



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

CR 87-170

Carroll D. Besadny
Secretary

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES)

RECEIVED

JUN 29 1988

Revisor of Statutes
Bureau

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. DM-46-87 was duly approved and adopted by this Department on April 28, 1988. 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 29th
day of June

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

9-1-88

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

.
 IN THE MATTER OF repealing s. NR 114.03(14);
 renumbering and amending ss. NR 114.11(1)(a)
 to (e), 114.12(1), 114.13(1)(a) & (b) &
 114.14(3); amending ss. NR 114.01, 114.03(7),
 (10) and (11), 114.06(1) to (5), 114.07(1) to
 (4), 114.08(2), (5) and (7), 114.09 (title)
 and (1)(intro.), (e) and (2) to (5),
 114.10(2)(c), (e) and (3)(k), 114.13(2), OM-46-87
 114.14(1)(b), (c) and (d)1.; repealing and
 recreating ss. NR 114.03(4) and 114.06(6);
 and creating ss. NR 114.03(7m), (12m), (15e)
 and (15t), 114.06(7), 114.07(5),
 114.09(1)(cm) and (dm), (5) note, 114.10(3)(1),
 114.11(3), 114.12(7), 114.13(3), 114.14(1)(a)
 note and (cm) of the Wisconsin Administrative
 Code pertaining to certification requirements
 for waterworks and wastewater treatment plant
 operators.

Analysis Prepared by Department of Natural Resources

Authorizing statutes: ss. 144.025(2)(1) and 227.11(2)(a), Stats.
 Statutes interpreted: s. 144.025(2)(1), Stats.

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 was promulgated in 1968 and revised in 1974, 1978 and 1984. Significant changes in this revision include: the fee structure is changed, approximately doubling the amounts charged; the exam frequency is changed from 3 times per year to 2 times; exams to be held on weekdays at 3 locations (formerly 7); exam review procedure is eliminated; practical on-site exams are eliminated; wastewater operators may begin taking exams at any grade level and upon passing the test will also be certified as passing all lesser grades; continuing education requirements for wastewater grades 3 and 4 increased to 16 hours over 2 years (formerly 12 hours); 1 additional year of experience added (i.e., 1 year for Grade 1, 2 years for Grade 2 and 3, and 3 years for Grade 4); adds 1 additional subgrade in waterworks (special treatment technology such as air stripping, granulated activated carbon or others); adds enforcement provisions for suspensions rather than just revocations. Minor changes include correcting definitions due to changes in federal and state laws; clarification of various terms and conditions to reflect actual operating conditions; and other major administrative changes including a chart to better understand how an operator progresses through the grades and how it is tracked by a computer program.

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

SECTION 1. NR 114.01 is amended to read:

NR 114.01 PURPOSE. ~~This~~ The purpose of this chapter establishes an examining-program is to establish rules for the certification of waterworks and wastewater treatment plant operators pursuant to s. 144.025(2)(1), Stats. No person may operate a waterworks or wastewater treatment plant unless that person holds a valid certificate issued pursuant to this chapter.

Note: Pursuant to s. ~~144.57~~ 144.99, Stats., any person who violates this chapter, shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of continued violation is a separate offense.

SECTION 2. NR 114.03(4) is repealed and recreated to read:

NR 114.03(4) "Classification" or "class" means a number assigned to a plant based on a rating system.

SECTION 3. NR 114.03(7) is amended to read:

NR 114.03(7) "Experience in the operation of a waterworks or a wastewater treatment plant" means either:

(a) ~~to~~ To perform duties that directly affect the treatment process ~~or,~~ final effluent or product; other parameters regulated by permit or

(b) ~~to~~ To provide daily on-site technical supervision of the person or persons performing such duties.

SECTION 4. NR 114.03(7m) is created to read:

NR 114.03(7m) "Grade" means a number assigned to an operator based on an examination system, except that the operator-in-training grade is denoted by the letter "T".

SECTION 5. NR 114.03(10) and (11) are amended to read:

NR 114.03(10) "Major contributing industry" means an industrial or commercial facility that is a user of a publicly owned wastewater treatment plant, and has a waste which the department determines has, or ~~in-the-case-of a-new-source-will-have~~ may 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.

