



Wastewater Operator Certification Rulemaking 2024

Advisory Committee Charter

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Translation and other formats

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Objectives and scope

Policy objectives

To address the growing challenge of ensuring there is a sustainable, certifiable workforce to operate and maintain Oregon's wastewater utilities, the Wastewater Operator Certification Program is conducting a rulemaking to do the following:

- Update qualification pathways to certification for wastewater system operators.
- Facilitate operator certification reciprocity among states.
- Modernize and simplify the way wastewater systems are classified to resemble neighboring states.
- Expand options for attaining compliance when a supervisory operator is not available.
- Add definitions for previously undefined terms.

Oregon law requires owners of domestic wastewater systems (public and private) to operate their systems under the responsible control and direction of certified operators. In accordance with National Pollution Discharge Elimination System and Water Pollution Control Facility permit requirements, each wastewater system (collection and treatment) that handles domestic sewage must have one designated supervisory operator that is certified at or above the classification level of the system. Operator certification grades (small wastewater system certificate, collection and treatment certificates grades I-IV, IV being the highest) align with the classification of each system (small wastewater system, collection and treatment system classes I-IV, IV being the highest). Trained and certified operators ensure that the systems function in a manner that protects public health and the environment, and the associated equipment is properly operated and maintained. Certified operators also improve facility operation and compliance, protect the public's investment in the facilities, and instill public confidence in the safety and certainty of services. Oregon operators must meet minimum standards for education and operator work experience, as well as pass an examination, to obtain a renewable DEQ certification.

Other than fee increases to balance inflation, and the addition of the Small Wastewater System designation in 2013, the Wastewater Operator Certification Program Oregon Administrative Rules have not been significantly updated in over two decades. The statewide, two full time employee Wastewater Operator Certification Program certifies approximately 1400 operators, classifies approximately 400 systems that handle domestic sewage, and is 100% fee-funded. In March 2023, the program transitioned from a paper-based application process to a fully online electronic data management system called Your DEQ Online, or YDO, which is an agency-wide platform used for most business and financial processes. The proposed rules have been developed while considering the current capabilities of YDO and 2.0 FTE.

According to the U.S. Environmental Protection Agency's webpage on the water sector workforce (<https://www.oregon.gov/deq/permits/Pages/WOC-in-YDO.aspx>), wastewater utilities face challenges in recruiting, training, and retaining employees. These challenges are expected to grow with roughly one-third of the wastewater sector workforce eligible to retire in the next ten years. Moreover, as the technologies used in the wastewater sector become more advanced, there is a growing need to employ talented wastewater resource protection professionals with

specialized technical skills from a variety of backgrounds. Cutting-edge improvements in wastewater management increasingly require computer and other technical skills that are often acquired by obtaining a college degree or attaining other post-high school education, as well as through on-the-job experience.

At present, the Operator Certification program accepts some post-high school education in lieu of the required experience for certification. However, this option should be expanded, particularly to attract technology-savvy candidates to vacant wastewater system operation positions where their skills are needed, and furthermore, where their education can accelerate their promotion to higher grade certifications. Additionally, for operators with only high school/GED education, the experience required for higher grade certification should be reduced to mirror the requirements of surrounding states with similar certification grades and system classifications.

Currently, when a system supervisor is not available, or the position is vacated unexpectedly, and another certified operator is not qualified to assume supervisory responsibility, DEQ may grant a time extension up to 120 days to find a suitable operator for compliance. However, oftentimes another operator who is certified at one grade lower (which is the requirement to be the alternate shift designated supervisory operator) may be employed at that system. The lower grade certified operator is typically familiar with and capable of successfully running the system. Therefore, the extension should be increased to 365 days as long as the lower grade operator has been employed at that system for at least one year and the facility has not committed any recent Class I violations. This will allow that operator additional time to attain a higher certification, in order to become the primary supervisory operator.

Additionally, unpredictable weather patterns and natural disasters that affect wastewater system infrastructure and functionality, plus subsequent potential need for emergency response assistance, necessitate the need for improved portability of operators across state borders.

Lastly, due to improved technologies such as Supervisory Control and Data Acquisition (SCADA) and other innovations such as remote sensors and increased automation, in combination with the COVID-19 pandemic, a larger percentage of wastewater operators work remotely, and this trend is expected to continue. As a result, the generally accepted definitions of full-time and part-time work have evolved and should be clarified to outline expectations regarding designated supervisory operator roles and responsibilities.

