

CR 83-144

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES )

ss

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JAN 16 1984

Revisor of Statutes  
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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, 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. WQ-30-83 was duly approved and adopted by this Department on November 16, 1983. 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 hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 16th day of January, 1984.

Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)

3-1-84

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

.....  
IN THE MATTER of repealing ss. NR 114.03(1), .  
114.05 and 114.08(4); amending ss. NR 114.03(8), .  
(10), (14) and (16), 114.06(1), (2) and (3), .  
114.08(3), (5), (6) and (7), 114.09(1) (intro) .  
and (4), 114.10(2)(b), (c), (d) and (e), (3)(a), .  
(g) and (k), 114.11(1)(d) and (2) and .  
114.14(1)(a),(b), (c) and (2)(a) of the .  
Wisconsin Administrative Code pertaining to .  
certification requirements for waterworks and .  
wastewater treatment plant operators .  
.....

WQ-30-83

Analysis Prepared by Department of Natural Resources

Initial legislation passed in 1965 required that all operators of waterworks and wastewater treatment plants be certified by January 1, 1969. The first administrative code for this licensing process received a major updating in 1978 and this code change will be the second major revision of the code. Significant changes include: the fee structure is changed, approximately doubling the amounts charged; the exam frequency is changed from 4 times per year to 3 times; a limited variance is proposed for certain existing operators; the grade 4 wastewater operators oral examination is removed; the boards of certification have been deleted; a proposal is included for the delegation of practical examinations; minor changes correcting definitions due to changes in federal and state laws; clarification of various terms and conditions to reflect actual operating conditions; and other minor administrative changes.

This code affects approximately 2,400 wastewater treatment operators representing about 780 facilities and approximately 1,500 waterworks operators representing about 580 facilities.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 144.025(2)(1) and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby repeals, amends, repeals and recreates, and creates rules interpreting s. 144.025(2)(1), Stats., as follows:

SECTION 1. NR 114.03(1) is repealed.

SECTION 2. NR 114.03(8), (10), (14) and (16) are amended to read:

(8) "Industrial wastewater treatment facility" means a privately owned sewage wastewater treatment plant for treating liquid or other wastes resulting from any process of industry, manufacture, trade or business or the development of any natural resources.

(10) "Major contributing industry" means an industrial or commercial facility that is a user of a publicly owned sewage wastewater treatment plant, and:

(a) ~~Has a waste discharge flow of 50,000 gallons or more per average work day;~~

(b) ~~Has a waste discharge flow greater than 5% of the flow carried by the publicly owned sewage treatment plant receiving the waste;~~

(c) ~~Has in its waste, a toxic pollutant in toxic amounts as defined in Chapter NR-215, Wis. Adm. Code; or~~

(d) ~~Has a waste which the department determines has, or in the case of a new source will have, a significant impact, either singly or in combination with other wastes, on the publicly owned sewage treatment plant or on the quality of effluent from such plants.~~

has a waste which the department determines has, or in the case of a new source will have, a significant impact, either singly or in combination with other wastes, on the publicly owned wastewater treatment plant or on the quality of effluent from such plants.

(14) "Public water system" means a system for the provision to the public of piped water for human consumption, if such the system has at least 15 service connections or regularly serves an average of at least 25 individuals

daily at least 60 days out of the year. ~~Such~~ The term includes ~~(1)~~ any collection:

(a) Collection, treatment, storage, and distribution facilities under control of the operator of ~~such~~ the system and used primarily in connection with ~~such~~ the system, and ~~(2)-any-collection~~

(b) Collection or pretreatment storage facilities not under ~~such~~ the operator's control which are used primarily in connection with ~~such~~ the system.

(16) "Sewage Wastewater treatment plant" means any facility provided for the treatment of sanitary sewage or industrial waste wastewater or both. The following types of systems are excluded:

(a) ~~Facilities consisting of septic tank and soil disposal systems defined as plumbing in sec. 145.01(1)(b), Stats.~~ defined as private sewage systems in s. 145.01(14), Stats.

(b) Pretreatment facilities from which effluent is directed to a public sewer system for treatment.

(c) Industrial wastewater treatment facilities which consist solely of a land disposal system.

SECTION 3. NR 114.05 is repealed.

SECTION 4. NR 114.06(1), (2) and (3) are amended to read:

(1) Examinations shall be used to determine knowledge, skill and ability of the applicants to operate a waterworks or sewage wastewater treatment plant. A score of 75% or higher shall be a passing score on each examination. An individual desiring to be certified shall file an application

with the department at least ~~15~~ 21 days prior to the established date of a written examination on an application form provided by the department. Fees as outlined in s. NR 114.07 must accompany the application. Applicants shall be notified of their eligibility for examination.

