

RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Board of Certification of Operators of Wastewater Treatment Facilities
RULE IDENTIFIER: 250-RICR-150-10-5, ERLID #: 8656
REGULATION TITLE: Rules and Regulations for Wastewater Treatment Facility Operators
RULEMAKING ACTION: Direct Final

Direct Final: If no formal objection is received on or before Monday, December 4, 2017, Board of Certification of Operators of Wastewater Treatment Facilities will file the amendment without opportunity for public comment.

TYPE OF FILING: Amendment

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public Notice: Friday, November 03, 2017

End of Comment Period Date: Monday, December 4, 2017.

SUMMARY OF PROPOSED RULE: The purpose of these regulations is to establish a system to classify all Wastewater Treatment Facilities as to size and type, and to establish specifications, including examinations, education, and work experience, for issuing Certificates for Operators of each class of Wastewater Treatment Facilities to ensure the proper management, operation, and maintenance of Rhode Island Wastewater Treatment Facilities.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **Monday, December 4, 2017**, to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address: William L. Patenaude,
Department of Environmental Management
Office of Water Resources
235 Promenade Street, 2nd floor
Providence, RI 02908

Email Address: bill.patenaude@dem.ri.gov

WHERE COMMENTS AND PROPOSED REGULATION MAY BE INSPECTED:

Mailing Address: Board of Certification of Operators of Wastewater Treatment Facilities
c/o Department of Environmental Management
Office of Customer and Technical Assistance, 2nd Floor
235 Promenade Street
Providence, RI 02908
(401) 222-6822

FOR FUTHER INFORMATION CONTACT:

William L. Patenaude,
Chair, Board of Certification of Operators of Wastewater Treatment Facilities
c/o Department of Environmental Management
Office of Water Resources
235 Promenade Street, 2nd floor
Providence, RI 02908
(401) 222-4700 ext. 7624
Email Address: bill.patenaude@dem.ri.gov

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation: N/A

Authority for This Rulemaking: R.I. Gen. Laws Chapter 42-17.4 and 1956 General Laws, Administrative Procedures Act Chapter 42-35-2.11

Regulatory Findings:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Amendment: These proposed amendments are administrative in nature. They seek to provide improved flexibility for the approval of wastewater training courses [Section 5.11B (4) (d) (4)]. The proposed rulemaking removes the language of revocation and instead acknowledges the statutory expiration of a license at the end of a renewal period. It would also extend the grace period for late renewals by two weeks (from February 1st to February 15th). Note that under the proposed

rulemaking, a licensee who fails to renew his/her may still request a hearing to challenge the refusal to renew an expired license [Section 5.11B (2)].

Board of Certification of Operators of Wastewater Treatment Facilities proposes to amend 250-RICR-150-10-5. Electronic copies of the proposed rulemaking are available at the Secretary of State and DEM's website at the following web addresses:

<http://sos.ri.gov/ProposedRules/>

<http://www.dem.ri.gov/documents/regulations/index.php>

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 150 – WATER RESOURCES

SUBCHAPTER 10 - WASTEWATER & STORMWATER

PART 5 – Rules and Regulations for Wastewater Treatment Facility Operators

5.1 Purpose

The purpose of these regulations is to establish a system to classify all Wastewater Treatment Facilities as to size and type, and to establish specifications, including examinations, education, and work experience, for issuing Certificates for Operators of each class of Wastewater Treatment Facilities to ensure the proper management, operation, and maintenance of Rhode Island Wastewater Treatment Facilities.

5.2 Legal Authority

These regulations are adopted pursuant to the powers and duties of the Board of Certification of Operators of Wastewater Treatment Facilities as required and authorized by R.I. Gen. Laws Chapter 42-17.4.

These regulations are promulgated pursuant to the provisions of the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35, and are effective twenty (20) days following the date of filing with the Secretary of State.

5.3 Prohibitions

- A. It shall be unlawful after June 30, 1979 for any person to operate or to cause to be operated a Wastewater Treatment Facility unless the Superintendent and Assistant Superintendent of such facilities hold a Certificate issued by the Board. The Board may waive the requirement of a certified Assistant Superintendent at a Wastewater Treatment Facility designed for a flow of less than 100,000 gallons per day.
- B. It shall be unlawful after June 30, 1979 for any person to hire an individual as an Operator unless he/she holds a Certificate as required under regulations adopted pursuant to this chapter; except that the Operator may be hired without such Certificate provided that she/he obtains such Certificate within one (1) year of the date of employment.

