



State of Oregon Department of Environmental Quality

Notice of Proposed Rulemaking

July 23, 2024

Wastewater Operator Certification 2024

This package contains the following documents:

- Notice of Rulemaking
- Draft Rules – Edits Highlighted
- Draft Rules – Edits Included (final clean version)

Note for Readers:

This package contains multiple documents. If you want to read more than one document at a time, you can open multiple copies of this PDF by downloading the PDF and then opening it in Adobe. You can then either:

- Click on the “Windows” item in the top ribbon
- Click on “New Window”
- A second copy of the PDF will open in a new window

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Introduction

The Oregon Department of Environmental Quality invites public input on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules.

Request for Other Options

During the public comment period, DEQ asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Overview

Trained and certified operators ensure that wastewater systems function in a manner that protects public health, the environment, and the associated equipment. 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. DEQ is proposing changes to the operator certification rules to clarify existing rules and address the growing challenge of ensuring there is a sustainable, certifiable workforce to operate and maintain Oregon's wastewater utilities. This effort includes:

- Defining full-time and part-time supervision.
- Facilitating certification reciprocity among states.
- Expanding pathways to certification.
- Including an Operator-in-Training option for Small Wastewater System operators.
- Simplifying the way wastewater treatment systems are classified.
- Adding a compliance extension request option for systems whose classification increases.

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.

Procedural Summary

More information

Information about this rulemaking is on the [Wastewater Operator Certification 2024 rulemaking web page](#).

Public Hearings

DEQ plans to hold one public hearing. **The public hearing is virtual only.** Anyone can attend the hearing online or by phone. You can register ahead of time by clicking the link below that says 'Join online via Zoom'.

Date: Aug. 15, 2024

Start time: 3 p.m. PST

[Join online via Zoom](#)

Join by phone: 833-928-4610

Webinar ID: 814 8544 4301

Participant code: 791272

[Read instructions on how to join the public hearing.](#)

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, regular mail or at the public hearing.

- Email: Send comments by email to Wastewater2024@DEQ.oregon.gov
- Post mail: Oregon DEQ, Attn: Kimi Grzyb, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232-4100
- At the public hearing: 3 p.m., Thursday, Aug. 15, 2024.

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by **4 p.m., on Aug. 21, 2024.**

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Sign up for rulemaking notices

Get email or text updates about this rulemaking by either:

- Signing up through this link: [GovDelivery](#); or
- Signing up on the [rulemaking web page](#).

Statement of need

Proposed Rule or Topic	Discussion
Addition of definitions for full- and part-time	
What need would the proposed rule address?	These terms are referred to by other rules regarding the designated supervisory operator requirement but are currently undefined.
How would the proposed rule address the need?	Defining the terms would clarify the requirements for system supervision.
How will DEQ know the rule addressed the need?	DEQ will know the rule addressed the need if DEQ receives fewer questions about the requirements for system supervision and permitted facilities cite the defined terms in their service contracts.
Acceptance of nationally standardized exam score for reciprocity applicants certified by a DEQ-approved certifying entity	
What need would the proposed rule address?	There is an impending shortage of wastewater operators in Oregon. Currently the rules require a reciprocity applicant be certified by another state or province and we may require them to take an exam. The organization that creates and validates the nationally standardized wastewater exams used by Oregon and over 40 other states, also offers certification. DEQ is proposing to accept certifications by other approved entities if they use the same exam we do.
How would the proposed rule address the need?	Adding DEQ-approved certifying entity would allow and could encourage Professional Operators to become certified in Oregon, because they wouldn't need to pass the exam again (but they still need to meet DEQ's education and experience requirements).
How will DEQ know the rule addressed the need?	DEQ will know the need was addressed if reciprocity applications are received from Professional Operators.

Proposed Rule or Topic	Discussion
Acceptance of four-year degree and graduate degrees to reduce experience requirement at all grades	
What need would the proposed rule address?	There is currently a limited amount of higher grade (III-IV) certified operators in Oregon, and many of these operators will be retiring.
How would the proposed rule address the need?	Currently, four-year degrees only reduce the experience requirement for Grade IV operators. Granting experience credit to applicants with four-year science, math, engineering, and water/wastewater degrees could increase the number of applicants holding a four-year degree, which, in turn, could increase the number of certified operators. These operators could also upgrade faster than those with only high school or GED education.
How will DEQ know the rule addressed the need?	If these rules are adopted, Oregon should see more operators certified at higher grades and, consequently, less unsupervised or under-supervised systems, resulting in greater protection of public health and the environment.
Addition of Small Wastewater System (SWWS) Operator in Training (OIT) Pathway to Certification	
What need would the proposed rule address?	Since 2013, when the SWWS certification and system classification was added to the OARs, multiple combined collection and treatment class I systems have been re-classed to SWWSs. However, there currently is no entry-level pathway for SWWS like there is for Collection and Treatment grade I certification.
How would the proposed rule address the need?	By adding a SWWS OIT pathway, operators with high school or GED can be approved to take the SWWS exam without the required amount of operating experience, if they enroll in a DEQ-approved training program. Once they pass the exam, they have three years to

Proposed Rule or Topic	Discussion
	gain the required one year of experience to be issued their full certification.
How will DEQ know the rule addressed the need?	DEQ will know the rule addressed the need if DEQ receives SWWS OIT applications.
Simplification/modernization of system classification	
What need would the proposed rule address?	Currently, DEQ uses a multi-page classification worksheet to tally points for each feature of a treatment system to determine the treatment system classification. To make classification clearer and less subject to change, DEQ proposes a simpler system that focuses on the main treatment technology.
How would the proposed rule address the need?	DEQ developed Table A using the State of Washington's classification matrix as a model, along with the nationally standardized exam need-to-know criteria, which is determined by a national job analysis, to simplify and modernize the classification of systems.
How will DEQ know the rule addressed the need?	DEQ will know the rule addressed the need if DEQ receives fewer questions about treatment system classifications.
Designated Supervisory Operator Compliance Extension	
What need would the proposed rule address?	With many operators retiring, and the possibility of a treatment system classification increasing through the proposed Table A or upgrades, a system may need additional time to find a suitable operator. This rule would only apply to existing systems whose classification increases.
How would the proposed rule address the need?	The proposed rule would allow the permit holder up to 365 days to hire an appropriately certified operator. The proposed rule would also allow the existing operator at that system extended time to upgrade their certification and become the supervisory operator, without the permit holder being required to hire a

Proposed Rule or Topic	Discussion
	higher-grade operator, or find a contract operator, to be in compliance.
How will DEQ know the rule addressed the need?	DEQ will know that the rule addressed the need if treatment systems that increase classification maintain a compliant designated supervisor.

Federal relationship

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to adopt rules that correspond with existing equivalent federal laws and rules, when available, unless there are reasons not to do so. In the case of the Wastewater Operator Certification Program, there is no corresponding federal regulation.

What are the scientific, economic, technological, administrative and other reasons for exceeding applicable federal requirements?

The originating legislation is state statute, not federal law. ORS 448.405 through 448.430 and 448.992 give DEQ authority to create rules to set up and implement a certification program. There are many other states with similar programs, but there is no federal requirement for states to have certification programs for wastewater operators.

What alternatives did DEQ consider and why are you not pursuing them?

DEQ did not consider any alternatives because DEQ is authorized by statute to implement a certification program and has been doing so since 1988.

Rules affected, authorities, supporting documents

Lead division

DEQ's Water Quality Division.

Program or activity

The program is DEQ's Wastewater System Operator Certification program as described in the

[Oregon Administrative Rules, Chapter 340, Division 049.](#)

Chapter 340 action

Amend				
340-049-0010	340-049-0015	340-049-0020	340-049-0025	340-049-0030
340-049-0035	340-049-0040	340-049-0045	340-049-0050	340-049-0055
340-049-0080				

Statutory Authority - ORS				
468.020	468.065	448.410	468.020	468B.030

Statutes Implemented - ORS				
ORS 448.405 - 448.430	448.992	468B.010 - 468B.020	468B.030	468B.050

Documents relied on for rulemaking

Document title	Document location
State of Washington Operator Certification Education and Experience Requirements and Classification of Wastewater Treatment Plants	https://apps.leg.wa.gov/wac/default.aspx?cite=173-230&full=true
Idaho Board of Wastewater Professionals License Requirements	https://adminrules.idaho.gov/rules/current/24/240501.pdf
EPA Water Sector Workforce	https://www.epa.gov/sustainable-water-infrastructure/water-sector-workforce

ABC Testing (including exam development information and need-to-know criteria)	https://www.gowpi.org/services/abc-testing/
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Rules Summary

As OAR 166-500-0030(1)(e) requires, the following are included to provide a brief summary of the proposed new rules and existing rules affected by this rulemaking.

OAR Chapter 340, Division 049

Rule Number	Rule Title	Explanation
-0010	Definitions	'Full-time' and 'part-time' previously undefined.
-0015	General Requirements	Allows system owner or authorized representative to request a 365-day extension when system classification increases, if criteria are met.
-0020	Classification of Wastewater Systems	Removal of points and addition of reference to Table A.
-0025	Criteria for Classifying Wastewater Treatment Systems	Inclusion of Table A and details.
-0030	Minimum Qualifications for Wastewater Treatment System and Wastewater Collection System Operator Certification	Acceptance of a four-year degree to reduce experience requirement for certification at all grades, reduction of experience required for Grade III and IV, and edits to acceptable operating experience required for certification.
-0035	Certification of Wastewater Treatment System and Wastewater Collection System Operators	Change from renewal card to reflect replacement by document created in the new Your DEQ Online system.
-0040	Certification and Renewal	Allowance to utilize advisory councils or committees to determine relevance of continuing education units.
-0045	Reinstatement of Expired Certificates	Edits to reflect transition from paper-based applications and

Rule Number	Rule Title	Explanation
		traditional mail to email or online resources.
-0050	Certificate and Reciprocity	Acceptance of DEQ-approved certifying entity exam scores for reciprocity applicants (same exam required by DEQ).
-0055	Examinations	Addition of operator-in-training pathway to certification for small wastewater system operators.
-0080	Refusal and Revocation of Certificate and Appeal Process	Adding "Canadian" to "province"
Multiple	Multiple	Edits to reflect transition from paper-based applications and traditional mail to email or online resources.

Fee Analysis

This rulemaking does not involve fees.

Statement of fiscal and economic impact

Fiscal and Economic Impact

This rulemaking does not involve fees, but indirect fiscal and economic impacts have been analyzed and are described below.

Statement of Cost of Compliance

State and federal agencies

Some federal facilities, for example campgrounds on U.S. Forest Service land, have DEQ-permitted wastewater systems to manage sewage and thus are required to have DEQ-certified operators. If a state agency operates a facility that manages sewage, they too would need a certified supervisory operator. The impacts to federal and state facilities would be similar to those for local governments, described below.

Local governments

Examples of local government entities include water districts, irrigation districts, cities, towns, ports, sanitary districts, library districts, counties, and school districts. For this fiscal analysis, DEQ considered ports and school districts as separate local governments, even if contained within a city or county government.

Without adoption of these proposed rules, wastewater systems may be increasingly run by uncertified or unqualified operators, or operators certified at inadequate grades. This could lead to improper equipment operation, which would result in inadequate wastewater treatment, excessive pollution, permit non-compliance, and the degradation and breakdown of facility equipment. All these outcomes may increase facility repair and equipment replacement costs for permittees.

The proposal to change the way wastewater systems are classified may result, on a case-by-case basis, in an increase or a decrease in a system's classification. A domestic wastewater system must be supervised by an operator that is certified at or above the classification of the system. Therefore, if a system increases in classification due to adoption of the proposed rule or upgrades, the permit holder may need to pay a higher salary to hire and retain a higher-grade certified operator. However, the proposed rules would also allow a longer extension to attain supervisory operator compliance (for systems employing an operator certified at one grade lower than the required grade for a supervisory operator with no permit violations) to ease this burden on permittees. The proposed rule would allow a permit holder up to 365 days to hire an appropriately certified operator. The proposed rule would allow the existing operator at that system extended time to upgrade their certification and become the supervisory operator, without the permit holder being required to immediately hire a higher-grade operator, or find a contract operator, to be in compliance. This would also allow retention of the existing operator's institutional knowledge of the system, rather than hiring someone that is

unfamiliar with the system, to maintain compliance. Conversely, the proposed rule could reduce or limit contract opportunities for contract operators. Positive financial impacts resulting from adoption of the proposed rules could include higher salaries for operators as they upgrade to higher certifications more quickly.

Public

In cases described above under local governments, where compensation, compliance or equipment costs may result in increased expenditures for the permit holder, utility rates could increase for residents to cover those additional costs.

Large businesses - businesses with more than 50 employees

DEQ estimates less than 10 large businesses are owners of regulated wastewater systems and impacts on large businesses would be similar to the impacts on small businesses, as described below.

