

Summary of proposed rule revisions

1. General Requirements (OAR 340-049-0015)

- Modify specific requirement regarding 120 days extension for wastewater system supervision

2. Classification of Wastewater Systems (OAR 340-049-0020)

- Add Small Wastewater Systems classification criteria to the current classification system.

3. Criteria for Classifying Wastewater Treatment Systems (OAR 340-049-0025)

- Add a rule for assigning
 - 15 points for Ultrafiltration Membrane(s)
 - 4 points for Solids Reduction Processing
 - 5 points for On-Site Chlorine Generation of Disinfectants

4. Minimum Qualifications for Wastewater Treatment System and Wastewater Collection System Operator Certification (OAR 340-049-0030)

- Add minimum qualifications for Small Wastewater System Certification
- Revise requirement for acceptable operating experience
- Delete Industrial wastewater experience from Related Experience section and add it to 'experience credit' (section #4) for consideration towards direct experience

5. Examination (OAR 340-049-0055)

- Modify exam scheduling language to reflect current program practices
- Modify Operator In Training (OIT) language to reflect extension period of beyond the three years for OIT period on a case by case basis
- Establish a rule regarding re-examination to take place within one year of the initial exam date
- Move language on American's with Disabilities Act (ADA) from #6 to #14 to add clarity

6. Operator Certification and Operator Certification Program Support Fees (OAR 340-049-0060)

- Remove program support fee compliance date that was set during last fee structure as it is no longer applicable

7. Fee Schedules for Wastewater System Operator Certification and Operator Certification Program Support (OAR 340-049-0065)

- Revise fees for wastewater system operators, including increased fees for new certificate applications, examinations, rescheduling of examinations, certificate by reciprocity, certificate renewals and re-instatement, post exam application, and document replacement.
- Revise annual operator certification program support fees reflecting fee increase for wastewater system owners.

8. Advisory Committee (OAR 340-049-0085)

- Clarify language on advisory committee meetings to add flexibility.
- Revise composition of advisory committee members to include all persons of interest in wastewater system operator certification.

Summary of revised fee tables

Summary Table 1: Changes to Operator Certification application and certificate fees
Proposed changes are a 60 percent increase from existing fees, unless otherwise noted

Application fee - New Certification	Current fee (in dollars)	Proposed fee (in dollars)	Amount of proposed increase (in dollars)
Small Wastewater Systems (added to fee schedule)	N/A	90	90
Grade I Provisional: or Grade I Treatment or Collection	150	240	90
Grade I Provisional: or Grade I Treatment and Collection	250	400	150
Grade II Treatment or Collection	170	272	102
Grade III Treatment or Collection	190	304	114
Grade IV Treatment or Collection	210	336	126
Re-exam or Reschedule (all grades)	150	240	90
Certificate by Reciprocity Application Fee			
Grade I Provisional: or Grade I Treatment or Collection	100	160	60
Grade I Provisional: or Grade I Treatment and Collection	150	240	90
Grade II Treatment or Collection	120	192	72
Grade III Treatment or Collection	140	224	84
Grade IV Treatment or Collection	160	256	96
Certificate Renewal/ Reinstatement Fee			
Certificate Renewal, all grades	100	160	60
Certificate Reinstatement and Renewal, all grades	75	120	45

Other Certificate Fees			
Post-Exam Application Fee	30	48	18
Document Replacement Fee	30	48	18
Open Schedule Examination fee* Removed from rule	100	160	60

Summary Table 2: Changes to Operator Certification annual program fees
Proposed changes are a 60 percent increase from existing fees, unless otherwise noted

System size, as measured by average dry weather flow in millions of gallons per day	Current fee (in dollars)	Proposed fee (in dollars)	Amount of proposed increase (in dollars)	Number of systems subject to fee
Less than 0.075	50	80	30	124
0.075 – 0.4999	60	96	36	109
0.500 – 0.999	120	192	72	27
1 – 1.999	225	360	135	20
2 – 4.999	525	840	315	26
5 – 9.999	1,150	1,840	690	10
10 – 19.999	2,250	3,600	1,350	4
20 – 29.999	3,750	6,000	2,250	2
30 – 39.999	5,250	8,400	3,150	3
40 – 59.999	7,500	12,000	4,500	1
60 – 79.999	10,500	16,800	6,300	0
80 – 119.999	15,000	24,000	9,000	1
120 or greater	21,000	33,600	12,600	0

DIVISION 49

REGULATIONS PERTAINING TO CERTIFICATION OF WASTEWATER SYSTEM OPERATOR PERSONNEL

340-049-0005

Preface

(1) The purpose of these rules is to help protect public health, the environment, and the water resources of Oregon by establishing requirements regarding certification of wastewater system (sewage treatment works) operators. The principal objectives of the rules are to:

- (a) Establish criteria for classifying wastewater treatment and collection systems;
- (b) Define the requirements and fees for wastewater system owners whose systems must be supervised by an operator certified under these rules;
- (c) Define the minimum qualifications for certifying wastewater system operating personnel and supervisors;
- (d) Define the requirements and fees for persons who apply for certification, including examination requirements, renewal certification and certification through reciprocity;
- (e) Establish criteria for variances;
- (f) Establish penalties for violations of these rules;
- (g) Establish fees for operator certification; and
- (h) Encourage an adequate number of qualified wastewater system operators that are certified to operate and maintain wastewater treatment or wastewater collection systems in Oregon.

(2) All persons who meet the minimum qualifications for certificate types and grades can be certified under these rules. All wastewater system personnel are encouraged to apply for certification at the highest grade consistent with their qualification. Maintenance and laboratory personnel in wastewater systems are encouraged to participate in the respective voluntary certification programs.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.405-448.430, 448.992, 468B.010 -468B.020 & 468B.030

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

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) "Industrial Waste" means liquid wastes from an industrial or commercial process discharged into a wastewater system for conveyance and treatment.
- (9) "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) "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(45), that affect wastewater system performance or effluent quality.
- (11) "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) "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.
- (13) "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) "Provisional Certificate" means a temporary and conditional certificate issued by the Department to a person meeting the requirements in OAR 340-049-0030(42)(a) or (23)(a).

(15) "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) "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) "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) "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) "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) "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) "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) "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) "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.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.405-448.430, 448.992, 468B.010-468B.020 & 468B.030

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

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 ORS 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 a ADWF greater 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 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 an operator is certified for the type of system 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 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 ~~of up to 120 days~~ 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.

(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 operator; and

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

(b) 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 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 OAR 340-049-0070.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

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

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

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; less than 500 design population or less than 150 connections.

(ab) Wastewater Treatment Systems

(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.

(bc) 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.

(3) The Director will advise wastewater system owners of the classification of their systems.

(4) If the complexity of a wastewater treatment system is not reflected in OAR 340-049-0025, the Director may classify a wastewater treatment system higher than the classification 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.

(5) If deemed appropriate, the Director 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.

(6) The Director 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.

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

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.405-448.430 & 448.992

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

340-049-0025

Criteria for Classifying Wastewater Treatment Systems

(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.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030
Stats. Implemented: ORS 448.405-448.430 & 448.992
Hist.: DEQ 23-1988, f. & cert. ef. 9-15-88; DEQ 15-2002, f. & cert. ef. 10-16-02

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, GED certificate, or equivalent; and

(b) Experience:

(A) Twelve months acceptable operating experience at a Small Wastewater System; or

(B) Six months operating experience, 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 combination of department approved education and training, and

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

(42) 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 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 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 at a Class I or higher Wastewater Treatment System; or

(II) Six months operating experience, 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, and

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

(c) Grade II 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: Three years acceptable operating experience 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; and

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

(d) Grade III 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) Eight years acceptable operating experience, of which half must have been at a Class II or higher Wastewater Treatment System; or

(II) Five years experience, 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, 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, of which half must have been at a Class II or higher Wastewater Treatment System, and three years of post high school education; and

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

(e) Grade IV 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 a minimum of one year post high school education; and

(ii) Experience:

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

(II) Six year experience, 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 year experience, 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, of which half must have been at a Class III or higher Wastewater Treatment System, and four years post high school education; and

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

(23) 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 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 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:

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

(ii) Experience:

(I) Twelve months acceptable operating experience at a Class I or higher Wastewater Collection System; or

(II) Six months operating experience, 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; and

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

(c) Grade II Wastewater Collection 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: Three years acceptable operating experience 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; and

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

(d) Grade III Wastewater Collection 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) Eight years acceptable operating experience, of which half must have been at a Class II or higher Wastewater Collection System; or

(II) Five years experience, 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, 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, of which half must have been at a Class II or higher Wastewater Collection System, and three years of post high school education; and

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

(e) Grade IV Wastewater Collection 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) Ten years acceptable operating experience, of which half must have been at a Class III or higher Wastewater Collection System; or

(II) Eight years experience, 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, 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, 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, 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.

| (34) 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 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.

(45) Experience credit is based on acceptable operating experience, ~~where 12 months of full-time equivalent experience equals one year.~~ 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 340-49-0025. The applicant is responsible to verify the 6 points requested in OAR 340-49-0025 and submit this information on the application for testing. The Department will evaluate the submittal and respond to the applicant with results.

(ed) 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(45)(de) and (ef):

(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) Industrial waste treatment operation and maintenance;~~

(H) Other substantially equivalent related field.