5.4 Definitions

- A. "Assistant superintendent" means the individual who is an Operator who is assigned the full-time direct responsibility for the management, operation and maintenance of an entire Wastewater Treatment Facility in the absence of the Superintendent and who shall have a Certificate equal to the grade or classification of the Wastewater Treatment Facility. This person is the next person in line of authority in the absence of the Superintendent and, therefore, there can be only one Assistant Superintendent for each facility.
- B. "Board" means the Board of Certification of Operators of Wastewater Treatment Facilities established by R.I. Gen. Laws § 42-17.4-1 to ensure the proper management, operation and

maintenance of Wastewater Treatment Facilities by certifying an individual to be qualified to be an Operator.

- C. "Certificate" or "License" means an authorizing document issued by the Board to an individual to operate one or more specified grades of Wastewater Treatment Facilities.
- D. "Direct responsible charge" means the authority exercised by a Superintendent, Assistant Superintendent, Operations Supervisor or Shift Supervisor.
- E. "Full time" or "Full-time" means the assigned duties at a single wastewater treatment facility of at least 35 hours/week or more unless otherwise determined by the Board.
- F. "In good standing" means the status of any employee of a Wastewater Treatment Facility who has exhibited continued reasonable care, judgment and the application of his/her knowledge and ability. Any certified employee of a Wastewater Treatment Facility will not be considered to be In Good Standing if he/she has been found, after such an individual has been granted a hearing, to have performed his/her duties in a negligent manner or that he/she has practiced fraud or deception.
- G. "Laboratory technician" means any Full-Time employee of and at a Wastewater Treatment Facility who is not an Operator but whose Full-Time employment is directly involved with the day-to-day process control of the facility due to their Full-Time duties performing, analyzing, and ensuring quality control for the testing of chemical, physical and biological parameters.
- H. "Licensee" means any individual who has rightfully obtained an Operator's Certificate from the Rhode Island Board of Certification of Operators of Wastewater Treatment Facilities.
- I. "Maintenance technician" means any Full-Time employee at a Wastewater Treatment Facility who is not an Operator but whose employment has been determined by the Board to be directly involved in the day-to-day maintenance of major process equipment.
- J. "Operations supervisor" means an individual who is an Operator who works under the Superintendent, or Assistant Superintendent and is in Full-Time Direct Responsible Charge. This person must be responsible for two (2) or more Shift Supervisors.
- K. "Operator" means an individual who is so employed and assigned the Full-Time responsibility on one or more mechanical treatment units, processes, or other process functions at a Wastewater Treatment Facility.
- L. "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust estate, commission, board, public or private institution, utility, cooperative, municipality or any other political subdivision of this state, any interstate body, or any other legal entity.
- M. "Shift supervisor" means an individual who is an Operator who works Full Time under the Superintendent, Assistant Superintendent, or Operations Supervisor who is assigned Full-Time direct responsibility of a shift operation of a specific process or collection of processes, such as sludge dewatering, etc. This person must be in Full-Time responsible charge for two (2) or more Operators.
- N. "Superintendent" means the individual who is an Operator who is assigned the Full-Time direct responsibility for the management, operation and maintenance of an entire Wastewater Treatment Facility during all work shifts at the facility and who shall hold a Certificate equal to

the grade or classification of the Wastewater Treatment Facility. It does not apply to any official who does not work at the Wastewater Treatment Facility as an Operator.

- O. "Wastewater" means used water delivered to a Wastewater Treatment Facility. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and/or storm water that may be present.
- P. "Wastewater treatment facility" means an arrangement of devices and structures, excluding septic tanks, constructed and installed for the purpose of treatment of Wastewater from domestic, commercial or industrial sources or combinations thereof, and which discharge its treated effluent into any surface water. Privately owned Wastewater Treatment Facilities that treat predominantly industrial wastes, or Wastewater Treatment Facilities that have sub-surface disposal, shall be excluded from the provisions of these regulations.

5.5 Classification of Wastewater Treatment Facilities

- A. Each Wastewater Treatment Facility in the State of Rhode Island subject to these regulations shall be classified by the Board as Grade 1, 2, 3, or 4 based on the complexity of the wastewater treatment facility, and the equivalent population served. See Table I: Point Values for Classification of Wastewater Treatment Facilities in § 5.16 of this Part.
- B. Classification of any treatment plant may be changed at the discretion of the Board by reason of changes in any condition or circumstance on which the original classification was predicated. Due notice of any such change shall be given to the owner, Superintendent, and Assistant Superintendent of the Wastewater Treatment Facility.

