


State of Oregon  
Department of Environmental Quality

Memorandum

**Date:** Nov. 26, 2012

**To:** Environmental Quality Commission

**From:** Dick Pedersen, Director 

**Subject:** Agenda item F, Action item, Rule proposal: Amend rules to revise fees and requirements for Wastewater System Operator Certification  
Dec. 6-7, 2012, EQC meeting

**Why this is important** Operator and system owner fees fund the Wastewater System Operator Certification program. Fees, which have not changed since 2002, have not kept pace with program expenses and will fall short of covering costs and a computer software upgrade crucial to program continuation.

The rule amendments also include updated rule language to reflect current program practices.

**DEQ recommendation and EQC motion** DEQ recommends that the Oregon Environmental Quality Commission adopt proposed rule amendments to OAR 340-049, regulations related to certification of wastewater system operator personnel, as presented in attachment A.

**Background and need for rulemaking** DEQ regulates and administers a program to certify and license wastewater system operators. DEQ requires wastewater system owners to be supervised by certified operators to ensure that wastewater systems are supervised and operated in a way that restores and maintains the quality of public waters and is protective of public health and the environment.

This proposed rulemaking increases fees for the Wastewater System Operator Certification Program and language changes to add clarity and consistency. In addition to program administration, the additional fee revenue would cover a one-time expense for a computer software upgrade. The proposed fee increase takes into account rising costs through 2019.

**Effect of rule** If adopted, rule amendments would:

- Increase operator certification and program support fees
- Establish a certification for small wastewater systems
- Revise a requirement for system supervisor compliance
- Clarify "acceptable operating experience" language
- Revise exam scheduling language and re-exam time frame

- Revise standing advisory committee language

<b>Commission authority</b>	The commission has authority to take this action under ORS 448.410, 468.020, and 468B.030.
<b>Stakeholder involvement</b>	<p>DEQ staff worked with an external advisory committee to discuss rule revisions and fee increases. The committee included representatives of small and large wastewater system operators, professional technical educators and trainers. Members discussed the program's needs, structure of the current fees and various proposed strategies to support the program at a current level of service. DEQ staff discussed workload issues and process improvements for the program.</p> <p>The committee members agreed on the importance of the program, that fees have not increased for 10 years and the program's operating costs have gone up. They recommended the fee increase and recommended amendments to strengthen and improve deficiencies in the rules governing operator qualification, examination and program administration.</p> <p>The committee asked DEQ to consider a strategy in which fees can be raised in smaller increments rather than one large fee increase. Members also identified issues to discuss with the standing advisory committee at a later time. The standing advisory committee will to work with DEQ on program efficiencies and encourage municipalities to promote certification for waste water treatment operators to increase professionalism in the field.</p>
<b>Public comment</b>	DEQ held a public comment period from Aug. 21, 2012, to Sept. 25, 2012, and conducted a public hearing in Wilsonville Sept. 19, 2012. Two people submitted written comments during the comment period and one person, a member of the advisory committee, attended the hearing but did not provide spoken or written comment. Attachment B is a summary of the public comments received and DEQ's response to comments.
<b>Next steps</b>	If adopted, DEQ will file the rule with the Oregon Secretary of State and update its fee tables and website to reflect the changes. Staff will inform interested persons of the proposed changes to the fees through a mass mailing, and notifications to advisory committee members and postings on the Water Quality program website.
<b>Attachments</b>	<p>A. Summary of rule revisions</p> <p>B. Proposed rule revisions (redline)</p> <p>C. Summary of public comments and DEQ's response</p>

- D. Presiding Officer's reports on public hearings
- E. Relationship to Federal Requirements
- F. Statement of Fiscal and Economic Impact
- G. Land Use Evaluation Statement
- H. Advisory committee membership

Available  
upon request

- 1. Written comments received
- 2. Rule implementation plan
- 3. DAS request for fee increase and approval

Approved:

Division:

*Mina DeConcini*

Section:

*LSM*

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