(de) 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(42) or (23).

(ef) Related experience credit must not reduce Grade III or Grade IV minimum requirements for wastewater system class level operating experience under OAR 340-049-0030(42) or (23).

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

(67) The Department may waive the experience or education requirements for admission to an examination under provisions outlined in OAR 340-049-0055(97) - Examinations.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.405-448.430 & 448.992

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

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 OAR 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(42)(a) and (23)(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 OAR 340-049-0080.

(5)(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.

(7) The Department will not consider an application 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.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.410, 448.415 & 448.420

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

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 OAR 340-049-0065(1), and provides satisfactory evidence 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(34) 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.

(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(42)(a) or (23)(b).

(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 to the last 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.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.410, 448.415 & 448.420

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

340-049-0045

Reinstatement of Expired Certificates

- (1) The Department will send a notice of certificate expiration to each certificate holder at the last 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.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.410, 448.415 & 448.420

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

340-049-0050

Certificate and Reciprocity

- (1) The Department may accord a person with a valid certificate in good standing in another state or province reciprocal treatment and issue a certificate without examination when, in the judgment of the Director, the certification examination requirements in the other state or province 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).

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.410, 448.415 & 448.420

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

340-049-0055

Examinations

(1) Persons applying for new certificates requiring examinations, including certificates at higher grades, must be approved ~~and scheduled~~ 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 ~~9-7~~ of this rule.

(3) Examinations will be administered by the Department or its designee at places and times ~~scheduled set~~ by the Department, ~~with 60 days public notice of the schedule. A minimum of two examinations will be scheduled per calendar year.~~

(4) To be considered for admittance to ~~Department scheduled~~ 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 ~~scheduled~~ examination.

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

~~(6) Any applicant may request in writing an examination on a date other than the scheduled dates established and published by the Department. The request for open scheduling of an examination should be made with the application and must include payment of the open schedule examination fee listed in OAR 340-049-0065(1). This fee is in addition to any required application fee and fees for examination, re-examination, or re-scheduling of an examination, except that this fee will not apply to special scheduling for disability accommodation under the federal American's with Disabilities Act.~~

~~(7)~~ The Department will notify applicants whether they are eligible for examinations and the conditions of eligibility.

~~(8) The Department will schedule applicants accepted for examinations for the next examination date, unless the applicant requests a later date.~~

~~(9)~~ 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 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 Provisional or standard Grade I wastewater treatment or collection certificate under this Division, but is otherwise qualified by

education and has completed or is participating in a Department approved training program. This applicant may take a Grade I treatment or Grade I collection examination and upon passing the examination will be recognized by the Department as ~~an a non-certified~~ 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.

~~(108)~~ Examinations must consist of material in content and level appropriate to each certificate type and grade.

~~(149)~~ The Department or its designee will score all examinations and notify applicants of the results. Examinations will not be returned to the applicant.

~~(1210)~~ A minimum score of 70 percent is required to pass an examination.

~~(1311)~~ 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 established the~~ deadline established in OAR 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).

~~(1413)~~ 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.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.405-448.430 & 448.992

Hist.: DEQ 4-1988(Temp), f. & cert. ef. 1-29-88; DEQ 23-1988, f. & cert. ef. 9-15-88; DEQ 29-1994, f. & cert. ef. 12-2-94; DEQ 15-2002, f. & cert. ef. 10-16-02

340-049-0060

Operator Certification and Operator Certification Program Support Fees

(1) Operator Certification Fees:

(a) All persons applying for wastewater system operator certification must pay the applicable fee(s) listed in OAR 340-049-0065(1);

(b) All applications for a new certificate or certificate at a higher grade, but excluding applications for reciprocity, require an examination and must be accompanied by a fee payment equal to the sum of the appropriate application fee and examination fee as shown in OAR 340-049-0065(1)(a) and (b);

(c) A reciprocity applicant found to be ineligible for a certificate by reciprocity, who otherwise meets the education and experience qualifications listed in OAR 340-049-0030, may be scheduled for an initial certification examination in accordance with OAR 340-049-0055 without payment of an examination fee;

(d) An applicant found to be ineligible for admission to a certification examination at the requested grade, who otherwise meets the education and experience qualifications for certification at a lower grade as listed in OAR 340-049-0030, may be scheduled for an examination at the lower grade without payment of an additional fee;

(e) The Department will not process incomplete applications or applications not accompanied by appropriate fee(s) and attachments, including documentation for all claims of education.

