Rhode Island Department of Health

PUBLIC NOTICE

The Director of the Rhode Island Department of Health has determined to amend the rules and regulations listed below to remove the specific dollar value of all fees for licensing, laboratory and administrative services provided by the Department of Health from the individual regulations and reference all such fees to a new consolidated fee regulation (to be promulgated separately). These amendments are proposed pursuant to the authority contained in Public Law 2012-241, enacted by the General Assembly on 15 June 2012, and the relevant sections of the respective professional practice and licensure acts.

The following seventy-five (75) regulations are proposed to be amended:

1. Food Code
2. Rules and Regulations Establishing Educational and Experience Requirements for Registration as a Sanitarian
3. Rules and Regulations for Asbestos Control
4. Rules and Regulations for Bottled Water
5. Rules and Regulations for Certifying Analytical Laboratories
6. Rules and Regulations for Determination of Need for New Health Care Equipment and New Institutional Health Services
7. Rules and Regulations for Lead Poisoning Prevention
8. Rules and Regulations for Licensing Assisted Living Residences
9. Rules and Regulations for Licensing Athletic Trainers
10. Rules and Regulations for Licensing Birth Centers
11. Rules and Regulations for Licensing Chemical Dependency Professionals
12. Rules and Regulations for Licensing Clinical Laboratories and Stations
13. Rules and Regulations for Licensing Clinical Social Workers and Independent Clinical Social Workers
14. Rules and Regulations for Licensing Doctors of Acupuncture and Acupuncture Assistants
15. Rules and Regulations for Licensing Home Nursing Care Providers and Home Care Providers
16. Rules and Regulations for Licensing Hospice Care
17. Rules and Regulations for Licensing Interpreters for the Deaf
18. Rules and Regulations for Licensing Kidney Disease Treatment Centers
19. Rules and Regulations for Licensing Massage Therapists
20. Rules and Regulations for Licensing Mental Health Counselors and Marriage and Family Therapists
21. Rules and Regulations for Licensing Occupational Therapists and Occupational Therapy Assistants
22. Rules and Regulations for Licensing of Hospitals
23. Rules and Regulations for Licensing of Midwives
24. Rules and Regulations for Licensing of Nursing Facilities
25. Rules and Regulations for Licensing of Nursing Home Administrators
26. Rules and Regulations for Licensing Physical Therapists and Physical Therapist Assistants
27. Rules and Regulations for Licensing Psychologists
28. Rules and Regulations for Licensing Rehabilitation Hospital Centers

29. Rules and Regulations for Licensing Respiratory Care Practitioners
30. Rules and Regulations for Licensing Speech Pathologists and Audiologists
31. Rules and Regulations for Licensing Swimming and Wading Pools, Hot Tubs, and Spas
32. Rules and Regulations for Licensure and Discipline of Chiropractic Physicians
33. Rules and Regulations for Limited Medical Registration
34. Rules and Regulations for Radon Control
35. Rules and Regulations for the Certification of Administrators of Assisted Living Residences
36. Rules and Regulations for the Certification of Health Plans
37. Rules and Regulations for the Control of Radiation
38. Rules and Regulations for the Licensing of Freestanding Ambulatory Surgical Centers
39. Rules and Regulations for the Licensing of Freestanding Emergency Care Facilities
40. Rules and Regulations for the Licensing of Nurses and Standards for the Approval of Basic Nursing Education Programs
41. Rules and Regulations for the Licensing of Nursing Service Agencies
42. Rules and Regulations for the Licensing of Organized Ambulatory Care Facilities
43. Rules and Regulations for the Licensing of Podiatrists
44. Rules and Regulations for the Licensing of Radiographers, Nuclear Medicine Technologists, Radiation Therapists and Radiologist Assistants
45. Rules and Regulations for the Licensure and Discipline of Physicians
46. Rules and Regulations for the Licensure of Barbers, Hairdressers/Cosmeticians, Manicurists, Estheticians, and Instructors
47. Rules and Regulations for the Licensure of Clinical Laboratory Science Practitioners
48. Rules and Regulations for the Licensure of Physician Ambulatory Surgery Centers and Podiatry Ambulatory Surgery Centers
49. Rules and Regulations for the Licensure of Physician Assistants
50. Rules and Regulations for the Licensure of Veterinarians
51. Rules and Regulations for the Registration of Body Piercing Technicians and Body Piercing Establishments
52. Rules and Regulations for the Registration of Distributors of Controlled Substances in Rhode Island
53. Rules and Regulations for the Registration of Tanning Facilities
54. Rules and Regulations for the Registration of Tattoo Artists and Tattoo Parlors
55. Rules and Regulations for the Utilization Review of Health Care Services
56. Rules and Regulations Governing Vital Statistics
57. Rules and Regulations Pertaining to Certification of Managers in Food Safety
58. Rules and Regulations Pertaining to Dentists, Dental Hygienists, and Dental Assistants
59. Rules and Regulations Pertaining to Embalmers, Funeral Directors, and Funeral Service Establishments
60. Rules and Regulations Pertaining to Opticians
61. Rules and Regulations Pertaining to Optometrists
62. Rules and Regulations Pertaining to Permits for Screening Programs
63. Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers, and Distributors
64. Rules and Regulations Pertaining to Public Drinking Water
65. Rules and Regulations Pertaining to Rhode Island Certificates of Registration for Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs
66. Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators

67. Rules and Regulations Pertaining to the Licensing of Dietitians/Nutritionists
68. Rules and Regulations Pertaining to the Medical Examiner System
69. Rules and Regulations Pertaining to the Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and the Newborn Hearing Loss Screening Program
70. Rules and Regulations Pertaining to the Processing and Distribution of Shellfish
71. Rules and Regulations Prescribing Minimum Standards for Processing, Storage and Transportation of Fish and Fishery Products
72. Rules and Regulations Related to the Licensure of Hearing Aid Dealers and Fitters
73. Rules and Regulations Related to the Medical Marijuana Program
74. Rules and Regulations Related to the Practice of Electrolysis
75. Rules and Regulations Relating to Emergency Medical Services

---

Notice is hereby given in accordance with the provisions of §42-35-3(a)(2) of the Rhode Island General Laws, as amended, that the Director is affording all interested persons the opportunity to submit data, views, or arguments in writing on this matter. Opportunity for public hearing shall be granted if requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members. *Otherwise, no hearing shall be convened*. Should a hearing be requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members, *a hearing shall be scheduled only for the regulation(s) for which the request for hearing was received*. All regulations for which a public hearing is not requested will be filed with the Rhode Island Secretary of State pursuant to Chapter 42-35 of the Rhode Island General Laws, as amended, shortly after the 10 September 2012 deadline (as below).

Such input or requests for public hearing must be received in writing **no later than Monday, 10 September 2012**. Such input or requests should be addressed to: Michael Fine, M.D., Director, Rhode Island Department of Health, Three Capitol Hill, Room #401, Providence, Rhode Island 02908-5097.

In the development of these amendments, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach, duplication, or overlap was identified based upon available information.

Copies of all regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, Three Capitol Hill, Providence, Rhode Island 02908-5097, on the Secretary of State's website: http://www.sos.ri.gov/rules/, by calling 401-222-7767, or by e-mail to Bill.Dundulis@health.ri.gov.

Signed this 3rd day of August 2012

Original signed by Michael Fine, MD

Michael Fine, M.D., Director of Health

RULES AND REGULATIONS PERTAINING TO THE CERTIFICATION OF PUBLIC DRINKING WATER SUPPLY TREATMENT AND PUBLIC WATER SUPPLY TRANSMISSION AND DISTRIBUTION OPERATORS

[R23-65-DWQ]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

Office of Drinking Water Quality

December 1995 (E)

As Amended:
April 1996 (E)
July 1996
May 2001
January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)
July 2005
January 2007 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)
January 2012 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)
August 2012 (Proposed)

COMPILER'S NOTES:
Proposed Additions: Underlined
Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These *Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators* are promulgated pursuant to the authority set forth in Chapter 23-65 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting minimum standards pertaining to operators of drinking water supply facilities and systems.

Pursuant to the provisions of Section 42-35-3(c) of the General Laws of Rhode Island, as amended, the following were given consideration in arriving at these regulations: (1) alternative approaches; (2) duplication or overlap with other state regulations; and (3) significant economic impact placed on small business as defined by Chapter 42-35 of the General Laws which would result from these regulations. No alternative approach, duplication or overlap was identified based on available information. The health, safety and welfare of the citizens of the state override any economic impact which may result from these new regulations. Consequently, these rules and regulations are adopted in the best interest of the health and safety of the public.

These Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators shall supersede all previous rules and regulations pertaining to the certification of public drinking water treatment and transmission and distribution operators promulgated by the Department of Health and filed with the Secretary of State.

TABLE OF CONTENTS

Sections

		Page
1.0	Definitions	1
2.0	Board of Certification	3
3.0	Powers & Duties of the Director	3
4.0	Mandatory Certification of Public Water Supply Treatment Operators	3
5.0	Mandatory Certification of Public Water Supply Transmission & Distribution System Operators	4
6.0	Classification of Water Supply Treatment Facilities & Water Supply Transmission and Distribution Facilities	5
7.0	Classification & Qualifications of Water Supply Treatment & Water Supply Transmission & Distribution Operators	6
8.0	Certification	8
9.0	Application	10
10.0	Examinations	11
11.0	Renewals	11
12.0	Approval of Operator Training Courses	12
13.0	Disciplinary Actions	15
14.0	Administrative Procedures	15
15.0	Severability	16
Appendix "A"		17

Section 1.0 ***Definitions***

Wherever used in these rules and regulations, the following terms shall be construed as follows:

1.1 ***"Assistant superintendent"*** means the individual who is an operator who is responsible for the management, operation and maintenance of a water supply treatment facility or water transmission and distribution system in the absence of the superintendent and who shall have a full certificate appropriate to the type and grade of the water treatment facility or water transmission and distribution system.

1.2 ***"Association of Boards of Certification (ABC)"*** means an international organization of environmental certification boards which is a not for profit corporation incorporated in the State of Iowa.

1.3 ***"Board"*** means the Board of Certification established by section 23-65-2 of the Rhode Island General Laws.

1.4 ***"Certificate"*** means a certificate of competency issued by the Director to an individual to operate one or more specified classes of public water supply facilities.

1.5 ***"Community water supply***" means any public water supply, which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

1.6 ***"Contact hour"*** means the one (1) hour actually spent in an instruction/training session. In calculating the number of contact hours for a session, the time used for refreshment breaks, lunches and other activities not directly part of the instructional experience shall be subtracted from the total number of hours in the session.

