

Chapter NR 114

CERTIFICATION REQUIREMENTS FOR WATERWORKS, WASTEWATER TREATMENT PLANT, SEPTAGE SERVICING AND WATER SYSTEM OPERATORS

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Note: Pursuant to s. 281.98, 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.

Subchapter I — Certification of Waterworks Operators

NR 114.01 Purpose. The purpose of this subchapter is to establish rules for the certification of waterworks operators pursuant to s. 281.17 (3), Stats.

History: Cr. Register, September, 1995, No. 477, eff. 10–1–95; correction made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2000, No. 540; am., Register, December, 2000, No. 540, eff. 1–1–01; CR 13–054; am. Register June 2014 No. 702, eff. 7–1–15.

NR 114.02 Applicability. The provisions of this subchapter are applicable to all owners and operators of waterworks as defined in this subchapter.

History: Cr. Register, September, 1995, No. 477, eff. 10–1–95; CR 13–054; am. Register June 2014 No. 702, eff. 7–1–15.

NR 114.03 Definitions. In this subchapter:

(1) “Certificate” means a printed document issued by the department, pursuant to this subchapter, stating that the operator named therein has met the competency requirements for one or more operator grades and subclasses.

(2) “Certified operator” means a person who has met the requirements of this subchapter and has been issued a certificate by the department to work at one or more of the classifications of waterworks.

(3) “Classification” or “class” means a number assigned to a waterworks based on a rating system.

(3m) “Community water system” has the meaning given in s. NR 809.04 (4).

Note: Section NR 809.04 (4) defines “community water system” to mean “a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Any public water system serving 7 or more homes, 10 or more mobile homes, 10 or more apartment units, or

10 or more condominium units shall be considered a community water system unless information is available to indicate that 25 year-round residents will not be served.”

(4) “Department” means the department of natural resources.

(5) “Direct responsible charge” means to provide detailed on-site technical direction of the operation of a waterworks.

(6) “Experience in the operation of a waterworks” means to have performed the basic duties involved with the operation of a specific treatment subclass for 12 months, or to have provided daily on-site technical supervision of the operator or operators performing those duties.

(7) “Grade” means a number indicating the classification assigned to a person based on successful completion of an examination and experience, except that the operator-in-training grade is denoted by the letter “T”.

(9m) “Non-transient non-community water system” means a non-community water system that regularly serves at least 25 of the same persons over 6 months per year and is not a waterworks as defined in sub. (15). Examples of non-transient non-community water systems include but are not limited to those serving schools, day care centers and factories.

(10) “Operate” means to be in direct responsible charge of a subclass or subclasses of operations at a waterworks.

(11) “Operator-in-charge” means the person designated by the owner of a waterworks to be in direct responsible charge of a subclass of operations of the waterworks. Not included in this definition are utility managers, city engineers, directors of public works or the equivalent, who are not actually involved in day-to-day operations.

(11m) “Other than municipal community water system” means a community water system that is not a municipal water system and is not a waterworks as defined in sub. (15). Examples of other than municipal community water systems include but are not limited to those serving mobile home parks, apartments and condominiums.

(12) “Owner” means the state, county, town, town sanitary district, city, village, corporation, firm, company, institution, association, utility district, school district, or individual owning or operating any waterworks.

(13) “Subclass” means a letter assigned to a waterworks based upon a particular type of process at the waterworks and the letter assigned to a person based on passing an examination for a specific operational process.

(14m) “Water system” means an other than municipal community or a non-transient non-community water system as defined in subs. (11m) and (9m) respectively.

(15) “Waterworks” 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 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.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95; correction in (16) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2000, No. 540; cr. (3m), (9m), (11m) and (14m), am. (16), Register, December, 2000, No. 540, eff. 1-1-01; CR 13-054: am. (2), (3), (5), r. and recr. (6), r. (8), (9), am. (10), (11), (12), (13), r. (14), (16) Register June 2014 No. 702, eff. 7-1-15.

NR 114.04 General requirements. No person may be an operator-in-charge of a subclass of a waterworks unless that person holds a valid certificate issued pursuant to this subchapter. Every subclass at a waterworks shall have a designated operator-in-charge.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95; CR 13-054: am. Register June 2014 No. 702, eff. 7-1-15.

NR 114.05 Examinations and applications.

(1) Examinations and on-the-job experience shall be used to determine knowledge, skill and ability of the applicant to perform duties at a waterworks. A score of 75 percent or higher shall be a passing score on each written examination. An applicant desiring to be certified to perform duties at a waterworks shall submit a completed application to the department at least 28 days prior to the established date of a written examination on an application form provided by the department. Fees as outlined in s. NR 114.06 shall accompany the application. Applicants shall be notified of their eligibility for examination.

(2) Written examinations shall be conducted week days at least 2 times annually in 6 locations specified by the department, except as provided in sub. (3).

(3) Surface water examinations may be given upon written request if the examination is needed to meet the requirements in s. NR 114.12 (2) (d).

(4) Written examinations may not be issued to applicants who have not properly registered 28 days prior to the examination date, or who fail to identify themselves on request.

(5) Examination papers may not be returned to an applicant. Examination results will be mailed to applicant within 60 days of the examination date.

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

(7) The department shall provide a list of reference materials and study guides pertaining to each subclass.

(9) An applicant who holds a valid water system certification under subch. III in subclasses Z, I, L or V may apply for and be granted certification in the same waterworks subclasses as listed in s. NR 114.10 without repeating the subclass examination.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95; am. (1) and (2), cr. (9), Register, December, 2000, No. 540, eff. 1-1-01; CR 13-054: am. (1), r. (8) Register June 2014 No. 702, eff. 7-1-15; correction in (1) made under s. 35.17, Stats., Register September 2021 No. 789.

NR 114.06 Fees. (1) Fees for certification shall be as follows:

- (a) Each written examination \$25.00
- (b) Three year renewal — waterworks \$45.00
- (c) Late renewal penalty (per certificate) . . . \$25.00
- (d) Comparable certification (per certificate) \$100.00

(2) Fees shall accompany the completed application form.

(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 \$25.00 late renewal penalty.

(4) Fees will not be refunded to an applicant who fails to pass a written certification examination, who fails to appear to take the examination, or who fails to identify himself or herself on request.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95; CR 13-054: am. (1) (b) Register June 2014 No. 702, eff. 7-1-15.

NR 114.07 Issuance of certificates. (1) Upon satisfactory fulfillment of the qualifications required by this subchapter, the department shall issue a certificate to a person indicating the grades and subclasses for which the person has qualified.

(2) Certificates may be issued for comparable certification, without examination, in a comparable grade and subclass to any person who holds a current certificate in any state, territory or possession of the United States, or any country, if in the judgment of the department, the person requesting comparable certification has met the equivalent of the provisions of this subchapter in examinations and operational experience.

(3) All certificates shall expire 3 years from the date of issuance. Certificates may be updated to show experience credit granted, additional exams passed or class and grade level changes, but the expiration date will not change. Updating a certificate will not extend or change the expiration date. Certificates shall only be renewed subject to the requirements of sub. (5).

(4) A person whose certificate has expired may, within one year after expiration, be reinstated by paying the renewal fee, the late penalty fee and fulfilling the continuing education requirements. A person not renewing within the one year period after expiration will have to apply to take the necessary examinations for a new certificate.

(5) (a) A person who desires to renew a certificate shall submit evidence of having met the continuing education requirements of par. (b) on forms approved or provided by the department for approved training courses or other credit that they have successfully completed during the 3-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 and document the appropriate number of hours of continuing education training within the 3-year period shall result in rejection of a certificate renewal application.