(2) Operator Certification Program Support Fees:

(a) ~~Beginning with the operating year that starts on July 1, 2002 and ends on June 30, 2003, a~~ All owners of NPDES or WPCF permitted wastewater systems required to be supervised by operators certified in accordance with requirements in this Division must pay an annual Operator Certification Program Support Fee according to the fee schedule in OAR 340-049-0065(2). The fee will be based on the most current design ADWF for the wastewater treatment system as approved by the Department:

(b) The annual certification program support fee must be paid for each year a wastewater system is in operation. The operating year is defined as July 1 through June 30. A fee for any year during which the wastewater system is in operation is retroactive to July 1 of that operating year, and will be due only if the wastewater system is placed into operation on or before May 1 of that operating year.

(c) The Department will notify wastewater system owners of the fee amount owed and the date the fee must be paid. The notification will generally be given 60 days prior to the due date.

(d) The Director may alter the due date for the annual certification program fee upon receipt of a written request from a wastewater system owner demonstrating need. The Commission may reduce or suspend the annual operator certification program support fee based on hardship.

(e) Any wastewater system owner who fails to pay the annual operator certification program support fee within 30 days of the due date will be assessed a late fee by the Department according to OAR 340-049-0065(2)(b), which will be due and payable immediately with the annual fee.

(3) All fees are payable to the Oregon Department of Environmental Quality or Oregon DEQ.

(4) Fees will not be refundable unless:

(a) The Department has taken no action on a certification application;

(b) The Department determines the wrong application has been filed;

(c) The Department determines that no fee is required;

(d) An overpayment has been made.

Stat. Auth.: ORS 448.410(1)(d), & 468.020
Stats. Implemented: ORS 448.405-448.430 & 448.992
Hist.: DEQ 4-1988(Temp), f. & cert. ef. 1-29-88; DEQ 23-1988, f. & cert. ef. 9-15-88; ; DEQ 29-1994, f. & cert. ef. 12-2-94; DEQ 15-2002, f. & cert. ef. 10-16-02

340-049-0065

Fee Schedules for Wastewater System Operator Certification and Operator Certification Program Support

(1) Operator Certification Fee Schedule

(a) Application Fee:

(A) Small Wastewater Systems: \$140

(B) Grade I or Grade I Provisional Treatment or Collection: \$140;

(AC) Grade I or Grade I Provisional Treatment and/or Collection: \$50200;

(BD) Grade II Treatment or Collection: \$70170;

(CE) Grade III Treatment or Collection: \$90200; and

(DF) Grade IV Treatment or Collection: \$110240.

(b) Examination Fee: ~~Treatment or Collection at any Grade: \$50~~\$100

(c) Re-examination or Reschedule Examination Fee: ~~Treatment or Collection at any grade: \$50~~\$240

(d) Open Schedule Examination Fee: \$100

(ed) Post-examination Application Fee: \$3050

(fe) Reciprocity Application Fee

(A) Grade I ~~or Grade I Provisional~~ Treatment or Collection: \$100160;

(B) Grade I ~~or Grade I Provisional~~ Treatment and Collection: \$150240;

(C) Grade II Treatment or Collection: \$120190;

(D) Grade III Treatment or Collection: \$140220; and

(E) Grade IV Treatment or Collection: \$160260.

(gf) Two-year Certificate Renewal Fee - One certificate or two: \$100160

(hg) Certificate Reinstatement and Renewal Fee - One certificate or two: \$75280

(ih) Certificate and Renewal Document Replacement: \$3050

(2) Operator Certification Program Support Fee Schedule:

(a) Annual Operator Certification Program Support Fee - Wastewater Systems:

- (A) ADWF less than 0.075 MGD: ~~\$5080~~;
- (B) ADWF 0.075 - 0.499 MGD: ~~\$60100~~;
- (C) ADWF 0.500 - 0.999 MGD: ~~\$120190~~;
- (D) ADWF 1.0 - 1.999 MGD: ~~\$225360~~;
- (E) ADWF 2.0 - 4.999 MGD: ~~\$525840~~;
- (F) ADWF 5.0 - 9.999 MGD: ~~\$1,1501,840~~;
- (G) ADWF 10.0 - 19.999 MGD: ~~\$2,2503,600~~;
- (H) ADWF 20.0 - 29.999 MGD: ~~\$3,7506,000~~;
- (I) ADWF 30.0 - 39.999 MGD: ~~\$5,2508,400~~;
- (J) ADWF 40.0 - 59.999 MGD: ~~\$7,50012,000~~;
- (K) ADWF 60.0 - 79.999 MGD: ~~\$10,50016,800~~;
- (L) ADWF 80.0 - 119.999 MGD: ~~\$15,00024,000~~; and
- (M) ADWF 120.0 MGD or greater: ~~\$21,00033,600~~.

(b) Late Fee: \$50 or 10 percent of the appropriate annual operator certification program support fee in subsection (a) above, whichever is greater.