1.7 One "***continuing education unit (CEU)"*** equals ten (10) contact hours of training or instruction.

1.8 ***"Director"*** means the Director of the Department of Health or a subordinate to whom the Director has assigned his or her functions.

1.9 ***"Full Certification"*** means certification obtained pursuant to any one of sections 8.1 through 8.4 of these regulations.

1.10 "***Groundwater under the direct influence of surface water"*** means any water beneath the surface of the ground with (1) significant occurrence of insects or other microorganisms, algae, or large diameter pathogens such as Giardia lamblia, or (2) significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

1.11 *"**In Charge of a Shift**"* means on-site responsibility of an operating shift.

1.12 ***"In Responsible Charge of any Field Operations"*** means the supervision of any field operations of any operating shift on a day to day basis. Operators in responsible charge are not required to be on-site.

1.13 ***"Lowest grade of certification"*** means a class 1 certification for class 1 through 4 systems and a class VSS certification for class VSS water systems.

1.14 ***"Non-Community Water System"*** means a public water system that is not a community water system.

1.15 ***"Non-community Non-Transient Water System"*** means a non-community water system that regularly serves at least twenty –five (25) of the same persons over six(6) months per year.

1.16 ***"Operational Activities"*** are those involving the maintenance, repair, replacement or installation of components of operational public water supply treatment and distribution systems, that may directly impact the quality or quantity of drinking water.

1.17 ***"Operational",*** as it relates to public water supply treatment and distribution facilities, means the part or parts that are performing or able to perform (ready for or in a condition to undertake) a destined function.

1.18 ***"Operator"*** means an individual employed at a water treatment facility or transmission and distribution system whose routine job duties involve performing operational activities or making decisions regarding the daily operational activities of a public water treatment facility and/or transmission and distribution system, that may directly impact the quality and/or quantity of drinking water. "Operator" does not apply to an official exercising only general administrative supervision or engineering design duties, such as the city engineer or an elected water commissioner, or clerical or administrative workers involved only in activities such as customer relations, billing, payroll, time keeping, etc. The term "operator", as used in these regulations, does not apply to individuals whose only responsibility is to install and/or read meters.

1.19 "***Operator-in-Training"*** means an applicant who has passed a certification examination, but who does not meet the experience requirements specified in section 7.0 of these regulations for the grade of examination passed. Individuals holding this type of certification may not make decisions regarding the daily operational activities of a public water treatment facility and/or transmission and distribution system, that may directly impact the quality and/or quantity of drinking water unless said decision is made in consultation with an operator holding a full certificate of the appropriate type and grade who must be on-site or able to be contacted as needed.

1.20 *"**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.

1.21 "***Public water supply"*** means a system for the provision~~s~~ to the public of piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves at least twenty five (25) individuals at least sixty (60) days out of the year.

1.22 ***"Superintendent"*** means the individual who is an operator who is directly responsible for the management, operation and maintenance of a water supply treatment facility or water transmission and distribution system during all working shifts and who shall hold a full certificate appropriate to the type and grade of the water treatment facility or water transmission and distribution system.

1.23 ***"Transmission and distribution system"*** means a network of pipes that transports, distributes and delivers water from a water treatment facility or well(s) to water system customers.

1.24 ***"Water supply treatment facility"*** means an arrangement of devices, equipment and structures constructed and/or installed for the purpose of the treatment of a water supply.

Section 2.0 ***Board of Certification***

2.1 The Board shall have all the powers and duties specified in section 23-65-3 of the Rhode Island General Laws, as amended.

2.2 All meetings of the Board shall be open to the public in accordance with Chapter 42-46 of the Rhode Island General Laws.

2.3 The Board shall meet at least quarterly. The chairperson of the Board may call special meetings if in his/her judgment circumstances require it. Special meetings may also be called on petition of three (3) members of the Board.

2.4 A quorum for the conduct of business at any meeting of the Board shall consist of four (4) members. Three (3) members of the Board at a regular or special meeting may receive and review reports, applications and other correspondence.

2.5 Majority Vote of the Board means the majority of the membership.

2.6 The Board shall elect annually, by majority vote, one (1) chairperson, one (1) vice chairperson, and one (1) secretary.

2.7 The term of office of the Board Members shall be as provided in section 23-65-2(b) of the Rhode Island General Laws, as amended.

2.8 The chairperson shall preside at all meetings of the Board, shall sign all official documents of the Board, and shall act as the spokesperson for the Board. In the absence of the chairperson, the vice chairperson shall preside at meetings and perform all duties usually performed by the chairperson.

Section 3.0 ***Powers and Duties of the Director***

3.1 The Director shall have all the powers and duties specified in section 23-65-4 of the Rhode Island General Laws, as amended.

Section 4.0 ***Mandatory Certification of Public Water Supply Treatment Operators***

4.1 It shall be unlawful for any public water supply system using surface water or groundwater under the direct influence of surface water as determined by the Director, or any community or non-community non-transient water supply to supply water for human consumption unless the treatment of such water is under the supervision of a superintendent or assistant superintendent who is assigned direct responsibility for the management, operation, and maintenance of the water supply treatment facility during all working shifts and who shall hold a full certificate equal to the grade or classification of the water supply treatment facility, as established by these regulations.

4.2 Each operator in charge of a shift at a public water supply system using surface water or groundwater under the direct influence of surface water, as determined by the Director, or any community or non-community non transient water supply must hold a certificate no less than one (1) grade below the classification of the treatment facility.