5.6 Operator Qualifications and Classifications for Wastewater Treatment Facilities

- A. Approved applicants shall be examined by the Board as to education, experience, and knowledge as related to the classification of plants. Applicants must pass the required written examination.
- B. In evaluating qualifications of applicants, the Board will be guided by the following:
 - 1. Experience. Applicable experience will be considered only for those duties performed at a Wastewater Treatment Facility, as defined. Applicants must provide all relevant information related to experience and current duties at Wastewater Treatment Facilities on forms or applications provided by the Board and/or Wastewater Treatment Facility, and/or another state or commonwealth certification authority and attested to by the applicant and the applicant's supervisor(s). The Board will use this information to assess levels of experience. Further evaluation may also be based on the collection of other data, such as, but not limited to, reports and inspections of the Department of Environmental Management, or other agencies having appropriate responsibilities for regulating Wastewater Treatment Facilities or Operators.
 - a. Any past or current employment in which Operator duties were or are performed at less than 35 hours per week will require additional time-in-employment other than that listed in § 5.6(C) of this Part to meet experiential qualifications for licensure. Any additional time will be determined at the Board's discretion.

- b. Any Grade 1 or 2 Licensee whose experience has been based exclusively on functions that were not that of an Operator, such as but not limited to maintenance or laboratory/plant sampling activities, cannot use said experience to attain a position in Direct Responsible Charge.
 2. Education. Applicable education per the requirements of § 5.6(C) of this Part must be from accredited institutions as determined by the Board. Applicants will be randomly selected and audited for proof of claims of education on any application. Such an audit will require the applicant to provide copies of documents such as diplomas, GEDs, etc.
 3. Where applicable, education may be substituted for a portion of experience requirements as specified below:
 - a. Two (2) years of college studies in science, engineering, or related fields may be considered as equivalent to a maximum of six (6) months of experience as an Operator but shall not include experience equivalency in any position of Direct Responsible Charge.
 - b. Education applied to the experience requirement cannot also be applied to the education requirement.
 4. Substitutions for formal education may be made at the Board's discretion as follows:
 - a. Satisfactory completion of applicable courses of study approved by the Board may be considered as equivalent to passing the Grade 1 Operator Exam should the successful completion of the course occur within two years of employment at a Rhode Island Wastewater Treatment Facility.
 - b. An acceptable high school equivalency certificate may be used to substitute for a high school diploma.
- C. Four (4) grades of Licensees are hereby established. All candidates for licensure must at a minimum hold a high school diploma, or have attained a GED, and meet the following grade-specific requirements:
 1. Grade 1 - All applicants for this grade must submit satisfactory evidence of the completion of one (1) year employment in good standing at a Wastewater Treatment Facility and:
 - a. A passing grade-score on the Grade 1 examination offered by the Board; or,
 - b. Successful completion of a Board-approved training course within two (2) years prior to application.
 2. Grade 2 - All applicants for this grade must pass a Grade 2 examination and must submit satisfactory evidence of one (1) year of experience in operations at a Wastewater Treatment Facility and a passing grade-score on the Grade 2 exam offered by the Board. An applicant does not need to possess a full Grade 1 or a Grade 1 OIT to apply for the Grade 2 exam.
 3. Grade 3 - All applicants for a Grade 3 License must pass a Grade 3 examination. Qualifications to sit for the Grade 3 exam include the possession of a full Grade 2 License and the submission of satisfactory evidence of either:

- a. A Bachelor's or Master's degree in science, engineering, or related fields and two (2) years of employment In Good Standing in Direct Responsible Charge at a Wastewater Treatment Facility of Grade 2 or higher; or,
- b. Successful completion of a two (2) year college curriculum, with the equivalent of one (1) full year consisting of courses with a passing grade-score in science, engineering, or related fields; and four (4) years of employment as an Operator In Good Standing, two (2) of which are to be in Direct Responsible Charge at a Wastewater Treatment Facility of Grade 2 or higher; or,
- c. Possession of five (5) years of employment as an Operator In Good Standing, of which three (3) are in Direct Responsible Charge at a Wastewater Treatment Facility of Grade 2 or higher.

