of the intended action, the acts or conduct that warrants summary suspension and revocation of the certificate and hold an informal hearing, as provided in T.C.A. § 4-5-320(d), to give the operator an opportunity to address the issue of whether there is an emergency.
- (c) The Commissioner shall appoint a hearing officer to conduct this T.C.A. § 4-5-320(d) hearing and the hearing shall be recorded and transcribed.
- (d) After the informal hearing as provided in T.C.A. § 4-5-320(d), if the Commissioner determines that an emergency action is warranted, the Commissioner shall issue an Order of Summary Suspension and a notice of hearing for revocation and include a recommendation to the Board to reinstate or not to reinstate the certificate. Any recommendation of reinstatement of the certificate shall include terms for such reinstatement.
- (e) The Order of Summary Suspension and the notice for revocation shall contain the information required by part (5)(d)1. of this rule and be served in accordance with part (5)(d)2. of this rule.
- (f) When the Commissioner has issued an Order of Summary Suspension and Notice of Revocation, the Board shall conduct its revocation hearing and render a decision within ninety (90) days of the operator's summary suspension. In the event the Board does not render its decision within ninety (90) days of the operator's summary suspension, the Order of Summary Suspension shall expire and no longer be in force or effect. However, the Commissioner may reissue an Order of Summary Suspension in accordance with this paragraph, for a period not to exceed ninety (90) days.
- (7) The revocation hearing before the Board shall be held in accordance with T.C.A. §§ 4-5-301 et seq. and Rule Chapter 1360-04-01 Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies.
- (8) The Board may revoke the certificate of an operator when it is found that the operator has practiced fraud or deception; that reasonable care, judgment or the application of such operator's knowledge was not used in performance of such operator's duties; or that the operator is incompetent to properly perform such operator's duties. If the certificate is revoked and is to be reinstated, the Board shall determine the timing, terms and conditions for reinstatement.
- (9) An operator who receives an order of the Board for the revocation of his/her certificate may appeal the order to the Chancery Court of Davidson County within sixty (60) days.

(Rule 0400-49-01-.11, continued)

- (10) An operator whose certificate is revoked for failure to use reasonable care, judgment or the application of operator knowledge in performing the operator's duties or for incompetency shall be ineligible to again apply for certification as an operator for a minimum of one (1) year. An operator whose certificate is revoked for practicing fraud or deception, willfully violating regulations or permit conditions, or falsifying records and reports shall be ineligible to again apply for certification as an operator for a minimum of five years. When an operator whose certificate has been revoked has applied for a certificate after the minimum time has passed, the Board shall determine whether the operator has taken appropriate action to address the circumstances that were the cause of the revocation. The Board may request records and review his/her experience, education, training and past performance. The Board may request the former operator's presence at a meeting of the Board and interview him/her to assess the potential of future violations. After the reviews, the Board shall decide to accept or refuse the application.

Authority: T.C.A. §§ 4-5-201, et seq. and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03.

0400-49-01-.12 CIVIL PENALTIES.

- (1) The Commissioner may assess the civil penalty authorized by law against a municipality, utility district, corporation, or any person operating a water supply system or a wastewater system if the competency of the person in direct charge of a system facility has not first been certified in accordance with these rules.
- (2) A certified operator may be assessed the civil penalty authorized by law for the same acts and omissions that would constitute grounds for the revocation of his/her certificate by the Board.
- (3) Prior to issuing an order that assess a civil penalty, in accordance with paragraphs (1) and (2) of this rule the Commissioner may hold a show cause meeting with the person or entity to whom the order is proposed to be issued.

Authority: T.C.A. §§ 4-5-201, et seq. and 68-221-901, et seq. **Administrative History:** Original rule filed May 21, 2014; effective August 19, 2014. Rule renumbered from 1200-05-03.

DISCUSSION OF EQUIVALENCY

- a. Facility Classifications
- b. Technical Language Used in other Jurisdictions

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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