4.3 In addition to sections 4.1 and 4.2 above, all persons employed to work as operators at a public water supply system using surface water or groundwater under the direct influence of surface water, as determined by the Director, or any community or non-community non transient water supply must be certified to at least the lowest grade of treatment plant operation certification within a year of hire into such position.

4.4 Individuals holding operator-in-training certifications may not make decisions regarding the daily operational activities of public water treatment and/or transmission and distribution facilities, that may directly impact the quality and/or quantity of drinking water unless said decision is made in consultation with an operator holding a full certificate of the appropriate type and grade who must be on-site or able to be contacted as needed.

4.5 Individuals employed by private entities to repair, replace or install components of operational water supply treatment facilities must be under the supervision of a fully certified operator employed at that water supply treatment facility.

4.6 Violation of this section shall be considered a violation of the public drinking water supply under Chapter 46-13 of the Rhode Island General Laws, as amended and water systems shall be subject to the enforcement and penalty provisions of section 46-13-16 of the General Laws.

Section 5.0 ***Mandatory Certification of Public Water Supply Transmission and Distribution System Operators***

5.1 It shall be unlawful for any community or non-community non-transient public water supply transmission and distribution system to distribute water for human consumption unless the operation of the system is under the supervision of a superintendent or assistant superintendent who is assigned direct responsibility for the management, operation, and_maintenance of the transmission and distribution water system during all working shifts and_who shall hold a full certificate equal to the grade or classification of the transmission and distribution facility, as established by these regulations.

5.2 Each person in responsible charge of any field operations of a community or non-community non-transient public water supply transmission and distribution facility must hold a certificate no less than one (1) grade lower than the grade of the transmission and distribution facility, as established by these regulations.

5.3 In addition to sections 5.1 and 5.2 above, all persons employed to work as operators at a community or non-community non-transient public water supply transmission and distribution facility must be certified to at least the lowest grade of distribution certification within a year of hire into such position.

5.4 Individuals holding operator-in-training certifications may not make decisions regarding the daily operational activities of public water treatment and/or transmission and distribution facilities, that may directly impact the quality and/or quantity of drinking water unless said decision is made in

consultation with an operator holding a full certificate of the appropriate type and grade who must be on-site or able to be contacted as needed.

5.5 Individuals employed by private entities to repair, replace or install components of operational water supply transmission and distribution facilities must be under the supervision of a fully certified operator employed at that water supply transmission and distribution system.

5.6 Violation of this section shall be considered a violation of the public drinking water supply under Chapter 46-13 of the Rhode Island General Laws, as amended and water systems shall be subject to the enforcement and penalty provisions of section 46-13-16 of the General Laws.

Section 6.0 ***Classification of Water Supply Treatment Facilities and Water Supply Transmission and Distribution Facilities***

6.1 Public water supply treatment and public water supply transmission and distribution facilities classified in any class may be classified in a higher class at the discretion of the Board, by reason of the existence of unusual operating conditions.

6.2 Classification of any water supply treatment or water supply distribution facility may be changed due to changes in any condition or circumstances under which the original classification was given. Due notice of any such change shall be given to the owner of the facility. Sufficient time shall be given to such system to obtain the required certifications.

6.3 Water supply treatment facilities and water supply transmission and distribution facilities shall be classified as very small water system, Class 1, Class 2, Class 3, or Class 4, with 4 being the largest and most complex, in accordance with the following classification system.

6.3.1 Water supply treatment facilities shall be classified according to the following point system:

Class VSST	less than10 points
Class 1T	10 - 30 points
Class 2T	31 - 55 points
Class 3T	56 - 75 points
Class 4T	76 points and greater

Points shall be assigned to each plant according to the schedule in Appendix “A”.

6.3.1.1 For purposes of certification, sources without treatment, such as pumping only, shall be considered to be a distribution system and not a treatment facility.

6.3.2 Water supply distribution and transmission facilities shall be classified according to the population served. The classifications are as follows:

Class VSSD	less than 500 persons served
Class 1D	500 - 1,500 persons served
Class 2D	1,501 - 15,000 persons served
Class 3D	15,001 - 40,000 persons served
Class 4D	40,001 + persons served

Section 7.0 ***Classification and Qualifications of Water Supply Treatment and Water Supply Transmission and Distribution Operators***

7.1 All applicants for Full Certification shall meet the following educational and experience requirements for the grade of certification applied for as shown below. The experience requirements shall be in the same field (treatment or transmission and distribution) as the type of certificate for which the applicant is applying. Applicants for Operator-in-Training certification shall meet the following minimal educational requirements for the grade of certification applied for as shown below.

7.2 ***Grade VSS Treatment (VSST)***

7.2.1 High school diploma or equivalent and three (3) calendar months of acceptable operating experience at a Class VSST or higher drinking water supply treatment facility. Experience or relevant training may be used to satisfy the educational requirement (i.e. Six (6) calendar months of acceptable operating experience or Six (6) contact hours of on the job, in the field training or 0.6 Continuing Education Units of education in the operation of a very small water system that shall satisfy the educational requirement). Experience and training used to satisfy the educational requirement may not be used to satisfy the operating experience requirement.

7.3 ***Grade VSS Distribution (VSSD)***

7.3.1 High school diploma or equivalent and three (3) calendar months of acceptable operating experience at a Class VSSD or higher drinking water supply distribution facility. Experience or relevant training may be used to satisfy the educational requirement (i.e. Six (6) calendar months of acceptable operating experience or Six (6) contact hours of on the job, in the field training or 0.6 Continuing Education Units of education in the operation of a very small water system shall satisfy the educational requirement). Experience and training used to satisfy the educational requirement may not be used to satisfy the operating experience requirement.

