

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

THE BOARD OF CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT FACILITIES

NOTICE OF PROPOSED REGULATIONS & PUBLIC HEARING

The Rhode Island Board of Certification of Operators of Wastewater Treatment Facilities proposes amendments to “The Rules and Regulations for Wastewater Treatment Facility Operators” and gives notice of intent to hold a public hearing to receive public comment on the proposed regulations and to afford interested parties an opportunity to submit data, views, or arguments orally and/or in writing on the proposed regulations. The public hearing will be held on **Tuesday, August 6th, 2013 at 1:00 p.m.** in Room 300 of the Rhode Island Department of Environmental Management’s offices at 235 Promenade St, Providence. Free parking is available at the site. Room 300 room is accessible to the handicapped. A stenographic record of the hearing will be made. The Board will provide interpreter services for the hearing impaired, provided such a request is made at least 48 hours prior to the hearing date by calling (401) 222-4462 (TDD).

The proposed regulations update is meant to clarify the language of some sections, expand opportunities for professional development, and provide more accurate explanations that reflect Board practices and expectations. Copies of the proposed regulations in either clear text or with additions and deletions marked can be obtained at the Office or by calling 401-222-4700 x 2410 weekdays from 8:30 A.M. to 4:00 P.M. or by writing to:

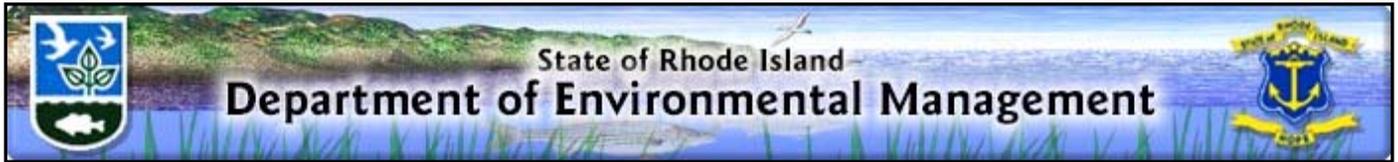
Board of Certification of Operators of Wastewater Treatment Facilities
c/o Traci Pena
235 Promenade St.
Providence, RI 02908-5767

The Board has complied with the requirements of R.I. Gen. Laws Section 42-35-3 by considering alternative approaches to the proposed regulations and has determined that there is no alternative approach that would be as effective and less burdensome. The Board has also determined that the proposed regulations do not overlap or duplicate any other state regulation. The Board has compiled a Business Impact Statement as part of the Governor’s Regulatory Reform initiative, which meets the intent of R.I. Gen. Laws Section 42-35-3.3.

The Board encourages the submission of written comments. Written comments may be submitted by mail prior to the date of the public hearing at the address indicated above or by hand-delivery during the public hearing. The public record will be kept open for seven [7] calendar days following the conclusion of the public hearing to allow additional time for the submission of written comments.

Signed this 28th day of June, 2013

William Patenaude, Chair
Board of Certification of Operators of Wastewater Treatment Facilities



BOARD OF CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT FACILITIES

A PLAIN-ENGLISH GUIDE FOR PROPOSED CHANGES TO THE WASTEWATER OPERATOR CERTIFICATION REGULATIONS.

June 2013

The state's wastewater operator regulations were developed in the late 1970s to help ensure the sound operations of the state's wastewater treatment infrastructure—and thus protect public health and the state's waters. The regulations provide necessary rules and standards for the licensure, testing, and ongoing development of wastewater operators. This proposed update is meant to improve the language of some sections, expand opportunities for professional development, and provide more accurate explanations that reflect Board practices and expectations.

Realizing that during the formal public comment period there will be many questions about the proposed draft update, the Board has developed this handout to explain generally what the proposed changes are and how you can provide feedback if you would like. If you have any additional questions, please contact Board chair Bill Patenaude at 401-222-4700 x 7264 or by email at bill.patenaude@dem.ri.gov.

What major changes are proposed? In reality, the Board is proposing very few significant changes. Most operators won't notice any difference in their interactions with the Board or DEM. **In general, the proposed changes include one additional definition and edits to help make others more accurate; easier-to-understand language regarding qualifications; more precise language that aligns with Board expectations for operator qualifications; the opportunity for operators to engage in voluntary training programs (which grants them a licensure status that reflects their voluntary training); and the reduction of late renewal notices from two to one.** More on all this below.

What exactly is being added? The most extensive additions will be found in Rule 6 (Definitions) and Rule 13 (Certification). The added definition reflects the Board's expectations of **full-time employment in Rule 6**. Other definitions were revised to show the interchangeable use of the terms "Certificate" and "License" as well as taking out unnecessary language where appropriate and adding it where helpful.