Without adoption of these proposed rules, Oregon would likely see an increased number of wastewater systems run by uncertified and unqualified operators. In turn, this could lead to an increase in the discharge of untreated or insufficiently treated wastewater, non-compliance, and threats to water quality and public health. In addition, more uncertified and unqualified operators may lead to the improper operation and breakdown of facility equipment, which could increase costs to utilities and rate payers.

This rulemaking process will engage a variety of interested parties and public representatives to evaluate and provide policy recommendations, as necessary, for Oregon Administrative Rules 340, division 49 under the authority of Oregon Revised Statutes 448.405 through 448.430 and 448.992.

Fiscal and Economic Impact

This rulemaking does not involve fees. However, ORS 183.333 requires that DEQ ask the committee to consider the fiscal and economic impact of the proposed rules including:

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be.
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

ORS 183.333 (a)(F) requires agencies to provide a statement identifying how adoption of the rules will affect racial equity in Oregon. To aide in crafting this statement DEQ will ask the committee to provide input on this question.

Roles

DEQ facilitator

The facilitator:

- Encourages open, candid and robust dialogue;
- Starts and ends the meetings and agenda items on time;
- Encourages innovation by listening to all ideas;
- Tries not to lose good ideas to the consensus process; and
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting.

Committee members

Advisory committee members must attend each meeting to ensure continuity throughout the process. An alternate may be assigned if needed. However, it is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting. If a member's absence is unavoidable, please notify the DEQ project manager.

The committee member:

- Prepares for and sets aside time for the meetings;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for each meeting;
- Comments constructively and in good faith;

- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and his or her opinions with respect;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing to the public or media the views of any other committee member or the committee as a whole.

Non-committee member attendees

Those who attend the committee meetings but are not members of the committee are there only to observe and not to actively participate. If non-committee members are present at a meeting, DEQ may allow time during the meeting for their comments.

DEQ staff

DEQ is committed to making the most effective use of committee member's time by:

- Establishing clear committee goals, meeting objectives and agendas;
- Giving committee members reasonable access to staff;
- Encouraging all members to take part in discussions; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

DEQ support and website

DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance. DEQ administrative staff will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting minutes will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background materials will all be located on the [advisory committee web page](#).

Committee meetings

1. All committee meetings will be:
 - Open to the public, although the committee can choose whether the public can actively participate in committee meetings

- Advertised on DEQ's webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#)
 - [Noticed by email](#) to the Wastewater System Operator Certification Program GovDelivery list
 - Held virtually on Zoom
 - Accessible via a call-in number or webinar
2. The committee is expected to meet one time virtually. If the committee members are unable to adequately address this proposed rulemaking at the first meeting, an additional meeting will be scheduled.
 3. Meeting materials and agenda will be posted to the [advisory committee web page](#).

Decision making

DEQ will use the committee's discussions in forming its draft rule, which will then be proposed for broader public review and comment as part of DEQ's rulemaking process.

When DEQ shares information with the group, DEQ will allow a reasonable timeframe for comments.

Membership

In convening this committee, DEQ selected members that reflect the range of stakeholders the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed standard on the business or organization they represent.

Committee Members	
Name	Affiliation
Amy Willman	Clackamas County WES
Jim Baird	Roseburg Urban Sanitary Authority
Justin Young	City of Bend
Justine Abrook	Clean Water Services
Kim Symons	Culver Public Works
Marcus Nichols	Treasure Valley Community College
Matt Etzel	City of Aumsville
Matt LaForce	Clackamas Community College
Monty Norris	Oregon Association of Water Utilities
Nathan Dryden	Jacobs
Tom Stow	Clean Water Services

Travel expenses

No travel expenses are expected to accrue due to virtual meeting format.

Public records and confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

Information exchange

Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with DEQ to the maximum extent possible which DEQ will then share with the rest of the committee members where appropriate. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it. Committee members should only send emails (and other communications) to DEQ and not the committee because including all members on an email could constitute a violation of Oregon's Public Meetings Law.

Public involvement

All meetings will be open to the public. The committee can choose whether to allow public input during a committee meeting. DEQ may set aside time for the public to speak.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ may modify the final proposed rules based on public comment. DEQ intends to take a final proposed rule to the Environmental Quality Commission, DEQ's governing body, for consideration at its meeting.

DEQ contacts

Primary Contact: Kimi Grzyb, DEQ Wastewater Operator Certification Program Coordinator, kimi.grzyb@deq.oregon.gov or 503-229-5349

Alternate Contact: Tiffany Yelton Bram, Water Quality Source Control Manager, tiffany.yelton-bram@deq.oregon.gov or 503-229-5219