Small businesses – businesses with 50 or fewer employees

ORS 183.336 - Cost of Compliance for Small Businesses

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

Some small businesses, such as homeowners' associations, recreational vehicle camps, mobile home parks, and resorts, have wastewater systems where they manage their sewage and are required to have a certified supervisory operator. There are currently approximately 50 businesses in this category subject to Wastewater Operator Certification rules.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

The proposed rules do not require any additional activities unless a system's classification increases and a higher grade certified supervisory operator is needed. This scenario is addressed above under Local Governments.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

The proposed rules will not require any additional resources unless a system's classification increases, and a higher grade certified supervisory operator is needed. This scenario is addressed above under Local Governments.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ's Operator Certification Program's standing advisory committee has been involved in developing these proposed rules. The committee consists of large and small system operators, owners, and educators. It also includes a representative

from the Oregon Association of Water Utilities, which interacts regularly with the smaller, rural systems that are sometimes owned by small businesses. Additionally, the Operator Certification Program met with a rules advisory committee on April 19, 2024. The committee was composed of the program’s standing advisory committee, plus an additional member from Eastern Oregon, which represents certification holders and affected parties state-wide. During and after this meeting, DEQ requested committee members’ input concerning potential impacts to small businesses and how impacts can be reduced. A certified operator, who is also the owner of a small business that provides contract operation services, attended the rules advisory committee meeting and commented on the effect of the proposed rules on contract operators, and this notion was included above under local governments.

Documents relied on for fiscal and economic impact

Document title	Document location
National Center for Education Statistics: Degrees Conferred by Race/Ethnicity	https://nces.ed.gov/FastFacts/display.asp?id=72

Advisory committee fiscal review

DEQ appointed an advisory committee.

As ORS 183.33 requires, DEQ asked for the committee’s recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ can comply with ORS 183.540 reduce that impact.

The committee reviewed the draft fiscal and economic impact statement, and its findings are stated in the approved minutes dated April 19, 2024.

The committee did not suggest changes to the draft fiscal and economic impact statement, but a comment by a non-committee attendee prompted the inclusion of a statement regarding potential reduction of contract opportunities if proposed rules allow system owners to request a longer extension to attain a suitable supervisory operator. The committee determined the proposed rules would not have a significant adverse impact on small businesses in Oregon.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

DEQ determined the proposed rules would have no effect on the development costs because this rulemaking does not involve fees.

Racial Equity

ORS 183.335(2)(a)(F) requires state agencies to provide a statement identifying how adoption of this rule will affect racial equity in this state. Adoption of the proposed rule would affect wastewater operator certification statewide, across various sectors, both public and private. Since the rules will apply to all certified operators and owners of classified wastewater systems, and there are no expected changes to practical implementation of the program activities as a result of this rule adoption, there is no major expected impact on racial equity in the state. Adoption of proposed rules will help maintain program services critical to protecting public health and the environment (such as permit compliance), which may be particularly important to communities that fish for subsistence, such as indigenous communities.

The proposed rules adjust the requirements for education and experience to be more appropriate for the work requirements. This includes establishing additional criteria for certification that includes a combination of education and hands-on experience. DEQ recognizes the systemic barriers to education for Black, Indigenous and People of Color in Oregon and across the country. These barriers are reflected in the data from the [National Center for Education Statistics](#), which show that in the United States white students have more access to college education than other racial groups.

The proposed rules also include reduction of required experience for people with GED/high school only education as well. This is appropriate for the work and could make the job market more accessible to people with these skills and GED/high school only education.

Environmental Justice Considerations

ORS 182.545 requires natural resource agencies to consider the effects of their actions on environmental justice issues. DEQ considered these effects by including opportunities for community engagement and input, which helps incorporate the perspectives of those directly impacted by the proposed rules.

Environmental Justice analysis

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. DEQ is committed to incorporating environmental justice best practices into its programs and decision-making, to ensure all people in Oregon have equitable environmental and public health protections. The Wastewater Operator Certification Program is a statewide program, and proposed rules would apply to all areas of Oregon and all classified wastewater systems that require the supervision of at least one certified operator. As discussed in the Racial Equity section above, right-sizing criteria for operator certification will support environmental justice and benefit everyone in Oregon.

Land use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
- Resources, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ’s State Agency Coordination Program, specifically because the Wastewater Operator Certification program certifies people and classifies systems, so there is no impact on the way land is used.

EQC Prior Involvement

EQC was notified of this rulemaking through DEQ’s Rulemaking Plan and DEQ will also share information about this rulemaking with the EQC through an informational item on the September 2024 EQC agenda.

Advisory Committee

Background

DEQ convened a Wastewater Operator Certification rules advisory committee. The committee included representatives from all DEQ regions of Oregon, including small and large wastewater system operators and owners, as well as educators, and met one time on April 19, 2024. Ten out of the 11 Rules Advisory Committee members are also current members of the Operator Certification Program’s standing advisory committee, which is required by rule to meet at least twice a year to evaluate effectiveness and recommend needs of the program. DEQ updates the [committee’s web page](#) throughout the rulemaking process.

The committee members were:

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

Meeting notifications

To notify people about the advisory committee’s activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists, which included 24,755 recipients:
 - Rulemaking
 - DEQ Public Notices
 - Wastewater System Operator Certification Program

- Added advisory committee announcements to [DEQ's calendar of public meetings](#).

Committee discussions

In addition to the required questions about the fiscal and economic impact, DEQ invited committee members and non-committee members to comment on all proposed rules during the April 19, 2024 meeting. Comments are documented and addressed below.

Committee members expressed concern over the requirement for a shift supervisor to “immediately” respond on site during an assigned shift since some contract operators may be located far away from a site. The current rules do not include a definition of “immediately” nor do the proposed rules. In rules, undefined terms default to the dictionary definition. DEQ does not monitor or enforce details of contracts between system owners and contract operators and thus does not have an expectation of what “immediately” means. Instead, DEQ expects system owners to understand the requirements of a designated supervisory operator and determine contract details based on their system needs and features, such as other operators on site, distance between the site and the contract operator's home or office, and accessible remote communication technology. The committee discussed the option of utilizing video calling for the supervisory operator to assist the operator on site, if needed.

During the presentation of the proposed reduced experience requirement for those with high school only education, a committee member expressed concern over the value of certification if the required amount of experience is reduced. DEQ informed attendees that the proposed rules were developed based on the experience requirement for certification of the neighboring states of Idaho and Washington. An operator’s education and experience qualifies an operator to sit for the exam, but they still need to pass the exam to be certified. The exam is nationally standardized, used by over 40 states, based on a defined set of need-to-know criteria, and developed through a national job analysis and stringent validation process. A non-committee member asked if the minimum education requirement of high school/GED could be waived, but in light of the proposed reduction of required experience for all education levels at various grades, that was not included in the draft rules, because a high school degree or GED indicates a minimum level of necessary literacy and math capabilities. Similarly, a non-committee participant asked why any type of four-year college degree would not count towards reduced experience. Currently, the rules require degrees to be in the fields of engineering, chemistry, water/wastewater technology or physical/biological science to be acceptable, which provides relevant education to wastewater system operation that, for example, a theatre or foreign language degree may not. However, this question prompted DEQ to include in the draft rules a qualifying allowance for any “other subject determined relevant by the Director to wastewater system operation.”

Examples include data analysis and computer science degrees, which may be pertinent to modern wastewater system operations.

During the presentation of the proposed criteria for classifying wastewater treatment systems, Table A, committee members asked questions regarding the definition of wetlands and whether the term includes both natural and artificial wetlands. After additional discussion with DEQ Water Quality managers from Northwest, Western, and Eastern regions of the state, DEQ removed wetlands from Table A. The proposed rules referencing Table A state that wastewater treatment systems may be classified differently if they use an approved method of wastewater treatment that is not included in Table A, so wetland type and use, if applicable, will be considered on a case-by-case basis during the classification process. In addition, the proposed table guidance states that if more than one treatment type is used, the highest rated will determine the classification.

A committee member asked what would happen regarding the class-qualifier requirement if a system happened to increase more than one class with the proposed Table A. Grade III and IV operators must have half of their experience occur at a Class II or Class III system, respectively, to qualify to take the exam. So, if a system were to increase more than one class, for example from a Class II to a Class IV, an operator working at that system for decades still could not apply for Grade IV certification according to current rules. Although DEQ engineers did a sampling of how the proposed Table A would affect the classification of existing systems and did not see a system increase more than one grade, there is the possibility this could occur. It could also occur if a smaller plant does major upgrades. A discussion ensued about options to address this potential scenario, which included ideas about additional education requirements or experience exemptions, as well as mention of the approximately two or more years it can take for DEQ design approval and construction completion for planned upgrades. As a result, DEQ edited the draft rules to include "Operators that attain a higher grade certification than the classification of the system they are employed at may receive experience credit for working at a system corresponding to their certification level." 340-048-0030(8). This proposed rule would not only address this potential issue for classification increases due to the proposed Table A or upgrades, but it could also encourage or motivate operators to upgrade their certifications when they qualify, instead of just maintaining their current grade certification.

DEQ received no comments about the draft fiscal impact statement from the committee. However, DEQ updated the statement since the committee meeting, based on a comment by a participating operator who is also the owner of a small business for contract operation. Lastly, there was some expressed confusion about fees increasing if a system is classified higher based on the proposed rules, but that is not the case because the Operator Certification Program determines the annual program support fee based strictly on Average Dry Weather Flow and not the system's classification.

Public Engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On July 23, 2024 filing notice with the Oregon Secretary of State for publication in the August 2024 Oregon Bulletin;
- Posting the Notice, Invitation to Comment and Draft Rules on the [web page for this rulemaking](#);
- Emailing approximately 24,755 interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - DEQ Public Notices
 - Wastewater System Operator Certification Program
- Emailing the following key legislators required under [ORS 183.335](#):
 - Jeff Golden, Chair Senator, Senate Interim Committee on Natural Resources
 - Fred Girod, Vice-Chair Senator, Senate Interim Committee on Natural Resources
 - Janeen Sollman, Chair Senator, Senate Interim Committee on Energy and Environment
 - Lynn Findley, Vice-Chair Senator, Senate Interim Committee on Energy and Environment
 - Ken Helm, Chair Representative, House Interim Committee on Agriculture, Land Use, Natural Resources and Water
 - Mark Owens, Vice-Chair Representative, House Interim Committee on Agriculture, Land Use, Natural Resources and Water
 - Annessa Hartman, Vice-Chair Representative, House Interim Committee on Agriculture, Land Use, Natural Resources and Water
 - John Lively, Chair Representative, House Interim Committee on Climate, Energy and the Environment
 - Bobby Levy, Vice-Chair Representative, House Interim Committee on Climate, Energy and the Environment
 - Emerson Levy, Vice-Chair Representative, House Interim Committee on Climate, Energy and the Environment
 - Michael Dembrow, Co-Chair Senator, Joint Ways & Means Subcommittee on Natural Resources
 - Khanh Pham, Co-Chair Representative, Joint Ways & Means Subcommittee on Natural Resources
- Emailing advisory committee members; and
- Posting on the [DEQ event calendar](#).

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, regular mail or at the public hearing.

- Email: Send comments by email to Wastewater2024@DEQ.oregon.gov
- Post mail: Oregon DEQ, Attn: Kimi Grzyb, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232-4100
- At the public hearing (see below): 3 p.m., Thursday, Aug. 15, 2024.

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by **4 p.m., on Aug. 21, 2024.**

Note for public university students:

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Start time: 3 p.m. PST

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Join by phone: 833-928-4610

Webinar ID: 814 8544 4301

Participant code: 791272

[Read instructions on how to join the public hearing.](#)

DEQ will consider all comments and testimony received before the closing date. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Translation or other formats

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Supporting documents

Attachment 1 - Pathway Qualifications Tables for Collection and Treatment

Table 1: Collection System Operation															
Certificate Level and Qualifications	Path A			Path B			Path C			Path D			Path E		
	Ed	Exp*	System Class	Ed	Exp*	System Class	Ed	Exp*	System Class	Ed	Exp*	System Class	Ed	Exp*	System Class
SWWS	HS	1	any										<u>4</u>	<u>6mos.</u>	
Grade I	HS	1	any	WET	6mos.								<u>4</u>	<u>6mos.</u>	
Provisional I	HS	any	any												
Grade II	HS	3	any	1	2	any							<u>4</u>	<u>1</u>	
Grade III	HS	8 <u>6</u>	4y-3 \geq II	1	5	2.5 \geq II	2	4	2 \geq II	3	3	1.5 \geq II	<u>4</u>	<u>2</u>	<u>1 \geq II</u>
Grade IV	HS	10 <u>8</u>	5y-4 \geq III	1	8 <u>7</u>	4y-3.5 \geq III	2	6	3 \geq III	3	5	2.5 \geq III	4	4	2 \geq III

Table 2: Treatment System Operation															
Certificate Level and Qualifications	Path A			Path B			Path C			Path D			Path E		
	Ed	Exp*	System Class	Ed	Exp*	System Class	Ed	Exp*	System Class	Ed	Exp*	System Class	<u>Ed</u>	<u>Exp*</u>	<u>System Class</u>
SWWS	HS	1	SWWS										<u>4</u>	<u>6mos.</u>	
Grade I	HS	1	I-IV										<u>4</u>	<u>6mos.</u>	
Provisional	HS	any	SWWS-IV												
Grade II	HS	3	I-IV	1	2	I-IV							<u>4</u>	<u>1</u>	

Grade III	HS	68	34 ≥ II	1	5	2.5 ≥ II	2	4	2 ≥ II	3	3	1.5 ≥ II	<u>4</u>	<u>2</u>	<u>1 ≥ II</u>
Grade IV	HS +1	810	45 ≥ III	2	6	3 ≥ III	3	5	2.5 ≥ III	4	4	2 ≥ III	<u>MS/PH</u> <u>D</u>	<u>3</u>	<u>1.5 ≥ III</u>

*Years of experience

*Black text indicates existing requirements, blue text indicates proposed requirements; time requirements are in years, unless otherwise indicated

Attachment 2 - Table A - Criteria for Classifying Wastewater Treatment Systems

Table A Criteria for Classifying Wastewater Treatment Systems				
Treatment Type	Classification			
	Design Average Dry Weather Flow (MGD)			
	≤ 1	> 1 ≤ 5	> 5 ≤ 10	> 10
Lagoon (Non-aerated)	I	I	I	I
Lagoon (Aerated)	I	II	II	II
Biofiltration	II	II	III	III
Extended Aeration	II	II	III	III
Conventional Activated Sludge	II	II	III	IV
Membrane Bioreactor	II	II	III	IV
Activated Sludge with Separate Fixed Film	III	III	IV	IV
Sequencing Batch Reactor, Moving Bed Biofilm Reactor, Integrated Fixed Film Activated Sludge, Oxidation Ditch, Other Suspended Growth Media	III	III	IV	IV
Activated Sludge with Tertiary Filtration (includes chemical phosphorus removal)	III	III	IV	IV
Activated Sludge with Biological Nutrient Removal	III	IV	IV	IV

(1) If more than one treatment type is used, the highest rated treatment type classification applies.