Stat. Auth.: ORS 448.410(1)(d) & 468.020

Stats. Implemented: ORS 448.405-448.430 & 448.992

Hist.: DEQ 23-1988, f. & cert. ef. 9-15-88; DEQ 29-1994, f. & cert. ef. 12-2-94; DEQ 30-1994(Temp), f. & cert. ef. 12-2-94; DEQ 15-2002, f. & cert. ef. 10-16-02

340-049-0070

Contracts for Part-Time Supervision

(1) When a wastewater system owner enters into a contract for part-time supervision with a certified operator or entity employing a certified operator to comply with OAR 340-049-0015(3), the contract must include at least the following:

(a) The parties involved, including names, addresses and phone numbers of each;

(b) The name of each operator responsible for supervising the wastewater system; the operator's certificate type, grade and expiration date; and the operator's address and phone number;

- (c) The specific starting date and expiration date of the contract;
 - (d) The minimum number of visits to be made to the wastewater system by the certified operator(s) responsible for supervising the system; and
 - (e) The duties and responsibilities of each party involved, including the certified operator(s).
- (2) The contract for supervision must provide for a contracted certified operator to be available to respond on site upon request of the wastewater system owner and to any other operator.
- (3) The Director may require the wastewater system owner to make changes to the contract if the wastewater system violates the conditions of a NPDES or WPCF permit or water pollution control laws in ORS 468B.025.
- (4) The owner of the wastewater system must maintain the contract on file for Department review.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.410, 448.415, 448.420 & 448.430

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

340-049-0075

Variances

The Director may grant variances from requirements in this Division for wastewater system owners if the Department determines that strict compliance with the rules would be highly burdensome or impractical due to special conditions or causes, and that the public or private interest in the granting of the variance clearly outweighs the interest in the application of uniform rules.

- (1) A wastewater system owner must request a variance in writing and must demonstrate that the requirements for a variance are satisfied;
- (2) The Department will evaluate and process the variance request as a permit action in accordance with OAR 340-045-0027(1)(a);
- (3) The Director will notify the wastewater system owner of the decision to grant or deny a variance in accordance with applicable permit issuance procedures, set forth in OAR 340-045-0005, et seq.;
- (4) If the Director denies the variance, the system owner may request a contested case hearing before the Commission or its authorized representative. Such a request for hearing must be made in writing to the Director within 20 days of the date of mailing of the notification of the variance decision. Any hearing held will be conducted pursuant to the regulations of the Department.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.405-448.430 & 448.992 & 468B.050

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

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 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, 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 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.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.405-448.430 & 448.992

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

340-049-0082

Penalty Provisions

(1) Any municipal or private wastewater system owner who knowingly and willfully violates any of the provisions of these rules may be subject to:

- (a) Criminal penalties according to provisions of ORS 448.992 or 448.415(2); and
- (b) Civil penalties according to OAR 340, division 12 for violations of NPDES or WPCF permits.

(2) Any individual who knowingly and willfully violates any provision in this division may be subject to revocation of certification and criminal penalties under ORS 448.992 or 448.415(2).

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.410, 448.415 & 448.992

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

340-049-0085

Advisory Committee

(1) The Department will maintain an Advisory Committee to:

~~_(a) Assist in developing examinations;~~

~~(b)~~ Evaluate the effectiveness of the program; and

~~(c)~~ Recommend needs of the program.

(2) The Advisory Committee ~~meetings will be scheduled~~will convene at least twice a year at time and place set by the Department.

(3) The composition of the Committee will include, ~~at a minimum,~~ representatives of system owners, operators of small and large wastewater systems, system owners, industry associations, and the educational community.

Stat. Auth.: ORS 448.410, 468.020 & 468B.030

Stats. Implemented: ORS 448.405-448.430 & 448.992

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

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Summary of Public Comment and Agency Response

Wastewater System Operator Certification Program Rulemaking

Prepared by: Etsegenet Belete

Date: Oct. 15, 2012

Comment period DEQ opened a public comment period Aug. 21, 2012, and closed it at 5 p.m. Sept. 25, 2012. DEQ held a public hearing Sept. 19, 2012, at 6 p.m. at Clackamas Community College, Wilsonville Campus. During the public comment period, DEQ received two written comments.

Organization of comments and responses Summaries of individual comments and DEQ's responses are provided below. Comments are summarized in categories. The person who provided each comment is referenced by number. A list of commenters and their reference numbers follows the summary of comments and responses.

