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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment and Conservation
Division:	Fleming Training Center
Contact Person:	Bob O'Dette
Address:	6th Floor, L&C Annex 401 Church Street Nashville, TN 37243
Phone:	(615) 253-5319
Email:	Robert.Odette@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	12th Floor L&C Tower 401 Church Street Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service at 1-800-848-0298.
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	17th Floor Conference Room A, L & C Tower	
Address 2:	401 Church Street	
City:	Nashville, Tennessee	
Zip:	37243	
Hearing Date :	04/09/13	
Hearing Time:	9:00 a.m.	X CST/CDT ___EST/EDT

Additional Hearing Information:

This rulemaking is intended to move the rules from Chapter 1200-05-03 to Chapter 0400-49-01, to repeal Chapter 05-06, which is no longer needed, and to edit the document to correct typos and incorrect references.

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Tennessee Department of Environment and Conservation, Water Resources Division; Attention: Mr. Bob O'Dette, 6th Floor, L & C Annex; 401 Church Street; Nashville, Tennessee 37243; telephone 615-532-0445 or fax 615-532-0199. However, such written comments must be received by 4:30 PM CDT, April 9, 2013, in order to assure consideration. For further information, please contact Mr. Bob O'Dette at the above address or telephone number or by e-mail at Robert.Odette@tn.gov.

Revision Type (check all that apply):
___ Amendment
X New

X Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	**Chapter Title**
0400-49-01	Rules Governing Water and Wastewater Operator Certification
Rule Number	**Rule Title**
0400-49-01-.01	Application for Certificate
0400-49-01-.02	Examinations
0400-49-01-.03	Fees
0400-49-01-.04	General
0400-49-01-.05	Definitions
0400-49-01-.06	Classifications of Water Treatment Plants and Water Distribution Systems
0400-49-01-.07	Classifications and Qualifications of Water Treatment Plant Operators and Water Distribution System Operators
0400-49-01-.08	Classification of Wastewater Treatment Plants and Wastewater Collection Systems
0400-49-01-.09	Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators
0400-49-01-.10	Continuing Education
0400-49-01-.11	Revocation of Certificate
0400-49-01-.12	Civil Penalties

Chapter Number	**Chapter Title**
1200-05-03	Rules Governing Water and Wastewater Operator Certification
Rule Number	**Rule Title**
1200-05-03-.01	Application for Certificate
1200-05-03-.02	Examinations
1200-05-03-.03	Fees
1200-05-03-.04	General
1200-05-03-.05	Definitions
1200-05-03-.06	Classifications of Water Treatment Plants and Water Distribution Systems
1200-05-03-.07	Classifications and Qualifications of Water Treatment Plant Operators and Water Distribution System Operators
1200-05-03-.08	Classification of Wastewater Treatment Plants and Wastewater Collection Systems
1200-05-03-.09	Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators
1200-05-03-.10	Continuing Education
1200-05-03-.11	Revocation of Certificate
1200-05-03-.12	Civil Penalties
1200-05-03-.13	Repealed

Chapter Number	**Chapter Title**
1200-05-06	Rules of Procedure for Hearing Contested Cases before the Water and Wastewater Operations Board of Certification

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

Repeals

Chapter 1200-05-03 Rules Governing Water and Wastewater Operator Certification is repealed.

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

Chapter 1200-05-06 Rules of Procedure for Hearing Contested Cases before the Water and Wastewater Operations Board of Certification is repealed.

Authority: T.C.A. § 4-5-301 et seq. and 4-5-201 et seq.

New Rules

Chapter 0400-49-01
Rules Governing Water and Wastewater Operator Certification

Table of Contents

0400-49-01-.01	Application for Certificate	0400-49-01-.08	Classification of Wastewater Treatment Plants and Wastewater Collection Systems
0400-49-01-.02	Examinations	0400-49-01-.09	Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators
0400-49-01-.03	Fees	0400-49-01-.10	Continuing Education
0400-49-01-.04	General	0400-49-01-.11	Revocation of Certificate
0400-49-01-.05	Definitions	0400-49-01-.12	Civil Penalties
0400-49-01-.06	Classifications of Water Treatment Plants and Water Distribution Systems		
0400-49-01-.07	Classifications and Qualifications of Water Treatment Plant Operators and Water Distribution System Operators		

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 and notarized 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 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 and notarized 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.

(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.

0400-49-01-.02 Examinations.

(1) All examinations shall be written except that the Board may approve alternate examination methods if an applicant has a disability which would prevent him/her from taking a written examination.

(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.

(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.