Perhaps the most significant addition—practically and philosophically—is a proposal in Rule 13 for **two tiers of licensure renewals** for all four licensure levels. **Both tiers will meet the requirements of their respective licensure levels.** The "Tier One" level refers to the existing license received when an operator renews their license, which follows the same protocol as has existed for years. The new proposal allows an operator to renew at a "Tier Two" renewal level. In doing so, they will have to submit evidence of taking twenty hours of training during the previous two-year renewal period. The draft regulations spell out the details of what training would be acceptable, how one submits evidence of the training, etc. **The goal in adding the Tier Two level is to assist those operators who seek to demonstrate their desire for professional development and advancement.** From the Board's perspective, either Tier One or Tier Two grade of license will be valid—so if you need a Grade 2 license for your position, you'll meet your obligations with either a Tier One or Tier Two Grade 2. But for those that seek to go above and beyond, the optional Tier Two license renewal will indicate their interest in professional development to coworkers, employers, and prospective employers. Note that an operator may choose to renew at either tier each time they renew. There is no requirement to maintain a Tier Two grade status once it is achieved during a prior renewal period. Nor is there any pre-approval process required to seek renewal at a Tier Two level. All licenses will be automatically renewed at the Tier One level unless the operator provides satisfactory evidence at renewal of the required training taken within the previous two years. See the draft regulations for more details. Note that this provision is being proposed in accordance with the Board's enabling legislation (§ 42-17.4-5(9)) that authorizes the Board to "[e]ncourage all operators to attend classes, seminars, and/or other educational programs periodically to keep abreast of changes and advances in the fields of wastewater treatment and management."

What are the benefits to renewing at a Tier Two level? The primary benefits come from demonstrating your commitment to the profession and to professional development. For operators who are allowed to sit for and pass the Grade 3 exam through the “If and When” clause in Rule 12(F), the need to retake the exam every two years is dropped if he or she maintains their renewal status at the Tier Two level and does so by including management training in their overall training. Again, see the draft regulations for more detail.

Are there any other changes proposed? Yes. The draft regulations completely revise the language in Rule 8 on education and experience. Existing language—from the very first regulation version in 1979—was considered cumbersome. So the Board rewrote those sections to reflect Board expectations in easier to read language. In doing so, two points should be stressed:

- The Board is aware that part-time job duties impact the time needed to accrue required experience. This is why **the Board seeks to define full-time employment (35 hours/week, unless determined otherwise) and how that impacts individuals working only a portion of their times in duties involved with operations.** (See Rule 8(B)(1)(a) in the draft.)
- The Board also seeks to underscore the unique value of experience in operations—that is, experience on the front lines, doing the work of operators—to the development of qualified wastewater managers. It’s hard to manage operators if you have little or no experience in performing their job. So in Rule 8(B)(1)(b) and Rule 8(D)(2), **the Board restricts future employment in Direct Responsible Charge if a licensee has only attained experience in maintenance or the laboratory.** This is in no way meant to demean or diminish the value of the maintenance and laboratory professions. It merely means to acknowledge that those professions are different ones than operations. All three professions are critical and valued—but they are not the same. In fact, the Board was established with the singular function of licensing *operators*. While the Board has allowed maintenance and laboratory staff to achieve entry-level licensure levels, it is the opinion of the Board that such experience does not provide the necessary experiences to manage operations in the future.

Anything else? Yes. The Board proposes adding **fee language** so that the existing licensure, examination, and renewal fees are in the regulations. In addition, we added the authority to charge a technology fee for online use of credit cards so that the Board can someday offer electronic/online payments. Such online payments are not yet planned, but if the Board could offer this service, we’ll need the ability to charge an additional “convenience fee” in addition to the legislated fees, since any third-party vendor would require such a fee to process credit card payments. See Rule 11(B). The Board is also proposing to add its guidelines for enforcement, which are listed in Table III. Also, as has been the policy of the Board, examination fees are not returned if an application is denied. We now state this in Rule 11(D).

Are the requirements for licensure the same? For the most part, yes. The only substantive changes are **requiring a high-school degree or GED for all licenses** and to require a full Grade 2 to be considered for Grade 3 examination/licensure. Other proposed edits are simply meant to streamline existing language.

Are there proposed changes to renewing licenses? The renewal process is the same but the late renewal policy reduces the number of late notices from two to one. The Board believes that it provides sufficient notice and opportunity to renew one’s license prior to December 31st of a renewal year.

It looks like there are other edits. What are those for? Other sections do show lots of strikeouts and additions, but much of that is the moving or reformatting of existing language.