(11) "Municipal water system" means a community water system owned by or a private utility serving a county, city, village, town, town sanitary district, utility district or a county-owned or state-owned public institution as-defined-in-s.-49.10(12)(f)1.,-Stats. for congregate care or correction, which includes but is not limited to correctional institutions, correctional camp systems, county jails or houses of correction, mental health institutes, schools for the handicapped, hospitals, infirmaries and asylums.

SECTION 6. NR 114.03(12m) is created to read:

NR 114.03(12m) "Operator trainer" means an individual designated by the department to provide specific training at various locations.

SECTION 7. NR 114.03(14) is repealed.

SECTION 8. NR 114.03(15e) and (15t) are created to read:

NR 114.03(15e) "Subclass" means a letter assigned a plant based upon the particular type of processes at the facility.

(15t) "Subgrade" means a letter assigned to an operator based on passing an examination for a specific operational process.

SECTION 9. NR 114.06(1) to (5) are amended to read:

NR 114.06 EXAMINATIONS AND APPLICATIONS. (1) Examinations and on-the-job experience shall be used to determine knowledge, skill and ability of the applicants to operate a waterworks or wastewater treatment plant. A score of 75% or higher shall be a passing score on each written examination. An individual desiring to be certified shall file an application with the department at least 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 week days at ~~last-3~~ least 2 times annually at 3 locations ~~and-times-set~~ determined by the department. ~~Practical-examinations-shall-be-arranged-with-each-individual-applicant.~~

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

(4) Examination papers ~~will~~ may not be returned to the an applicant ~~but means-will-be-provided-for-review-of-the-results-with-a-staff-member-of-the-the-department-upon-request-by-the-applicant-within-30-days-of-notification-of-result~~ nor will there be a provision for review of examinations.

Examination papers may be destroyed ~~after the 30-day notification period~~ 30 days after notification of examination results.

(5) Applicants who fail to pass a written examination may apply to the department for reexamination at a subsequent scheduled examination.

~~Applicants who fail a practical examination may arrange for a reexamination without a formal reapplication.~~

SECTION 10. NR 114.06(6) is repealed and recreated to read:

NR 114.06(6) The department will provide a list of reference material and objectives pertaining to each examination subgrade process.

SECTION 11. NR 114.06(7) is created to read:

NR 114.06(7) A wastewater treatment plant operator may take subgrade examinations at any grade level, and upon passing the examination will be credited for passing that grade level and all lower grade levels.

SECTION 12. NR 114.07(1) to (4) are amended to read:

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

(a) Written examination administrative fee.....	\$ 5.00 <u>10.00</u>
(b) Each written examination.....	2.00 <u>5.00</u>
(c) Biennial renewal-waterworks certificate.....	10.00 <u>20.00</u>
(d) Biennial renewal-wastewater certificate.....	10.00 <u>20.00</u>
(e) Late renewal penalty (<u>per certificate</u>).....	10.00 <u>20.00</u>
(f) Reciprocity.....	20.00 <u>40.00</u>

(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-~~ sub. (1)(b). ~~The department recommends that operators attempt no more than 10 wastewater or 4 waterworks examinations on one date.~~

Note: 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~~ 20.00 late renewal penalty.

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

SECTION 13. NR 114.07(5) is created to read:

NR 114.07(5) Renewal fees may be waived by the department to designated operator trainers.

SECTION 14. NR 114.08(2), (5) and (7) are amended to read:

NR 114.08(2) Certified operators who desire to become certified in another grade must ~~fulfill~~ satisfactorily fulfill the established qualifications and pay the established fees before a new certificate is issued.

(5) An individual whose certificate has lapsed may be reinstated by paying the biennial renewal fee, fulfilling the continuing education requirements for the lapsed period, and paying a \$~~10.00~~ 20.00 late renewal penalty. An individual may choose to follow the procedures for initial certification.

(7) Renewal requirements. ~~All individuals whose certificates have expired, and~~ An individual who desires to renew ~~their certificates, a~~ certificate shall submit evidence of having met the continuing education requirements on record forms approved or provided by the department for approved training courses or other credit which they have successfully completed during the 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~~ and document the appropriate number of hours of approved training within the 2-year period shall result in rejection of a certificate renewal application. Wastewater operator grades 1 and 2 require 12 hours, and grades 3 and 4 require 16 hours. Water supply operators require 12 hours.