(b) Applicants shall meet the following continuing education requirements: Waterworks certified operators at Grade T and 1 require 18 hours per 3 year renewal period, except the operator-in-charge of a surface water treatment plant shall be required to submit 24 hours per 3 year renewal period.

(c) For waterworks certified operators, not more than 6 hours of health and safety training may be used per 3 year renewal period.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95; r. and recr. (5), Register, December, 2000, No. 540, eff. 1-1-01; CR 13-054: r. and recr. (5) (b), am. (5) (c) Register June 2014 No. 702, eff. 7-1-15.

NR 114.10 Classification of waterworks. The classification of each waterworks shall be class 1 and assigned one or more of the applicable subclasses based on the operations performed at that waterworks.

(1) SUBCLASS G — GROUNDWATER SOURCE. All waterworks utilizing a groundwater source.

(2) SUBCLASS Z — ZEOLITE AND RESIN TREATMENT. All waterworks providing zeolite softening or specific contaminant removal by resins.

(3) SUBCLASS I — OXIDATION AND FILTRATION TREATMENT. All waterworks providing iron removal by oxidation and filtration.

(4) SUBCLASS L — LIME-SODA ASH TREATMENT. All waterworks providing treatment by the lime-soda ash process for iron removal or softening, or both.

(5) SUBCLASS S — SURFACE WATER SOURCE. All waterworks utilizing a surface water source.

(6) SUBCLASS D — DISTRIBUTION SYSTEM. All waterworks containing a distribution system.

(7) SUBCLASS V — SPECIALIZED TREATMENT. All waterworks providing special treatment such as, but not limited to, air stripping, granular activated carbon or others.

History: Cr. Register, September, 1995, No. 477, eff. 10–1–95; am. (1) to (7), Register, December, 2000, No. 540, eff. 1–1–01; CR 13–054: am. (intro.) Register June 2014 No. 702, eff. 7–1–15.

NR 114.11 Qualification of waterworks operators.

(1) Two grades and 7 subclasses of waterworks operators are established. To qualify for certification in a given grade and subclass, a person shall meet the appropriate experience and examination requirements for that subclass and grade:

(a) *Grade T.* Pass the written examination for the given waterworks subclass.

(b) *Grade I.* Completion of grade T requirements, plus have one year of satisfactory subclass specific experience.

(2) A person may have a different grade for each subclass in which the person has received certification.

(3) Operator subclasses are the same as waterworks subclasses listed in s. NR 114.10.

(4) To qualify for certification in any of the subclasses established in s. NR 114.10, the person shall meet the requirements of either par. (a) or (b).

(a) The person shall possess a high school diploma or a general equivalency diploma.

(b) The person shall have a minimum of 2 years experience operating a waterworks prior to December 1, 2000.

History: Cr. Register, September, 1995, No. 477, eff. 10–1–95; cr. (4), Register, December, 2000, No. 540, eff. 1–1–01.

NR 114.12 Required grades for the operation of waterworks. (2) WATERWORKS. (a) The operator-in-charge of the operation of a subclass of waterworks listed in s. NR 114.10 shall hold a valid certification for the corresponding subclass at the grade 1 level, except as provided in pars. (b) and (c).

(b) A person certified as a waterworks operator-in-training may be designated the operator-in-charge of that subclass of waterworks for a period not to exceed one year.

(c) Upon a change in a waterworks' classification, the operator-in-charge shall have 12 months to pass the necessary examinations and will be allowed time to obtain the required experience.

(d) At subclass S waterworks, the system shall have a person certified at Grade T or 1 in Subclass S on duty at all times of operation. If the designated operator-in-charge of a subclass S waterworks is not on duty during the operation of the system, the waterworks shall have another operator certified at Grade T or 1 in subclass S on duty during the operation of the system. If an operator position becomes vacant at a subclass S waterworks, the department may allow a system to operate a shift without a certified operator on duty as long as the non-certified operator on duty is working under the general supervision of a certified operator and the waterworks is making a good faith effort to fill the vacant position. On duty for subclass S waterworks means having a certi-

fied operator onsite except where the department has approved an automated treatment plant surveillance system and an operation plan for offsite control as a reliable substitute for having a certified operator on-site. In the review of automated systems, the department shall consider applicable factors, such as history of plant operations, response time to alarms, offsite treatment adjustment capability, plant shutdown ability and demonstration of satisfactory operation and reliability of the automation system.

Note: For all facilities it is recommended that a second person hold a valid certificate at the grade level required by the plant classification.

(e) The operator-in-charge of the operation of a subclass of waterworks shall be available during each operating shift. The operator-in-charge may designate, on a temporary basis, such as vacation or short term illness, an operator of appropriate subclass, to be available during each operating shift.

History: Cr. Register, September, 1995, No. 477, eff. 10–1–95; am. (2) (d) and cr. (2) (e), Register, December, 2000, No. 540, eff. 1–1–01; CR 13–054: am. (title), r. (1) Register June 2014 No. 702, eff. 7–1–15.

NR 114.13 Operator-in-charge designation. The owner shall designate to the department the operator-in-charge of each subclass as required in s. NR 114.12 (2). A person may be designated as the operator-in-charge for more than one subclass. Owners shall notify the department of changes within 30 days.

History: Cr. Register, September, 1995, No. 477, eff. 10–1–95; correction under s. 13.92 (4) (b) 7., Stats., Register June 2015 No. 714.

NR 114.14 Sanctions. (1) 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 done any of the following:

(a) Made a material misstatement in the application for certification or any application for a renewal of certification.

(b) Demonstrated incompetence to operate the type of facility or subclass for which the certificate was issued.

(c) Failed to notify the department of a violation of a maximum contaminant level as required in ch. NR 809 and the construction requirements of ch. NR 811 by the operator-in-charge of a waterworks operation.

(d) Failed to provide public notification of a violation of ch. NR 809.

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

(f) By intentional or negligent action, caused or significantly contributed to a violation of any provision of ch. 281, Stats., or any administrative codes, permits or orders adopted or issued under those chapters.

(g) Used deception or any form of dishonesty when writing examinations, or removing examination materials from the examination site.

(h) 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.

(i) 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 an answer is filed, the revocation, suspension of 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 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.

History: Cr. Register, September, 1995, No. 477, eff. 10–1–95; corrections in (1) (h) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2000, No. 540; am. (1) (h), Register, December, 2000, No. 540, eff. 1–1–01; CR 13–054: r. (1) (c), (d), am. (1) (h) Register June 2014 No. 702, eff. 7–1–15.

Subchapter II — Certification of Septage Servicing Operators

NR 114.151 Purpose. The purpose of this subchapter is to establish rules for the certification of septage servicing operators pursuant to s. 281.17 (3), Stats.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04.

NR 114.152 Applicability. The provisions of this subchapter are applicable to all owners of septage servicing businesses and all operators performing septage servicing.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04.

NR 114.153 Definitions. In this subchapter:

(1) “Business” means a business licensed under s. NR 113.05 that does septage servicing.

(2) “Certificate” means a certificate issued under s. NR 114.21.

(3) “Certified operator” means a person who has been issued a certificate by the department to do septage servicing.

(3e) “Certified operator continuing education” means continuing education approved by the department with a focus on code compliance with chs. NR 113, 114, and other relevant provisions in the administrative code.

Note: Certified operator continuing education is commonly known in the industry as “compliance” training.

(3m) “Department” means the department of natural resources.

(3s) “Disposal” means the controlled discharge of septage to a POTW, treatment or storage lagoon, or agricultural field for the purpose of recycling nutrients back into the environment.

(4) “Grade” means the classification assigned to a person under s. NR 114.17.

(4e) “Land application” or “landspreading” or “land applied” or “landspread” means the spreading of septage onto the land surface, the injection of septage below the land surface, or the incorporation of septage into the soil, so that the septage can either condition the soil or fertilize crops or vegetation grown in the soil.