Can I provide feedback on these proposed changes? Absolutely. The Board would like to hear from affected parties, either at its public hearing or in writing. A public hearing will be held on **Tuesday, August 6th at 1:00 p.m.** in Room 300 of the DEM offices located at 235 Promenade St., Providence, Rhode Island. Copies of the regulations and public notice are online at www.dem.ri.gov (look for the Sewage Treatment/Facility Operators sections under “Topics” on the right-hand side of the home page) or you can call the Board at 401-222-4700 ext. 2410 or 7264, or email Traci.Pena@dem.ri.gov or Bill.Patenaude@dem.ri.gov. (Rhode Island Relay 711). All written comments must be received by DEM’s Office of Water Resources no later than 4:00PM on Tuesday, August 13th, 2013.

**This handout is not intended to replace a thorough review of the proposed regulations.
This document is not an official Public Notice.**

SMALL BUSINESS IMPACT STATEMENT: Rules and Regulations for Wastewater Treatment Operators.

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency submitting regulation:

RI DEM

Subject matter of regulation:

The licensure of individuals who operator wastewater treatment infrastructure, which in total treats approximately 100 million gallons of day of raw sewage.

ERLID No:

2163

Statutory authority:

These Rules and Regulations are adopted pursuant to Chapters 46-12, 42-35, 42-17.1 and 42-17.6 of the Rhode Island General Laws of 1956, as amended.

Other agencies affected:

DOA, as operators at the state owned Zambarano Wastewater Treatment Facility must be licensed. None other than that.

Other regulations that may duplicate or conflict with the regulation:

None

Describe the scope and objectives of the regulation:

The state's wastewater operator regulations were developed in the late 1970s to help ensure the sound operations of the state's wastewater treatment infrastructure – and thus protect public health and the state's waters. The regulations provide necessary rules and standards for the licensure, testing, and ongoing development of wastewater operators.

What was the rationale for establishing this regulation?

After the Clean Water Act, municipal and industrial wastewater treatment systems were built to protect public health and the environment. This cost—and costs—millions of dollars annually to build, operate and maintain. These regulations certify the individuals who operate this expensive infrastructure.

Does the rationale still exist?

Yes. More so with advanced technologies.

Is the rationale still relevant?

Yes. More so with advanced technologies and increasing scientific understandings of the impact of sewage on human health, the environment, and the economy (such as supporting the integrity of RI's shellfishing program).

Business industry (s) affected by the regulation:

No specific categories. Currently only two businesses in the state are affected, with one soon to be unregulated when it changes this year its method of sewage disposal.

Types of businesses included in the industry (s):

(1) Nursing Home, (1) Fabric Dying.

Total number of small businesses included in the regulated industry (s)

See above

Number of small businesses potentially subject to the proposed regulation:

None

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues?

Highly variable. From once a week to once a year.

What is the cost to your agency of establishing and enforcing this regulation?

Use of two employees on a part-time basis plus administrative costs for paper, etc.

What would the consequences be if the regulation did not exist?

Wastewater treatment facilities could be operated incorrectly resulting in raw or partially treated sewage from entering state waters, impacting public health, recreation, and industries such as shellfishing.

Effective date used in cost estimate:

Ongoing

For each question below, please answer “yes” or “no” and offer a brief explanation.

Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.

1.	Yes	No <input checked="" type="checkbox"/>	Do small businesses have to create, file, or issue additional reports?
2.	Yes <input checked="" type="checkbox"/>	No	Do small businesses have to implement additional recordkeeping procedures? (Copies of state licenses must be maintained in company personnel files.)
3.	Yes	No <input checked="" type="checkbox"/>	Do small businesses have to provide additional administrative oversight?
4.	Yes	No <input checked="" type="checkbox"/>	Do small businesses have to hire additional employees in order to comply with the proposed regulation?
5.	Yes	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
6.	Yes	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?

7.	Yes	No x	Are performance standards more appropriate than design standards?
8.	Yes x	No	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?
9.	Yes	No x	Does the regulation have the effect of creating additional taxes and/or fees for small businesses?
10.	Yes	No x	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
11.	Yes	No x	Is the regulation likely to <i>deter</i> the formation of small businesses in RI?
12.	Yes x	No	Is the regulation likely to <i>encourage</i> the formation of small businesses in RI? (Companies could develop to provide voluntary training of operators, especially examination prep, etc.)
13.	Yes x	No	Can the regulation provide for less stringent compliance or reporting requirements for small businesses?