SECTION 15. NR 114.09 (title) and (1) (intro.) are amended to read:

NR 114.09 SANCTIONS. (1) (intro.) The department may, on its own motion, make investigations and conduct hearings and may, on its own motion or on a signed and verified written complaint, revoke, suspend or refuse to renew as provided in this section any operator's certificate or reprimand the operator if the department finds that the holder of the certificate has:

SECTION 16. NR 114.09(1)(cm) and (dm) are created to read:

NR 114.09(1)(cm) Has not complied with any other provision requiring department notification in the facility's WPDES permit, or

(dm) Failure to provide public notification of a violation of ch. NR 109,
or

SECTION 17. NR 114.09(1)(e) and (2) to (5) are amended to read:

NR 114.09(1)(e) Falsified any monitoring, or operating or other records submitted to the department, or provided by the department, or

(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.

(2) Notice of revocation of, suspension of or refusal to renew a certificate shall be served on the certified operator and shall state the reasons for revocation, suspension or refusal to renew.

(3) Revocation of, suspension of or refusal to renew a certificate shall take effect on the 10th day after the notice is served, unless the certified operator files a written answer with the department prior to the 10th day. If such an answer is filed, the revocation, suspension or refusal to renew is stayed and the department shall conduct a hearing on the matter within 30 days after receipt of the answer. At least 10 days prior to the date of the hearing, the department shall send a written notice to the operator indicating the date, time and location of the hearing. The final determination of the department, including the basis for the decision, shall be provided in writing to the operator. A suspended operator may not be the operator in charge of a facility for the duration of the suspension.

(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.

(5) Any order revoking or suspending a certificate is subject to judicial review as provided in ch. 227, Stats.

SECTION 18. A note following s. NR 114.09(5) is created to read:

Note: The purpose of the following 2 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.

Wastewater

Operator Grades and Plant Classes

	T	1 Yr Exp	1	2 Yr Exp	2	3	3 Yr Exp	4
General Knowledge								
A								
B								
C								
D								
E								
F								
G								
H								
I								
J								
K								
L								

Subgrades
Subclasses

Waterworks

Operator Grades and Plant Classes

	T	1 Yr Exp	1
G			
Z			
I			
L			
S			
D			
V			

Subgrades
Subclasses

SECTION 19. NR 114.10(2)(c) and (e) and (3)(k) are amended to read:

NR 114.10(2)(c) Plant uses ~~8-or-9~~ more than 7 of the processes listed in sub. (3)(a) through (i) 2 Points

(e) Treatment, including seasonal effluent limits, required for biochemical oxygen demand and suspended solids is more stringent than specified in ~~ch. s. NR 210~~ 210.05(1) for a nonindustrial wastewater treatment plant 1 Point

(3)(k) Subclass K. Special - generally for treatment plants not-required to-monitor-BOD using chemical or physical treatment, or both.

SECTION 20. NR 114.10(3)(1) is created to read:

NR 114.10(3)(1) Subclass L. Electroplating and metal finishing.

SECTION 21. NR 114.11(1)(a) to (e) are renumbered NR 114.11(1)(b), (c), (d), (e) and (a) respectively, and as renumbered are amended to read:

NR 114.11(1)(a) (title) Grade T. Pass the written grade 1 or higher examination for a given plant subclass and the written examination of the general knowledge necessary to operate a class 1 or higher wastewater treatment plant.

(b) Grade 1. Pass One year of satisfactory experience in the operation of a given plant subclass plus pass a written examination, grade 1 or higher, of the general knowledge necessary to operate a class 1 wastewater treatment plant and a written and-practical examination, grade 1 or higher, of the individual's ability to perform routine operational duties for the given plant subclass.

(c) Grade 2. Completion of grade 1 requirements plus one additional year of satisfactory experience in the general operation of ~~the-given-plant~~ subclass a wastewater treatment plant plus pass a written examination, grade 2 or higher, of the general knowledge necessary to operate a class 2 wastewater treatment plant and a written examination, grade 2 or higher, of the individual's ability to identify and correct common operating problems involving the given plant subclass.