(2) Wastewater treatment systems may be classified differently than indicated in Table A if:

(a) They have characteristics that make operation more or less complex or difficult than other similar wastewater treatment systems with the same flow range.

(b) The conditions of flow or the use of the receiving waters require a higher degree of wastewater treatment system operational control than a system with similar treatment type(s).

(c) They use an approved method of wastewater treatment that is not included in Table A.

Draft rules – edits highlighted

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

Chapter 340

Division 49

WASTEWATER SYSTEM OPERATOR CERTIFICATION

340-049-0010

Definitions

As used in these regulations unless otherwise required by context:

(1) "Average Dry Weather Flow" (ADWF) means the design average dry weather flow capacity of the wastewater treatment system in gallons per day or Million Gallons per Day (MGD), as approved by the Department.

(2) "Certified" means an individual holds a valid operator certificate for wastewater treatment system or wastewater collection system operation issued by the State of Oregon, Department of Environmental Quality.

(3) "Commission" means the Environmental Quality Commission.

(4) "Continuing Education Unit (CEU)" means a nationally recognized unit of measurement for assigning credit for accredited education or training that provides the participant with advanced or post high school learning. One CEU equals 10 contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction and qualified instruction.

(5) "Contract Operations" means the wastewater system owner has a written contract with another wastewater system owner, an operations services company, or a certified operator for supervising the operation of its wastewater treatment system or wastewater collection system.

(6) "Department" means the Department of Environmental Quality.

(7) "Director" means the Director of the Department of Environmental Quality or any official designee of the Director.

(8) "Full-time" in regards to the Designated Supervisory Operator requirement (340-049-0015(1) and (3) means at least 30 hours per week if employed by system owner or city, and if under contract supervision, it will be determined by the contract

signers (Designated Supervisory Operator(s) and owner/authorized representative).

(~~8~~9) "Industrial Waste" means liquid wastes from an industrial or commercial process discharged into a wastewater system for conveyance and treatment.

(~~9~~10) "NPDES Permit" means a waste discharge permit issued in accordance with requirements and procedures of the National Pollutant Discharge Elimination System authorized by Section 402 of the Federal Clean Water Act and OAR 340, division 45.

(~~10~~11) "Operating Experience" means the routine performance of duties, tasks and responsibilities at a wastewater treatment system or wastewater collection system, or in a related field as allowed under OAR 340-049-0030(5), that affect wastewater system performance or effluent quality.

(~~11~~12) "Operator" or "Wastewater System Operator" means any person engaged in the routine on site performance of duties, tasks and responsibilities in the operation of a wastewater treatment system or a wastewater collection system. This term does not include officials, managers, and engineers, directors of public works or equivalent whose duties do not include the actual "hands-on" operation or supervision on site of wastewater system facilities or operators.

(~~12~~13) "Oral Examination" means an examination administered by the Department where the applicant provides verbal answers to the written examination for the type and grade of certification the applicant is seeking.

(14) "Part-time" in regards to the Designated Supervisory Operator requirement (340-049-0015(1) and (3) means less than 30 hours per week if employed by system owner or city, and if under contract supervision, it will be determined by the contract signers (Designated Supervisory Operator(s) and owner/authorized representative).

(~~13~~15) "Population" means the design population of the wastewater system represented as the number of people or the population equivalent the system is designed to serve. Equivalent population ordinarily is determined based on 70 gallons per person per day average dry weather flow (ADWF) or 0.17 lbs. BOD5 per person per day, whichever is greater.

(~~14~~16) "Provisional Certificate" means a temporary and conditional certificate issued by the Department to a person meeting the requirements in OAR 340-049-0030(2)(a) or (3)(a).

(~~15~~17) "Post High School Education" means relevant continuing professional, technical or academic education acquired through accredited programs such as short schools, correspondence or distance learning courses, armed services

training, trade schools, community colleges, colleges, universities, formalized workshops, or seminars for which a CEU, community college or college credit, or the equivalent is earned and acceptable to the Department. Each year of relevant post high school education is equal to 45 CEUs, or 30 semester or 45 quarter hours of community college, college or university credit.

(~~16~~18) "Shift Supervisor" means the operator delegated authority by the system owner for executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system when the system is operated on more than one daily shift.

(~~17~~19) "Supervise" means to have full and active responsibility for the daily on site technical operation of a wastewater treatment system or wastewater collection system.

(~~18~~20) "Supervisor" means the operator delegated authority by the system owner for establishing and executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system in accordance with the policies of the owner of the system and any permit requirements.

(~~19~~21) "Wastewater" or "sewage" means the water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture of domestic and industrial waste or other by-products, such as sludge, is also considered wastewater or sewage.

(~~20~~22) "Wastewater Treatment System" or "Sewage Treatment System" means any structure, equipment or process for treating and disposing of, or recycling or reusing wastewater and sludge (including industrial waste) that is discharged to the wastewater system.

(~~21~~23) "Wastewater Collection System" or "Sewage Collection System" means the trunks, arterials, pumps, pump/lift stations, piping and other appurtenances necessary to collect and carry away wastewater or other liquid waste treatable in a community or private wastewater treatment facility.

(~~22~~24) "Wastewater System" means "Sewage Treatment Works" defined in ORS 448.405 as any structure, equipment or process required to collect, carry away and treat domestic waste and dispose of sewage as defined in ORS 454.010. Typically, components of a wastewater system include a wastewater collection system and a wastewater treatment system.

(~~23~~25) "WPCF Permit" means a Water Pollution Control Facilities permit to construct and operate a collection, treatment and/or disposal system with no discharge to navigable waters. A WPCF permit is issued by the Department in accordance with the procedures of OAR 340, divisions 45 and 71.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430, 448.992, 468B.010 - 468B.020 & 468B.030

History:

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0015

General Requirements

(1) Each owner of a wastewater system with an Average Dry Weather Flow (ADWF) of 0.075 MGD (75,000 gallons per day) or greater design capacity must have its system supervised full-time by one or more operators who hold a valid certificate for the type of system, wastewater treatment or wastewater collection, and at a grade equal to or greater than the wastewater system classification as defined in OAR-340-049-0020 and 340-049-0025.

(2) Any wastewater treatment system or wastewater collection system owner with a system having more than one daily shift must have its shift supervisor, if any, certified at no more than one grade lower than the wastewater system classification. The system owner is not required to have a shift supervisor if another properly certified operator is available to supervise operation of the system.

(3) Each owner of a wastewater system with an ADWF less than 0.075 MGD (75,000 gallons per day) design capacity must have its system supervised on a part-time or full-time basis by one or more operators who hold a valid certificate for the type of system, wastewater treatment or wastewater collection, and at a grade equal to or greater than the wastewater system classification.

(4) These rules shall not apply to owners of subsurface sewage disposal systems as defined under ORS 454.605 and installed or constructed under a permit in accordance with 454.655. Based on complexity of the wastewater system, the Department may require an owner of a NPDES or WPCF permitted wastewater system using subsurface sewage disposal with an ADWF greater than 0.0025 MGD (2,500 gallons per day) to have its system supervised by one or more operators certified in accordance with these rules.

(5) Each wastewater treatment and wastewater collection system owner must notify the Department in writing of the name of all operators, including shift supervisors, if any, delegated authority by the owner to supervise the operation of its system in accordance with these rules. The written notice must be filed with the Department's Water Quality Division, Operator Certification Program, and include the operator's certificate type, grade, and expiration date.

(6) The system supervisor or shift supervisor is not required to be on site at all times. The system supervisor must be available to the wastewater system owner and to any other operator, and able to immediately respond on site. A shift supervisor must be available and able to immediately respond on site during an assigned shift.

(7) An operator holding a valid Grade I Provisional wastewater treatment or wastewater collection certificate may be designated by a system owner to supervise the operation of a Class I wastewater treatment or wastewater collection system, respectively.

(8) The wastewater system owner may re-designate or replace designated operators responsible for supervising system operation with other properly certified operators at any time and must notify the Department in writing within 30 days of replacement or re-designation of operators.

(9) A small wastewater system, as defined in OAR 340-049-0020(1)(a), or a wastewater treatment or wastewater collection system may not be without an operator as required in Sections (1) or (3) of this rule for more than 30 days. During this period, the system owner must ensure the system is operated by an operator ~~is certified for the type of system with a certification~~ at no more than one grade lower than the system classification, ~~and is available to the system owner and to any other operator.~~ This operator must ~~also be authorized be delegated authority~~ by the system owner to supervise the operation of the system.

(10) When compliance with requirements in Sections (1) or (3) of this rule is not possible or practicable because the system supervisor is not available or the position is vacated unexpectedly, and another certified operator is not qualified to assume supervisory responsibility, the Director may grant a time extension for compliance with the requirements in response to a written request from the system owner. The Director will not grant an extension longer than 120 days unless the system owner documents the existence of extraordinary circumstances or meets the criteria listed in 340-049-0015 (10)(b). Extensions will not exceed 365 days.

(a) The request must justify the need for the time extension and include at least the following:

(A) The date the system supervisor position or availability was or will be vacated;

(B) A time schedule to recruit, hire, or otherwise make available and designate another ~~qualified~~ properly certified operator; and

(C) The name of an interim supervisor and the supervisor's certificate type, grade and expiration date.

(b) If a wastewater treatment system classification increases, and the current supervisory operator has been employed at that system for at least one year and is certified at one grade lower than the new classification of the system, and there have been no Class I permit violations, as defined in OAR 340, division 12, the system owner may request it be given 365 days~~an extension of up to 365 days may be requested~~ to allow that operator additional time to upgrade their certification, and the request must include the information listed in 340-049(10)(a) or hire an operator with the proper certification.

~~(b)~~(c) Any time extension granted will be conditioned on a time schedule for the system owner to obtain the services of a qualified operator to supervise the wastewater system in accordance with these rules, and may be revoked if the system is operated in violation of a NPDES or WPCF permit ~~limit~~conditions or ORS 468B.025.

(11) For contract operations as defined in OAR 340-049-0010(5), the system owner must have and maintain a written contract on file and, upon request by the Department, must provide a copy of contract provisions for supervising the operation of its system for Department review. Contracts for part-time system supervision allowed under Section 3 of this rule must meet all requirements in 340-049-0070.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430, 448.992, 468B.010 - 468B.020, 468B.030 & 468B.050

History:

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0020

Classification of Wastewater Systems

(1) All wastewater systems will be classified by the Department as wastewater treatment systems and/or wastewater collection systems, as appropriate, in accordance with the following classification system:

(a) Small Wastewater Systems —~~30 total points or less~~Class I treatment type and; less than 500 design population or less than 150 connections.

(b) Wastewater Treatment Systems — Criteria determined in OAR 340-049-0025, Table A

~~(A) Class I — 30 total points or less;~~

~~(B) Class II — 31-55 total points;~~

~~(C) Class III — 56-75 total points;~~

~~(D) Class IV — 76 or more points.~~

(c) Wastewater Collection Systems:

(A) Class I — 1,500 or less design population;

(B) Class II — 1,501 to 15,000 design population;

(C) Class III — 15,001 to 50,000 design population;

(D) Class IV — 50,001 or more design population.

~~(2) Wastewater treatment system classifications will be derived from the total points assigned based on criteria shown in OAR 340-049-0025.~~

~~(23)~~ The ~~Director~~ Department will advise wastewater system owners of the classification of their systems.

~~(34)~~ If the complexity or simplicity of a wastewater treatment system is not reflected in OAR 340-049-0025, the ~~Director~~ Department may classify a wastewater treatment system higher or lower than the classification defined by Table A based on accumulated points upon written notice to the wastewater treatment system owner. The designation must be consistent with the intent of the classification system.

~~(45)~~ If deemed appropriate, the ~~Director~~ Department may classify a wastewater collection system higher than the classification based on population upon written notice to the wastewater collection system owner. The designation must be consistent with the intent of the classification system.

~~(56)~~ The ~~Director~~ Department may change the classification of a wastewater system upon written notice to the system owner and will give the owner a reasonable time to comply with the requirements of the new classification.