Summary of comments and agency responses	
Comment 1 Commenter A	<p>Comment: Fee should stay the same rate as the rule is now, making it easier for those wanting to get into the field. Wastewater certification has been catch 22 program requiring having time on the job before you are able to take exam. The way it is now, most employers won't hire you without certification; but you cannot even test without job experience which makes it harder for those wanting to work in the industry. What will DEQ do to help people get into the field and begin working?</p> <p>Response: The proposed fees are designed to recover DEQ's costs for operating the certification program, as required by statute. The proposed fee increase was necessary in order to support the two positions that are administering the certification program. To minimize cost impacts to entry level operators, the department kept the Grade I certification fee at the lowest cost. The proposed rule also includes a Small Wastewater Systems certification in order to make it easier to get operators certified for very small wastewater systems.</p> <p>Regarding the experience requirement for the Grade I certification, DEQ has always offered operators that have no previous experience to take the certification exam and gain an Operator In Training status while working as a journeyman to meet the experience requirement. The proposed rule includes an emphasis on the "Operator In Training" concept in an effort to address this concern. Individuals who have no previous experience in the field can take the exam and upon passing, receive an OIT status and then work in the field to gain the needed on-the-job training. DEQ plans to communicate with stakeholders to increase awareness and understanding on how new people can join the wastewater industry through the OIT program through web postings, short schools, and circulating fact sheets.</p>

	<p>Comment: These fee raises should include some kind of accountability to show how the money will stay with the certification program. Changing testing sites to when and where DEQ wants to test makes it harder for people to attain the certificate. How many more testing sites?</p> <p>Response: The operator certification program is 100 percent fee funded and fees that come from certification and program support are solely used by the certification program.</p> <p>Currently, DEQ offers Computer Based Exams year-round, Monday through Friday, including Saturdays in most testing sites. There are nine testing sites available in and around Oregon with over 170 available sites nationwide. Operators can schedule their exams at the time and place of their choosing.</p> <p>Comment: How many people will this new fee cover?</p> <p>Response: The fee will cover the two positions that are currently working with program administration.</p> <ul style="list-style-type: none"> • No changes were made to the proposed rules in response to this comment.
<p>Comment 2 Commenter B</p>	<p>Comment: The fees DEQ is proposing are substantial - - generally about a 60% fee increase. This will directly impact Oregon's municipal governments since many communities pay these fees for their employees that are required to, or elect to, be certified.</p> <p>Response: There was a ten year gap between the last fee increase and the current proposal combined with the one time computer system upgrade fee that has forced the program to come up with a substantial increase in order to close a revenue shortfall. Based on DEQ's budget analysis, this fee increase will sustain the program through 2019. If the proposed fee increase was implemented from 2002 through 2019 on an annual increase basis, it would have been an average of a three percent increase. The certification program will promote professionalism and develop the competency level of operators resulting in effective and efficient system operation and maintenance that will benefit system owners.</p> <p>Comment: Due to the importance of the wastewater certification program for our members, we reluctantly support the proposed rule changes and fee increase. We note that these substantial fee increases are being combined with a reduction in service, including reducing in-person testing opportunities. We support the clarifying improvements to the rules, including the additional section regarding required certifications for small systems.</p> <p>Response: DEQ's current test scheduling provides an increased number of test sites, year round testing, and more flexibility for operators to take exams at their preferred time and place. DEQ plans to provide an improved level of service with the proposed computer based testing including; short turnaround times for the certification process as well as assisting operators by providing</p>

	<p>information on educational resources for certification review and continued education courses.</p> <p>Comment: DEQ should use the Advisory Committee to explore how these necessary services can be provided in a more cost-effective manner. DEQ should establish partnership with local community colleges to provide improved services and cut cost.</p> <p>Response: DEQ has committed to work with a standing advisory committee that includes members representing all types of the wastewater systems to address wastewater certification needs and to work with smaller communities on certification compliance issues. DEQ also continues to partner with community colleges and trainers in the field to best assist operators gaining access to information regarding educational resources.</p> <ul style="list-style-type: none"> No changes were made to the proposed rules in response to these comments.
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List of commenters and reference numbers				
Reference Number	Name	Organization	Address	Date on comments
A	Randy Watson		Watson@ci.wilsonville.or.us	08/21/2012
B	Janet A. Gillaspie	ACWA	107 SE Washington , Suite 242 Portland, Oregon 97214	08/24/2012

State of Oregon

Department of Environmental Quality

Memorandum

To: Environmental Quality Commission **Date:** Sept. 19, 2012
From: Greg Geist
Section: Water Quality/ Northwest Region
Subject: Presiding Officer's Report for Public Hearing

Hearing date and time: Sept. 19, 2012, 6 p.,.