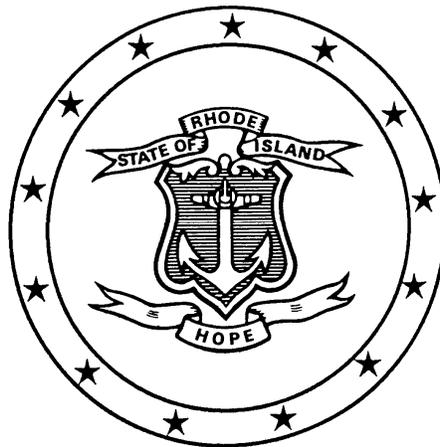
14.	Yes x	No	Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
15.	Yes	No x	Can the compliance or reporting requirements be consolidated or simplified for small businesses?
16.	Yes	No x	Can performance standards for small businesses replace design or operational standards?
17.	Yes	No x	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
18.	Yes	No x	Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BOARD OF CERTIFICATION OF OPERATORS
OF WASTEWATER TREATMENT FACILITIES

**RULES AND REGULATIONS
FOR
WASTEWATER TREATMENT FACILITY OPERATORS**

DRAFT



DRAFT

Regulation 12 190 007, XX/XX/XXXX

Authority: These regulations are adopted in accordance with § 42-35 pursuant to § 42-17.4 of the Rhode Island General Laws of 1956, as amended.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BOARD OF CERTIFICATION OF OPERATORS OF OPERATORS
OF WASTEWATER TREATMENT FACILITIES

RULES AND REGULATIONS FOR WASTEWATER TREATMENT FACILITY OPERATORS

DRAFT * Table of Contents * DRAFT

RULE 1. PURPOSE.....	1
RULE 2. LEGAL AUTHORITY	1
RULE 3. SEVERABILITY	1
RULE 4. SUPERSEDED REGULATIONS	1
RULE 5. PROHIBITIONS	1
RULE 6. DEFINITIONS	2
RULE 7. CLASSIFICATION OF WASTEWATER TREATMENT FACILITIES	3
RULE 8. OPERATOR QUALIFICATIONS AND CLASSIFICATIONS FOR WWTF's.....	3 - 6
RULE 9. ISSUANCE OF OPERATOR-IN-TRAINING CERTIFICATE.....	6
RULE 10. ISSUANCE OF A PROVISIONAL CERTIFICATE.....	6
RULE 11. APPLICATIONS	7
RULE 12. EXAMINATIONS	7
RULE 13. CERTIFICATION.....	8
RULE 14. REVOCATION OF CERTIFICATES	10
RULE 15. PENALTY FOR VIOLATIONS.....	11
TABLE I. <i>CLASSIFICATION OF WASTEWATER TREATMENT FACILITIES – POINT VALUES</i>	12
TABLE II. <i>WASTEWATER TREATMENT PLANT CLASSIFICATION - VARIABLE POINT GUIDE</i>	13
TABLE III: <i>GUIDELINES FOR LICENSURE ENFORCEMENT</i>	14

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BOARD OF CERTIFICATION OF OPERATORS
OF OPERATORS OF WASTEWATER TREATMENT FACILITIES

RULES AND REGULATIONS FOR WASTEWATER TREATMENT FACILITY OPERATORS

RULE 1. PURPOSE

The purpose of these regulations is to establish a system to classify all ~~W~~Wastewater ~~T~~Treatment ~~F~~Facilities (~~WWTF's~~) as to size and type, and to establish specifications, including examinations, education, and work experience, for issuing ~~C~~certificates for operators of each class of Wastewater Treatment Facilities ~~WWTF~~ to ensure the proper management, operation, and maintenance of Rhode Island Wastewater Treatment Facilities ~~WWTF's~~.

RULE 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 Chapter 42-17.4 of the Rhode Island General Laws of 1956, as amended (RIGL).

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

RULE 3. 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.

RULE 4. SUPERSEDED REGULATIONS

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

RULE 5. PROHIBITIONS

- (A) It shall be unlawful after June 30, 1979, for any person to operate or to cause to be operated a ~~W~~wastewater ~~T~~treatment ~~F~~facility unless the ~~S~~uperintendent and ~~A~~ssistant ~~S~~uperintendent of such facilities hold a ~~C~~ertificate issued by the Board. The board may waive the requirement of a certified ~~A~~ssistant ~~S~~uperintendent at a ~~W~~wastewater ~~T~~treatment ~~F~~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 holds a ~~C~~ertificate as required under regulations adopted pursuant to this chapter; except that the operator may be hired without such ~~C~~ertificate provided that he obtains such ~~e~~Certificate within one (1) year of the date of employment.

RULE 6. DEFINITIONS

"**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.

"**Board**" means the Board of Certification of Operators of Wastewater Treatment Facilities established by RIGL section 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.

"**Certificate**" or "**License**" means an authorizing document ~~certificate~~ issued by the Board to an individual to operate one or more specified grades of Wastewater Treatment Facilities.

"**Direct Responsible Charge**" is defined as the authority exercised by a Superintendent, Assistant Superintendent, Operations Supervisor or Shift Supervisor.

"Full Time" or "Full-Time" is defined as assigned duties at a single wastewater treatment facility of at least 35 hours/week or more unless otherwise determined by the Board.