~~(67)~~ A wastewater system owner may appeal the classification of its system in accordance with applicable variance requirements in OAR 340-049-0075.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430 & 448.992

History:

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13

DEQ 15-2002, f. & cert. ef. 10-16-02
 DEQ 23-1988, f. & cert. ef. 9-15-88
 DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0025

Criteria for Classifying Wastewater Treatment Systems

(1) If more than one treatment type is used, the highest rated treatment type classification applies~~will determine the classification.~~

(2) Wastewater treatment systems may be classified differently than indicated in Table A if:

(a) They have characteristics that make operation more or less complex or difficult than other similar wastewater treatment systems with the same flow range.

(b) The conditions of flow or the use of the receiving waters require a higher degree of wastewater treatment system operational control than a system with similar treatment type(s).

(c) They use an approved method of wastewater treatment that is not included in Table A.

<u>Table A</u> <u>Criteria for Classifying Wastewater Treatment Systems</u>				
<u>Treatment Type</u>	<u>Classification</u>			
	<u>Design Average Dry Weather Flow (MGD)</u>			
	<u>≤ 1</u>	<u>> 1 ≤ 5</u>	<u>> 5 ≤ 10</u>	<u>> 10</u>
<u>Lagoon (Non-aerated)</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>
<u>Lagoon (Aerated)</u>	<u>I</u>	<u>II</u>	<u>II</u>	<u>II</u>
<u>Biofiltration</u>	<u>II</u>	<u>II</u>	<u>III</u>	<u>III</u>
<u>Extended Aeration</u>	<u>II</u>	<u>II</u>	<u>III</u>	<u>III</u>
<u>Conventional Activated Sludge</u>	<u>II</u>	<u>II</u>	<u>III</u>	<u>IV</u>

<u>Membrane Bioreactor</u>	<u>II</u>	<u>II</u>	<u>III</u>	<u>IV</u>
<u>Activated Sludge with Separate Fixed Film</u>	<u>III</u>	<u>III</u>	<u>IV</u>	<u>IV</u>
<u>Sequencing Batch Reactor, Moving Bed Biofilm Reactor, Integrated Fixed Film Activated Sludge, Oxidation Ditch, Other Suspended Growth Media</u>	<u>III</u>	<u>III</u>	<u>IV</u>	<u>IV</u>
<u>Activated Sludge with Tertiary Filtration (includes chemical phosphorus removal)</u>	<u>III</u>	<u>III</u>	<u>IV</u>	<u>IV</u>
<u>Activated Sludge with Biological Nutrient Removal</u>	<u>III</u>	<u>IV</u>	<u>IV</u>	<u>IV</u>

~~(1) Design Population or Population Equivalent Points:~~

~~(a) Less than 750 — 0.5 points;~~

~~(b) 751 to 2000 — 1 point;~~

~~(c) 2001 to 5000 — 1.5 points;~~

~~(d) 5001 to 10,000 — 2 points;~~

~~(e) Greater than 10,000 — 3 points plus 1 point per 10,000.~~

~~(2) ADWF Points:~~

~~(a) Less than 0.075 MGD — 0.5 point;~~

~~(b) Greater than 0.075 to 0.1 MGD — 1 point;~~

~~(c) Greater than 0.1 to 0.5 MGD — 1.5 points;~~

~~(d) Greater than 0.5 to 1.0 MGD — 2 points;~~

~~(e) Greater than 1.0 MGD — 3 points plus 1 point per 1 MGD.~~

~~(3) Unit Process Points:~~

~~(a) Preliminary Treatment and Plant Hydraulics:~~

~~(A) Comminution — 1 point;~~

~~(B) Grit Removal, gravity — 1 point;~~

- ~~(C) Grit Removal, mechanical — 2 points;~~
- ~~(D) Screen(s), in-situ or mechanical — 1 point;~~
- ~~(E) Pump/Lift Station(s) — 2 points;~~
- ~~(F) Flow Equalization — 1 point.~~
- ~~(b) Primary Treatment:~~
 - ~~(A) Community Septic Tank(s) — 2 points;~~
 - ~~(B) Clarifier(s) — 5 points;~~
 - ~~(C) Flotation Clarifier(s) — 7 points;~~
 - ~~(D) Chemical Addition System — 2 points;~~
 - ~~(E) Imhoff Tank — 3 points.~~
- ~~(c) Secondary, Advanced, and Tertiary Treatment:~~
 - ~~(A) Low Rate Trickling Filter(s) — 7 points;~~
 - ~~(B) High Rate Trickling Filter(s) — 10 points;~~
 - ~~(C) Trickling Filter — Solids Contact System — 12 points;~~
 - ~~(D) Activated Sludge — 15 points;~~
 - ~~(E) Pure Oxygen Activated Sludge — 20 points;~~
 - ~~(F) Activated Bio Filter Tower less than 0.1 MGD — 6 points;~~
 - ~~(G) Activated Bio Filter Tower greater than 0.1 MGD — 12 points;~~
 - ~~(H) Rotating Biological Contactors 1 to 4 shafts — 7 points;~~
 - ~~(I) Rotating Biological Contactors, 5 or more shafts — 12 points;~~
 - ~~(J) Stabilization Lagoons, 1 to 3 cells without aeration — 5 points;~~
 - ~~(K) Stabilization Lagoons, 2 or more cells with primary aeration — 7 points;~~
 - ~~(L) Stabilization Lagoons, 2 or more with full aeration — 9 points;~~

- ~~(M) Recirculating Gravel Filter — 7 points;~~
- ~~(N) Chemical Precipitation Unit(s) — 3 points;~~
- ~~(O) Gravity Filtration Unit(s) — 2 points;~~
- ~~(P) Pressure Filtration Unit(s) — 4 points;~~
- ~~(Q) Nitrogen Removal, Biological or Chemical/Biological System — 4 points;~~
- ~~(R) Nitrogen Removal, Designed Extended Aeration Only — 2 points;~~
- ~~(S) Phosphorus Removal Units — 4 points;~~
- ~~(T) Effluent Microscreen(s) — 2 points;~~
- ~~(U) Chemical Flocculation Units — 3 points;~~
- ~~(V) Chemical Addition System — 2 points;~~
- ~~(W) Ultrafiltration Membrane(s) — 15 points.~~
- ~~(d) Solids Handling:~~
 - ~~(A) Anaerobic Primary Sludge Digester(s) without Mixing and Heating — 5 points;~~
 - ~~(B) Anaerobic Primary Sludge Digester(s) with Mixing and Heating — 7 points;~~
 - ~~(C) Anaerobic Primary and Secondary Sludge Digesters — 10 points;~~
 - ~~(D) Sludge Digester Gas reuse — 3 points;~~
 - ~~(E) Aerobic Sludge Digester(s) — 8 points;~~
 - ~~(F) Sludge Storage Lagoon(s) — 2 points;~~
 - ~~(G) Sludge Lagoon(s) with aeration — 3 points;~~
 - ~~(H) Sludge Drying Bed(s) — 1 point;~~
 - ~~(I) Sludge Air or Gravity Thickening — 3 points;~~
 - ~~(J) Sludge Composting, In Vessel — 12 points;~~
 - ~~(K) Sludge Belt(s) or Vacuum Press/Dewatering — 5 points;~~

~~(L) Sludge Centrifuge(s) — 5 points;~~

~~(M) Sludge Incineration — 12 points;~~

~~(N) Sludge Chemical Addition Unit(s) — 2 points;~~

~~(O) Non-Beneficial Sludge Disposal — 1 point;~~

~~(P) Beneficial Sludge Utilization — 3 points;~~

~~(Q) Solids Reduction Processing — 4 points.~~

~~(e) Disinfection:~~

~~(A) Liquid Chlorine Disinfection — 2 points;~~

~~(B) Gas Chlorine Disinfection — 5 points;~~

~~(C) On-Site Chlorine Generation of Disinfectants — 5 points;~~

~~(D) Dechlorination System — 4 points;~~

~~(E) Other disinfection systems including ultraviolet and ozonation — 5 points.~~

~~(4) Effluent Permit Requirements Points:~~

~~(a) Minimum of secondary effluent limitations for BOD and/or Total Suspended solids — 2 points;~~

~~(b) Minimum of 20 mg/L BOD and/or Total Suspended Solids — 3 points;~~

~~(c) Minimum of 10 mg/L BOD and/or Total Suspended Solids — 4 points;~~

~~(d) Minimum of 5 mg/L BOD and/or Total Suspended Solids — 5 points;~~

~~(e) Effluent limitations for effluent oxygen — 1 point.~~

~~(5) Variation in Raw Waste Points. Points in this category will be awarded only when conditions are extreme to the extent that operation and handling procedure changes are needed to adequately treat the waste due to variation of raw waste:~~

~~(a) Recurring deviations or excessive variations of 100% to 200% in strength or flow — 2 points;~~

~~(b) Recurring deviations or excessive variations of more than 200% in strength or flow, or conveyance and treatment of industrial wastes covered by a pretreatment program — 4 points.~~

~~(c) Septage or truck hauled waste — 2 points.~~

~~(6) Sampling and Laboratory Testing Points:~~

~~(a) Sample for BOD, Total Suspended Solids performed by outside laboratory — 2 points;~~

~~(b) BOD or Total Suspended Solids analysis performed at treatment plant — 4 points;~~

~~(c) Bacteriological analysis performed by outside laboratory — 1 point;~~

~~(d) Bacteriological analysis performed at treatment plant — 2 points;~~

~~(e) Nutrient, Heavy Metals, or Organics analysis by outside laboratory — 3 points;~~

~~(f) Nutrient, Heavy Metals or Organics analysis performed at treatment plant — 5 points.~~

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430 & 448.992

History:

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

340-049-0030

Minimum Qualifications for Wastewater Treatment System and Wastewater Collection System Operator Certification

(1) Minimum qualifications for Small Wastewater Systems Operator Certification are as follows:

(a) Education: High school diploma, [General Education Development \(GED\)](#) certificate, or equivalent; and

(b) Experience:

(A) Twelve months ~~acceptable~~ operating experience, [acceptable to the Department](#), at a Small ~~or higher class~~ Wastewater System [or Class I-IV System](#); or

(B) Six months operating experience, acceptable to the Department, not to include credit for any related experience, and an Associate of Science degree in water or wastewater technology, or Department-approved Associate of Science degree, or combination of community college, college or university education accepted as equivalent to an Associate of Science degree in water or wastewater technology, a four-year college degree, or a combination of department approved education and training, and

(c) Examination: Satisfactorily pass the Small Wastewater System examination.

(2) Minimum qualifications for Wastewater Treatment System Operator Certification are as follows:

(a) Grade I Provisional Wastewater Treatment System Operator Certification:

(A) Persons may qualify for a Grade I Provisional Certificate to obtain on the job training and experience to meet standard Grade I Wastewater Treatment System Operator Certificate qualifications if they:

(i) Are gaining **acceptable** operating experience, acceptable to the Department, at a wastewater treatment system at the time of making application; and

(ii) Have a high school diploma, GED certificate, or equivalent; and

(iii) Are participating in or have completed a Department-approved training program; and

(iv) Are supervised on a full-time or part-time basis by a certified wastewater treatment system operator.

(B) The Grade I Provisional Certificate is not renewable. This conditional certificate will be issued for a period of 12 months during which time the individual may apply to take the Grade I wastewater treatment examination.

(C) Upon passing the Grade I wastewater treatment examination and obtaining a total of 12 months **acceptable** operating experience, acceptable to the Department, at a wastewater treatment system, the individual may submit a post-examination application and fee for evaluation of qualification for standard Grade I certification.

(b) Grade I Wastewater Treatment System Operator Certification:

(A) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience:

(I) Twelve months ~~acceptable~~ operating experience, acceptable to the Department, at a Class I or higher Wastewater Treatment System; or

(II) Six months operating experience, acceptable to the Department, not to include credit for any related experience, and an Associate of Science degree in water or wastewater technology, or Department-approved Associate of Science degree, or combination of community college, college or university education accepted by the Department as equivalent to an Associate of Science degree in water or wastewater technology, or a four-year college degree, and

(iii) Examination: Satisfactorily pass the Wastewater Treatment Grade I examination.

(c)(A) Grade II Wastewater Treatment System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience: Three years ~~acceptable~~ operating experience, acceptable to the Department, at a Class I or higher Wastewater Treatment System, or two years at a Class I or higher Wastewater Treatment System and one year of post high school education, or one year at a Grade I or higher Wastewater Treatment System and a four-year college degree; and

(iii) Examination: Satisfactorily pass the Wastewater Treatment Grade II examination.

(d)(A) Grade III Wastewater Treatment System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience:

(I) ~~Eight~~Six years' ~~acceptable~~ operating experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Treatment System; or

(II) Five years' experience, [acceptable to the Department](#), of which half must have been at a Class II or higher Wastewater Treatment System, and one year of post-high school education; or

(III) Four years' experience, [acceptable to the Department](#), of which half must have been at a Class II or higher Wastewater Treatment System, and two years post-high school education; or

(IV) Three years' experience, [acceptable to the Department](#), of which half must have been at a Class II or higher Wastewater Treatment System, and three years of post-high school education; ~~or~~and

[\(V\) Two years' experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Treatment System, and a four-year college degree; and](#)

(iii) Examination: Satisfactorily pass the Wastewater Treatment Grade III examination.