Hearing location: Clackamas Community College, Wilsonville Campus
29353 SW Town Center Loop E, Room 211

Title of proposal: Wastewater System Operator Certification Program Rulemaking

DEQ held a public hearing on the proposed rulemaking Sept. 19, 2012, at 6 p.m. There was one attendee, a member of the external advisory committee, who did not offer public comment. The hearing started at 6 p.m. and closed at 6:30 p.m.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal for
Amendment of OAR 340-049 to Revise Fees and Requirements for
Wastewater System Operator Certification

Relationship to Federal Requirements

Answers to the following questions identify how the proposed rulemaking relates to federal requirements and the justification for differing from, or adding to, federal requirements. This statement is required by OAR 340-011-0029(1).

1. Is the proposed rulemaking different from, or in addition to, applicable federal requirements? If so, what are the differences or additions?

No federal requirements are applicable. There is no federal mandate for the Wastewater Systems Operator Certification Program.

2. If the proposal differs from, or is in addition to, applicable federal requirements, explain the reasons for the difference or addition (including as appropriate, the public health, environmental, scientific, economic, technological, administrative or other reasons).

Not applicable.

3. If the proposal differs from, or is in addition to, applicable federal requirements, did DEQ consider alternatives to the difference or addition? If so, describe the alternatives and the reason(s) they were not pursued.

Not applicable.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Chapter 340
Proposed Rulemaking
STATEMENT OF NEED AND FISCAL AND ECONOMIC IMPACT

This rulemaking increases wastewater systems Operator Certification fees and wastewater system owner program support fees.

This form accompanies a Notice of Proposed Rulemaking

Title of Proposed Rulemaking	Wastewater System Operator Certification Program Rules Update - Fees OAR 340-049
Statutory Authority or other Legal Authority	ORS 448.405-448.430 & 448.992
Statutes Implemented	
Need for the Rule(s)	<p>This rulemaking will revise Oregon Administrative Rule Chapter 340, Division 49 by increasing operator certification fees and program support fees. The Department is also proposing to include a minor revision to the rule language to help improve the certification process and increase overall efficiencies.</p> <p>Oregon Revised Statutes 448.410 authorizes the Environmental Quality Commission to certify operators of wastewater systems and establish fees to cover the Department's costs for the certification program. Historically, DEQ funded the program with certification fees and general funds. In 2001, the legislature shifted the certification program general funds to other wastewater programs and structured the Operator Certification program to be completely fee funded. In 2002, DEQ restructured the certification program support fee to fund the 2.0 FTE (Full Time Equivalent) and maintain program administration.</p> <p>Over the past 10 years the cost of funding the 2.0 FTE has increased gradually while fees have remained the same. Rising certification exam costs and a major upgrade to the program's computer software further reduced the program's fund balance. This fee amendment is needed to fund the staff positions and continue administration of the program. Once fully implemented, the proposed fees will generate sufficient revenue to maintain the operating expenses of the program through 2019.</p> <p>Proposed rule changes include the following:</p> <ul style="list-style-type: none"> • Increases Operator Certification fees to operators and program support fees to owners of wastewater systems with National Pollution Discharge Elimination System (NPDES) and Water Pollution Control Facilities (WPCF) permits. • Revises System Supervisor compliance requirement to include extension of waiver period. • Establishes small wastewater system certification. • Clarifies "acceptable operating experience" language. • Revises examination language regarding scheduling to reflect current program practices. • Changes the duration of re-examination time to a period of one year. • Revises advisory committee language to reflect current program practices.
Documents Relied Upon for Rulemaking	<ul style="list-style-type: none"> • Current operator certification program fee schedule, OAR 340-049 • Cost factors approved through the state's budget process, and cost projections for future biennia. • Operator certification program database reports • Application, examination, and annual fee invoice records • Fee increase calculations • ORS 448.405-448.430 & 448.992 <p>Documents are available and can be reviewed in the DEQ Northwest region office by contacting Etsegenet Belete at (503) 229-5349.</p>

