



CR 91-38

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WW-16-91 was duly approved and adopted by this Department on September 26, 1991. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 9th
day of December, 1991

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DEC 16 1991
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Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

3-1-92

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES
BOARD REPEALING, RENUMBERING, AMENDING AND
CREATING RULES

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.....
IN THE MATTER of repealing s. NR 114.07(1)(d); .
renumbering s. NR 114.09(intro); amending s. NR .
113.05(3)(e), ch. NR 114(title) and ss. NR .
114.01, 114.02, 114.03(3), (6), (12), (12m) and .
(13), 114.06(1) and (2), 114.07(1)(c), 114.08(7), .
114.09(1)(b) and (f) and 114.15; and creating . Order WW-16-91
ss. NR 114.03(7e) and (15c), 114.07 (1)(g), .
114.08(8) and 114.16 of the Wisconsin .
Administrative Code pertaining to the .
certification requirements for waterworks and .
wastewater treatment plant and septage servicing .
operators. .
.....

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 144.025(2)(L) and 227.11(2)(a), Stats.
Statutes interpreted: s. 144.025(2)(L), Stats.

The revisions to chs. NR 113 and 114 are intended to meet the requirements of s. 144.025(2)(L), Stats. The revisions are intended to do the following:

1. Bring operators of septage servicing vehicles under the regulatory authority of ch. NR 114;
2. Create a mandatory certification program, with continuing education requirements, for all operators of septage servicing vehicles;
3. Establish an automatic nonrenewal of certification procedure for certain administrative code violations by operators of septage servicing vehicles.
4. Establish a three-grade certification program for operators of septage servicing vehicles.

Wastewater operator grades 1 and 2 require 12 hours, and grades 3 and 4 require 16 hours. Water supply operators require 12 hours. Septage servicing vehicle operators require 12 hours. Applicable continuing education credits earned by a septage operator prior to the effective date of this rule ...[revisor insert date] may be applied to the continuing education requirement up to January 1, 1994.

SECTION 13. NR 114.08(8) is created to read:

NR 114.08(8) The department may not issue or renew a certificate to operators of septage servicing vehicles for a period of 2 years to an individual who has accumulated 3 or more violations of s. NR 113.06(4), 113.08(1) or (3)(b)16, 113.10 or 113.12(4)(b) or s. 29.29, Stats., during the last certification period.

SECTION 14. NR 114.09(intro) is renumbered NR 114.09(1).

SECTION 15. NR 114.09(1)(b), as renumbered, is amended to read:

NR 114.09(1)(b) Demonstrated incompetence to operate the type of facility for which the certificate was issued or to perform septage servicing as required by this chapter, or

SECTION 16. NR 114.09(1)(f), as renumbered, is amended to read:

NR 114.09(1)(f) By intentional or negligent action, caused or significantly contributed to a violation of any provision of ch. 144 or 147, Stats., s. 146.20, Stats., or any administrative codes, permits or orders adopted or issued under those ~~chapters~~ statutes.

SECTION 17: (Note to Revisor) Please revise the note following NR 114.09 as follows and insert the chart relating to Septage Servicing.

NOTE: The purpose of the following 2 3 charts is to aid in understanding of this code. It shows 1) the relationship between grades and subgrades, and plant classes and subclasses, 2) the progression in operator grades (from left to right) and 3) the required experience needed to get to the next higher grade.

SEPTAGE SERVICING

Knowledge	Grade 1	Grade 2
Pumping or Servicing	X	X
Hauling	X	X
Safety	X	X
Vehicles	X	X
Administration		X
Disposal Site Selection		X

SECTION 18. NR 114.15 is amended to read:

NR 114.15 OPERATOR IN CHARGE. The owner of each waterworks and wastewater treatment plant shall designate to the department the operator in direct responsible charge as required in s. NR 114.14(1) and (2). The owner of each septage servicing business shall designate to the department the operator in direct responsible charge of all septage servicing activities and certify that the operator in charge is a grade 2 operator.

SECTION 19. NR 114.16 is created to read:

NR 114.16 QUALIFICATIONS OF SEPTAGE SERVICING OPERATORS. (1) Two certification grades of operators of septage servicing vehicles and an operator-in-training are established. To qualify for certification in a given grade, an individual shall pass the examination for that grade. Except as provided in sub. (2) or exempted by statute, no individual other than an operator-in-training may do septage servicing without being certified by the department. An operator-in-training may do septage servicing for up to a total of 6 months without being certified. The operator-in-training shall be considered to be operating a septage servicing vehicle under the certification of the designated operator in charge. The operator in charge shall notify the department in writing of the starting date, name and address of the operator-in-training and submit the operator-in-training fee to the department within 5 business days of the individual's starting date.

(2) Septage servicing vehicle operators who are performing septage servicing as of the effective date of this rule ... [revisor insert date] shall have one year from that date to become certified by the department.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 26, 1991.

These rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro), Stats.

Dated at Madison, Wisconsin December 9, 1991.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny Secretary

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