4. Grade 4 - All applicants for a Grade 4 License must pass a Grade 4 examination. Qualifications to sit for the Grade 4 exam include the possession of a full Grade 3 License and the submission of satisfactory evidence of either:

- a. A Bachelor's or Master's degree in science, engineering, or related fields and three (3) years of employment In Good Standing in Direct Responsible Charge at a Wastewater Treatment Facility of Grade 3; or,
- b. Successful completion of at least two (2) years of college, the equivalent of one (1) full year consisting of courses with a passing grade-score in science, engineering, or related fields; and five (5) years of employment as an Operator In Good Standing, three (3) of which are Direct Responsible Charge at a Wastewater Treatment Facility of Grade 3; or,
- c. Possession of six (6) years of employment as an Operator In Good Standing, of which three (3) are in Direct Responsible Charge at a Wastewater Treatment Facility of Grade 3 or higher.

D. Any individual employed Full Time as either a Maintenance Technician or a Laboratory Technician, while not required to become certified, may be allowed to become certified up to Grade 2 only with the following provisions:

- 1. Any individual's experience while employed as a Maintenance Technician or Laboratory Technician cannot be considered for the experience requirements of the Grade 3 or Grade 4 License.
- 2. Any Grade 1 or 2 License that has been obtained exclusively through experience in maintenance or laboratory/plant sampling activities will not be eligible to meet the licensure requirements for any position in Direct Responsible Charge.

E. The following positions are required to be certified as follows:

Position	Minimum Grade
Superintendent	Grade of the Wastewater Treatment Facility.
Assistant Superintendent	Grade of the Wastewater Treatment Facility.

Operations Supervisor	One grade less than the Wastewater Treatment Facility, or Grade 2, whichever is higher.
Shift Supervisor	Grade 2.

All Operators not otherwise specified shall be required to have at least a Grade 1 Certificate.

- F. All persons holding the positions of Operations Supervisor or Shift Supervisor as of September 17, 1991, shall be exempt from § 5.6(C) of this Part; however such exemption shall be valid only at the facility where such person was employed as of such date.

5.7 Issuance of Operator-in-Training Certificate

- A. The Board may permit an applicant for any grade to take an examination in a given grade, if the individual has submitted evidence of education and experience satisfactory to the Board for the purpose of becoming an "operator-in-training" ("OIT"). OIT Certificates may be valid for up to three (3) years, therefore any applicant for examination must at the time of examination require only a maximum of three (3) years additional experience.
- B. Upon successfully passing the examination the applicant shall be issued an OIT Certificate for the grade applied for.
- C. A holder of an OIT Certificate may, with the consent of the Board, be allowed in certain circumstances to operate a treatment facility of his examined grade on a temporary basis until his/her experience requirements are met.

5.8 Issuance of a Provisional Certificate

A non-renewable six (6) month provisional Certificate may be issued to a Superintendent or Assistant Superintendent, Operations Supervisor, or Shift Supervisor only in specific instances:

- A. Where the Board deems necessary, and;
- B. Where the Board is satisfied that such an individual is able to meet all requirements of a particular grade including, but not limited, to experience and education.

5.9 Applications

- A. Any individual desiring to be certified shall file an application with the Board not less than thirty (30) days before the date of the examination, on an application form provided by the Board.
- B. The application for initial Rhode Island licensure shall be accompanied by a fee of ten dollars (\$10.00). Once certified in Rhode Island, subsequent applications for higher License shall be accompanied by a fee of five dollars (\$5.00). The bi-annual renewal fee will be ten dollars (\$10.00). A technology/processing fee may be added to said application and renewal fees should an online payment method be used.
- C. The Board shall review applications and supporting documents, determine the eligibility of the applicant for examination and notify the applicant of the same.
- D. The application fee will not be returned should the application be denied or upon failure to pass the examination.