"**In Good Standing**" refers to 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.

"**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.

"**Licensee**" means any ~~operator, maintenance technician or laboratory technician~~ individual who has rightfully obtained an Operator's Certificate from the Rhode Island Board of Certification of Operators of Wastewater Treatment Facilities.

"**Maintenance Technician**" means any Full-Time employee ~~of and~~ at a Wastewater Treatment Facility who is not an Operator but whose employment has been determined by the Board to be ~~is~~ directly involved in the day-to-day maintenance of major process equipment. ~~This individual's full-time duties must be such that he/she is required to obtain a working knowledge of wastewater treatment process control, necessary to ensure the safety of the individual as well as the efficiency of the treatment process.~~

"**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.

"**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.

"**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.

"**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.

"**Superintendent**" means the individual who is an ~~e~~Operator who is assigned the Full-Time direct responsibility for the management, operation and maintenance of an entire Wwastewater ~~t~~Treatment ~~f~~Facility during all work shifts at the facility and who shall hold a Certificate equal to the grade or classification of the ~~w~~Wastewater ~~t~~Treatment ~~f~~Facility. It does not apply to any official who does not work at the ~~w~~Wastewater ~~t~~Treatment ~~f~~Facility as an operator.

"**Wastewater**" means used water delivered to a ~~w~~Wastewater ~~t~~Treatment ~~f~~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.

"**Wastewater Treatment Facility**" means an arrangement of devices and structures, excluding septic tanks, constructed and installed for the purpose of treatment of Wwastewater from domestic, commercial or industrial sources or combinations thereof, and which discharge its treated effluent into any surface water. Privately owned wastewater treatment facilities which treat predominantly industrial wastes, or Wwastewater Treatment Facilities that have sub-surface disposal, shall be excluded from the provisions of these regulations.

RULE 7. CLASSIFICATION OF WASTEWATER TREATMENT FACILITIES

- (A) Each Wwastewater 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.
- (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 ~~plant~~Facility.

RULE 8. OPERATOR QUALIFICATIONS AND CLASSIFICATIONS FOR ~~WWTF's~~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 Rule 8(C) 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.

~~Experience requiring technical knowledge and whether direct responsible charge of work was included. In larger plants where direct responsibility is divided, shift supervisors of important sections or their equivalent may be credited with having direct responsible charge in accordance with the definitions.~~

~~(2) Experience, to be acceptable, must be the result of satisfactory accomplishment of work. Evaluation may be based on reports of the Department of Environmental Management, or other agencies having appropriate responsibilities for regulating systems or facilities.~~

(1) Education. Applicable education per the requirements of Rule 8(C) 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 ~~one (1) year~~ six (6) months of experience as an operator but shall not include experience equivalency in any position of Direct Responsible Charge.

~~(b) Where education is substituted for experience, it shall not exceed an amount which would reduce the requirement of actual experience to less than one (1) year for Grade 1 or less than two (2) years actual experience for Grades 2 and 3 and three (3) years for Grade 4.~~

~~(eb) Education applied to the experience requirement cannot also be applied to the education requirement.~~

~~(4) Where applicable, experience may be substituted for a portion of educational requirements as specified below:~~

~~(a) One (1) year of experience may be considered as equivalent to a maximum of two (2) years of college.~~

~~(b) Experience applied to educational requirement may not also be applied to the experience requirement.~~

~~(54)~~ Substitutions ~~of 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 ~~such as correspondence courses or short courses, will be equivalent to a maximum of six (6) months of college or one (1) year of high school;~~ 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 ~~e~~Certificate may be used to substitute for a high school diploma.

(C) Four (4) grades of Licensees are hereby established. ~~Licensees qualifications are intended to relate to the corresponding classifications for wastewater treatment facilities. 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 ~~a high school or high school~~

~~equivalency certificate~~, the completion of one (1) year employment in good standing at a ~~W~~wastewater ~~T~~treatment ~~F~~facility and:

- (a) a passing grade 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 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.

- ~~(a) Graduation from high school and one (1) year of experience in operation of treatment facilities of Grade 1 or higher; or~~
- ~~(b) A holder of a Grade 1 license and two (2) years of high school and successful completion of two (2) or more specialized courses, approved by the Board, related to wastewater treatment operation, and the completion of two (2) years of employment, in good standing, at a wastewater treatment facility of Grade 1 or higher; or~~
- ~~(c) A holder of a Grade 1 license and successful completion of two (2) or more specialized courses, approved by the Board, related to wastewater treatment operation, and the completion of three (3) years of employment, in good standing, at a wastewater treatment facility of Grade 1 or higher.~~

(3) GRADE 3

All applicants for a Grade 3 License ~~this grade~~ 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 ~~must submit~~ satisfactory evidence of either:

- (a) A Bachelor's or Master's degree in science, engineering, or related fields and two (2) years of employment ~~i~~n gGood sStanding in Direct Responsible Charge at a ~~w~~Wastewater ~~T~~Treatment ~~F~~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 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 ~~w~~Wastewater ~~T~~Treatment ~~F~~Facility of Grade 2 or higher; or
- (c) ~~Graduation from high school or holder of Grade 2 certificate and~~ Possession of five (5) years of employment as an operator In Good Standing, of which three (3) are in Direct Responsible Charge at a ~~w~~Wastewater ~~T~~Treatment ~~F~~Facility of Grade 2 or higher.