(4m) “Master operator” means a certified operator who has been issued a master operator certificate by the department.

(5) “Operator–in–charge” or “OIC” means the master operator who has been designated by the owner to be directly responsible for the operation of the septage servicing business.

(6) “Operator–in–training” or “OIT” means a person who has been properly registered as an operator–in–training with the department by the operator–in–charge under s. NR 114.16 (2) (c).

(7) “Owner” means the holder of a septage service business license issued under s. NR 113.05.

(8) “Portable restroom servicing assistant” means a person who services portable restrooms under the supervision of an operator–in–charge.

(8g) “Private onsite wastewater treatment system” or “POWTS” has the meaning given under s. 145.01 (12), Stats.

(8r) “Publicly owned treatment works” or “POTW” has the meaning given under s. NR 211.03 (11).

(9) “Septage” has the meaning given under s. NR 113.03 (55).

(10) “Service” or “Servicing” has the meaning given under s. NR 113.03 (57).

(11) “Service shop” means a shop from which work is dispatched.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04; CR 09–123: cr. (4m), am. (5) Register July 2010 No. 655, eff. 8–1–10; CR 20–046: cr. (3e) to (3s), (4e), am. (5), (6), (8), cr. (8g), (8r), am. (9), (10) Register September 2021 No. 789, eff. 10–1–21; correction in (intro.) made under s. 35.17, Stats., Register September 2021 No. 789.

NR 114.16 General requirements. (1) Only a certified operator, master operator, operator–in–training, or a portable restroom servicing assistant may engage in septage servicing.

(2) (a) An operator–in–training may engage in septage servicing for up to 12 months without being certified. After 5 years from the end of the last operator–in–training 12–month term, a person that was registered with the department as an operator–in–training may be re–registered with the department as an operator–in–training and engage in septage servicing for up to 12 months without being certified.

(b) The operator–in–training shall be considered to be doing septage servicing under the certification of the designated operator–in–charge. The operator–in–charge is responsible for the actions of the operator–in–training.

(c) The operator–in–charge shall register the operator–in–training by notifying the department, in writing, of the starting date, name, and address of the operator–in–training, paying the operator–in–training registration fee, and receiving written confirmation from the department that the operator–in–training meets the requirements of registration prior to the operator–in–training beginning septage servicing.

(d) Upon receiving an operator–in–training registration request from the operator–in–charge of a licensed septage business, the department shall follow the procedures under s. NR 114.195 prior to registering the person as an operator–in–training.

(3) A portable restroom servicing assistant may service portable restrooms, including the maintenance of portable restrooms and the transportation of the restrooms and the septage from them without being certified. However, a portable restroom servicing assistant may not land apply any septage removed from portable restrooms. A portable restroom servicing assistant will be considered to be working under the certificate of the designated operator–in–charge and the operator–in–charge is responsible for their actions.

(4) Each owner shall have a unique business license issued under s. NR 113.05, for any service shop that is more than 25 miles from another service shop.

(5) A vehicle used by different businesses, under a single owner, or separate owners, shall be registered under each business license and each business license number shall be displayed on the vehicle.

(6) A business license is not transferable.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04; CR 09–123: am. (1) Register July 2010 No. 655, eff. 8–1–10; CR 20–046: renum. (2) to (2) (a), (b) and am., cr. (2) (c), (d) Register September 2021 No. 789, eff. 10–1–21; correction in (1), (2) (c), (3) made under s. 35.17, Stats., Register September 2021 No. 789.

NR 114.17 Certification grades. (1) The following 2 general certification grades of septage servicing operators are established:

(a) A grade T operator is certified to conduct all aspects of septage servicing except the land application of septage. To qualify for certification as a grade T operator, a person shall pass the grade T examination.

(b) A grade L operator is certified to conduct all aspects of septage servicing including the land application of septage. To qualify for certification as a grade L operator, a person shall pass the grade L examination.

(2m) (a) The department may convert a grade L certification to a grade T certification in any of the following circumstances:

1. A grade L certified operator requests the department in writing to convert the certification to a grade T certified operator.

2. A grade L master operator requests the department in writing to convert the certification to a grade T master operator.

3. The department converts the certification as specified under s. NR 114.24 (2).

(b) After reviewing the request under par. (a) 1. or 2. and upon satisfaction that the request meets the requirements of this chapter, the department shall issue a converted grade T certification.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04; CR 20–046: am. (1) (intro.), r. (2), cr. (2m), r. (3) Register September 2021 No. 789, eff. 10–1–21.

NR 114.18 Operator-in-charge and master operator. (1) The owner of a licensed business shall in writing designate to the department the operator-in-charge of the business based upon the type of business and method of septage disposal as follows:

(a) If a septage servicing business does not conduct any land application of septage, the operator-in-charge shall be a grade T or a grade L master operator.

(b) If a septage servicing business does conduct any land application, the operator-in-charge shall be a grade L master operator.

(2) Applicants for master operator shall accrue at least 1600 hours of experience working in the operator's designated grade certification, including land application experience if grade L, over at least one calendar year, participate in a mandatory training class sponsored by the department, and pass examinations associated with that training class in order to become certified as a master operator. The class and examinations may be taken prior to obtaining the required experience. The time and experience requirements shall be documented by the applicant through submittal of a notarized certification statement. The department may verify information submitted on a case-by-case basis. Master operator grade certification shall be consistent with the person's operator certification grade.

(3) The mandatory training class for certifying a master operator shall be offered at least twice a year and shall cover topics relevant to the septage servicing business and shall cover both land application and disposal of septage at wastewater treatment facilities.

(4) Owners shall notify the department in writing of any change of the designated operator-in-charge within 15 days of the change.

(5) The master operator designated by the owner as the operator-in-charge shall agree to the designation in writing. The written agreement shall be submitted and approved by the department prior to approving the master operator as the operator-in-charge of the business.

(6) The department may convert a master operator to a certified operator in any of the following circumstances:

(a) A grade L master operator requests the department in writing to convert the certification to a grade L certified operator.

(b) A grade T master operator requests the department in writing to convert the certification to a grade T certified operator.

(c) The department converts the certification as specified under s. NR 114.24 (2).

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04; CR 09–123: am. (title) and (1), r. (2), (4) and (5), renum. (3) and (6) to be (2) and (4) and am. (2), cr. (3) Register July 2010 No. 655, eff. 8–1–10; CR 20–046: am. (title), (1) (intro.), (2) to (4), cr. (5), (6) Register September 2021 No. 789, eff. 10–1–21; correction in (2) made under s. 35.17, Stats., Register September 2021 No. 789.

NR 114.19 Examinations and applications. (1) The department shall use examinations to determine the knowledge and ability of an applicant to do septage servicing. A score of 75 percent or higher shall be a passing score on each written examination. The department may give oral examinations in lieu of the written examination upon a showing that the applicant has diffi-

culty reading the written examination and if the applicant can demonstrate the ability to properly perform septage servicing without a better reading ability. A score of 75 percent or higher shall be a passing score on each oral examination. Electronic examinations will be acceptable as administered by the department should that technology become available at a future date.

(2) The department shall conduct written examinations on weekdays at least 2 times annually in all 5 department regions.

(3) (a) A person desiring to be certified shall file an application with the department at least 28 days prior to the established date of a written examination on an application form provided by the department.

(b) A person wishing to register for the master operator exam shall file an application with the department at least 28 days prior to the established date of a written examination on an application form provided by the department.

(c) Fees shall accompany the completed application.

(4) Written examinations may not be issued to applicants who have not properly registered 28 days prior to the examination date, or who fail to identify themselves on request when appearing to take an examination.