5.10 Examinations

- A. The Board shall prepare written examinations to be used in determining knowledge, ability and judgment of the operators.
- B. Examinations shall be held at least twice annually at a place and time set by the Board. Notification of examination shall be posted at least sixty (60) days in advance of the examination date.
- C. Except in such cases as the Board may decide, all examinations shall be written. All examinations shall be graded by the Board or by its designees, and the applicant shall be notified of the outcome in writing. Papers used in the examination will not be returned to the applicant, but the results may be reviewed with a member of the Board, or its designee, upon request by the applicant up to thirty (30) days after notification of the results.
- D. The Board will grade all exams with a minimum passing grade score of 70 percent (70%). No examination will be scaled.
- E. Applicants who fail to pass an examination may apply to be re-examined at a regularly scheduled examination.
- F. A Grade 2 Operator meeting all of the requirements of the Grade 3 examination except being in Direct Responsible Charge may apply to take the Grade 3 examination. If the application is approved by the Board and the individual passes the Grade 3 exam, that person would receive a notice of passing valid either for a period of two (2) years from the examination date should the person maintain licensure at the Tier One Level or indefinitely should (and while) the person maintain licensure at the Tier Two Level, provided that each renewal period at the Tier Two Level include within the required twenty hours of training a minimum of five (5) hours in employee management and/or labor relations. If that individual secures a position of Direct Responsible Charge at a Wastewater Treatment Facility during the period of validity (whether two (2) years from the date of passing for a person maintaining a Tier One Level License or indefinitely for a person maintaining a Tier Two Level), he/she would not be required to take the examination to be eligible for an OIT Certificate. (See § 5.11(B)(4) of this Part for information on renewal tiers).
- G. Individuals not employed at an approved Wastewater Treatment Facility in the State of Rhode Island shall not be allowed to sit for examination.

5.11 Certification

- A. Upon satisfactory fulfillment by an applicant of the provisions of the rules and regulations adopted by the Board, the Board shall issue a suitable Certificate designating competency. This ~~two~~-(2)-year Certificate shall expire at the end of every other calendar year and may be renewed thereafter for additional two (2) year periods. The Certificate shall indicate the grade of treatment facility for which the operator is qualified. The Certificates for Superintendent and Assistant Superintendents shall be prominently displayed in the office of the Wastewater Treatment Facility.
- B. A newly issued Certificate shall expire at the end of the odd-numbered calendar years and may be renewed for additional two (2) year periods thereafter.
 - 1. Licensees who are no longer employed at a Rhode Island Wastewater Treatment Facility may continue to renew their Certificate.

2. Licensees will be notified at their address of record as to the expiration of their Certificate, and the necessity to renew. All renewals and payments must be received by December 31 of the year of expiration.
 - a. ~~Any~~ The license of any individual who does not apply for renewal by December 31st of every odd-numbered calendar year will expire. However, the Board will be sent a second (2nd) notice to the licensee by Certified Mail stating the individual has until February ~~15th~~ 1st (or the following business day) to apply for renewal and pay a late fee of fifty dollars (\$50.00) in addition to the renewal fee. A copy of the second (2nd) notice will be sent to the Operator's Superintendent if the Licensee is employed at a Rhode Island Wastewater Treatment Facility.
 - b. If a Licensee ~~who has received a second notice~~ does not renew by February ~~1st~~ 15th and pay the renewal fee and the \$50 late fee, the expiration of said License will remain permanently in effect~~be revoked after an appropriate hearing is offered, per § 5.1.2(D) of this Part.~~ Once ~~the Board revokes~~ an individual's License is permanently expired, said individual will no longer be able to work as an operator at a Wastewater Treatment Facility in the State of Rhode Island.
 - c. Should the Board be unable to contact a Licensee whose address of record has changed and no forwarding address is available, and if that Licensee is no longer working at a Wastewater Treatment Facility in Rhode Island, ~~that individual's License will be terminated without~~ the Board will make no further attempts at notification regarding licensure expiration.
 - d. Re-certification will be through examination only.
3. Should the Board determine that a substantial number of acceptable training courses are available to all grades of Rhode Island Licensees, then the Board may institute a Mandatory Retraining for Renewal (MRR) requirement which will operate with the following guidelines:
 - a. The Board must notify Licensees, within ninety (90) days of the close of a two-year licensure period that the MRR is presently in effect. Hence, in order to renew an Operator License for the next renewal date (i.e., in approximately two (2) years) a minimum amount of training will be required.
 - b. All Licensees must satisfactorily attain twenty (20) hours of acceptable training within the two year period.
 - c. Training hours, to be considered acceptable and to be applied to a Licensee's training hours, must be achieved from a course, seminar, or other curriculum which has been approved by the Board. Any course, seminar or curriculum will be reviewed by the Board or its designees for purposes of granting prior approval.
 - d. The Licensee is responsible for ensuring that a course, seminar or other curriculum is approved by the Board, and that those hours with that course can be accredited to the Operator's training requirements.
 - e. The burden of proof lies with the Licensee to satisfy the Board that any course, seminar, or other curriculum not previously approved by the Board meets Board criteria and should be approved for credit.