(d) Grade 3. Completion of grade 2 requirements, including ~~one-year~~ 2 years of satisfactory experience in the general operation of ~~the-given-plant~~ subclass a wastewater treatment plant plus pass a written examination, grade 2 or higher, of the general knowledge necessary to operate a class 3 wastewater treatment plant and a written examination, grade 3 or higher, of the individual's ability to identify and correct less common operating problems involving the given plant subclass.

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

SECTION 22. NR 114.11(3) is created to read:

NR 114.11(3) Upon a change in a wastewater treatment plant's classification caused by any changes as listed in s. NR 114.10, the operator-in-charge shall have 12 months to pass necessary examinations and will be allowed time to obtain the required experience.

SECTION 23. NR 114.12(1) is renumbered NR 114.12 (intro.) and (1) to (6) respectively and NR 114.12 (intro.) and (2) as renumbered are amended to read:

NR 114.12 CLASSIFICATION OF WATERWORKS. The classification of each waterworks shall be ~~the sum of all~~ class 1 and assigned one or more of the applicable classes listed below subclasses based on the operations performed at that plant:

(2) Subclass Z. All waterworks providing zeolite softening or specific contaminant removal by resins.

SECTION 24. NR 114.12(7) is created to read:

NR 114.12(7) Subclass V. All waterworks providing special treatment such as, but not limited to, air stripping, granular activated carbon or others.

SECTION 25. NR 114.13(1)(a) and (b) are renumbered NR 114.13(1)(b) and (a) respectively and as renumbered are amended to read:

NR 114.13(1)(a) (title) Grade T. Pass the written grade 1 examination for the given waterworks ~~class~~ subclass.

(b) Grade 1. One year of satisfactory experience in the operation of the given waterworks class plus pass a written ~~and-a-practical~~ examination of the individual's ability to perform routine operational duties and identify and correct operating problems involving the given waterworks ~~class~~ subclass.

SECTION 26. NR 114.13(2) is amended to read:

NR 114.13(2) Operator subgrades are the same as waterworks ~~classes~~ subclasses listed in s. NR 114.12.

SECTION 27. NR 114.13(3) is created to read:

NR 114.13(3) Upon a change in a waterwork's classification caused by any changes as listed in s. NR 114.12, the operator-in-charge shall have 12 months to pass the necessary examinations and will be allowed time to obtain the required experience.

SECTION 28. NR 114.14(1)(b) and (c) are amended to read:

NR 114.14(1)(b) An individual certified as a 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~~ 2 years, provided that the department is satisfied with the operator's progress towards full certification and that the facility is in compliance with all terms and conditions of its permit.

(c) An individual certified as a wastewater treatment plant operator-in-training may operate that subclass of a treatment plant for a period not to exceed ~~4-months~~ one year, provided that the department is satisfied with the operator's progress towards full certification and that the facility is in compliance with all terms and conditions of its permit.

SECTION 29. NR 114.14(1)(cm) is created to read:

NR 114.14(1)(cm) The total time allowed for all individuals at a facility under pars. (b) and (c) may not exceed 2 years.

SECTION 30. NR 114.14(1)(d)1. is amended to read:

NR 114.14(1)(d)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~~ the 2-year period.

SECTION 31. A note following s. NR 114.14(2) is created to read:

Note: It is recommended that a second operator hold a valid certificate at a grade the same as, or higher than, the plant classification.

SECTION 32. NR 114.14(3) is renumbered NR 114.15 and amended to read:

NR 114.15 (title) OPERATOR IN CHARGE. The owner of each waterworks and wastewater treatment plant shall designate to the department the ~~operator(s)~~ operator in direct responsible charge as required in s. NR ~~114.13~~ 114.14 (1) and (2).

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 28, 1988.

The rules shall take effect 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

June 24, 1988

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

BY Carroll D. Besodny
Carroll D. Besodny, Secretary

(SEAL)

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5/10/88



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

June 24, 1988

1020

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. OM-46-87. These rules were reviewed by the Assembly Committee on Environmental Resources and Utilities and the Senate Committee on Urban Affairs, Energy, Environmental Resources and Elections pursuant to s. 227.19, Stats. A summary 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,

A handwritten signature in cursive script that reads "C. D. Besadny".

C. D. Besadny
Secretary

Enc.