(5) Examination papers may not be returned to an applicant. Examination results shall be mailed to the applicant within 30 days of the examination date.

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

(7) Notwithstanding subs. (2) to (4), the department may allow for the examinations to be given at more frequent intervals and at locations to be determined, in addition to the twice annual examinations specified in sub. (2), and may waive the 28 day application requirement specified in sub. (3). Fees shall be submitted no later than the date of the examination in those cases.

(8) Notwithstanding the requirements of sub. (6), applicants who fail the examination associated with the mandatory training class required under s. NR 114.18 (2) may retake the examination at a regional office whenever a mutually agreed time can be scheduled.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04; CR 09–123: am. (8) Register July 2010 No. 655, eff. 8–1–10; CR 20–046: renum. (3) to (3) (a), (c), cr. (3) (b), am. (4), (8) Register September 2021 No. 789, eff. 10–1–21; correction in (1) made under s. 35.17, Stats., Register September 2021 No. 789.

NR 114.195 Non-delinquency certificate from the department of children and families and the department of revenue. (1) The department shall request a non-delinquency certificate from the department of children and families and the department of revenue under ss. 49.857 and 73.0301, Stats., prior to issuing or renewing an operator certificate, or registering a person as an operator-in-training.

(2) If the department receives notice that a non-delinquency certificate cannot be issued from the department of children and families or the department of revenue the application is denied.

History: CR 20–046: cr. Register September 2021 No. 789, eff. 10–1–21.

NR 114.20 Fees. (1) Fees for certification shall be as follows:

(a) Each written or oral examination — \$100.00

(b) Certification renewal for certified operator other than master operator — \$65.00

(c) Late renewal penalty per certificate — \$100.00

(d) Septage operator-in-training registration — \$25.00

(e) Master operator certification initial issuance and renewal — \$100.00

(2) The department may not refund fees to an applicant who fails to pass an examination, who fails to appear to take an exami-

nation, or who fails to identify themselves on request when appearing to take an examination.

(3) All fees collected under this section shall be used by the department for the purposes of implementing this subchapter and ch. NR 113.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04; CR 09–123: cr. (1) (e) Register July 2010 No. 655, eff. 8–1–10; CR 20–046: am. (1) (b), (e), (2) Register September 2021 No. 789, eff. 10–1–21.

NR 114.21 Issuance of certification. Upon satisfactory fulfillment of the qualifications required under this subchapter and receipt of the certification fee, the department shall issue a certification to an applicant indicating the operator certification and grade for which the applicant has qualified.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04; CR 20–046: am. Register September 2021 No. 789, eff. 10–1–21.

NR 114.22 Certificate renewals. (1) All certificates shall expire 3 years from the date of issuance. The renewal fee is due on the expiration date of the certificate. Any renewal application postmarked after the expiration date shall also include the late renewal penalty fee.

(2) A person who desires to renew a certificate shall submit evidence of having met the continuing education requirements in s. NR 114.23 for approved training courses or other credit which they have successfully completed during the 3 year period. Failure to successfully complete and document the appropriate number of hours of approved training within the 3 year period shall result in rejection of a certificate renewal application.

(3) (a) A person whose certification has expired may within one year of the expiration date be reinstated by paying the renewal fee, the late penalty fee, and fulfilling the continuing education requirements.

(b) If a person's master operator certification is expired less than 5 years but more than 1 year, the person may use previous septage operator work experience from the 2 years prior to the expiration date to fulfill the 1600-hour master operator experience requirement. The department may require the person to participate in the required master operator training class and pass the appropriate the master operator examinations to fulfill the master operator requirements.

(c) An operator, including a master operator, may not renew a certification by taking certification examinations in lieu of obtaining continuing education credits unless the certification has been expired for at least one year.

(d) An operator, including a master operator, may not continue to service with an expired certification.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04; CR 20–046: renum. (3) to (3) (a), (c), (d) and am., cr. (3) (b) Register September 2021 No. 789, eff. 10–1–21.

NR 114.23 Continuing education and training requirements. (1) All grade T and grade L septage operators shall obtain 3 hours of certified operator continuing education within the 3-year term of the certification.

(2) All grade T and grade L master operators shall obtain 18 hours of department approved continuing education, including not less than 3 hours of certified operator continuing education, within the 3-year term of the certification.

(3) The department shall develop or approve training relevant to the septage servicing profession sufficient to fulfill the continuing education requirements of this subchapter. The training shall be offered at frequencies and at diverse enough locations around the state so as to facilitate fulfillment of these requirements. Master operators may use attendance at industry trade shows to satisfy three department approved continuing education hours. The sponsor of the trade show or the person attending the trade show shall submit relevant documentation to obtain department approval for attendance at the show.

(4) Any septage operator may voluntarily participate in the mandatory training class required under s. NR 114.18 (2) and (3), even if not required to, and may receive the associated hours of continuing education.

Note: Certified operator continuing education is commonly known in the industry as compliance continuing education. All other hours approved by the department to meet the remaining continuing education are commonly known as general septage education.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04; CR 09–123: am. (1) and (2), r. (4), renum. (5) to be (4) and am. Register July 2010 No. 655, eff. 8–1–10; CR 20–046: am. Register September 2021 No. 789, eff. 10–1–21.

NR 114.24 Sanctions. (1) The department shall revoke an operator's certification and may not issue or renew a certificate for septage servicing for a period of 2 years if an operator has accumulated 6 or more violations of chs. NR 113, 114 or s. 29.601, Stats., in any 3 year certification period. Enforcement may be taken against the operator, the operator-in-charge responsible for the operator, or both. Each violation shall count against the business for purposes of license renewal as specified in s. NR 113.05 (3).

(2) 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, refuse to issue, convert certification grade, or refuse to renew any operator's certification if the department finds that the holder of or applicant for a certification does any of the following:

(a) Uses deception or any form of dishonesty when writing examinations, or removes examination material from an examination site.

(b) Demonstrates incompetence to perform septage servicing as required by this chapter.

(c) Falsifies any required applications, operating records, or any other records submitted to the department.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04; CR 09–123: am. (1) Register July 2010 No. 655, eff. 8–1–10; CR 20–046: am. (2) (intro.), (c) Register September 2021 No. 789, eff. 10–1–21.

NR 114.245 Enforcement. (1) CITATIONS. Under s. 281.48 (3) (e), and (5s), Stats., the department may follow the procedures for the issuance of a citation under ss. 23.50 to 23.99, Stats., to collect a forfeiture for a violation of ss. NR 114.16 to 114.23. Deposit amounts are listed under sub. (2).

(2) DEPOSIT SCHEDULE. Deposit amounts, not including applicable court costs, surcharges, and assessments, for violations of ss. NR 114.16 to 114.23 are \$500.00 for each violation.

(3) PENALTIES. Any person who violates ss. NR 114.16 to 114.23 shall be subject to penalties as provided under s. 281.98, Stats.

History: CR 20–046: cr. Register September 2021 No. 789, eff. 10–1–21.

NR 114.25 Variances. (1) GENERAL. A certified septage operator may request a variance from any non-statutory requirement of this chapter. The department may approve a variance from requirements of this chapter when special circumstances show that a variance will not negatively impact the environment or pose a threat to public health.

(2) REQUEST FOR VARIANCE. An applicant for a variance shall submit a written request for a variance to the department, as far in advance as possible. Each request for a variance shall contain all of the following:

(a) The name, address, phone number, and operator certification number of the applicant.

(b) The section or sections of this chapter from which a variance is sought and a statement explaining why it is requested.

(c) A full description of the variance and the circumstances in which it will be used, including any pertinent background information which is relevant to making a determination on the justification for granting the variance.

