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CHAPTER 340
DEPARTMENT OF ENVIRONMENTAL QUALITY

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RULES:

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

AMEND: 340-049-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 07/23/2024

RULE SUMMARY: 'Full-time' and 'part-time' previously undefined.

RULE TEXT:

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

AMEND: 340-049-0015

RULE TITLE: General Requirements

NOTICE FILED DATE: 07/23/2024

RULE SUMMARY: Allows system owner or authorized representative to request a 365-day extension when system classification increases, if criteria are met.

RULE TEXT:

(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

AMEND: 340-049-0020

RULE TITLE: Classification of Wastewater Systems

NOTICE FILED DATE: 07/23/2024

RULE SUMMARY: Removal of points and addition of reference to Table A.

RULE TEXT:

- (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

AMEND: 340-049-0025

RULE TITLE: Criteria for Classifying Wastewater Treatment Systems

NOTICE FILED DATE: 07/23/2024

RULE SUMMARY: Inclusion of Table A and details.

RULE TEXT:

- (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.

STATUTORY/OTHER AUTHORITY: ORS 448.410, 468.020, 468B.030

STATUTES/OTHER IMPLEMENTED: ORS 448.405 - 448.430, 448.992



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 |

AMEND: 340-049-0030

RULE TITLE: Minimum Qualifications for Wastewater Treatment System and Wastewater Collection System Operator Certification

NOTICE FILED DATE: 07/23/2024

RULE SUMMARY: 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.

RULE TEXT:

(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)(d) and (e):
 - (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

AMEND: 340-049-0035

RULE TITLE: Certification of Wastewater Treatment System and Wastewater Collection System Operators

NOTICE FILED DATE: 07/23/2024

RULE SUMMARY: Change from renewal card to reflect replacement by document created in the new Your DEQ Online system.

RULE TEXT:

(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

AMEND: 340-049-0040

RULE TITLE: Certification and Renewal

NOTICE FILED DATE: 07/23/2024

RULE SUMMARY: Allowance to utilize advisory councils or committees to determine relevance of continuing education units.

RULE TEXT:

(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 emailed and/or sent to the last mailing 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

AMEND: 340-049-0045

RULE TITLE: Reinstatement of Expired Certificates

NOTICE FILED DATE: 07/23/2024

RULE SUMMARY: Edits to reflect transition from paper-based applications and traditional mail to email or online resources.

RULE TEXT:

(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

AMEND: 340-049-0050

RULE TITLE: Certificate and Reciprocity

NOTICE FILED DATE: 07/23/2024

RULE SUMMARY: Acceptance of DEQ-approved certifying entity exam scores for reciprocity applicants (same exam required by DEQ).

RULE TEXT:

(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

AMEND: 340-049-0055

RULE TITLE: Examinations

NOTICE FILED DATE: 07/23/2024

RULE SUMMARY: Addition of operator-in-training pathway to certification for small wastewater system operators.

RULE TEXT:

- (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

AMEND: 340-049-0080

RULE TITLE: Refusal and Revocation of Certificate and Appeal Process

NOTICE FILED DATE: 07/23/2024

RULE SUMMARY: Adding "Canadian" to "province"

RULE TEXT:

(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