- f. The Board is not responsible for notifying Licensees of their individual status and/or the number of credited hours which they have attained. Additionally, it is ultimately the individual Licensee's responsibility to inform the Board of any training hours to be applied to their training hours.
 - g. At the close of the two year renewal period, the Board will determine if each Licensee has been credited with the required hours of acceptable training.
 - h. If a Licensee has not acquired the required hours, as specified above, then the License will not be renewed and the License will then be invalid. With an invalid License, the individual will not be able to work as an Operator at a Wastewater Treatment Facility in the State of Rhode Island. Recertification will be by examination only.
4. At the time of License renewal, a Licensee may choose to renew their License in either one or the other of two licensure tiers: Tier One is reserved for renewals without participation in optional training protocols; Tier Two renewal will include documentation that the Licensee has, at their own discretion, met particular training requirements, enumerated below.
- a. Renewal in Tier One will result in standard Grade 1, Grade 2, Grade 3, or Grade 4 licensure levels; Tier Two renewals will result in a Grade 1T, Grade 2T, Grade 3T, or Grade 4T. No matter what Tier the Licensee holds, the Licensee can then choose during that renewal period to participate in the requisite training so that subsequent renewal may be achieved at the Tier Two level.
 - b. For the purposes of these regulations, participation in the Tier Two level is optional.
 - c. Both Tiers will meet the intent of statutory and regulatory Wastewater Operator licensure requirements.
 - d. To participate in Tier Two licensure renewal, the Licensee must submit adequate documentation at the time of renewal of the successful completion of training per the following:
 - (1) Operators seeking to participate in the Tier Two licensure renewal status must attain 20 (twenty) training hours during the prior renewal period.
 - (2) To be credited toward the required amount of 20 (twenty) hours, a training event/program must be approved by the Board.
 - (3) Approved training may include professional conferences, classroom training, and in-house training programs or active participation in the Narragansett Water Pollution Control Association's Operator Challenge Team.
 - (4) Applicable training ~~will~~ is intended to be in topics that are not required for the performance of an Operator's required duties~~-, however the Board will accept requests for approval for any training opportunity. The Board holds the final authority as to the applicability of a particular training course for use by an individual operator.~~ Training required by the licensee's employer

as a condition of employment will not be applicable to meet the intent of this provision.

- (5) Unless otherwise requested at the time of renewal application, Licenses will be renewed at the Tier One level.
- (6) Random audits will examine the validity of submitted information for Tier Two renewal; a determination that false or misleading information has been submitted regarding training contact hours may result in the revocation of the License.
- (7) The Board reserves the right to rescind a prior approval of a training course and remove any hours from an operator's total training hours that were gained through that course.

- C. As a condition of certification, Licensees are responsible for informing the Board in writing as to a change of address or a change in employment status. Said notification must be within thirty (30) calendar days of said change.
- D. Superintendents of a facility are responsible for notifying the Board when their facility hires a new operator. Said notification must be within thirty (30) calendar days of the hiring and must include the operator's full name, address, social security number and starting date.
- E. Should a facility be upgraded or reclassified, all positions in Direct Responsible Charge must attain through examination (or, if so qualified, equivalency) the required certification levels per § 5.6(E) and 5.6(F) of this Part prior to the initiation of operations or start-up procedures for the facility.
- F. Certificates may be issued, upon application, without examination, in a comparable classification to any individual who holds a Certificate issued by any state, recognized by the Association of Boards of Certification, if in the judgment of the Board, the requirements for certification of Operators under which such individual's Certificate was issued are equivalent to the requirements of these regulations.
 1. A Certificate issued under the provisions of this sub-rule is valid at any Wastewater Treatment Facility.
 2. In order for an applicant to obtain a Rhode Island Grade 4 Wastewater Treatment Facility Operator's License on the basis of the applicant's possession of an Operator's License issued by another recognized certifying authority, the applicant must also demonstrate the following to the satisfaction of the Board:
 - a. That the applicant provides valid evidence that he/she is employed or has been accepted for employment as an Assistant Superintendent or a Superintendent at a Grade 4 Wastewater Treatment Facility in the state of Rhode Island;
 - b. That his/her employment as an equivalent Grade 4 Wastewater Treatment Facility Operator at a Wastewater Treatment Facility located in the state which issued the equivalent Grade 4 Wastewater Treatment Facility operator's License must have terminated no earlier than one (1) year prior to the filing of his/her application with the Board; and,

- c. That his/her employment as an equivalent Grade 4 Wastewater Treatment Facility Operator in the state which issued the equivalent Grade 4 Wastewater Treatment Facility Operator's License completed his/her service In Good Standing.
- G. Certificates issued without examination to those Operators so employed as of June 30, 1979 shall be valid only in that facility at which the Operator was employed at the time of certification.