7.4 ***Grade 1 Treatment (1T)***

7.4.1 High school diploma (or equivalent) and six (6) months full-time experience as an operator at a Class 1T (or higher) drinking water supply treatment facility.

7.5 ***Grade 1 Distribution (1D)***

7.5.1 High school diploma (or equivalent) and six (6) months full-time experience as an operator at a Class 1D (or higher) drinking water supply distribution facility.

7.6 ***Grade 2 Treatment (2T)***

7.6.1 Possession of a Grade 1T Full certification with full-time experience as an operator at a class 1T (or higher) drinking water supply treatment facility for one (1) additional year after certification; or

7.6.2 High school diploma (or equivalent) and two (2) years full-time experience as an operator at a Class 1T (or higher) drinking water supply treatment facility.

7.7 ***Grade 2 Distribution (2D)***

7.7.1 Possession of a Grade 1D Full certification with full-time experience as an operator at a class 1D (or higher) drinking water supply distribution facility for one (1) additional year after certification; or

7.7.2 High school diploma (or equivalent) and two (2) years full-time experience as an operator at a class 1D (or higher) drinking water distribution facility.

7.8 ***Grade 3 Treatment (3T)***

7.8.1 Possession of a Grade 2T Full certification with full-time experience as an operator at a Class 2T (or higher) drinking water treatment facility for an additional two (2) years after certification; or

7.8.2 High school diploma (or equivalent) and four (4) years full-time experience as an operator at a class 2T (or higher) drinking water treatment facility; or

7.8.3 An Associate's Degree in the physical and/or biological sciences and two (2) years full-time experience as an operator at a class 2T (or higher) drinking water treatment facility. (Degree shall be in the areas of sanitary, civil, chemical, or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board); or

7.8.4 A Bachelor's degree in the physical and/or biological sciences and one (1) year full-time experience as an operator at a class 2T (or higher) drinking water treatment facility. (Degree shall be in the areas of sanitary, civil, chemical, or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board)

7.9 ***Grade 3 Distribution (3D)***

7.9.1 Possession of a Grade 2D Full certification with full-time experience as an operator at a Class 2D (or higher) drinking water distribution facility for an additional two (2) years after certification; or

7.9.2 High school diploma (or equivalent) and four (4) years full-time experience as an operator at a class 2D (or higher) drinking water distribution facility; or

7.9.3 An Associate's degree in the physical and/or biological sciences and two (2) years full-time experience as an operator at a class 2D (or higher) drinking water distribution facility. (Degree shall be in the areas of sanitary, civil, chemical, or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board); or

7.9.4 A Bachelor's degree in the physical and/or biological sciences and one (1) year full-time experience as an operator at a class 2D (or higher) drinking water distribution facility. (Degree shall be in the areas of sanitary, civil, chemical, or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board)

7.10 ***Grade 4 Treatment (4T)***

7.10.1 An Associate's Degree in the physical and/or biological sciences and four (4) years full time experience as an operator at a class 3T (or higher) drinking water supply treatment facility. (Degree shall be in the areas of sanitary, civil, chemical, or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board); or

7.10.2 A Bachelor's degree in the physical and/or biological sciences and two (2) years full-time experience as an operator at a class 3T (or higher) drinking water supply treatment facility. (Degree shall be in the areas of sanitary, civil, chemical, or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board); or

7.10.3 Have been employed at a Rhode Island public water supply treatment facility of Class 3T (or higher) and possess a grade 3T Full Certification with five (5) years continuous full-time experience as an operator at a class 3T (or higher) drinking water supply treatment facility and have completed a minimum of 14 semester credits of post high school education in the physical and/or biological sciences including chemistry, math, biology or other related disciplines acceptable to the Board.

7.11 ***Grade 4 Distribution (4D)***

7.11.1 An Associate's Degree in the physical and/or biological sciences and four (4) years full time experience as an operator at a class 3D (or higher) drinking water supply distribution facility. (Degree shall be in the areas of sanitary, civil, chemical, or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board); or

7.11.2 A Bachelor's degree in the physical and/or biological sciences and two (2) years full-time experience as an operator at a class 3D (or higher) drinking water supply distribution facility. (Degree shall be in the areas of sanitary, civil, chemical, or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board); or

7.11.3 Have been employed at a Rhode Island public water supply distribution facility of Class 3D (or higher) and possess a grade 3D Full certification with five (5) years continuous full-time experience as an operator at a class 3D (or higher) drinking water supply distribution facility.

Section 8.0 ***Certification***

8.1 ***Full Certification for Grades VSS - 4 by Examination***

8.1.1 An applicant seeking full certification for Grades VSS through 4 by examination must meet all the minimum qualifications outlined in section 7.0 of these regulations for the certification type and grade for which he/she is seeking before he/she will be allowed to take the examination. If the applicant passes the examination to the satisfaction of the Board, the Board shall grant the applicant Full Certification which will be in effect for three (3) years from issuance and may be renewed in accordance with section 11.0 of these regulations.

8.2 ***Full Certification by Reciprocity***

8.2.1 Full certificates may be issued, (upon application) without examination, in a comparable classification to any individual who holds a certificate issued by any state, territory or possession of the United States, any country, if in the judgment of the Board, the requirements for certification of operators under which such certification was issued are equivalent to the requirements herein.