(d) A statement as to whether the same or similar variance has been requested previously, and if so, outcome of the previous request.

(3) **WRITTEN DETERMINATION.** The department shall approve or deny the variance in writing. A copy of each variance request and the department's decision shall be retained by the operator.

(4) **VARIANCE CANCELLATION.** Violations of chs. NR 113 and 114 may result in the cancellation of a previously approved variance.

History: CR 04–047: cr. Register November 2004 No. 587, eff. 12–1–04; CR 20–046: am. (3) (title), cr. (4) Register September 2021 No. 789, eff. 10–1–21; correction in (2) (a) made under s. 35.17, Stats., Register September 2021 No. 789.

Subchapter III — Certification of Water System Operators

NR 114.26 Purpose. The purpose of this subchapter is to establish rules for the certification of water system operators pursuant to s. 281.17 (3), Stats.

History: Cr. Register, December, 2000, No. 540, eff. 1–1–01.

NR 114.27 Applicability. The provisions of this subchapter are applicable to all owners and operators of water systems as defined in this subchapter.

History: Cr. Register, December, 2000, No. 540, eff. 1–1–01.

NR 114.28 Definitions. In this subchapter:

(1) “Certificate” means a printed document issued by the department, pursuant to this subchapter, stating that the operator named therein has met the competency requirements for certification.

(2) “Certified operator” means a person who has met the requirements of this subchapter and has been issued a certificate by the department to work at a water system.

(3) “Classification” or “class” means a number assigned to a water system based on a rating system.

(4) “Community water system” has the meaning given in s. NR 809.04 (4).

Note: Section NR 809.04 (4) defines “community water system” to mean “a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Any public water system serving 7 or more homes, 10 or more mobile homes, 10 or more apartment units, or 10 or more condominium units shall be considered a community water system unless information is available to indicate that 25 year-round residents will not be served.”

(5) “Department” means the department of natural resources.

(6) “Direct responsible charge” means the responsibility to provide detailed on-site technical direction of the operation of a water system.

(7) “Operate” means to be in direct responsible charge of a subclass of operations at a water system.

(8) “Operator-in-charge” means the person designated by the owner of a water system to be in direct responsible charge of a subclass of operations of the water system. Not included in this definition are managers, engineers, directors or the equivalent, who are not actually involved in day-to-day operations of the system.

(9) “Owner” means the state, county, town, town sanitary district, city, village, metropolitan sewerage district, corporation, firm, company, institution, association, utility district, school district, joint sewerage commission or individual owning or operating any water system.

(10) “Subclass” means a letter assigned a plant or system based upon a particular type of process at the plant and the letter assigned to a person based on passing an examination for a specific operational process.

(11) “Water system” means an other than municipal community or a non-transient non-community public water system as defined in pars. (a) and (b):

(a) “Other than municipal community water system” means a community water system that is not a municipal water system and is not a waterworks as defined in sub. (11). Examples of other than municipal community water systems include, but are not limited to, those serving mobile home parks, apartments and condominiums.

(b) “Non-transient non-community water system” means a non-community water system that regularly serves at least 25 of the same persons over 6 months per year and is not a waterworks as defined in sub. (11). Examples of non-transient non-community water systems include, but are not limited to, those serving schools, day care centers and factories.

(12) “Waterworks” 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 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.

History: Cr. Register, December, 2000, No. 540, eff. 1–1–01.

NR 114.29 Classification of water systems. (1) The classification of each water system shall be class 1 and assigned one or more of the applicable subclasses listed in sub. (3) based on the operations performed at the system.

(2) Each water system shall be assigned a minimum of subclass O and additional subclasses for each treatment or process utilized and listed in sub. (3).

(3) The following subclasses are established for both water system classifications and operator certification:

(a) *Subclass O — General water system operation.* All water systems utilizing a groundwater source, surface water source, or purchased water from a waterworks. Any operator who holds a valid waterworks certification under subch. I in subclasses G, D or S may also operate this water system subclass.

(b) *Subclass Z — Zeolite and resin treatment.* All water systems providing zeolite softening or specific contaminant removal by resins. Any operator who holds a valid waterworks certification under subch. I in subclass Z may operate this water system subclass.

(c) *Subclass I — Oxidation and filtration treatment.* All water systems providing iron removal by oxidation and filtration. Any operator who holds a valid waterworks certification under subch. I in subclass I may also operate this water system subclass.

(d) *Subclass L — Lime-soda ash treatment.* All water systems providing treatment by the lime-soda ash process for iron removal or softening, or both. Any operator who holds a valid waterworks certification under subch. I in subclass L may operate this water system subclass.

(e) *Subclass V — Specialized treatment.* All water systems providing special treatment such as, but not limited to, air stripping, granular activated carbon or others. Any operator who holds a valid waterworks certification under subch. I in subclass V may also operate this water system subclass.

History: Cr. Register, December, 2000, No. 540, eff. 1–1–01.

NR 114.30 General requirements. Every water system shall have a designated operator-in-charge. No person may be an operator-in-charge of a water system subclass unless that person holds a valid certificate for that subclass issued pursuant to this chapter.

History: Cr. Register, December, 2000, No. 540, eff. 1–1–01.

NR 114.31 Requirements for water system owners. The owner of a water system shall designate to the department the operator-in-charge of the water system. The designated

operator-in-charge shall meet the requirements stated in s. NR 114.32. A person may be designated as the operator-in-charge for more than one subclass. Owners shall notify the department of changes within 30 days.

History: Cr. Register, December, 2000, No. 540, eff. 1-1-01.

NR 114.32 Requirements for water system operators. (1) To qualify for certification in any of the subclasses established in s. NR 114.29, the person shall meet the requirements of either par. (a) or (b).

(a) The person shall possess a high school diploma or a general equivalency diploma.

(b) The person shall have a minimum of 2 years experience operating a water system prior to December 1, 2000.

(2) To qualify for certification in any of the subclasses established in s. NR 114.29, a person shall submit a completed application and successfully pass the examination for that subclass as stated in s. NR 114.33.

(3) The operator-in-charge of the operation of a water system subclass listed in s. NR 114.29 shall hold a valid certification for that subclass, except as noted in sub. (4).

(4) Upon the addition of a subclass treatment process to a water system, the operator-in-charge of the system shall have 12 months to pass the necessary examinations and meet the requirements specified under this section.

(5) The operator-in-charge of a water system shall be available during each operating shift.

(6) To continue certification under this subchapter, each certified water system operator shall renew his or her certificate every 3 years as specified in s. NR 114.36.

History: Cr. Register, December, 2000, No. 540, eff. 1-1-01.

NR 114.33 Applications and examinations. (1) A person desiring to be certified to perform duties at a water system shall submit a completed application form to the department at least 28 days prior to the established date of a written examination. Fees as outlined in s. NR 114.34 shall accompany the application form. Applicants shall be notified of their eligibility for examination.

(2) Examinations shall be used to determine knowledge, skill and ability of the applicant to perform duties at a water system. A score of 75% or higher shall be a passing score on each written examination.

(3) Written examinations shall be conducted at least 2 times annually in 6 locations specified by the department.

(4) Examinations for water system operations may not be issued to applicants who have not properly registered or who fail to identify themselves on request.

(5) Examination papers may not be returned to an applicant. Examination results will be mailed to applicant within 60 days of the examination date.

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

(7) The department shall provide a list of reference materials and study guides pertaining to each water system subclass.

(8) An applicant who holds a valid waterworks certification under subch. I in subclasses Z, I, L or V may apply for and be granted certification in the same water system subclasses as listed in s. NR 114.29 without repeating the subclass examination.

History: Cr. Register, December, 2000, No. 540, eff. 1-1-01.