Requests for Other Options	<p>Pursuant to ORS 183.335(2)(b)(G), DEQ requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.</p> <p>DEQ received recommendations from an external advisory committee in March 2012. The advisory committee recommended that DEQ proceed with the proposed fee increase.</p> <p>DEQ will be requesting official public comment via a public hearing that will be scheduled for September 19, 2012.</p>	
Fiscal and Economic Impact, Statement of Cost Compliance		
Overview	Attachment #1 details the fee increase. The fee increase will impact an estimated 430 operators and 328 system owners annually, which is based on data obtained from the operator certification database and annual invoice data for 2010-2011.	
Impacts on the General Public	The fee increase will mainly impact operators and system owners. Fees may indirectly impact the general public if system owners pass on increased costs to rate payers. The Department's goal of the certification program promotes more effective and efficient system operation and maintenance, which may have potential for reduction in costs to system owners.	
Impacts to Small Business (50 or fewer employees – ORS183.310(10))	Small businesses will be impacted by experiencing a 60% increase in the cost of the annual fee. Program support fees for the facilities that treat less than 0.5 million gallons of wastewater per day would increase by an average of \$33 per year.	
Cost of Compliance on Small Business (50 or fewer employees – ORS183.310(10))	a) Estimated number of small businesses subject to the proposed rule	The Department estimates the proposed fee will directly impact about 70 small businesses.
	b) Types of businesses and industries with small businesses subject to the proposed rule	Small businesses subjected to the proposed rule are wastewater systems that treat less than 0.5 million gallons of wastewater per day.
	c) Projected reporting, recordkeeping and other administrative activities required by small businesses for compliance with the proposed rule, including costs of professional services	The proposed rules do not require additional reporting requirements.
	d) The equipment, supplies, labor, and increased administration required by small businesses for compliance with the proposed rule	The proposed rules do not require additional equipment or administrative requirements.
	e) A description of the manner in which DEQ involved small businesses in the development of this rulemaking	The DEQ operator certification advisory committee was comprised of representatives from small businesses, including a representative from Oregon Association of Water Utilities, a Public Works Superintendent and a City Manager. All provided recommendations for the proposed rule.

Impacts on Large Business (all businesses that are not "small businesses" under ORS183.310(10))	Large businesses will be impacted by experiencing a 60% increase in the cost of annual fee. DEQ estimates relatively few, approximately 10, large businesses as owners of regulated wastewater systems. These system owners, system capacity ranging 0.5 to 1.9 million gallons per day, would have a fee increase ranging from \$72-\$135 per year in program support fees.
Impacts on Local Government	Local government will be impacted by experiencing a 60% increase in the cost of the annual program support fee, and operator certification fees if choosing to pay the costs for its employees.
Impacts on State Agencies other than DEQ	State agencies that operate wastewater treatment facilities will be impacted by the 60% increase in the same manner as large and small businesses. The increase would be reflected in program support fees and in operator certification fees if the agencies choose to pay the costs for employees' certifications.
Impacts on DEQ	The Department anticipates that the proposed fee increase will raise approximately \$293,920 over the 2013-2015 biennium to sustain the program at the present staffing level of 2.0 FTE. The proposed fees will not result in additional revenue beyond what is needed to maintain existing and necessary certification program activities.
Assumptions	<p>DEQ assumes that for most business owners, state agencies and local governments, the cost of operator certification and program support fee is small compared to overall operating costs.</p> <p>The number of active certificates and wastewater systems operators remain steady over the years and the program does not anticipate growth, thus activities in administering the program should remain similar to previous years.</p>
Housing Costs	DEQ has determined that this proposed rulemaking will have no effect on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single family dwelling on that parcel, except for the property's share of costs passed through by a wastewater owner.
Administrative Rule Advisory Committee	DEQ convened an external advisory committee in March 2012 and presented the proposed fee increase. The committee understood that fees for the program have not been increased in the past 10 years and operating costs have gone up. The committee acknowledged the need for continuing the program administration and the fee increase to make this possible. The committee also identified several program issues for future discussion with a standing advisory committee and recommended that DEQ proceed with the proposed fee increase.

E. Etsegenet Belete
Prepared by

Etsegenet Belete
Printed name

8/8/12
Date

Jim Roys
Approved by DEQ Budget Office

Jim Roys
Printed name

8/8/12
Date

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
Land Use Evaluation Statement

Rulemaking Proposal for
Amendments to OAR 340-049 to Revise Fees and Requirements for Wastewater
System Operator Certification Program

1. Explain the purpose of the proposed rules.

The DEQ wastewater operator certification program proposes a rulemaking to increase operator certification and wastewater systems program support fees. This rulemaking is necessary to maintain operating expenses of the program to continue program administration.

2. Do the proposed rules affect existing rules, programs or activities that are considered land use programs in the DEQ State Agency Coordination (SAC) Program?

Yes___ No X

a. If yes, identify existing program/rule/activity:

b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?

Yes___ No___ (if no, explain):

c. If no, apply the following criteria to the proposed rules.

In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.

The proposed rule amendments affect only the fees and administrative procedures for certification of wastewater system operators and system owners. This is an existing DEQ program that was determined not to be program affecting land use when the State Agency Coordination rules [OAR chapter 340, division 18] were adopted by the Environmental Quality Commission in 1990 and approved by the Land Conservation and Development Commission in 1991. OAR 340-018-0030(5). Nothing in these rule amendments alters the nature of the program with respect the statewide planning goals or acknowledged local land use plans and regulations.

- 3. If the proposed rules have been determined a land use program under 2. above, but are not subject to existing land use compliance and compatibility procedures, explain the new procedures DEQ will use to ensure compliance and compatibility.**

N/A

Wastewater System Operator Certification Advisory Committee Membership

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