8.2.2 At the time of application, applicants must be in good standing with the state in which the original certificate was issued, including having completed the continuing educational requirements on a prorated basis.

8.2.3 A certificate issued under the provisions of section 8.2 is valid at any water system of that grade or classification as specified by the Board.

8.2.4 Certificates issued under section 8.2 shall remain in effect for a period of three (3) years at which time they may be renewed in accordance with section 11.0 of these regulations.

8.3 ***Full Certification by Grandfathering***

8.3.1 Grandfathered certificates shall become null and void upon the classification of the water system changing or the termination of the operator's employment.

8.3.2 Certificates granted under section 8.3 will be in effect for three years from issuance and may be renewed in accordance with section 11.0.

8.3.3 Certificates granted under section 8.3 shall be issued to a particular individual for a particular water system.

8.4 ***Prior Certification***

8.4.1 Operator certification for operators of drinking water treatment facilities acquired by examination in the State of Rhode Island prior to January 1, 1996 shall remain in effect. Such certificates shall remain in effect for two (2) years from the date that these Rules and Regulations are adopted and may be renewed in accordance with section 11.0 of these regulations. Upon renewal, certificates will remain in effect for a period of three (3) years and may be renewed in accordance with section 11.0 of these regulations.

8.5 ***Provisional Certification***

8.5.1 If a water system does not have a certified operator as specified in sections 4 and 5 of these regulations and if the Board determines that this is due to reasons beyond the water systems' control, the Board may grant a provisional operator status to an operator. The water system must submit a request in writing, which indicates the reasons for not having a qualified operator together with an application and supporting education/experience credentials of the proposed applicant.

8.5.2 Provisional certification shall be issued to a particular individual for a particular water system.

8.5.3 Provisional certification issued pursuant to section 8.5.1 of these regulations shall be in effect for a period of no longer than one (1) year during which time the water system must be actively looking for a certified operator.

8.6 ***Operator-in-Training Certification***

8.6.1 An applicant seeking certification as an Operator-in-Training must meet all of the minimum qualifications outlined in section 7.0 herein except for the full-time employment and/or full time experience requirements for the certification type and grade for which he/she is seeking

before he/she will be allowed to take the examination. If the applicant passes the examination to the satisfaction of the Board, the Board shall issue the applicant a certification as an Operator-in-Training. Upon satisfactory completion of the required full time employment and/or full time experience for the certification type and grade for which the operator in training is certified, and upon application to the Board, full certification shall be granted.

8.6.2 Operator-in-training certificates will only be issued for Grades VSS through 3 treatment and transmission/distribution.

8.6.3 Certificates issued under section 8.6 will be in effect for two (2) years from issuance and may be renewed in accordance with section 11.0 of these regulations.

Section 9.0 ***Application***

9.1 Applications for certification by grandfathering under section 8.3 of these regulations must include official detailed job descriptions for all operators seeking certification. Job descriptions should be specific with respect to duties relating to water system treatment and/or transmission and distribution.

9.2 An operator desiring to be certified shall file an application, on a form provided by the Board, which must be received by the Board or postmarked at least forty-five (45) calendar days preceding the date of the examination.

9.3 The Board shall review applications and supporting documents, determine the eligibility of the applicant for examination and promptly notify the applicant, in writing, of the same.

9.4 The action of the Board shall be recorded both in the minutes of the meeting and upon the face of the application.

A fee will be charged to each applicant submitting an application to the Board, and shall be of an amount determined by the Board to cover the cost of the examination ~~[but not more than fifty dollars ($50.00)]~~ and as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* and shall be submitted with the application form. This fee shall be refundable if the applicant is deemed not qualified to take the examination by the Board. Otherwise, the fee shall be non-refundable.

9.5 No member of the Board during his/her tenure shall permit his/her name to be used as a reference in connection with the filing of an application for certification as an operator of a drinking water supply facility.

9.6 Applications for certification as operators shall be mailed or delivered to: Board of Certification of Operators for Water Supply Facilities, Cannon Building, Room 209, Three Capitol Hill, Providence, Rhode Island 02908-5097.

9.7 No application will be considered complete unless accompanied by required fee(s) and until all required supporting documents have been received by the board.

9.8 Each applicant shall be required to demonstrate his/her eligibility by submitting in support of his/her formal application authentic proof of the statements made therein by attaching documentary evidence, affidavits, registrar's statements, diploma's, published data, photographs, or other sworn or proven

evidence. The Board reserves the right to retain, as a permanent part of the application, any or all documents submitted which shall be properly marked for identification and ownership. Original documents may be replaced by photocopies of such documents, however, at the request and expense of the applicant.

9.9 Personal appearances before the Board, if required shall be at the time and place designated by the Board. Failure to provide additional evidence or information within the time specified, or to appear before the Board when such appearance is deemed necessary by the Board, may be considered just and sufficient cause for disapproval of the application.

Section 10.0 ***Examinations***

10.1 The Board shall administer the examination prepared by the Association of Boards of Certification (ABC).

10.1.1 The Board shall determine the passing score.

10.2 Examinations shall be held at least twice per year at a time and place designated by the Board.

10.3 Examinees will be allowed as many attempts as necessary to pass a certification exam during the twelve(12) months following entry into a position which requires a particular level of certification; thereafter, they will be allowed to sit for a particular exam once annually.