NR 114.34 Fees. (1) Fees for certification shall be as follows:

- (a) Each written examination \$25.00
- (b) Three year renewal (per certificate) \$45.00
- (c) Late renewal penalty (per certificate) . . . \$25.00

(d) Reciprocal certification (per certificate) . 100.00

(2) Fees shall accompany a completed application form.

(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 \$25.00 late renewal penalty.

(4) Fees may not be refunded to an applicant who fails to pass a written certification examination, who fails to appear to take the examination or who fails to identify himself or herself on request.

(5) The department shall collect these fees pursuant to s. 281.17 (3), Stats., for uses including the administration of this chapter.

History: Cr. Register, December, 2000, No. 540, eff. 1-1-01.

NR 114.35 Issuance of certificates. (1) Upon satisfactory fulfillment of the qualifications required by this subchapter, the department shall issue a certificate to a person indicating the water system subclasses for which the person has been certified.

(2) Certificates may be issued for reciprocal certification, without examination, in a comparable subclass to any person who holds a current certificate in any state, territory or possession of the United States, or any country, if in the judgment of the department, the person requesting reciprocal certification has met the equivalent of the provisions of this subchapter in examinations.

(3) All certificates shall expire 3 years from the date of issuance. Certificates may be updated to show additional subclasses after passing an examination, but the original expiration date shall remain on the certificate. Updating a certificate for any reason, except renewal of certification as described in s. NR 114.36 does not extend or change the expiration date. Certificates shall only be renewed subject to the requirements of s. NR 114.36.

History: Cr. Register, December, 2000, No. 540, eff. 1-1-01.

NR 114.36 Renewal of certification. (1) A person who desires to renew a certificate shall submit a renewal application, the renewal fee and evidence of fulfilling the continuing education requirements of sub. (2).

(2) Certified water system operators require 6 hours of continuing education per 3-year renewal period. Evidence of these hours shall be submitted on forms approved or provided by the department for department required or approved training courses that they have successfully completed during the 3 year period. These may include, but are not limited to courses sponsored by the department, courses at any university or technical school, technical sessions at meetings of professional organizations, in-house training and correspondence courses.

(3) Failure to successfully complete and document the appropriate number of hours of continuing education training within the 3-year period shall result in rejection of a certificate renewal application.

(4) A person whose certification has expired may, within one year after expiration, be reinstated by submitting a renewal application, the renewal fee, the late penalty fee and evidence of the continuing education requirements of sub. (2). A person not renewing within the one-year period after expiration will have to apply to take the necessary examinations for a new certificate.

History: Cr. Register, December, 2000, No. 540, eff. 1-1-01.

NR 114.37 Sanctions. (1) 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 operators certificate, or reprimand the operator if the department finds that the holder of the certificate has done any of the following:

- (a) Made a material misstatement in the application for certification or any application for a renewal of certification.
- (b) Demonstrated incompetence to operate the system.

(c) Failed to notify the department of a violation of a maximum contaminant level as required in ch. NR 809 or the construction requirements of ch. NR 811 by the operator-in-charge of a water system operation.

(d) Failed to provide public notification of a violation of ch. NR 809.

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

(f) By intentional or negligent action, caused or significantly contributed to a violation of any provision of ch. 281 or 283, Stats., or any administrative codes, permits or orders adopted or issued under those chapters.

(g) Used deception or any form of dishonesty when writing examinations, or removing examination materials from the examination site.

(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 an answer is filed, the revocation, suspension of 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 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.

History: Cr. Register, December, 2000, No. 540, eff. 1–1–01.

Subchapter IV — Certification of Wastewater Treatment Plant Operators

NR 114.50 Purpose. The purpose of this subchapter is to establish rules for the certification of wastewater treatment plant operators pursuant to s. 281.17 (3), Stats.

History: CR 13–054: cr. Register June 2014 No. 702, eff. 7–1–15.

NR 114.51 Applicability. The provisions of this subchapter are applicable to all owners and operators of wastewater treatment plants as defined in this subchapter and under the coverage of a WPDES permit.

History: CR 13–054: cr. Register June 2014 No. 702, eff. 7–1–15.

NR 114.52 Definitions. In this subchapter:

(1) “Advanced coursework” means education that is beyond the basic knowledge of a particular aspect of wastewater treatment. It concentrates advanced wastewater studies in only a few subjects in blocks of a minimum of 20, 40, 60, or 80 hours. Technical talks or presentations at meetings, single- or part-day classes, or training sessions, seminars, or conferences are not included in this definition.

(2) “Associates degree” means a wastewater treatment related degree earned at a 2-year technical college.

(3) “Certificate” means a printed document issued by the department, pursuant to this subchapter, stating that the operator named therein has met the competency requirements for one or more operator levels and subclasses.

(4) “Certified operator” means a person who has meet the requirements of this subchapter and has been issued a certificate

by the department to work at a given level and subclasses of wastewater treatment plants.

(5) “Department” means the department of natural resources.

(6) “Direct responsible charge” means having responsibility for providing on-site technical direction in the operations of a wastewater treatment plant.

(7) “Experience” means the daily hands-on operation and maintenance of a wastewater treatment plant as provided in pars. (a), (b), and (c). Treatment plant managers providing daily on-site technical supervision of the operator or operators performing those tasks may be eligible for claiming experience.

(a) The first twelve months of claimed experience shall be subclass specific.

(b) Subsequent months of claimed experience may be any general wastewater operational experience.

(c) One year of experience is based on full-time employment at a treatment plant or 1,000 hours of cumulative experience, over a minimum of 12 months, for part-time operators.

(8) “Graduate degree” means an advanced degree, M.S. or Ph.D., from an accredited college or university with graduate studies and emphasis in wastewater treatment or water pollution control engineering.

(9) “Health and safety training” means classes relating to wastewater treatment plant operations and maintenance and includes but not limited to confined space, excavation, hearing conservation, water safety, blood-borne pathogens, CPR — First Aid, mechanical and electrical safety, fall protection, hazardous plant chemicals as well as others.

(10) “Industrial wastewater treatment plant” means a privately owned wastewater treatment plant for treating liquid wastes resulting from any process of industry, manufacture, trade, or business or the development of any natural resources.

(11) “Level” means the basic or advanced classification assigned to a wastewater treatment plant operator pursuant to this subchapter.

(12) “Major contributing industry” means an industrial or commercial facility that is a user of a municipally owned wastewater treatment plant, and has a waste which the department determines has, or may have, a significant impact, either singly or in combination with other wastes, on a wastewater treatment plant or on the quality of effluent from a wastewater treatment plant.

(13) “Mechanical plant” means a plant that is designed and constructed with a series of steel or concrete basins using pumps, pipes, and other equipment to actively convey and treat wastewater. Pond, lagoon, or natural systems are not part of this definition.

(14) “Operate” means to be in direct responsible charge of a subclass or subclasses of operations at a wastewater treatment plant and a sanitary sewage collection system.

(15) “Operator-in-charge” means the person designated by the owner of the wastewater treatment plant to be in direct responsible charge of a subclass of operations of a treatment plant or of a sanitary sewage collection system and involved in hands-on day-to-day operations.

(16) “Owner” means the state, county, town, sanitary district, city, village, metropolitan sewerage district, corporation, firm, company, institution, association, utility district, school district, sewerage commission, or individual owning or operating a WPDES permitted wastewater treatment plant.

(17) “Satellite sewage collection system” means a municipally owned or private sewage collection system that conveys wastewater to another sewerage system which provides the wastewater treatment.

(18) “Sanitary sewage collection system” means the common sanitary sewers, interceptor sewers, pump stations and supporting

equipment in a community that receive wastewater from buildings and conveys it to a wastewater treatment plant.