(e)(A) Grade IV Wastewater Treatment System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent and a minimum of one year post-high school education; and

(ii) Experience:

(I) ~~Ten~~Eight years' ~~acceptable~~ operating experience, [acceptable to the Department](#), of which half must have been at a Class III or higher Wastewater Treatment System; or

(II) Six years' experience, [acceptable to the Department](#), of which half must have been at a Class III or higher Wastewater Treatment System, and two years of post-high school education; or

(III) Five years' experience, [acceptable to the Department](#), of which half must have been at a Class III or higher Wastewater Treatment System, and three years of post-high school education; or

(IV) Four years' experience, [acceptable to the Department](#), of which half must have been at a Class III or higher Wastewater Treatment System, and four years post-high school education; ~~or~~and

(V) Three years' experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Treatment System, and a graduate degree (Master's or Doctorate); and

(iii) Examination: Satisfactorily pass the Wastewater Treatment Grade IV examination.

(3) Minimum qualifications for Wastewater Collection System Operator Certification are as follows:

(a) Grade I Provisional Wastewater Collection System Operator Certification:

(A) Persons may qualify for a Grade I Provisional Certificate to obtain on the job training and experience to meet standard Grade I Wastewater Collection System Operator Certificate qualifications if they:

(i) Are gaining **acceptable** operating experience, acceptable to the Department, at a wastewater collection system at the time of making application; and

(ii) Have a high school diploma, GED certificate, or equivalent; and

(iii) Are participating in or have completed a Department-approved training program; and

(iv) Are supervised on a full-time or part-time basis by a certified wastewater collection system operator.

(B) The Grade I Provisional Certificate is not renewable. This conditional certificate will be issued for a period of 12 months during which time the individual may apply to take the Grade I wastewater collection examination.

(C) Upon passing the Grade I wastewater collection examination and obtaining a total of 12 months' **acceptable** operating experience, acceptable to the Department, at a wastewater collection system, the individual may submit a post-examination application and fee for evaluation of qualification for standard Grade I certification.

(b) Grade I Wastewater Collection System Operator Certification. Persons may qualify for this certificate type and grade if they meet the following qualifications:

(A) Education: High school diploma, GED certificate, or equivalent; and

(B) Experience:

(i) Twelve months' **acceptable** operating experience, acceptable to the Department, at a Class I or higher Wastewater Collection System; or

(ii) Six months' operating experience, [acceptable to the Department](#), not to include credit for any related experience, and an Associate of Science degree in water or wastewater technology, or Department approved Associate of Science degree, or combination of community college, college or university education accepted as equivalent to an Associate of Science degree in water or wastewater technology, [or a four-year college degree](#); and

(C) Examination: Satisfactorily pass the Wastewater Collection Grade I examination.

(c)(A) Grade II Wastewater Collection System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience: Three years' ~~acceptable~~ operating experience, [acceptable to the Department](#), at a Class I or higher Wastewater Collection System, or two years' experience at a Class I or higher Wastewater Collection System, and one year of post-high school education; [or one year experience at a Class I or higher Wastewater Collection System, and a four-year college degree](#); and

(iii) Examination: Satisfactorily pass the Wastewater Collection Grade II examination.

(d)(A) Grade III Wastewater Collection System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience:

(I) ~~Eight~~^{Six} years' ~~acceptable~~ operating experience [acceptable to the Department](#), of which half must have been at a Class II or higher Wastewater Collection System; or

(II) Five years' experience, [acceptable to the Department](#), of which half must have been at a Class II or higher Wastewater Collection System, and one year of post-high school education; or

(III) Four years' experience, [acceptable to the Department](#), of which half must have been at a Class II or higher Wastewater Collection System, and two years post high school education; or

(IV) Three years experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Collection System, and three years of post-high school education; ~~or~~ **and**

(V) Two years' experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Collection System, and a four-year college degree; and

(iii) Examination: Satisfactorily pass the Wastewater Collection Grade III examination.

(e)(A) Grade IV Wastewater Collection System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience:

(I) ~~Ten~~ **Eight** years' ~~acceptable~~ operating experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Collection System; or

(II) ~~Eight~~ **Seven** years' experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Collection System, and one year of post-high school education; or

(III) Six years' experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Collection System, and two years post-high school education; or

(IV) Five years' experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Collection System, and three years of post-high school education; or

(V) Four years' experience, acceptable to the Department of which half must have been at a Class III or higher Wastewater Collection System, and four years post-high school education; and

(iii) Examination: Satisfactorily pass the Wastewater Collection Grade IV examination.

(4) The Department will consider the direct relevance of post-high school education to wastewater treatment or wastewater collection system operator job tasks and required knowledge, e.g. science, mathematics, engineering, operation,

maintenance and management, when determining the number of CEUs or equivalent, or hours of community college or college credit allowed for qualifying for certification under these rules:

(a) CEUs to be acceptable must have direct application to the operation or management of wastewater systems and be acquired through an accredited continuing education experience where the trainer, training sponsor, or educational institution awards a CEU. CEUs or equivalent may be accepted from other states or accredited programs having standards equal to or higher than the rules in this Division;

(b) Degrees or any accumulation of credit hours must be in the fields of engineering, chemistry, water/wastewater technology, ~~or physical~~ ~~or biological science~~, or other subject determined relevant by the Department to wastewater system operation from an educational institution accredited through an agency recognized by the U.S. Department of Education to be acceptable;

(c) CEUs or equivalent and credit hours may be combined to satisfy post-high school educational requirements; and

(d) Education for qualifying for certification must be documented by copies of diplomas or certificates, degrees, transcripts, grade reports, letters of participation or other official records.

(5) Experience credit is based on ~~acceptable~~ operating experience acceptable to the Department. Acceptable operating experience includes:

(a) Experience in performance of operator or system supervisor duties, tasks and responsibilities may satisfy up to 100 percent of the experience credit;

(b) Experience as an operator trainee or student intern may satisfy up to 100 percent of the experience credit. The Department will consider experience or education, but not both, in qualifying an applicant where education credit is earned for on-the-job training;

~~(c) Related experience as an industrial wastewater operator where the relevant work may be substituted based on the type of treatment process, type of process equipment, size of the facility, and complexity of the operation. Criteria applied will be OAR 340-049-0025. The applicant is responsible to verify the 6 points requested in OAR 340-049-0025 and submit this information on the application for testing. The Department will evaluate the submittal and respond to the applicant with results.~~

~~(c)~~ Related experience in any of the following areas may satisfy up to 50 percent of the experience credit subject to limitations in OAR 340-049-030(5)(e) and (f):

(A) Wastewater treatment systems operation;

(B) Wastewater collection system operation and maintenance;

(C) Water treatment system operation;

(D) Water distribution system operation;

(E) Water treatment laboratory;

(F) Wastewater treatment laboratory;

(G) Water or Wastewater treatment system maintenance;

(H) Pre-treatment operation and maintenance

(I) Industrial wastewater treatment

(J) Stormwater system operation and maintenance

(~~H~~K) Other substantially equivalent related field, which includes, but is not limited to, plumbing, irrigation, pump mechanics, welding, and pneumatic and hydraulic system operation and maintenance.-

(~~e~~d) The total of related experience credit must not exceed more than one-half of the acceptable operating experience requirement for certification under OAR 340-049-0030(2) or (3).

(~~f~~e) Related experience credit ~~must~~does not reduce Grade III or Grade IV minimum requirements for wastewater system class level operating experience under OAR 340-049-0030(2) or (3).

(6) The applicant for certification must provide education and experience records to the Department with the application for screening and evaluating the applicant's qualifications.

(7) The Department may waive the experience or education requirements for admission to an examination under provisions outlined in OAR 340-049-0055(7) — Examinations.

(8) Operators that attain a higher grade certification than the classification of the system they are employed at may receive experience credit for working at a system corresponding to their certification level.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430 & 448.992

History:

DEQ 50-2018, minor correction filed 04/03/2018, effective 04/03/2018

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0035**Certification of Wastewater Treatment System and Wastewater Collection System Operators**

(1) To be considered for operator certification, a person must file a complete application with the Department using approved forms or technology by the filing deadline, if any, established under these rules. The Department will consider only those applications that are complete for processing and include all required qualification information and documentation not already on file with the Department and the appropriate fees. Applications that are incomplete, unsigned or improperly signed, or that do not contain the required documentation will not be accepted by the Department for filing.

(2) The Director will issue certificates to persons meeting the education, experience and examination qualifications set forth in OAR 340-049-0030 for the certificate type and grade sought. Grade I Provisional certificate qualifications do not include an examination. The Director may refuse to issue a certificate as provided in 340-049-0080.

(3) The Director may issue new certificates with up to a two-year expiration date and subject to renewal requirements in OAR 340-049-0040. Exceptions include Provisional certificates, which expire after 12 months, and new standard certificates issued to persons already certified under these rules, which expire on the same date as the pre-existing certificates.

(4) The Director will issue a Grade I Provisional certificate valid for 12 months to persons meeting the education and experience qualifications set forth in OAR 340-049-0030(2)(a) and (3)(a). Upon qualification, including passing a Grade I examination, the Director may issue a standard (renewable) Grade I certificate. The Director may refuse to issue a certificate as provided in 340-049-0080.

(5) Certificates in Wastewater Collection System Operation issued by the Department on or before May 1, 1989, will continue to be valid as long as certificate renewal and reinstatement requirements are satisfied and certificates are not revoked.

(6) Each certificate issued will designate the certificate type and grade of the person certified, and will have an expiration date stated on the certificate or on an

accompanying certificate ~~renewal card~~ validation document or on the [publicly-available certified operator database](#).

(7) The Department will not consider an application [or examination results](#) for a new certificate, including a certificate at a higher grade, if the certificate requested is for the same type, treatment or collection, as an expired certificate that is still under the one-year reinstatement period in OAR 340-049-0045. Once the expired certificate is reinstated, an application for a new certificate may be processed.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.410, 448.415 & 448.420

History:

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0040

Certification and Renewal

(1) Subject to these requirements and OAR 340-049-0080, a certificate holder may renew a certificate for up to a two-year period if the certificate holder files a complete renewal application with the Department by the certificate expiration date, includes payment of the renewal fee in 340-049-0065(1), and provides **satisfactory** evidence [satisfactory](#) to the Department of continuing education.

(a) The accumulation of a minimum of two CEUs or two hours of community college, college or university credit every two years in relevant subject matter as described in OAR 340-049-0030(4) is considered satisfactory.

(b) The Department will determine whether the CEUs or hours of credit are directly relevant to a wastewater system operator's job tasks and required knowledge and satisfy the continuing education requirement. [The Department may utilize advisory councils or advisory committees when determining the relevance of a course that offers CEUs to wastewater system operators and may choose to refer to the webpages of those councils or committees as a source for approved CEUs.](#)

(c) A person holding both wastewater treatment system and wastewater collection system operator certificates issued under these rules must complete only a minimum of two CEUs or two hours of community college, college or university credit to renew both certificates.

(2) Grade I Provisional certificates are not renewable. Persons may apply for a new Provisional certificate if they meet all the qualifications under OAR 340-049-0030(2)(a) or (3)([ab](#)).

(3) The Department will send each person holding a valid certificate a renewal notice **and application** at least 60 days before the certificate expires. The notice will be **mailed sent** to the last **email** address of record with the Department's Water Quality Division, Operator Certification Program, and will show the certificate expiration date, renewal period, fee, and date the fee is due. Operators are not relieved of responsibility to renew their certificates if they do not receive renewal notices.

(4) The Department may extend the certificate expiration date for up to 30 days, after which time the certificate will be invalid. A certificate holder may reinstate an expired certificate according to procedures and requirements in OAR 340-049-0045.

(5) The Department will establish the continuing education reporting date for each certificate holder. Generally, this will be at two-year intervals and at the time of certificate renewal.

(6) The Department may vary the expiration date of a certificate and prorate the renewal fee and continuing education requirement to cover renewal periods of less than two years. The Department will give each person written notice of the certificate expiration date assigned, the prorated fee and continuing education requirement and dates due.

(7) Certificate holders must maintain their own records of course/program information and attendance, and must submit documentation to the Department upon request as a condition of renewal.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.410, 448.415 & 448.420

History:

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0045

Reinstatement of Expired Certificates

(1) The Department will send a notice of certificate expiration to each certificate holder at the last **email** address of record. Operators are not relieved of responsibility to reinstate their certificates if they do not receive the notice.

(2) The Director will renew an expired certificate if the certificate holder submits a renewal application within one year of the date of expiration, including proof that renewal qualifications have been met and payment of a reinstatement fee and the renewal fee in OAR 340-049-0065(1).

(3) If a certificate holder fails to renew an expired certificate within one year following the date of expiration, the certificate holder may re-apply for certification and must meet the requirements established for a new applicant, including passing an examination and payment of the application fee and examination fee.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.410, 448.415 & 448.420

History:

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0050

Certificate and Reciprocity

(1) The Department may accord a person with a valid certificate in good standing in another state or [Canadian](#) province, [or by a Department-approved certifying entity](#), reciprocal treatment and issue a certificate without examination when, in the judgment of the Director, the certification examination requirements in the other state or [Canadian](#) province, [or Department-approved certifying entity](#), are substantially equivalent to and the person's education and experience meet the requirements set forth in this Division.

(2) Persons requesting reciprocity must submit a complete application and pay the reciprocity fee as listed in OAR 340-049-0065(1).