Section 11.0 ***Renewal***

11.1 Operators shall be sent renewal notices approximately sixty (60) days prior to the expiration of their current certification. If an operator fails to renew by the expiration date of their current certificate, he/she may still submit a renewal application up to six (6) months after the expiration date. Any operator allowing this grace period to expire must meet all minimum experience, training and examination requirements to become re-certified.

11.2 To renew any grade or classification of certificate, the applicant shall have been actively working in the area of his/her certification for at least twenty percent (20%) of the time.

11.3 As a prerequisite to certificate renewal, an applicant must complete the number of continuing training/education contact hours related to drinking supply treatment and/or transmission and distribution specified below and which are acceptable to the Board. Courses approved for training contact hour credit may be used for renewal a maximum of one time during any renewal period.

11.4 Contact Hours Required [(one (1) continuing education unit (CEU) equals ten (10) contact hours)]:

	Two Year Renewal Period (OIT)	Three Year Renewal Period (Full)
Class VSS	2 hours	3 hours
Class I	10 hours	15 hours
Class II	10 hours	15 hours
Class III	20 hours	30 hours
Class IV	20 hours	30 hours

11.5 Applicants must complete 50% or more of their required training contact hours in technical areas directly related to the operations of the water system employing them and may complete no more than 25% each, in the areas of health/safety and supervisory skills.

11.6 Failure to meet these requirements or to furnish the required information shall constitute grounds for refusal to renew.

Section 12.0 *Approval of Operator Training Courses*

12.1 This section outlines the requirements and procedures for obtaining Board approval to award training contact hours for drinking water operator certification courses to be used towards meeting the certification renewal requirements. All applications for approval should be submitted to the Board a minimum of ninety (90) days prior to the date the training is to occur.

There are four methods in which a training program may be approved by the Board to issue training credits to be used towards certification renewal:

1. The individual or organization conducting training has been approved by the Board to issue training contact hours for a specific training course.

2. The organization conducting the training has had their training program approved by the Board for issuing training contact hours.

3. The training program or specific training is cosponsored or sanctioned by an organization which has had their training program approved by the Board for conducting training and issuing training contact hours towards certification renewal.

4. The organization conducting the training is an accredited college or university and the course is in a drinking water supply related field.

12.2 *Criteria for the Approval of a Specific Training Course*

Any individual or organization wishing approval to conduct a renewal training course for water supply operators shall submit the following to the Board for review:

12.2.1 the date, location of the training and description of the training facility;

12.2.2 the name, address and telephone number of person(s) to contact regarding the training;

12.2.3 the course outline showing the topic(s) to be presented and time allotted for each (including beginning and ending times).

12.2.4 the criteria for determining the successful completion of the course;

12.2.5 a copy of the instruction materials, including a copy of handouts, overheads, videotapes, etc. if appropriate.

12.2.6 the name, address, and background information or resume of instructor(s) which shows the instructor's competence in the subject matter and ability to communicate the program content at an appropriate level;

12.2.7 instructors affiliation with the drinking water field;

12.3 A copy of the certificate of completion being issued to the attendees containing the following information:

12.3.1 attendee's name;

12.3.2 name of course;

12.3.3 renewal credits issued:

12.3.4 date the course was held:

12.3.5 name of the course instructor and affiliation.

12.4 A copy of the attendance roster to be used containing the following information:

12.4.1 name of the course;

12.4.2 training contact hours to be issued;

12.4.3 date the course was held;

12.4.4 location of the course;

12.4.5 name of course instructor(s);

12.4.6 names of the attendees and certificate numbers

12.5 Number of contact hours to be issued;

12.5.1 Contact hours are based upon actual contact time in the training. All breaks and meal times must be noted on the agenda and will not count toward contact hours.

12.5.2 No credit will be given prior to the completion of any training course.

12.5.3 Participants must attend and stay for the entire session to complete the program satisfactorily. The completion date of a multi-day course is the last day of the course.

12.5.4 Contact hours will be issued in increments of one-half (0.5) hours. Any approved training issuing continuing education units (CEUs) will be given credit at the rate of ten (10) contact hours per one (1.0) CEU.

12.6 Once a course has been approved, the course information does not have to be resubmitted for subsequent sessions of that course provided that there are no major changes in the course content, time allotted, instructor or material used. Any revisions must be submitted to the Board ninety (90) days in advance of any subsequent sessions of an approved course.

12.7 Approved courses may be used for training contact hour credit a maximum of one time during any renewal Period.

12.8 The Board will grant credit for a particular course retroactively if the course is approved within six (6) months of the date it is taken.

Criteria for the Approval of Training Programs

12.9 Organizations involved in a drinking water supply related field conducting training may apply to the Board for approval of their training program. If granted, this approval will allow the organization to issue training contact hours for training courses without individual course pre-approval.

12.10 To obtain training program approval, the organization must submit to the Board for review their training criteria which should include the following information:

12.10.1 a mission statement that outlines the functions, structure, processes, and philosophy which guides the operations of the continuing education of training program;

12.10.2 a policy to insure the instructor(s) competence in the subject matter and ability to communicate the program content at an appropriate level;

12.10.3 a written policy for determining the successful completion of a training course;

12.10.4 a written policy on maintaining records, preparing attendance rosters and issuing certificates of completion. Reference sections 1.8, 1.9 and 1.10 of this policy;

12.11 Any organization obtaining approval for its entire program must provide an annual training curriculum including a brief description of each course proposed to be offered during the upcoming year to the Board by the end of the preceding calendar year. The descriptions must include the number of training contact hours to be issued for each training course.