5.12 Revocation of Certificates

- A. The Board may suspend or revoke the Certificate of an Operator, Laboratory Technician or Maintenance Technician when it finds that he/she performed his/her duties in a negligent manner that produced an effluent below the standards normal for the particular facility operated; or that he/she has practiced fraud or deception; or that reasonable care, judgment or the application of his/her knowledge or ability was not used in the performance of his/her duties; or that an individual is incompetent or unable to perform his/her duties properly. In determining when such action(s) may be necessary, the Board may use Table III as a reference for suggested levels of action.
- B. Before the Board may institute proceedings to suspend or revoke a Certificate, it will send notice, by certified mail to the individual whose Certificate is being considered for suspension or revocation, of the facts or conduct which warrant the intended action. The notice shall afford the individual thirty (30) days from receipt of the notice to submit a written response or request a meeting before the Board to show compliance with all lawful requirements for the retention of the Certificate. If the Certificate holder fails to submit a written response or request a meeting before the Board to show compliance within thirty (30) days of the receipt of said notice or fails to show cause why the Certificate should not be revoked, the Board may revoke the Certificate in accordance with these regulations, R.I. Gen. Laws Chapters 42-17.4 through 42-17.8, and R.I. Gen. Laws Chapter 42-35. The notice of revocation shall be mailed by certified mail to the Certificate holder.
- C. If the Board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a Certificate may be ordered pending proceedings for revocation. These proceedings shall be promptly instituted and determined.
- D. The Certificate holder may request a hearing on the suspension or revocation of the Certificate with the Board. The request for hearing must be received by the Board within thirty (30) days of the date of receipt of the notice of suspension or revocation. The hearing shall comply with the requirements of R.I. Gen. Laws § 42-35-9. Appeal from the final decision of the Board may be made as provided under R.I. Gen. Laws Chapter 42-35.

5.13 Penalty for Violations

Pursuant to R.I. Gen. Laws Chapters 42-17.4 through 42-17.10, any person who shall be found guilty of violations of any of the provisions of the rules and regulations for Wastewater Treatment Facility Operators shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days, or by both fine and imprisonment, and every person shall be deemed guilty of a separate and distinct offense for each day during which the violation is repeated or continued.

5.14 Severability

If any provision of these rules and regulations or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the rules and regulations shall not be affected thereby. The invalidity of any rule or rules or parts of any rule or rules shall not affect the validity of the remainder of these rules and regulations.

5.15 Superseded Regulations

These regulations supersede "Rules and Regulations for Wastewater Treatment Facility Operators" dated September, 1998.

5.16 Table I - Classification of Wastewater Treatment Facilities – Point Values

Assign points for every item that applies:

<u>Item</u>	<u>Points</u>
Size	
Maximum population equivalent (P.E.) served (peak days)	1 pt. per 10,000 P.E. or part. _____ (Max. 10 Points)
Design flow (avg. day) or peak month's flow (avg. day), whichever is larger.....	1 pt. per MGD or Part. _____ (Max. 10 Points)
Effluent Discharge	
Receiving stream (sensitivity).....	1-6* _____
Land disposal-evaporation.....	2 _____
Subsurface disposal.....	4 _____
Variation in Raw Wastes (slight to extreme).....	0-6* _____
Preliminary Treatment	
Flow equalization.....	3 _____
Screening comminution.....	3 _____
Grit removal.....	3 _____
Plant pumping of main flow.....	3 _____
Primary Treatment	
Primary clarifiers.....	5 _____
Combined sedimentation/digestion.....	5 _____
Chemical addition (except chlorine, enzymes).....	4 _____
Secondary Treatment	
Trickling filter w/sec. clarifiers.....	10 _____
Activated sludge w/sec. clarifiers..... (including ext. aeration and oxidation ditches with or without sand filters)	15 _____
Rotating Biological Contactors.....	10 _____
Stabilization ponds without aeration.....	5 _____
Aerated lagoon.....	8 _____
Advanced Waste Treatment	
Polishing pond.....	2 _____
Chemical/physical-without secondary.....	15 _____
Chemical/physical - following secondary.....	10 _____
Biological or Chemical/biological.....	12 _____
Ion exchange.....	10 _____
Reverse osmosis, electrodialysis.....	15 _____
Chemical recovery carbon regeneration.....	4 _____
Microstrainers.....	4 _____
Solids Handling	
Thickening.....	5 _____
Anaerobic digestion.....	10 _____
Aerobic digestion.....	6 _____
Mechanical dewatering.....	8 _____
Evaporative sludge drying.....	2 _____
Solids reduction (incineration, wet oxidation).....	12 _____
Sludge composting.....	5 _____
Disinfection	
Chlorination or comparable.....	5 _____
On-site generation of disinfectant.....	5 _____
Dechlorination.....	5 _____
Ultra-violet.....	5 _____
Laboratory Control by plant personnel	
Bacteriological (complexity).....	0-10* _____
Chemical/physical (complexity).....	0-10* _____
FINAL TOTAL	_____

* See attached Variable Point Guide, Table II

** If unique treatment plant conditions distort the point total, the certification board will adjust the facility classification.

5.17 Table II – Wastewater Treatment Plant Classification – Variable Point Guide

EFFLUENT DISCHARGE

Receiving stream sensitivity (1-6)

The key concept is the degree of dilution provided under low flow conditions. Suggested point values are:

"Effluent limited segment" in EPA terminology; secondary treatment is adequate:	1
More than secondary treatment is required	2
"Water quality limited segment" in EPA terminology; stream conditions are very critical (dry run, for example) and a very high degree of treatment is required	3
Effluent used in a direct recycle and reuse system	6

Variation in Raw Wastes, slight to extreme (0-6)

The key concept is frequency and/or intensity of deviation or typical fluctuations; such deviation can be in terms of strength, toxicity, shock loads, I/I, etc. Suggested point values are:

Variations do not exceed those normally or typically expected	0
Recurring deviations or excessive variations of 100 to 200 percent in strength and/or flow	2
Recurring deviations or excessive variations of more than 200 percent in strength and/or flow	4
Raw wastes subject to toxic waste discharges	6

LABORATORY CONTROL BY PLANT PERSONNEL

Bacteriological/biological, complexity 0-10

The key concept is to credit bacteriological/biological lab work done on-site by plant personnel. Suggested point values are:

Lab work done outside the plant	0
Membrane filter procedure	3
Use of Fermentation tubes or any dilution method: fecal coliform determination	5
Biological identification	7
Virus studies or similarly complex work conduct on-site	10

Chemical/physical, complexity (0-10)

The key concept is to credit chemical/physical lab work done on-site by plant personnel. Suggested point values are:

Lab work done outside the plant	0
Push-button or visual methods for simple tests such as pH, Settleable solids	up to 5
More advanced determinations such as specific constituents: nutrients, total oils, phenols, etc.	up to 7
Highly sophisticated instrumentation such as atomic absorption and gas chromatography	10

Range of Points	30 and less.	31 - 55	56 - 75	76 and greater.
Resulting Facility Grade	1	2	3	4

5.18 Table III – Guidelines for Licensure Enforcement

		Willful Actions: Practicing fraud or deception	Actions related to accidents or negligence
OPERATIONAL / MANAGERIAL ERRORS	Resulted in Violations of RIPDES Permit	<i>Revocation (Permanent)</i>	<i>Suspension or Revocation</i>
	Does Not Result in Violations of RIPDES Permit	<i>Letter of Reprimand or Suspension</i>	<i>Letter of Reprimand</i>
REPORTING ERRORS	Self-Monitoring Reports	<i>Suspension or Revocation</i>	<i>Letter of Reprimand or Suspension</i>
	Internal Reporting (Operational logs, etc.)	<i>Letter of Reprimand or Suspension</i>	<i>Letter of Reprimand</i>
LICENSURE	Applications to the Board	<i>Revocation (Permanent)</i>	<i>Letter of Reprimand or Suspension</i>
	Other	<i>Letter of Reprimand or Suspension or Revocation</i>	