(2) Written examinations shall be conducted at least ~~4~~ 3 times annually at locations and times set by the department. Practical examinations shall be arranged with each individual applicant.

(3) Written examinations will not be issued to persons who have not properly registered ~~15~~ 21 days prior to the examination date, or who fail to identify themselves on request.

SECTION 5. NR 114.06(6) is created to read:

(6) The department may, by mutual agreement with the operator in charge, delegate the administering of practical examinations. The person administering the exams must be certified to at least the grade required for that facility. For municipal waterworks and wastewater treatment plants this delegation will be limited to plants with design flows of at least 5 million gallons per day. An individual may request that the practical examination be administered by the department.

SECTION 6. NR 114.07 is repealed and recreated to read:

NR 114.07 FEES. (1) Fees for certification shall be as follows:

- (a) Written examination administrative fee-----\$ 5.00
- (b) Each written examination----- 2.00
- (c) Biennial renewal-waterworks certificate----- 10.00

- (d) Biennial renewal-wastewater certificate----- 10.00  
 (e) Late renewal penalty----- 10.00  
 (f) Reciprocity----- 20.00

(2) Fees shall accompany the completed application form. There is no limit to the number of examinations that can be taken on one date, but each examination requires the \$2.00 fee listed in par. (b). The department recommends that operators attempt no more than 10 wastewater or 4 waterworks examinations on one date.

(3) The renewal fee is due on the expiration date of the certificate. Any renewal application postmarked after the expiration date shall also include a \$10.00 late renewal penalty.

(4) Fees will not be refunded to a candidate who fails to pass a written certification examination or who fails to appear to take the examination.

SECTION 7. NR 114.08(3) is amended to read:

(3) Certificates may be issued, without examination, in a comparable grade to any person who holds a certificate in any state, territory or possession of the United States or any country, if in the judgment of the ~~board~~ department the requirements for certification of operators under which the person's certificate was issued do not conflict with the provisions or intent of these rules and are of a standard not lower than that specified by these rules.

SECTION 8. NR 114.08(4) is repealed.

SECTION 9. NR 114.08(5), (6) and (7) are amended to read:

(5) An individual whose certificate has lapsed ~~for 180 days or longer~~ may be reinstated by paying ~~all back-renewal-fees~~ the biennial renewal fee, fulfilling the continuing education requirements for the lapsed period, and paying a ~~\$5.00~~ \$10.00 late renewal penalty fee. ~~Such an~~ An individual may choose to follow the procedures for initial certification.

(6) All certificates shall expire 2 years from the date of issuance. Certificates may be renewed subject to the requirements of NR-114-08 sub. (7).

(7) Renewal requirements. ~~Effective January 1, 1980, any~~ All individuals whose certificates have expired, and who desire to renew their certificates, shall ~~indicate in the space provided on the renewal form the training courses, approved by the department,~~ submit the continuing education record forms provided by the department for approved training courses which they have successfully completed during the ~~two-year~~ 2-year period. These may include, but are not limited to, courses sponsored by the department or any university or technical school, technical sessions at meetings of professional organizations, in-house training, and correspondence courses. Failure to successfully complete at least 12 hours of approved training within the ~~two-year~~ 2-year period shall result in rejection of a certificate renewal application.

SECTION 10. NR 114.09(1) (intro.) is amended to read:

(1) The department may, on its own motion, make investigations and conduct hearings and may, on its own motion or upon on a signed and verified written complaint ~~in writing, duly signed and verified by the complainant,~~ revoke or

refuse to renew as hereinafter provided in this section any operator's certificate if the department finds that the holder of such-a the certificate has:

SECTION 11. NR 114.09(1)(f) is repealed and recreated to read:

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

SECTION 12. NR 114.09(4) is amended to read:

(4) Application may be made for taking the necessary examinations for a new certificate, beginning at the grade one level, one year after the date of revocation or refusal to renew.