(3) The Department will not consider an application for a new certificate by reciprocity, including a certificate at a higher grade, if the certificate requested is of the same type, treatment or collection, as an expired Oregon certificate that is still under the one-year reinstatement period in OAR 340-049-0045. Once the expired certificate is reinstated, an application for a new certificate by reciprocity may be processed.

(4) The expiration date of a new operator certificate by reciprocity where there exists a valid Oregon certificate will be the same as the Oregon certificate.

(5) When such reciprocity is granted, the person will be subject to the same requirements of renewal as any other persons initially certified under these rules.

(6) The Director may refuse to issue a certificate by reciprocity based on a person's failure to meet education, experience or examination qualifications as stated above or any ground for refusal in OAR 340-049-0080(1).

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.410, 448.415 & 448.420

History:

DEQ 15-2002, f. & cert. ef. 10-16-02
DEQ 23-1988, f. & cert. ef. 9-15-88
DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0055 Examinations

(1) Persons applying for new certificates requiring examinations, including certificates at higher grades, must be approved for examination by the Department.

(2) To be admitted to an examination, a person must file a complete application with payment of the fee(s) required by OAR 340-049-0065(1); and meet the education and experience qualifications for the certificate type and grade sought, unless the person has obtained a conditional waiver under section (7) of this rule.

(3) Examinations will be administered by the Department or its designee at places and times set by the Department.

(4) To be considered for admittance to examinations, applications for certification must be submitted ~~or postmarked~~ to the Department by no later than the first day of the month preceding the month of the examination.

(5) The Department, at its discretion, may administer written or oral examinations at times other than those scheduled, without public notice.

(6) The Department will notify applicants whether they are eligible for examinations and the conditions of eligibility.

(7) The Department may waive the education or experience requirements for admission to an examination under the following conditions:

(a) The applicant provides evidence to the satisfaction of the Department of current enrollment in a course of study that will meet education qualifications in OAR 340-049-0030 for the type and grade of certificate the applicant is seeking not later than the end of the fourth calendar month following the month in which the examination is given, or

(b) The applicant is currently gaining ~~acceptable~~ operating experience, acceptable to the Department, that will meet certificate qualifications in OAR 340-049-0030 for the type and grade of certificate the applicant is seeking not later than the end of the fourth calendar month following the month in which the examination is given, or

(c) The applicant does not meet the experience or supervision requirements for a standard small wastewater system certificate, Provisional or standard Grade I wastewater treatment or collection certificate under this Division; but is otherwise determined by the Department to be qualified by education and has completed or is

participating in a Department-approved training program. This applicant may take a [Small Wastewater System](#), Grade I treatment or Grade I collection examination and upon passing the examination will be recognized by the Department as an operator in training (OIT) for a period not to exceed 36 calendar months, unless approved by the Department in writing, during which time the applicant must meet experience requirements for a standard or Provisional certificate in OAR 340-049-0030, and

(d) Any applicant receiving an experience or education waiver for admission to an examination must pay the post-examination application fee for evaluation of certificate qualification as shown in OAR 340-049-0065(1) at the time of submitting proof of meeting education or experience qualifications, and

(e) The Department will withhold certification from any applicant passing an examination until evidence of education or experience qualification is furnished. If any applicant fails to complete all requirements for certification within the allowed time period in this section, the Department will not consider the examination results for any purpose.

(8) Examinations must consist of material in content and level appropriate to each certificate type and grade.

(9) The Department or its designee will score all examinations and notify applicants of the results. Examinations will not be returned to the applicant.

(10) A minimum score of 70 percent is required to pass an examination.

(11) Any person who fails an examination may retake the examination at a later date by submitting an application for re-examination along with the proper examination fee listed in OAR 340-049-0065(1) and by the deadline established in 340-049-0055(4).

(12) Any person who does not apply for re-examination within one year of the date from which the initial exam was taken must submit a new application for examination along with the proper fee listed in OAR 340-049-0065(1).

(13) An applicant may not take the same certificate type and grade examination more than twice in a twelve-month period unless the applicant can demonstrate to the satisfaction of the Department specific education completed in the subject area of the examination.

(14) Persons with disabilities may request special accommodation for testing. No additional fee will be required for disability accommodation under the federal Americans with Disabilities Act.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430 & 448.992

History:

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13
DEQ 15-2002, f. & cert. ef. 10-16-02
DEQ 29-1994, f. & cert. ef. 12-2-94
DEQ 23-1988, f. & cert. ef. 9-15-88
DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0080

Refusal and Revocation of Certificate and Appeal Process

(1) The Director may refuse to issue, renew or reinstate a certificate, or may suspend or revoke the certificate of any person on the following grounds:

(a) Obtaining or renewing a certificate by fraud, deceit, or misrepresentation; or

(b) Gross or repeated negligence, incompetence or misconduct in performance of duties as an operator or supervisor of a wastewater treatment system or wastewater collection system in Oregon or any other state or [Canadian](#) province; or

(c) Failure of the operator to comply with the lawful orders, rules or regulations of the Department; or

(d) Failure of the operator certified by reciprocity to comply with the lawful orders, rules or regulations of any other state, [Canadian](#) province, or certifying authority; or

(e) False or fraudulent reporting or record-keeping by the operator regarding the operation or supervision of a wastewater treatment system or wastewater collection system in Oregon or any other state or [Canadian](#) province.

(2) If the Director refuses to issue, renew or reinstate, or suspends or revokes a person's certificate, the Director must give notice to the person of opportunity for a contested case hearing in accordance with OAR 340-011-0097.

(3) After a period of twenty-four (24) months, the Director may reinstate the certificate of any person whose certificate has been revoked upon presentation of evidence satisfactory to the Director that such reinstatement is warranted. The Director may require re-examination and submittal of fees as a condition of the certificate reinstatement.

(4) This rule applies to any matter pending before the Department or Commission.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430 & 448.992

History:

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88
DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

Draft rules – edits included

Chapter 340

Division 49

WASTEWATER SYSTEM OPERATOR CERTIFICATION

340-049-0010

Definitions

As used in these regulations unless otherwise required by context:

- (1) "Average Dry Weather Flow" (ADWF) means the design average dry weather flow capacity of the wastewater treatment system in gallons per day or Million Gallons per Day (MGD), as approved by the Department.
- (2) "Certified" means an individual holds a valid operator certificate for wastewater treatment system or wastewater collection system operation issued by the State of Oregon, Department of Environmental Quality.
- (3) "Commission" means the Environmental Quality Commission.
- (4) "Continuing Education Unit (CEU)" means a nationally recognized unit of measurement for assigning credit for accredited education or training that provides the participant with advanced or post high school learning. One CEU equals 10 contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction and qualified instruction.
- (5) "Contract Operations" means the wastewater system owner has a written contract with another wastewater system owner, an operations services company, or a certified operator for supervising the operation of its wastewater treatment system or wastewater collection system.
- (6) "Department" means the Department of Environmental Quality.
- (7) "Director" means the Director of the Department of Environmental Quality or any official designee of the Director.
- (8) "Full-time" in regards to the Designated Supervisory Operator requirement (340-049-0015(1) and (3) means at least 30 hours per week if employed by system owner or city, and if under contract supervision, it will be determined by the contract signers (Designated Supervisory Operator(s) and owner/authorized representative).

(9) "Industrial Waste" means liquid wastes from an industrial or commercial process discharged into a wastewater system for conveyance and treatment.

(10) "NPDES Permit" means a waste discharge permit issued in accordance with requirements and procedures of the National Pollutant Discharge Elimination System authorized by Section 402 of the Federal Clean Water Act and OAR 340, division 45.

(11) "Operating Experience" means the routine performance of duties, tasks and responsibilities at a wastewater treatment system or wastewater collection system, or in a related field as allowed under OAR 340-049-0030(5), that affect wastewater system performance or effluent quality.

(12) "Operator" or "Wastewater System Operator" means any person engaged in the routine on site performance of duties, tasks and responsibilities in the operation of a wastewater treatment system or a wastewater collection system. This term does not include officials, managers, and engineers, directors of public works or equivalent whose duties do not include the actual "hands-on" operation or supervision on site of wastewater system facilities or operators.

(13) "Oral Examination" means an examination administered by the Department where the applicant provides verbal answers to the written examination for the type and grade of certification the applicant is seeking.

(14) "Part-time" in regards to the Designated Supervisory Operator requirement (340-049-0015(1) and (3) means less than 30 hours per week if employed by system owner or city, and if under contract supervision, it will be determined by the contract signers (Designated Supervisory Operator(s) and owner/authorized representative).

(15) "Population" means the design population of the wastewater system represented as the number of people or the population equivalent the system is designed to serve. Equivalent population ordinarily is determined based on 70 gallons per person per day average dry weather flow (ADWF) or 0.17 lbs. BOD5 per person per day, whichever is greater.

(16) "Provisional Certificate" means a temporary and conditional certificate issued by the Department to a person meeting the requirements in OAR 340-049-0030(2)(a) or (3)(a).

(17) "Post High School Education" means relevant continuing professional, technical or academic education acquired through accredited programs such as short schools, correspondence or distance learning courses, armed services training, trade schools, community colleges, colleges, universities, formalized workshops, or seminars for which a CEU, community college or college credit, or the equivalent is earned and acceptable to the Department. Each year of relevant

post high school education is equal to 45 CEUs, or 30 semester or 45 quarter hours of community college, college or university credit.

(18) "Shift Supervisor" means the operator delegated authority by the system owner for executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system when the system is operated on more than one daily shift.

(19) "Supervise" means to have full and active responsibility for the daily on site technical operation of a wastewater treatment system or wastewater collection system.

(20) "Supervisor" means the operator delegated authority by the system owner for establishing and executing the specific practice and procedures for operating the wastewater treatment system or wastewater collection system in accordance with the policies of the owner of the system and any permit requirements.

(21) "Wastewater" or "sewage" means the water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture of domestic and industrial waste or other by-products, such as sludge, is also considered wastewater or sewage.

(22) "Wastewater Treatment System" or "Sewage Treatment System" means any structure, equipment or process for treating and disposing of, or recycling or reusing wastewater and sludge (including industrial waste) that is discharged to the wastewater system.

(23) "Wastewater Collection System" or "Sewage Collection System" means the trunks, arterials, pumps, pump/lift stations, piping and other appurtenances necessary to collect and carry away wastewater or other liquid waste treatable in a community or private wastewater treatment facility.

(24) "Wastewater System" means "Sewage Treatment Works" defined in ORS 448.405 as any structure, equipment or process required to collect, carry away and treat domestic waste and dispose of sewage as defined in ORS 454.010. Typically, components of a wastewater system include a wastewater collection system and a wastewater treatment system.

(25) "WPCF Permit" means a Water Pollution Control Facilities permit to construct and operate a collection, treatment and/or disposal system with no discharge to navigable waters. A WPCF permit is issued by the Department in accordance with the procedures of OAR 340, divisions 45 and 71.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430, 448.992, 468B.010 -

468B.020 & 468B.030

History:

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13
DEQ 15-2002, f. & cert. ef. 10-16-02
DEQ 23-1988, f. & cert. ef. 9-15-88
DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0015

General Requirements

(1) Each owner of a wastewater system with an Average Dry Weather Flow (ADWF) of 0.075 MGD (75,000 gallons per day) or greater design capacity must have its system supervised full-time by one or more operators who hold a valid certificate for the type of system, wastewater treatment or wastewater collection, and at a grade equal to or greater than the wastewater system classification as defined in OAR-340-049-0020 and 340-049-0025.

(2) Any wastewater treatment system or wastewater collection system owner with a system having more than one daily shift must have its shift supervisor, if any, certified at no more than one grade lower than the wastewater system classification. The system owner is not required to have a shift supervisor if another properly certified operator is available to supervise operation of the system.

(3) Each owner of a wastewater system with an ADWF less than 0.075 MGD (75,000 gallons per day) design capacity must have its system supervised on a part-time or full-time basis by one or more operators who hold a valid certificate for the type of system, wastewater treatment or wastewater collection, and at a grade equal to or greater than the wastewater system classification.

(4) These rules shall not apply to owners of subsurface sewage disposal systems as defined under ORS 454.605 and installed or constructed under a permit in accordance with 454.655. Based on complexity of the wastewater system, the Department may require an owner of a NPDES or WPCF permitted wastewater system using subsurface sewage disposal with an ADWF greater than 0.0025 MGD (2,500 gallons per day) to have its system supervised by one or more operators certified in accordance with these rules.

(5) Each wastewater treatment and wastewater collection system owner must notify the Department in writing of the name of all operators, including shift supervisors, if any, delegated authority by the owner to supervise the operation of its system in accordance with these rules. The written notice must be filed with the Department's Water Quality Division, Operator Certification Program, and include the operator's certificate type, grade, and expiration date.

(6) The system supervisor or shift supervisor is not required to be on site at all times. The system supervisor must be available to the wastewater system owner

and to any other operator, and able to immediately respond on site. A shift supervisor must be available and able to immediately respond on site during an assigned shift.

(7) An operator holding a valid Grade I Provisional wastewater treatment or wastewater collection certificate may be designated by a system owner to supervise the operation of a Class I wastewater treatment or wastewater collection system, respectively.

(8) The wastewater system owner may re-designate or replace designated operators responsible for supervising system operation with other properly certified operators at any time and must notify the Department in writing within 30 days of replacement or re-designation of operators.