(19) “Subclass” means a letter assigned a treatment plant based upon a particular type of treatment process at the plant and to the letter assigned to a person based on passing a subclass examination for a specific operational process.

(20) “Tertiary phosphorus removal” means the advanced physical and chemical removal of phosphorus to achieve very low phosphorus concentrations not achievable by conventional methods.

(21) “Undergraduate degree” means a Bachelor’s degree earned at a 4–year accredited college or university in which at least 240 hours were wastewater treatment related.

(22) “Wastewater treatment plant” means a facility that provides for the treatment of sanitary or industrial wastewater or both. The following types of facilities are excluded from operator certification:

(a) Facilities defined as private sewage systems in s. 145.01 (12), Stats.

(b) Pretreatment facilities which discharge to a public sewer system for treatment.

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

(d) Digesters at agricultural operations that reuse, recycle or landspread the treated wastes.

(e) Concentrated aquatic production facilities (fish hatcheries) in which no biological treatment process is utilized.

(23) “WPDES permit” means a permit issued to a publicly owned treatment plant under s. 283.31, Stats., for the purposes of controlling pollutant discharge.

History: CR 13–054: cr. Register June 2014 No. 702, eff. 7–1–15; correction in (7) (intro.) made under s. 35.17, Stats., Register June 2014 No. 702.

NR 114.53 General requirements. (1) Every WPDES permitted treatment plant shall have a designated operator–in–charge holding a current and valid certificate pursuant to this subchapter. The designated operator–in–charge shall be certified at the level and in all subclasses of the treatment plant, except laboratory. Treatment plant owners shall notify the department of any changes in the operator–in–charge within 30 days.

(2) Owners of treatment plants, which includes both the treatment plant and sanitary sewage collection system to it, shall have a designated collection system operator–in–charge for sanitary sewage collection systems. The designated operator–in–charge shall have passed and be certified in the sanitary sewage collection system subclass. For owners of satellite sanitary sewage collection systems, collection system operator certification is voluntary.

(3) All wastewater treatment plants holding a WPDES permit that have a registered or certified laboratory shall have at least one operator that works in the laboratory certified at the basic level in the laboratory subclass.

(4) Upon a change in a wastewater treatment plant’s classifications caused by the addition of a new subclass listed in s. NR 114.56 (4), the operator–in–charge shall have 12 months to pass the necessary subclass examinations and to gain the one year of subclass specific experience.

(5) Upon a change in a wastewater treatment plant’s level of operations from basic to advanced, the operator–in–charge shall have 36 months to obtain advanced certification, provided the person is making earnest efforts towards advanced certification and that the treatment plant is in compliance with all terms and conditions of its WPDES permit.

(6) Owners of basic wastewater treatment plants, in the event of the unexpected loss of the operator–in–charge, may designate an operator–in–training certified in all subclasses of the plant as the operator–in–charge for a period up to twelve months.

(7) Owners of advanced wastewater treatment plants, in the event of the unexpected loss of the designated operator–in–charge, shall ensure the continued proper operation and maintenance of the treatment plant by another advanced certified operator in all subclasses of the plant.

History: CR 13–054: cr. Register June 2014 No. 702, eff. 7–1–15.

NR 114.54 Examinations and applications.

(1) Examinations, education and on–the–job experience shall be used to determine knowledge, skill, and the ability of the applicant to perform duties at a wastewater treatment plant. A score of 75% or higher shall be a passing score on each examination. An applicant desiring to be certified to perform duties at a wastewater treatment plant shall submit a completed exam application to the department at least 28 days prior to the established date of the written examination. The applicant shall submit the completed application on an application form provided by the department. Fees as listed in s. NR 114.55 shall accompany the application.

Note: The application form is available on the following website: <http://dnr.wi.gov> or by writing to the Department of Natural Resources, Operator Certification Program, PO Box 7921, Madison, WI 53707–7921.

(2) Written examinations shall be conducted on week days at least 2 times annually in locations specified by the department.

(3) Basic examinations shall consist of 25 to 50 questions specific to the subclass. The wastewater treatment plant advanced examination shall consist of 100 questions with content from all subclasses.

(4) Examinations shall not be issued to applicants who have not properly registered 28 days prior to the examination date, or fail to identify themselves on request.

(5) Examinations shall not be returned to an examinee. Examination results shall be mailed to the examinee within 60 days of the examination date.

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

(7) The department shall provide study guides pertaining to each subclass.

(8) A wastewater treatment plant operator shall take and successfully complete the general wastewater examination and subclass examinations to become an operator–in–training in each subclass.

(9) A wastewater treatment plant operator shall take and successfully complete the requirements of sub. (8) and meet one–year subclass–specific experience to become a basic level operator in a subclass.

(10) A wastewater treatment plant operator may take the wastewater treatment advanced certification examination to earn four points towards advanced certification according to the table in s. NR 114.57 (1) (c).

History: CR 13–054: cr. Register June 2014 No. 702, eff. 7–1–15.

NR 114.55 Fees. (1) Fees for certification shall be as follows:

(a) Each basic examination	\$ 25.00
(b) Advanced examination	\$ 50.00
(c) Advanced certification application	\$100.00
(d) Certification renewal	\$ 45.00
(e) Late renewal penalty	\$ 25.00
(f) Reciprocity application	\$100.00

(2) Fees shall accompany completed application forms. Fees are non–refundable.

(3) Certifications shall be renewed every 3 years. The renewal fee is due no later than the expiration date of the certificate. A late renewal penalty fee shall be assessed for any renewal application postmarked after the expiration date.

History: CR 13–054: cr. Register June 2014 No. 702, eff. 7–1–15.

NR 114.56 Classification of wastewater treatment plants. (1) Each wastewater treatment plant shall be assigned a basic or advanced rating. An advanced wastewater treatment plant is one that meets any one of the following criteria:

- (a) Is a mechanical plant with an annual average design flow greater than 1.0 MGD.
- (b) Has a biochemical oxygen demand (BOD) limit of 10 mg/L or less.
- (c) Has surface water limits for total phosphorus or total nitrogen and utilizes a biological nutrient removal process.
- (d) Uses a tertiary phosphorus removal process to achieve ultralow phosphorus limits.

(e) Is a municipal treatment plant that receives wastewater from a major contributing industry.

(f) Is a municipal treatment plant that produces Class A biosolids.

(2) Wastewater treatment plants that do not meet any of the criteria in s. NR 114.56 (1) shall be classified as a basic facility.

(3) Wastewater treatment plants that utilize special or unique biological, physical, chemical, or other unique treatment methods shall have an operator certified in subclass U.

(4) Thirteen wastewater treatment plant subclasses are established in Table 1.

Table 1
Wastewater Treatment Plant Categories and Subclasses

CATEGORY	SUBCLASS	SUBCLASS NAME	DESCRIPTION
<i>Biological treatment</i>	A1	Suspended Growth Processes	Activated sludge and variants
	A2	Attached Growth Processes	Trickling filters, RBCs and biotowers
	A3	Recirculating Media Filters	
	A4	Ponds, Lagoons and Natural Systems	
	A5	Anaerobic Treatment of Liquid Waste	High strength liquid waste treatment system
<i>Solids separation</i>	B	Solids Separation	Clarifiers, membranes, filters, tertiary phosphorus removal, etc.
<i>Solids treatment</i>	C	Biological Solids/Sludge — Handling, Processing and Reuse	Aerobic and anaerobic digestion, thickening, dewatering, land application
<i>Nutrient removal</i>	P	Total Phosphorus	
	N	Total Nitrogen	
<i>Disinfection</i>	D	Disinfection	Chlorination, ultraviolet radiation, ozone
<i>Laboratory</i>	L	Laboratory	Registered or certified on-site laboratories
<i>Special</i>	U	Unique Treatment Systems	Unique, special treatment plants that use biological, chemical or physical methods
<i>Collection System</i>	SS	Sanitary Sewage Collection System	

History: CR 13–054: cr. Register June 2014 No. 702, eff. 7–1–15.