(4) GRADE 4

All applicants for a Grade 4 License ~~this grade~~ must pass a Grade 4 examination. Qualifications to sit for the Grade 4 exam include the possession of a full Grade 3 License and ~~must submit 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 ~~i~~n gGood sStanding in direct responsible eCharge at a ~~w~~Wastewater ~~T~~Treatment ~~F~~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 in science, engineering, or related fields; and five (5) years of employment as an ~~e~~Operator in good standing, three (3) of which are ~~d~~Direct ~~r~~Responsible ~~e~~Charge at a ~~w~~Wastewater ~~t~~Treatment ~~f~~Facility of Grade 3; or
- (c) ~~Graduation from high school and holder of a Grade 3 certificate and Possession of~~ six (6) years of employment as an ~~e~~Operator ~~i~~n ~~g~~Good ~~s~~tanding, of which three (3) are in ~~d~~Direct ~~r~~Responsible ~~e~~Charge at a ~~w~~Wastewater ~~t~~Treatment ~~f~~Facility of Grade 3 or higher.

(D) Any individual employed full-time as either a ~~m~~Maintenance ~~t~~Technician or a ~~l~~Laboratory ~~t~~Technician, while not required to become certified, may be allowed to become certified up to Grade 2 only with the following provisions:

- (1) ~~However, Any~~ individual's experience while employed as a ~~m~~Maintenance ~~t~~Technician or ~~l~~Laboratory ~~t~~Technician cannot be considered for the experience requirements of the Grade 3 or Grade 4 ~~L~~icense.
- (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:

<u>Position</u>	<u>Minimum Grade</u>
<i>Superintendent</i>	Grade of the <u>Wastewater Treatment Facility</u> .
<i>Assistant Superintendent</i>	Grade of the <u>Wastewater Treatment Facility</u> .
<i>Operations Supervisor</i>	One grade less than <u>the Wastewater Treatment Facility</u> , or Grade 2, whichever is higher.
<i>Shift Supervisor</i>	Grade 2.

All ~~O~~perators not otherwise specified shall be required to have at least a Grade 1 ~~e~~Certificate.

(F) All persons holding the positions of Operations Supervisor or Shift Supervisor as of September 17, 1991, shall be exempt from Rule 8(E); however such exemption shall be valid only at the facility where such person was employed as of such date.

RULE 9. 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;" Or an "OIT." OIT Certificates may be valid for up to three (3) years, therefore any applicant for examination must at the time of examination requires only a maximum of three (3) years additional experience.
- (B) Upon successfully passing the examination the applicant shall be issued an "~~_operator_ in training~~OIT Certificate;" for the grade applied for.
- (C) A holder of an ~~operator in training~~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.

RULE 10. ISSUANCE OF A PROVISIONAL CERTIFICATE

A non-renewable six- (6-) month provisional ~~C~~ertificate may be issued to a ~~S~~uperintendent or ~~A~~ssistant

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 individual is able to meet all requirements of a particular grade including, but not limited, to experience and education.

RULE 11. 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.

RULE 12. 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 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 eDirect rResponsible eCharge may apply to take the Grade 3 examination. If the application is approved by the Board and the individual passes the Grade 3 exampassed, 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 ~~within the two (2) years~~ that individual secures a position of Ddirect Rresponsible Ceharge at a ~~Grade 2 or higher~~ Wwastewater Ttreatment Ffacility 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 eCertificate. (See Rule 13(4) for information on renewal tiers.)
- (G) Individuals not employed at an approved Wwastewater Ttreatment Ffacility in the State of Rhode Island shall not be allowed to sit for examination.