(9) A small wastewater system, as defined in OAR 340-049-0020(1)(a), or a wastewater treatment or wastewater collection system may not be without an operator as required in Sections (1) or (3) of this rule for more than 30 days. During this period, the system owner must ensure the system is operated by an operator with a certification at no more than one grade lower than the system classification. This operator must be authorized by the system owner to supervise the operation of the system.

(10) When compliance with requirements in Sections (1) or (3) of this rule is not possible or practicable because the system supervisor is not available or the position is vacated unexpectedly, and another certified operator is not qualified to assume supervisory responsibility, the Director may grant a time extension for compliance with the requirements in response to a written request from the system owner. The Director will not grant an extension longer than 120 days unless the system owner documents the existence of extraordinary circumstances or meets the criteria listed in 340-049-0015 (10)(b). Extensions will not exceed 365 days.

(a) The request must justify the need for the time extension and include at least the following:

(A) The date the system supervisor position or availability was or will be vacated;

(B) A time schedule to recruit, hire, or otherwise make available and designate another properly certified operator; and

(C) The name of an interim supervisor and the supervisor's certificate type, grade and expiration date.

(b) If a wastewater treatment system classification increases, and the current supervisory operator has been employed at that system for at least one year and is certified at one grade lower than the new classification of the system, and there have been no Class I permit violations, as defined in OAR 340, division 12, the

system owner may request it be given 365 days to allow that operator to upgrade their certification, and the request must include the information listed in 340-049(10)(a) or hire an operator with the proper certification.

(c) Any time extension granted will be conditioned on a time schedule for the system owner to obtain the services of a qualified operator to supervise the wastewater system in accordance with these rules, and may be revoked if the system is operated in violation of a NPDES or WPCF permit conditions or ORS 468B.025.

(11) For contract operations as defined in OAR 340-049-0010(5), the system owner must have and maintain a written contract on file and, upon request by the Department, must provide a copy of contract provisions for supervising the operation of its system for Department review. Contracts for part-time system supervision allowed under Section 3 of this rule must meet all requirements in 340-049-0070.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430, 448.992, 468B.010 - 468B.020, 468B.030 & 468B.050

History:

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DEQ 15-2002, f. & cert. ef. 10-16-02
DEQ 23-1988, f. & cert. ef. 9-15-88
DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0020

Classification of Wastewater Systems

(1) All wastewater systems will be classified by the Department as wastewater treatment systems and/or wastewater collection systems, as appropriate, in accordance with the following classification system:

(a) Small Wastewater Systems — Class I treatment type and less than 500 design population or less than 150 connections.

(b) Wastewater Treatment Systems – Criteria determined in OAR 340-049-0025, Table A

(c) Wastewater Collection Systems:

(A) Class I — 1,500 or less design population;

(B) Class II — 1,501 to 15,000 design population;

(C) Class III — 15,001 to 50,000 design population;

(D) Class IV — 50,001 or more design population.

(2) The Department will advise wastewater system owners of the classification of their systems.

(3) If the complexity or simplicity of a wastewater treatment system is not reflected in OAR 340-049-0025, the Department may classify a wastewater treatment system higher or lower than the classification defined by Table A upon written notice to the wastewater treatment system owner. The designation must be consistent with the intent of the classification system.

(4) If deemed appropriate, the Department may classify a wastewater collection system higher than the classification based on population upon written notice to the wastewater collection system owner. The designation must be consistent with the intent of the classification system.

(5) The Department may change the classification of a wastewater system upon written notice to the system owner and will give the owner a reasonable time to comply with the requirements of the new classification.

(6) A wastewater system owner may appeal the classification of its system in accordance with applicable variance requirements in OAR 340-049-0075.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430 & 448.992

History:

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0025

Criteria for Classifying Wastewater Treatment Systems

(1) If more than one treatment type is used, the highest rated treatment type classification applies.

(2) Wastewater treatment systems may be classified differently than indicated in Table A if:

(a) They have characteristics that make operation more or less complex or difficult than other similar wastewater treatment systems with the same flow range.

(b) The conditions of flow or the use of the receiving waters require a higher degree of wastewater treatment system operational control than a system with similar treatment type(s).

(c) They use an approved method of wastewater treatment that is not included in Table A.

Table A				
Criteria for Classifying Wastewater Treatment Systems				
Treatment Type	Classification			
	Design Average Dry Weather Flow (MGD)			
	≤ 1	> 1 ≤ 5	> 5 ≤ 10	> 10
Lagoon (Non-aerated)	I	I	I	I
Lagoon (Aerated)	I	II	II	II
Biofiltration	II	II	III	III
Extended Aeration	II	II	III	III
Conventional Activated Sludge	II	II	III	IV
Membrane Bioreactor	II	II	III	IV
Activated Sludge with Separate Fixed Film	III	III	IV	IV
Sequencing Batch Reactor, Moving Bed Biofilm Reactor, Integrated Fixed Film Activated Sludge, Oxidation Ditch, Other Suspended Growth Media	III	III	IV	IV
Activated Sludge with Tertiary Filtration (includes chemical phosphorus removal)	III	III	IV	IV
Activated Sludge with Biological Nutrient Removal	III	IV	IV	IV

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430 & 448.992

History:

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

340-049-0030

Minimum Qualifications for Wastewater Treatment System and Wastewater Collection System Operator Certification

(1) Minimum qualifications for Small Wastewater Systems Operator Certification are as follows:

(a) Education: High school diploma, General Education Development (GED) certificate, or equivalent; and

(b) Experience:

(A) Twelve months operating experience, acceptable to the Department, at a Small Wastewater System or Class I-IV System; or

(B) Six months operating experience, acceptable to the Department, not to include credit for any related experience, and an Associate of Science degree in water or wastewater technology, or Department-approved Associate of Science degree, or combination of community college, college or university education accepted as equivalent to an Associate of Science degree in water or wastewater technology, a four-year college degree, or a combination of department approved education and training, and

(c) Examination: Satisfactorily pass the Small Wastewater System examination.

(2) Minimum qualifications for Wastewater Treatment System Operator Certification are as follows:

(a) Grade I Provisional Wastewater Treatment System Operator Certification:

(A) Persons may qualify for a Grade I Provisional Certificate to obtain on the job training and experience to meet standard Grade I Wastewater Treatment System Operator Certificate qualifications if they:

(i) Are gaining operating experience, acceptable to the Department, at a wastewater treatment system at the time of making application; and

(ii) Have a high school diploma, GED certificate, or equivalent; and

(iii) Are participating in or have completed a Department-approved training program; and

(iv) Are supervised on a full-time or part-time basis by a certified wastewater treatment system operator.

(B) The Grade I Provisional Certificate is not renewable. This conditional certificate will be issued for a period of 12 months during which time the individual may apply to take the Grade I wastewater treatment examination.

(C) Upon passing the Grade I wastewater treatment examination and obtaining a total of 12 months operating experience, acceptable to the Department, at a wastewater treatment system, the individual may submit a post-examination application and fee for evaluation of qualification for standard Grade I certification.

(b) Grade I Wastewater Treatment System Operator Certification:

(A) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience:

(I) Twelve months operating experience, acceptable to the Department, at a Class I or higher Wastewater Treatment System; or

(II) Six months operating experience, acceptable to the Department, not to include credit for any related experience, and an Associate of Science degree in water or wastewater technology, or Department-approved Associate of Science degree, or combination of community college, college or university education accepted by the Department as equivalent to an Associate of Science degree in water or wastewater technology, or a four-year college degree, and

(iii) Examination: Satisfactorily pass the Wastewater Treatment Grade I examination.

(c)(A) Grade II Wastewater Treatment System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience: Three years operating experience, acceptable to the Department, at a Class I or higher Wastewater Treatment System, or two years at a Class I or higher Wastewater Treatment System and one year of post high school education, or one year at a Grade I or higher Wastewater Treatment System and a four-year college degree; and

(iii) Examination: Satisfactorily pass the Wastewater Treatment Grade II examination.

(d)(A) Grade III Wastewater Treatment System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience:

(I) Six years' operating experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Treatment System; or

(II) Five years' experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Treatment System, and one year of post-high school education; or

(III) Four years' experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Treatment System, and two years post-high school education; or

(IV) Three years' experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Treatment System, and three years of post-high school education; or

(V) Two years' experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Treatment System, and a four-year college degree; and

(iii) Examination: Satisfactorily pass the Wastewater Treatment Grade III examination.

(e)(A) Grade IV Wastewater Treatment System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent and a minimum of one year post-high school education; and

(ii) Experience:

(I) Eight years' operating experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Treatment System; or

(II) Six years' experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Treatment System, and two years of post-high school education; or

(III) Five years' experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Treatment System, and three years of post-high school education; or

(IV) Four years' experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Treatment System, and four years post-high school education; or

(V) Three years' experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Treatment System, and a graduate degree (Master's or Doctorate); and

(iii) Examination: Satisfactorily pass the Wastewater Treatment Grade IV examination.

(3) Minimum qualifications for Wastewater Collection System Operator Certification are as follows:

(a) Grade I Provisional Wastewater Collection System Operator Certification:

(A) Persons may qualify for a Grade I Provisional Certificate to obtain on the job training and experience to meet standard Grade I Wastewater Collection System Operator Certificate qualifications if they:

(i) Are gaining operating experience, acceptable to the Department, at a wastewater collection system at the time of making application; and

(ii) Have a high school diploma, GED certificate, or equivalent; and

(iii) Are participating in or have completed a Department-approved training program; and

(iv) Are supervised on a full-time or part-time basis by a certified wastewater collection system operator.

(B) The Grade I Provisional Certificate is not renewable. This conditional certificate will be issued for a period of 12 months during which time the individual may apply to take the Grade I wastewater collection examination.

(C) Upon passing the Grade I wastewater collection examination and obtaining a total of 12 months' operating experience, acceptable to the Department, at a wastewater collection system, the individual may submit a post-examination application and fee for evaluation of qualification for standard Grade I certification.

(b) Grade I Wastewater Collection System Operator Certification. Persons may qualify for this certificate type and grade if they meet the following qualifications:

(A) Education: High school diploma, GED certificate, or equivalent; and

(B) Experience:

(i) Twelve months' operating experience, acceptable to the Department, at a Class I or higher Wastewater Collection System; or

(ii) Six months' operating experience, acceptable to the Department, not to include credit for any related experience, and an Associate of Science degree in water or wastewater technology, or Department approved Associate of Science degree, or combination of community college, college or university education accepted as equivalent to an Associate of Science degree in water or wastewater technology, or a four-year college degree; and

(C) Examination: Satisfactorily pass the Wastewater Collection Grade I examination.

(c)(A) Grade II Wastewater Collection System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience: Three years' operating experience, acceptable to the Department, at a Class I or higher Wastewater Collection System, or two years' experience at a Class I or higher Wastewater Collection System, and one year of post-high school education; or one year experience at a Class I or higher Wastewater Collection System, and a four-year college degree; and

(iii) Examination: Satisfactorily pass the Wastewater Collection Grade II examination.

(d)(A) Grade III Wastewater Collection System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience:

(I) Six years' operating experience acceptable to the Department, of which half must have been at a Class II or higher Wastewater Collection System; or

(II) Five years' experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Collection System, and one year of post-high school education; or

(III) Four years' experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Collection System, and two years post high school education; or

(IV) Three years experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Collection System, and three years of post-high school education; or

(V) Two years' experience, acceptable to the Department, of which half must have been at a Class II or higher Wastewater Collection System, and a four-year college degree; and

(iii) Examination: Satisfactorily pass the Wastewater Collection Grade III examination.

(e)(A) Grade IV Wastewater Collection System Operator Certification.

(B) Persons may qualify for this certificate type and grade if they meet the following qualifications:

(i) Education: High school diploma, GED certificate, or equivalent; and

(ii) Experience:

(I) Eight years' operating experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Collection System; or

(II) Seven years' experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Collection System, and one year of post-high school education; or

(III) Six years' experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Collection System, and two years post-high school education; or

(IV) Five years' experience, acceptable to the Department, of which half must have been at a Class III or higher Wastewater Collection System, and three years of post-high school education; or

(V) Four years' experience, acceptable to the Department of which half must have been at a Class III or higher Wastewater Collection System, and four years post-high school education; and

(iii) Examination: Satisfactorily pass the Wastewater Collection Grade IV examination.

(4) The Department will consider the direct relevance of post-high school education to wastewater treatment or wastewater collection system operator job tasks and required knowledge, e.g. science, mathematics, engineering, operation, maintenance and management, when determining the number of CEUs or

equivalent, or hours of community college or college credit allowed for qualifying for certification under these rules:

(a) CEUs to be acceptable must have direct application to the operation or management of wastewater systems and be acquired through an accredited continuing education experience where the trainer, training sponsor, or educational institution awards a CEU. CEUs or equivalent may be accepted from other states or accredited programs having standards equal to or higher than the rules in this Division;

(b) Degrees or any accumulation of credit hours must be in the fields of engineering, chemistry, water/wastewater technology, physical/biological science, or other subject determined relevant by the Department to wastewater system operation from an educational institution accredited through an agency recognized by the U.S. Department of Education to be acceptable;

(c) CEUs or equivalent and credit hours may be combined to satisfy post-high school educational requirements; and

(d) Education for qualifying for certification must be documented by copies of diplomas or certificates, degrees, transcripts, grade reports, letters of participation or other official records.