SECTION 13. NR 114.10(2)(b), (c), (d) and (e) are amended to read:

(b) Plant uses 4 to 7 of the processes listed in ~~{3}{a-i}~~-below sub. (3)(a) through (i) 1 Point

(c) Plant uses 8 or 9 of the processes listed in ~~{3}{a-i}~~-below sub. (3)(a) through (i) 2 Points

(d) Treatment required is ~~beyond-best-conventional pollution-control-technology~~ is based on water quality limits for an industrial wastewater treatment facility 1 Point

- (e) ~~Monthly-average-effluent-limit-for-BOD-or-suspended sewage-solids-is-less-than-30-mg/l-for-a~~  
Treatment, including seasonal effluent limits,  
required for biochemical oxygen demand and  
suspended solids is more stringent than specified  
in ch. NR 210 for a nonindustrial sewage wastewater  
 treatment plant

1 Point

SECTION 14. NR 114.10(3)(a), (g) and (k) are amended to read:

- (a) Primary settling ~~including Imhoff-tanks~~
- (g) Sludge handling including but not limited to ~~vacuum-filtration-and incineration~~ mechanical dewatering, heat treatment and incineration. This subclass is not required for land disposal or drying beds
- (k) Special - generally for treatment plants not required to monitor BOD

SECTION 15. NR 114.11(1)(d) and (2) are amended to read:

- (d) Grade 4. Completion of grade 3 requirements, including one additional year of satisfactory experience in the ~~operation~~ general operations of the ~~given-plant-subclass~~ a wastewater treatment plant, plus pass a written examination of the knowledge necessary to operate a class 4 sewage wastewater treatment plant and a written examination of the individual's ability to identify and correct complex operating problems involving the given plant subclass ~~and-an-oral-examination-by-the-board-of-the individual's-ability-to-supervise-the-operation-of-a-class-4-plant.~~

(2) Operator subgrades are the same as plant subclasses listed in s. NR 114.10(3).

SECTION 16. NR 114.14(1)(a), (b) and (c) are amended to read:

(a) The individual{s} in direct responsible charge of the operation of a subclass of a treatment plant listed in s. NR 114.10(3) must hold a valid certificate for the corresponding subgrade at a grade the same as, or higher than, the plant class, except as provided in pars. (b) to (d).

(b) An individual certified as a sewage wastewater treatment plant operator at least at the grade 1 level for a plant subclass may be in direct responsible charge of that subclass of a class 2, 3, or 4 treatment plant for a period not to exceed one year.

(c) An individual certified as a sewage wastewater treatment plant operator-in-training may operate that subclass of a treatment plant for a period not to exceed ~~three~~ 4 months.

SECTION 17. NR 114.14(1)(d) is created to read:

(d) An individual certified as a wastewater treatment plant operator may be in direct responsible charge of a plant one class higher than the grade of the operator's certificate, provided that:

1. The operator has made an earnest effort to pass the required written examinations. Earnest effort shall include having attempted to pass the necessary written examinations at least 3 times over a 2-year period and having attended applicable training courses during this time.

2. The operator is certified to at least the grade 1 level for the required subclasses.
3. The plant has met effluent limitations based upon the sewer extension criteria in s. NR 110.05.
4. The operator has demonstrated proper operation and maintenance of the plant.
5. The operator in direct responsible charge of the wastewater treatment plant was employed in that capacity on [the effective date of this code].

SECTION 18. NR 114.14(2)(a) is amended to read:

(a) The individual in direct responsible charge of the operation of a class of waterworks listed in s. NR 114.12(1) must hold a valid certification for the corresponding subgrade at the grade 1 level, except as provided in par. (b).

SECTION 19. Change the term "sewage" to "wastewater" in:

Chapter title and index

s. NR 114.01

NR 114.02

NR 114.03(3), (6), (7) and (12)

NR 114.09(1)(c)

NR 114.10 (title) and (1)

NR 114.11 (title), (1) (intro.), (a), (b) and (c)

NR 114.14 (title) and (1) (title)

NR 114.14(3)

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 16, 1983.

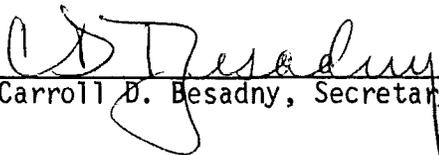
The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin

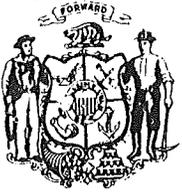
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STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

  
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

January 10, 1984

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L

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JAN 16 1984

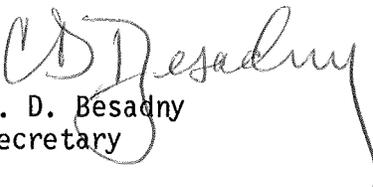
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Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WQ-30-83. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

  
C. D. Besadny  
Secretary

Enc.  
2781J