RULE 13. 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 calendar year 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 individual who does not apply for renewal upon receipt of the first (1st) notice by December 31st will be sent a second (2nd) notice by eCertified mail stating the individual has until February 1st to apply for renewal and pay a late fee of fifteen-fifty dollars (\$150.00) 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 an application for renewal is not received by February 15, a third (3rd) notice will be sent to the wastewater treatment facility owner, superintendent, and the licensee by certified mail. This will be the final notice. Payment of a late fee of fifty dollars (\$50.00) plus the renewal fee of ten dollars (\$10.00) will be required.~~
 - ~~(e)(b) If a Licensee who has received a second notice does not renew by February 1st and pay the renewal fee and the \$50 late fee, said Licensee will be revoked after an appropriate hearing is offered, per Rule 14(D), if the renewal is not received within fifteen (15) calendar days of receipt of the third (3rd) notice, and as such Once the Board revokes an individual's License, said individual will no longer be able to work as an operator at a Wastewater Treatment Facility in the State of Rhode Island.~~
 - ~~(d)(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 further attempts at notification.~~
 - ~~(e)(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 an 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 Licensee 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, meet 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 year 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:
 - (i) Operators seeking to participate in the Tier Two licensure renewal status must attain 20 (twenty) training hours during their prior renewal period.
 - (ii) To be credited toward the required amount of 20 (twenty) hours, a training event/program must be approved by the Board.
 - (iii) 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.
 - (iv) Training required by the licensee's employer as a condition of employment will not be applicable to meet the intent of this provision.
 - (v) Unless otherwise requested at the time of renewal application, Licenses will be renewed at the Tier One level.
 - (vi) 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.
 - (vii) 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, ~~the superintendent and assistant superintendent~~ all positions in Direct Responsible Charge must ~~become~~ attain through examination (or, if so qualified, equivalency) the required certification levels per Rules 8(E) and 8(F) ~~certified through examination equal to the new grade of the treatment facility~~ prior to the initiation of operations or start-up procedures for the facility. ~~Operations and shift supervisor reclassification, if necessary, must also occur prior to the start-up of the facility.~~
- (F) Certificates may be issued, upon application, without examination, in a comparable classification to any ~~I~~ individual who holds a ~~e~~ 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 ~~O~~ operators under which such individual's ~~e~~ Certificate was issued are equivalent to the requirements of these regulations
- (1) A ~~e~~ Certificate issued under the provisions of this sub-rule is valid at any ~~W~~ wastewater ~~T~~ treatment ~~F~~ facility.
- (2) In order for an applicant to obtain a Rhode Island Grade 4 ~~W~~ wastewater ~~T~~ treatment ~~F~~ facility (~~"WWTF"~~) ~~O~~ operator's ~~L~~ license on the basis of the applicant's possession of an ~~O~~ operator's ~~L~~ license issued by another ~~state which is deemed by the Board to have requirements for licensure equivalent to that of a Rhode Island Grade 4 WWTF operator's license~~ 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 ~~a~~ Assistant ~~s~~ Superintendent or a ~~s~~ Superintendent at a ~~g~~ Grade 4 ~~WWTF~~ Wastewater Treatment Facility in the state of Rhode Island;
- (b) that his/her employment as an equivalent Grade 4 Wastewater Treatment Facility ~~WWTF~~ ~~O~~ operators at a ~~WWTF~~ Wastewater Treatment Facility located in the state which issued the equivalent Grade 4 ~~WWTF~~ Wastewater Treatment Facility operator's ~~L~~ 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 ~~G~~ grade 4 Wastewater Treatment Facility ~~WWTF~~ ~~O~~ operator in the state which issued the equivalent ~~G~~ grade 4 Wastewater Treatment Facility ~~WWTF~~ ~~O~~ operator's ~~L~~ license ~~should completed be considered to have been accomplished with an overall favorable rating and that he/she should have been terminated~~ his/her service ~~in the other state i~~ In ~~g~~ Good ~~s~~ Standing.
- (G) Certificates issued without examination to those ~~O~~ operators so employed as of June 30, 1979 shall be valid only in that facility at which the ~~O~~ operator was employed at the time of certification.

RULE 14. REVOCATION OF CERTIFICATES

- (A) The Board may suspend or revoke the ~~C~~ certificate of a ~~superintendent, o~~ ~~O~~ operator, ~~L~~ laboratory ~~t~~ technician or ~~m~~ 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 eertificate 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 eertificate 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, Rhode Island General Laws §42-17.4-8, and Title 42, Chapter 35 of the Rhode Island General Laws. 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 eertificate 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 Rhode Island General Laws §42-35-9. Appeal from the final decision of the Board may be made as provided under Title 42, Chapter 35 of the Rhode Island General Laws.

RULE 15. PENALTY FOR VIOLATIONS

Pursuant to Rhode Island General Laws §42-17.4-10, 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.

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.

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, l/l, 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	1	2	3	4

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>	

The foregoing "Rules and Regulations for Wastewater Treatment Facility Operators", after due public notice and hearing, are hereby adopted in accordance with the provisions of Chapter 42-17.4 and Chapter 42-35 of the General Laws of Rhode Island of 1956, as amended.