(5) Experience credit is based on operating experience acceptable to the Department. Acceptable operating experience includes:

(a) Experience in performance of operator or system supervisor duties, tasks and responsibilities may satisfy up to 100 percent of the experience credit;

(b) Experience as an operator trainee or student intern may satisfy up to 100 percent of the experience credit. The Department will consider experience or education, but not both, in qualifying an applicant where education credit is earned for on-the-job training;

(c) Related experience in any of the following areas may satisfy up to 50 percent of the experience credit subject to limitations in OAR 340-049-030(5)(e) and (f):

(A) Wastewater treatment systems operation;

(B) Wastewater collection system operation and maintenance;

(C) Water treatment system operation;

(D) Water distribution system operation;

(E) Water treatment laboratory;

(F) Wastewater treatment laboratory;

(G) Water or Wastewater treatment system maintenance;

(H) Pre-treatment operation and maintenance

(I) Industrial wastewater treatment

(J) Stormwater system operation and maintenance

(K) Other substantially equivalent related field, which includes, but is not limited to, plumbing, irrigation, pump mechanics, welding, and pneumatic and hydraulic system operation and maintenance.

(d) The total of related experience credit must not exceed more than one-half of the acceptable operating experience requirement for certification under OAR 340-049-0030(2) or (3).

(e) Related experience credit does not reduce Grade III or Grade IV minimum requirements for wastewater system class level operating experience under OAR 340-049-0030(2) or (3).

(6) The applicant for certification must provide education and experience records to the Department with the application for screening and evaluating the applicant's qualifications.

(7) The Department may waive the experience or education requirements for admission to an examination under provisions outlined in OAR 340-049-0055(7) — Examinations.

(8) Operators that attain a higher grade certification than the classification of the system they are employed at may receive experience credit for working at a system corresponding to their certification level.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430 & 448.992

History:

DEQ 50-2018, minor correction filed 04/03/2018, effective 04/03/2018

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DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0035

Certification of Wastewater Treatment System and Wastewater Collection System Operators

(1) To be considered for operator certification, a person must file a complete application with the Department using approved forms or technology by the filing deadline, if any, established under these rules. The Department will consider only those applications that are complete for processing and include all required qualification information and documentation not already on file with the Department and the appropriate fees. Applications that are incomplete, unsigned or improperly signed, or that do not contain the required documentation will not be accepted by the Department for filing.

(2) The Director will issue certificates to persons meeting the education, experience and examination qualifications set forth in OAR 340-049-0030 for the certificate type and grade sought. Grade I Provisional certificate qualifications do not include an examination. The Director may refuse to issue a certificate as provided in 340-049-0080.

(3) The Director may issue new certificates with up to a two-year expiration date and subject to renewal requirements in OAR 340-049-0040. Exceptions include Provisional certificates, which expire after 12 months, and new standard certificates issued to persons already certified under these rules, which expire on the same date as the pre-existing certificates.

(4) The Director will issue a Grade I Provisional certificate valid for 12 months to persons meeting the education and experience qualifications set forth in OAR 340-049-0030(2)(a) and (3)(a). Upon qualification, including passing a Grade I examination, the Director may issue a standard (renewable) Grade I certificate. The Director may refuse to issue a certificate as provided in 340-049-0080.

(5) Certificates in Wastewater Collection System Operation issued by the Department on or before May 1, 1989, will continue to be valid as long as certificate renewal and reinstatement requirements are satisfied and certificates are not revoked.

(6) Each certificate issued will designate the certificate type and grade of the person certified, and will have an expiration date stated on the certificate or on an accompanying certificate validation document or on the publicly-available certified operator database.

(7) The Department will not consider an application or examination results for a new certificate, including a certificate at a higher grade, if the certificate requested is for the same type, treatment or collection, as an expired certificate that is still under the one-year reinstatement period in OAR 340-049-0045. Once the expired certificate is reinstated, an application for a new certificate may be processed.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.410, 448.415 & 448.420

History:

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DEQ 23-1988, f. & cert. ef. 9-15-88
DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0040

Certification and Renewal

(1) Subject to these requirements and OAR 340-049-0080, a certificate holder may renew a certificate for up to a two-year period if the certificate holder files a complete renewal application with the Department by the certificate expiration date, includes payment of the renewal fee in 340-049-0065(1), and provides evidence satisfactory to the Department of continuing education.

(a) The accumulation of a minimum of two CEUs or two hours of community college, college or university credit every two years in relevant subject matter as described in OAR 340-049-0030(4) is considered satisfactory.

(b) The Department will determine whether the CEUs or hours of credit are directly relevant to a wastewater system operator's job tasks and required knowledge and satisfy the continuing education requirement. The Department may utilize advisory councils or advisory committees when determining the relevance of a course that offers CEUs to wastewater system operators and may choose to refer to the webpages of those councils or committees as a source for approved CEUs.

(c) A person holding both wastewater treatment system and wastewater collection system operator certificates issued under these rules must complete only a minimum of two CEUs or two hours of community college, college or university credit to renew both certificates.

(2) Grade I Provisional certificates are not renewable. Persons may apply for a new Provisional certificate if they meet all the qualifications under OAR 340-049-0030(2)(a) or (3)(a).

(3) The Department will send each person holding a valid certificate a renewal notice at least 60 days before the certificate expires. The notice will be sent to the last email address of record with the Department's Water Quality Division, Operator Certification Program, and will show the certificate expiration date, renewal period, fee, and date the fee is due. Operators are not relieved of responsibility to renew their certificates if they do not receive renewal notices.

(4) The Department may extend the certificate expiration date for up to 30 days, after which time the certificate will be invalid. A certificate holder may reinstate an expired certificate according to procedures and requirements in OAR 340-049-0045.

(5) The Department will establish the continuing education reporting date for each certificate holder. Generally, this will be at two-year intervals and at the time of certificate renewal.

(6) The Department may vary the expiration date of a certificate and prorate the renewal fee and continuing education requirement to cover renewal periods of less than two years. The Department will give each person written notice of the certificate expiration date assigned, the prorated fee and continuing education requirement and dates due.

(7) Certificate holders must maintain their own records of course/program information and attendance and must submit documentation to the Department upon request as a condition of renewal.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.410, 448.415 & 448.420

History:

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DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0045

Reinstatement of Expired Certificates

(1) The Department will send a notice of certificate expiration to each certificate holder at the last email address of record. Operators are not relieved of responsibility to reinstate their certificates if they do not receive the notice.

(2) The Director will renew an expired certificate if the certificate holder submits a renewal application within one year of the date of expiration, including proof that renewal qualifications have been met and payment of a reinstatement fee and the renewal fee in OAR 340-049-0065(1).

(3) If a certificate holder fails to renew an expired certificate within one year following the date of expiration, the certificate holder may re-apply for certification and must meet the requirements established for a new applicant, including passing an examination and payment of the application fee and examination fee.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.410, 448.415 & 448.420

History:

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0050

Certificate and Reciprocity

(1) The Department may accord a person with a valid certificate in good standing in another state or Canadian province, or by a Department-approved certifying entity, reciprocal treatment and issue a certificate without examination when, in the judgment of the Director, the certification examination requirements in the other state or Canadian province, or Department-approved certifying entity, are substantially equivalent to and the person's education and experience meet the requirements set forth in this Division.

(2) Persons requesting reciprocity must submit a complete application and pay the reciprocity fee as listed in OAR 340-049-0065(1).

(3) The Department will not consider an application for a new certificate by reciprocity, including a certificate at a higher grade, if the certificate requested is of the same type, treatment or collection, as an expired Oregon certificate that is still under the one-year reinstatement period in OAR 340-049-0045. Once the expired certificate is reinstated, an application for a new certificate by reciprocity may be processed.

(4) The expiration date of a new operator certificate by reciprocity where there exists a valid Oregon certificate will be the same as the Oregon certificate.

(5) When such reciprocity is granted, the person will be subject to the same requirements of renewal as any other persons initially certified under these rules.

(6) The Director may refuse to issue a certificate by reciprocity based on a person's failure to meet education, experience or examination qualifications as stated above or any ground for refusal in OAR 340-049-0080(1).

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.410, 448.415 & 448.420

History:

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0055

Examinations

(1) Persons applying for new certificates requiring examinations, including certificates at higher grades, must be approved for examination by the Department.

(2) To be admitted to an examination, a person must file a complete application with payment of the fee(s) required by OAR 340-049-0065(1) and meet the education

and experience qualifications for the certificate type and grade sought, unless the person has obtained a conditional waiver under section (7) of this rule.

(3) Examinations will be administered by the Department or its designee at places and times set by the Department.

(4) To be considered for admittance to examinations, applications for certification must be submitted to the Department by no later than the first day of the month preceding the month of the examination.

(5) The Department, at its discretion, may administer written or oral examinations at times other than those scheduled, without public notice.

(6) The Department will notify applicants whether they are eligible for examinations and the conditions of eligibility.

(7) The Department may waive the education or experience requirements for admission to an examination under the following conditions:

(a) The applicant provides evidence to the satisfaction of the Department of current enrollment in a course of study that will meet education qualifications in OAR 340-049-0030 for the type and grade of certificate the applicant is seeking not later than the end of the fourth calendar month following the month in which the examination is given, or

(b) The applicant is currently gaining operating experience, acceptable to the Department, that will meet certificate qualifications in OAR 340-049-0030 for the type and grade of certificate the applicant is seeking not later than the end of the fourth calendar month following the month in which the examination is given, or

(c) The applicant does not meet the experience or supervision requirements for a standard small wastewater system certificate, Provisional or standard Grade I wastewater treatment or collection certificate under this Division but is otherwise determined by the Department to be qualified by education and has completed or is participating in a Department-approved training program. This applicant may take a Small Wastewater System, Grade I treatment or Grade I collection examination and upon passing the examination will be recognized by the Department as an operator in training (OIT) for a period not to exceed 36 calendar months, unless approved by the Department in writing, during which time the applicant must meet experience requirements for a standard or Provisional certificate in OAR 340-049-0030, and

(d) Any applicant receiving an experience or education waiver for admission to an examination must pay the post-examination application fee for evaluation of certificate qualification as shown in OAR 340-049-0065(1) at the time of submitting proof of meeting education or experience qualifications, and

(e) The Department will withhold certification from any applicant passing an examination until evidence of education or experience qualification is furnished. If any applicant fails to complete all requirements for certification within the allowed time period in this section, the Department will not consider the examination results for any purpose.

(8) Examinations must consist of material in content and level appropriate to each certificate type and grade.

(9) The Department or its designee will score all examinations and notify applicants of the results. Examinations will not be returned to the applicant.

(10) A minimum score of 70 percent is required to pass an examination.

(11) Any person who fails an examination may retake the examination at a later date by submitting an application for re-examination along with the proper examination fee listed in OAR 340-049-0065(1) and by the deadline established in 340-049-0055(4).

(12) Any person who does not apply for re-examination within one year of the date from which the initial exam was taken must submit a new application for examination along with the proper fee listed in OAR 340-049-0065(1).

(13) An applicant may not take the same certificate type and grade examination more than twice in a twelve-month period unless the applicant can demonstrate to the satisfaction of the Department specific education completed in the subject area of the examination.

(14) Persons with disabilities may request special accommodation for testing. No additional fee will be required for disability accommodation under the federal Americans with Disabilities Act.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430 & 448.992

History:

DEQ 2-2013, f. 1-28-13, cert. ef. 3-1-13

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 29-1994, f. & cert. ef. 12-2-94

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88

340-049-0080

Refusal and Revocation of Certificate and Appeal Process

(1) The Director may refuse to issue, renew or reinstate a certificate, or may suspend or revoke the certificate of any person on the following grounds:

- (a) Obtaining or renewing a certificate by fraud, deceit, or misrepresentation; or
 - (b) Gross or repeated negligence, incompetence or misconduct in performance of duties as an operator or supervisor of a wastewater treatment system or wastewater collection system in Oregon or any other state or Canadian province; or
 - (c) Failure of the operator to comply with the lawful orders, rules or regulations of the Department; or
 - (d) Failure of the operator certified by reciprocity to comply with the lawful orders, rules or regulations of any other state, Canadian province, or certifying authority; or
 - (e) False or fraudulent reporting or record-keeping by the operator regarding the operation or supervision of a wastewater treatment system or wastewater collection system in Oregon or any other state or Canadian province.
- (2) If the Director refuses to issue, renew or reinstate, or suspends or revokes a person's certificate, the Director must give notice to the person of opportunity for a contested case hearing in accordance with OAR 340-011-0097.
- (3) After a period of twenty-four (24) months, the Director may reinstate the certificate of any person whose certificate has been revoked upon presentation of evidence satisfactory to the Director that such reinstatement is warranted. The Director may require re-examination and submittal of fees as a condition of the certificate reinstatement.
- (4) This rule applies to any matter pending before the Department or Commission.

Statutory/Other Authority: ORS 448.410, 468.020 & 468B.030

Statutes/Other Implemented: ORS 448.405 - 448.430 & 448.992

History:

DEQ 15-2002, f. & cert. ef. 10-16-02

DEQ 23-1988, f. & cert. ef. 9-15-88

DEQ 4-1988(Temp), f. & cert. ef. 1-29-88