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. Discount annual renewal fee for each operator certificate:
(Payment prior to February 1)..... $30

3. Standard annual renewal fee for each operator certificate:
(Payment from February 1 through June 30.)..... $60

(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 twelve (12) months. If an applicant chooses not to take or fails to appear for, the first examination offered after receiving approval, the applicant must register on a form approved by the Board to be scheduled for a subsequent exam within the established time. The registration must occur sixty (60) days in advance of the examination he/she wishes to take. If an applicant does not take the examination within twelve (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 sixty (60) days of the deadline, request that the Board grant a variance. A variance may be granted when the delay was caused by Board or staff error, Board action, or documented postal error. 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) Fees for Cross Connection Control Training Registration

(a) Fees for Cross Connection Control Training registration shall be required of each person and paid in advance as follows:

1. Registration fee for a Cross Connection Control Basic Class (full time employees of public water systems as defined in T.C.A. § 68-221-703 and Department employees who assist with cross connection control training or testing classes are exempt) $275

2. Registration fee for a Cross Connection Control Renewal Class (full time employees of public water systems as defined in T.C.A. § 68-221-703 and Department employees who assist with cross connection control training or testing classes are exempt) $110

(b) No registration fee will be returned.

(c) The registration fee must be received thirty (30) days in advance of the class he/she wishes to take.

(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:

1. Application 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.

0400-49-01-.04 General.

(1) Certification under T.C.A. §§ 68-221-901 et seq., being the "Water Environmental Health 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.

(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 agents, the Division of Water Supply for water and distribution operators and the Division of Water Pollution Control for wastewater and collection operators, 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 Supply for water treatment plant and distribution system operators and the Division of Water Pollution Control for wastewater treatment plant and collection system operators 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.

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) "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.

(6) "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.

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.
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.

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.

*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 all 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. This classification serves as a distribution system certification for those systems meeting the definition of a small water system.

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 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 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) Initial Reclassifications under this Chapter of Rules

(a) The reclassification of a water treatment plant or a water distribution system that immediately occurs as a result of this chapter of rules 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 this chapter of rules 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 this chapter of rules, 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 this chapter of rules 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.

(3) Operating Experience Credit for Approved Study

(a) For part (1)(a)2 of this rule, the Board may approve for each two semester hours, or three 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

(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 Gained at a Grade III	12 Months 6 Months		3 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	

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:

(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.

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.
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: Invessel ..... 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.

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 (BOD_5); total suspended solids (TSS); and acidity/alkalinity (pH).

1. "Equivalent to secondary wastewater treatment" means the 30-day average for BOD_5 does not exceed 45 mg/l and there is no ammonia limit.

2. "Secondary wastewater treatment" means the 30-day average for BOD_5 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 ($CBOD_5$) 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 $CBOD_5$ 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.

(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.

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

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~~ 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) Initial Reclassifications under this Chapter of Rules

(a) The reclassification of a wastewater treatment plant or a wastewater collection system that immediately occurs as a result of this chapter of rules 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 this chapter of rules 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 this chapter of rules, 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 this chapter of rules 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 for each two semester hours, or three 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 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 or more of the following work experience duties:

Control of:
- Solids pumping from clarifiers
- Scum removal in clarifiers
- Return and waste sludge rates
- 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	

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	

0400-49-01-.10 Continuing Education.

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. The continuing education period for a certified operator 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 (3) 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. 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 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. An operator that fails to satisfactorily complete the required number of continuing education hours during his/her continuing education period due to an unusual event such as an incapacitating illness or similar unavoidable 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 (2) 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.

0400-49-01-.11 Revocation of Certificate.

(1) The Commissioner may issue an order to revoke the certificate of an operator when he/she determines that the 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 when the Commissioner determines that the operator is incompetent to perform those duties properly.

(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) The Commissioner may issue an order to revoke the certificate of an operator when he/she determines that the operator obtained his/her certificate through fraud, deceit, or the submission of inaccurate data regarding his/her qualifications upon his/her application for a certificate.

(5) The Commissioner may issue an order to revoke the certificate of an operator when he/she determines that the operator has practiced fraud or deception during the performance of his/her duties as a certified operator.

(6) The Commissioner may issue an order to revoke the certificate of an operator who performs laboratory analytical services for a water supply system or a wastewater system when he/she determines that the operator has prepared and/or signed reports of laboratory analysis results for the system that:

(a) contain inaccurate data and are known or should be known by the operator to be false; or,

(b) 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.

(7) An operator who receives an order of the Commissioner for the revocation of his/her certificate may appeal the order to the Board as provided by statute.

(8) 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.

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 Commissioner.

Authority: T.C.A. §§ 68-221-901 et seq. and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 2/12/13

Signature: Sandra K. Dudley

Name of Officer: SANDRA K. DUDLEY

Title of Officer: DIRECTOR, WATER RESOURCES

BETH B. SMITH
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires JULY 6, 2015

Subscribed and sworn to before me on: 2-12-13

Notary Public Signature: Beth B. Smith

My commission expires on: July 6, 2015

Department of State Use Only

Filed with the Department of State on: 2/13/13

Tre Hargett
Secretary of State

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