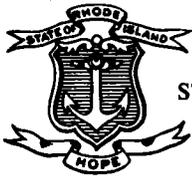
William Louis Patenaude, Chair
BOARD OF CERTIFICATION OF OPERATORS
OF WASTEWATER TREATMENT FACILITIES

Public Notice given on: X/X/X

Filed with Secretary of State on: X/X/X

Effective on: X/X/X

DRAFT



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
BUDGET OFFICE
One Capitol Hill
Providence, R.I. 02908-5886

Memorandum

To: The Honorable Helio Melo
House Finance Committee Chair

The Honorable Daniel DaPonte
Senate Finance Committee Chair

From: Thomas Mullaney *Thomas Mullaney*
Executive Director/State Budget Officer

Date: June 24, 2013

Subject: Fiscal Note for Administrative Rule Change – Rules and Regulations
The Rules and Regulations for Wastewater Treatment Facility Operators.

Enclosed please find a copy of the fiscal note for the Rhode Island Department of Environmental Management's proposed amendment to §42-17.4 of the Rhode Island General Laws for the rules and regulations for wastewater treatment facility operators. The proposed rules seek to more accurately classify all wastewater treatment facilities as to size and type so that operator certificates can be issued specific to facility class, to better ensure proper management, operation and maintenance of wastewater treatment facilities. From an expenditure standpoint, no fiscal effect to the Department of Environmental Management's operating budget is expected, since the proposed tiered operator certificates are not likely to expand the number of wastewater treatment plant operators, and therefore will not expand the current duties of departmental personnel involved with certification and revocation of certification. No fiscal impact to local or municipal governments is expected should these regulations be implemented.

Please contact Elizabeth Leach at 222-6422 with any questions regarding this fiscal note.

TAM:ssDEM48
Enclosure

cc: Sharon Reynolds Ferland, House Fiscal Advisor
Eugene Gessow, Senate Fiscal Advisor
Janet Coit, Department of Environmental Management

TDD#: 277-1227

State of Rhode Island and Providence Plantations
Department of Administration
Budget Office

Fiscal Note for Proposed Administrative Rules (R.I.G.L. Section 22-12-1.1)

Name of Administrative Rule:

State of Rhode Island

Department of Environmental Management

THE RULES AND REGULATIONS FOR WASTEWATER TREATMENT
FACILITY OPERATORS

Date of Notice: Anticipated June 2013

Date of Hearing: Anticipated July 2013

RIGL: These regulations are authorized in accordance with §42-35 pursuant to §42-17.4 (“Wastewater Treatment Plants”) of the Rhode Island General Laws of 1956 as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, (§42-35).

FISCAL IMPACT					
<i>Revenues</i>		<i>State Expenditures</i>		<i>City/Town Expenditures</i>	
FY 2013	\$ 0	FY 2013	\$ 0	FY 2013	\$ 0
FY 2014	\$ 0	FY 2014	\$ 0	FY 2014	\$ 0
FY 2015	\$ 0	FY 2015	\$ 0	FY 2015	\$ 0

Summary of Policy Change: The proposed rules seek to more accurately classify all wastewater treatment facilities as to size and type so that operator certificates can be issued specific to facility class, to better ensure proper management, operation and maintenance of wastewater treatment facilities. Operator certificates are awarded by the Board of Certification of Operators of Wastewater Treatment Facilities, which is comprised of the Director of Environmental Management, Director of Department of Health, and five members appointed by the Governor all of whom must possess specific qualifications outlined in law. The proposed regulations also introduce a voluntary training component for wastewater certification renewals that are awarded by the Board.

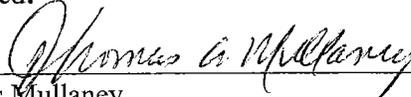
Additionally, the proposed legislation adds authority to the Board to apply a fee for electronic/on-line payments for license renewals. The specific language is ‘A technology/processing fee *may* be added to said application and renewal fees *should* an online payment method be used.’ (Italics added). The Department does not anticipate this electronic filing feature to be available in the near future, although several departmental licenses and applications are currently available on-line, including boat registration renewals, saltwater and freshwater fishing licenses, ISDS permitting, hunting licenses, animal carrier permits, and water quality certifications.

Summary of Fiscal Impact: From an expenditure standpoint, no fiscal effect to the Department of Environmental Management’s operating budget is expected, since the proposed tiered operator certificates are not likely to expand the number of wastewater treatment plant operators, and therefore will not expand the current duties of departmental personnel involved with certification

and revocation of certification. Currently, there are 544 licensed operators, 468 of which live in Rhode Island. The department generally issues 20-30 new operator licenses, offset by the loss of a corresponding number each renewal period.

City or Town Impact: There is no anticipated impact at the municipal level should these regulations be implemented.

Approved:



Thomas Mullaney
Executive Director/State Budget Officer