



Rulemaking Action Item

Wastewater Operator Certification Program

November 22, 2024
Hillsboro

Agenda

- Program Overview
- Need for Rulemaking
- Proposed Rules
- Rulemaking Process
- Questions
- Motion for Adoption

Program Overview

- **Purpose**: To protect public health and the environment
- **Permit Requirement**: Each sewage collection or treatment system must have at least one designated supervisory operator that is certified at or above the classification of the system
- **Authority**: No corresponding Federal Regulation, but State Statutes give DEQ authority to create and implement rules
- **History**: Established in 1988; only minor rule edits and fee increases since then
- **Current Challenge**: Maintaining certifiable workforce

Program Overview

- **Statewide, fee-funded program**
 - Approximately 1,400 Certified Operators and 400 Systems
 - 2.0 FTE: Coordinator and Assistant
- **Certification Process**
 - Applicant applies through Your DEQ Online (YDO)
 - Must meet education and experience requirements
 - Approved to take **standardized** exam
 - Once they pass, they are issued their certification
 - Valid for two years
 - Renewal requires 20 hours of continuing education (2.0 CEUs)

Need for Rulemaking

- Operators provide vital daily services
- Shortage of operators due to aging workforce
- EPA and Congress recognize challenge of recruiting and retaining operators
- Technological advancements means we need technologically-savvy operators

Proposed Rules: Definitions

- Currently undefined
 - **“Part-time”** – in regards to the Designated Supervisory Operator requirement means less than 30hrs/wk if employed by system owner or city
 - **“Full-time”** – in regards to the Designated Supervisory Operator requirement means at least 30hrs/wk if employed by system owner or city
 - If under contract supervision, hours will be determined by the signers (Designated Supervisory Operator and owner/authorized representative)

Proposed Rules: Reciprocity

- Currently we can only accept exam results from an applicant that is certified by another state or province
- “Professional Operators” certified by Water Professionals International take the **same standardized exam** required by DEQ
- Proposing to add “Department-approved certifying entity”
- Applicant still needs to meet education and experience requirements



Proposed Rules: Pathways to Certification

- Multiple pathways to certification based on:
 - Type (collection or treatment)
 - Grade (SWWS, I-IV)
 - Post-high school education
- To attract more college educated applicants:
 - **Accept more post-high school education in lieu of experience**
- For those with high school/GED only:
 - **Reduce Grade III and IV experience requirement**
- Please note:
 - Grade III and IV have class-qualifier
 - 45 CEUs = 1 year of post-high school education

Degrees must be in:

- Engineering
- Chemistry
- Water/wastewater technology
- Physical/biological science
- **Other subjects determined relevant to wastewater system operation, e.g.**
 - **Data analysis**
 - **Computer science**

Proposed Rules: SWWS Operator-in-Training

- Waiver for experience
 - Currently only available for Collection/Treatment Grade I
- Must:
 - Have high school diploma/GED
 - Enroll in DEQ-approved training
- After passing the exam, applicants have three years to gain the required experience

Proposed Rules: System Classification

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

- Highest-rated treatment type determines the classification
- Systems may be classified differently if more/less complex than similar systems
- The designation must be consistent with the intent of the classification system

Small Wastewater System:
 Class I Treatment Type AND
 <500 design population
 OR <150 connections

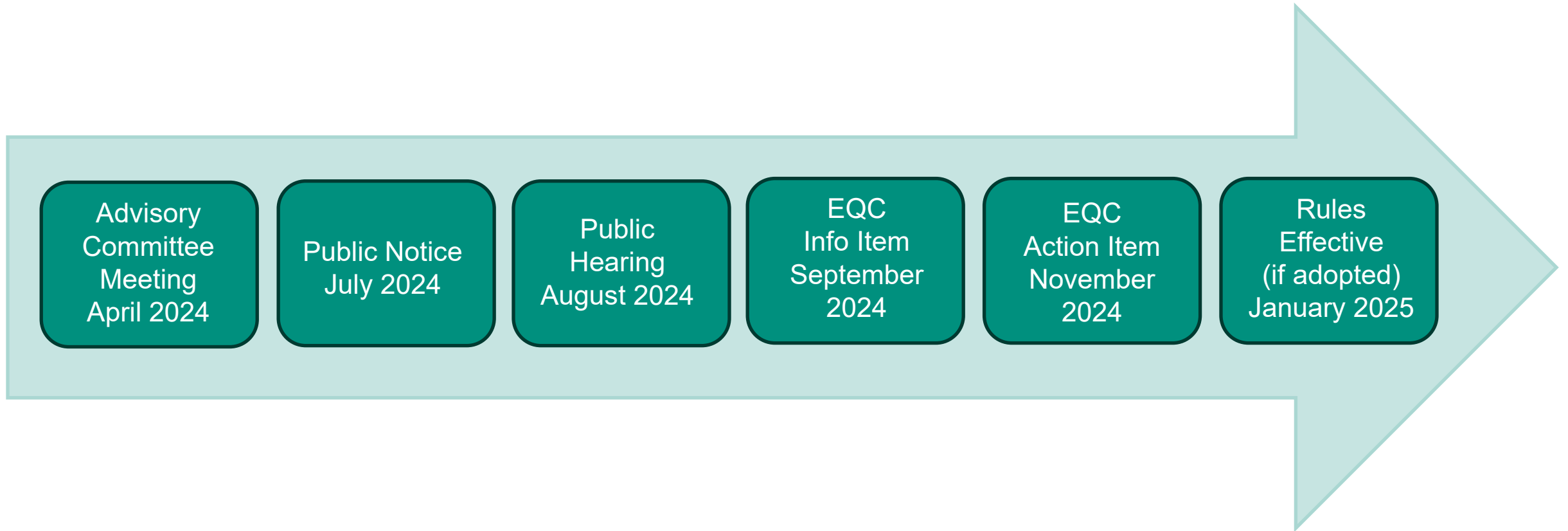
Proposed Rules: Compliance Extension

- Currently: up to 120 days
- If a wastewater treatment system classification increases the owner can request an extension **up to 365 days**
 - **If:**
 - Current operator has been employed at that system for at least one year
 - Certified at no more than one grade lower than the new classification of the system
 - No Class I permit violations

Other Proposed Rules

- Minor clarifications to existing rules
- Updates to reflect online submittals and communication in Your DEQ Online versus paper applications
- “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.”

Rulemaking Process



Rulemaking Process: Racial Equity and Environmental Justice

- 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 rulemaking.
- There is **no major expected negative impact on racial equity or environmental justice.**
- Adoption of proposed rules will help maintain program services critical to protecting public health and the environment, which may be particularly important to communities that fish for subsistence, such as indigenous communities.

Rulemaking Process: Fiscal Impact Statement

- This rulemaking does not include fees
 1. Will the rule have a fiscal impact?
 2. What will the extent of that impact will be?
 3. Will the rule have a significant adverse impact on small businesses?
 4. If the draft rules will have a significant adverse impact on small businesses, provide recommendations about how DEQ can comply with ORS 183.540 to reduce the rule's economic impact on those businesses.

Changes Based on Comments

- 8 public comments received
- Renewal notices will be emailed **and/or** sent to the last mailing address of record to allow for both manners of communication until all affected parties have regular access to email

Topics raised outside of this rulemaking:

- Collaborating with other organizations to address issues faced by smaller, rural systems

Proposed Motion Language

“I move that the Environmental Quality Commission adopt the proposed rule amendments in Attachment A as part of chapter 340, division 049, of the Oregon Administrative Rules.”

Title VI and Alternative Formats

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