12.12 Any changes or modifications to the information submitted to the Board for training program approval shall be submitted to the Board for review and approval ninety (90) days before the date of the training.

Sanctioned or Co-Sponsored Training

12.13 Training, seminars, or workshops conducted by individuals may issue credits towards certification renewal if their training courses are cosponsored or sanctioned by an organization that has had their training program approved by the Board. The credits shall be jointly issued with the sanctioning or co-sponsoring organization. The co- sponsoring or sanctioned organization must ensure that both the administrative and program criteria are followed for issuing training contact hours to be used towards certificate renewal. Permanent records for each participant who successfully completes the training must be established and maintained by the organization co-sponsoring or sanctioning the training.

If not specified by the association, the number of training contact hours issued for approved conferences and symposiums held by the American Water Works Association, New England Water Works Association, and Rhode Island Water Works Association shall be equal to the number of hours attended with a maximum of five (5) contact hours per day.

University and College Courses

12.14 Courses taken in a drinking water related field at an accredited college or university can be approved for credit towards the renewal training requirements. Courses should be in the areas of sanitary, civil, chemical or environmental engineering, environmental science, public health, biology, chemistry, mathematics or other drinking water related fields. Course credits will be approved at the rate of one (1) semester credit hour is equivalent to fifteen (15) training contact hours.

12.15 To ensure that a course will be approved by the Board for credit towards the renewal training requirements, the operator should request approval, in writing, ninety (90) days prior to the start of the course. The request should include the following:

12.15.1 name of college or university offering course;
12.15.2 title of the course;
12.15.3 copy of the course material to be covered;
12.15.4 date the course is to be taken;
12.15.5 number of semester credit hours to be issued;

12.16 Credit will only be given for the successful completion of the course with a passing grade as determined by the college or university.

Section 13.0 ***Disciplinary Actions***

13.1 The Board may revoke, suspend or otherwise discipline the holder of a certificate issued under these regulations when it is found that the individual performed his/her duties in a negligent manner that produced a supply below 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 this 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 in violation of Chapter 46-13 or regulations promulgated pursuant to 46-13.

Section 14.0 ***Administrative Procedures***

14.1 All hearings and appeals shall be conducted in accordance with the "Administrative Procedures Act", Chapter 42-35 of the General Laws of Rhode Island, as amended.

Section 15.0 ***Severability***

15.1 If any provisions 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 section or sections or parts of any section or sections shall not affect the validity of the remainder of these rules and regulations.

APPENDIX "A"

WATER TREATMENT PLANT CLASSIFICATION

Notes on classifying treatment plants:

Each unit process should have points assigned only once. (i.e., for a plant using oxidation, precipitation and filtration for iron removal, add ten (10) points for the iron removal only and nothing for filtration).

The points rating scale for water treatment plants is:

ITEM	POINTS
Size (2 to 20 points total)	
Maximum population served, peak day (1 to 10)*	1 pt. per 10,000 or part
Design flow, average day or peak month's average day, whichever is larger (1 to 10)*	1 pt. per MGD or part
Water Supply Source (3 to 18)	
Groundwater	3
Surface water	5
Average raw water quality (0 to 10)**	
Little or no variation	0
Raw water quality (other than turbidity) varies enough to require treatment changes approximately 10 % of the time	2
Raw water quality (turbidity) varies severely enough to require pronounced and/or very frequent treatment changes	5
Raw water quality subject to periodic serious industrial waste pollution	10
Aeration	2
Packed tower aeration	6
pH adjustment	4
Stability or corrosion control	4
Taste and odor control	8
Color control	4
Iron or iron/manganese removal	10
Ion exchange softening	10
Chemical precipitation softening	20
Coagulant addition	4
Flocculation	6
Sedimentation	5
Upflow clarification	14
Filtration	10
Fluoridation	5

ITEM	POINTS
Disinfection (0 to 10)***	
No disinfection	0
Chlorination or comparable	5
On-site generation of disinfectant	5
Gaseous chlorine	5
Special process (including reverse osmosis, electrodialysis)	15
Sludge/backwash water disposal (0 to 5)	
No disposal to raw water source to sewer or off watershed)	0
Any disposal to raw water source supernatant discharge to reservoir)	2
Any disposal to plant raw water	5
Laboratory control (0 to 20)****	
Bacteriological/biological (0 to 10)	
Lab work done outside of plant	0
Membrane filter procedures	3
Use of fermentation tubes or any dilution method; fecal coliform determination	5
Biological identification	7
Viral studies of similarly complex work done on site	10
Chemical/physical (0 to 10)	
Lab work done outside the plant	0
Push button or colorimetric methods for simple tests, such as chlorine residual, pH	3
Additional procedures such as titration jar tests, alkalinity, hardness	5
More advanced determinations such as numerous inorganics	7
Highly sophisticated instrumentation such as atomic absorption and gas chromatography	10

* Maximum of 10 points

** The key concept is the variation or change in the quality of the raw water source with point values ranging from 0 to 10.

*** For disinfectants, such as ozone, chlorine dioxide or chloramines, assign 5 points for chlorination or comparable and 5 points for on-site generation of disinfectant.

**** The key concept is to credit laboratory analyses done on-site by plant personnel with point values ranging from 0 to 20.

DrinkWaterTreatOperate_Proposed_August2012.doc
Monday, 30 July 2012