NR 114.57 Qualifications and level of wastewater treatment plant operators. (1) Two levels and 13 subclasses of wastewater treatment plant operators are established. Operator subclasses are the same as plant subclasses listed in Table 1. To qualify for certification at a given level and subclass, a person shall meet the appropriate examination, education and experience requirements.

(a) *Operator–in–training.* To qualify for operator–in–training in a specific subclass, a person shall pass the basic general wastewater examination and a basic subclass examination.

(b) *Basic level.* To qualify for basic certification in a specific

subclass, a person shall pass the basic general wastewater examination, the specific subclass exam and have one year of satisfactory experience in that subclass.

(c) *Advanced Level.* An advanced certification point system is established in Table 2. To qualify for advanced certification in a given subclass, a person shall have earned a total of 10 points and met the requirements of s. NR 114.57 (1) (b). Of the 10 points, 4 to 6 years of experience accounts for 4 to 6 points. A minimum of 4 points of experience is required. Six points is the maximum number of points that may be given for experience.

Table 2
Advanced Certification Point System

TYPE	POINT METHOD	POINTS	MINIMUM HOURS
Experience	48 Months Work Experience, Minimum	4	
	60 Months Work Experience	5	
	72 Months Work Experience, Maximum	6	
Degree	4–year Undergraduate Degree or Graduate Degree	6	
	2–year Water/Wastewater Associates Degree	6	
Apprenticeship	State Approved Apprenticeship Program	6	
Exam	100 Question Multiple Choice Exam	4	
Advanced course		2	80
		1.5	60

	1	40
	0.5	20

(2) A person shall submit an advanced certification application provided by the department documenting education, experience and the advanced certification points earned. Diplomas or certificates showing successful education completion shall be attached to the application. Transcripts highlighting wastewater related classwork shall also be attached. Applicants shall be notified of the status of their advanced certification with 90 days of receipt of a complete application.

(3) The department shall establish and update a list of eligible advanced course offerings by September 1 of each year. Trainers shall submit an application provided by the department for approval of advanced courses by no later than June 1 of each year. Trainers of listed courses shall annually renew their course application by June 1 each year and notify the department of any changes in course content. An advanced course of 18 to 19 hours may be eligible for .5 points if listed by the department.

(4) A general wastewater examination is not required for unique treatment systems (subclass U) or sanitary sewage collection systems (subclass SS) basic certifications.

(5) Upon development and availability of the sanitary sewage collection system subclass SS study guide and examination, and at the time of permit reissuance, collection system operators shall have a permit term of 5 years to obtain collection system certification.

History: CR 13–054: cr., except (3), Register June 2014 No. 702, eff. 7–1–15, cr. (3) eff. 7–1–14.

NR 114.58 Certificate issuance, renewal and continuing education. (1) Upon satisfactory fulfillment of the qualifications required by this subchapter, the department shall issue a certificate to a person indicating the certification level and subclasses for which the person has qualified.

(2) All certificates shall expire 3 years from the date of issuance. Certificates may be updated to show additional examinations passed, additional experience gained and changes in certification level and classifications, but the expiration date shall not change. Updating a certificate shall not extend nor change the expiration date. Certificates shall only be renewed subject to the requirements of sub. (3).

(3) A person who desires to renew a certificate shall submit evidence of having met the continuing education requirements under sub. (4) on forms provided by the department. Training or courses must be approved by the department. These may include, but are not limited to courses sponsored by the department, university, technical college, technical sessions at meetings of professional organizations, in–house training, and on–line training classes that are wastewater related. Failure to successfully complete and document the required number of hours of continuing education training within the 3–year period shall result in rejection of a certificate renewal application.

(4) Renewal applications shall meet the following continuing education requirements:

(a) Operators–in–training and basic wastewater treatment plant certified operators require 18 hours per 3–year renewal period.

(b) Advanced wastewater treatment plant operators require 24 hours per 3–year renewal period.

(c) Wastewater treatment plant operators may use up to 6 hours of health and safety training per 3–year renewal period.

(d) Operators–in–training and basic wastewater treatment plant operators may use up to 3 hours of supervisor or management training per 3–year renewal period. Advanced wastewater treatment plant operators may use up to 6 hours of supervisor or management training per 3–year renewal period.

(5) A person whose certificate has expired may within one year of expiration, be reinstated by paying the renewal fee, the late penalty fee and fulfilling the continuing education requirements. A person not renewing within the one year period shall have to re–take the basic subclass examinations. To regain advanced certification, the basic examinations must be passed and the person shall have to reapply for advanced level certification.

(6) Certificates may be issued through reciprocity, without examination, to a comparable level and subclass to any person who holds a current wastewater treatment plant operator certificate in any state, territory or possession of the United States, or any country, if in the judgment of the department, the person requesting comparable certification meets the equivalent requirements of this subchapter in examinations, education, and experience.

History: CR 13–054: cr. Register June 2014 No. 702, eff. 7–1–15.

NR 114.59 Sanctions. (1) 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 any operator’s certificate, or reprimand the operator if the department finds that the holder of the certificate has done any of the following:

(a) Made a material misstatement in the application for certification or any application for a renewal of certification.

(b) Demonstrated incompetence to operate the type of facility or subclass for which the certificate was issued.

(c) Bypassed sewage from a treatment plant without notifying the department as required by the WPDES permit.

(d) Failed to comply with any other provision requiring department notification in the facility’s WPDES permit.

(e) Tampered with or manipulated any samples to misrepresent the actual sample results.

(f) Falsified any monitoring, operating or other records submitted to the department.

(g) By intentional or negligent action, caused or significantly contributed to a violation of any provision of ch. 281 or 283, Stats. or any administrative codes, permits, or orders adopted or issued under those chapters.

(h) Used deception or any form of dishonesty when writing examinations, or removed examination materials from the examination site.

(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 an answer is filed, the revocation, suspension of 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 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.

History: CR 13–054: cr. Register June 2014 No. 702, eff. 7–1–15.

NR 114.60 Subclass Conversions. (1) Operator wastewater certifications in the subclasses on July 1, 2015, shall be converted as outlined in Table 3. An operator at Grade 3 or Grade 4 certification in a subclass, except subclasses K or L, on July 1, 2015, shall have earned 10 points towards advanced certification. Having 10 points, operators shall become advanced in any subclasses that they are Grade 1 or higher. Operators not granted 10 points, shall have all subclasses, except those at Grade T, con-

verted over to basic certification. All subclasses at Grade T shall be converted to operator-in-training, regardless of grade levels held in other subclasses.

(2) Operators that have passed the former advanced general wastewater examination and at least 4 advanced subclass examinations shall be granted 4 points towards advanced certification, equivalent to the 4 points for passing the new advanced examination.

Table 3
Certification Subclass Conversion Table

FORMER SUBCLASS NAME	FORMER SUBCLASS		NEW SUBCLASS NAME	NEW SUBCLASS
<i>Primary treatment</i>	A	→	Solids Separation	B
<i>Trickling filters and rotating biological contractors</i>	B	→	Attached Growth Processes	A2
		→	Solids Separation	B
		→	Biological Solids/Sludge — Handling, Processing, and Reuse	C
<i>Activated sludge</i>	C	→	Suspended Growth Processes	A1
		→	Solids Separation	B
		→	Biological Solids/Sludge — Handling, Processing, and Reuse	C
<i>Stabilization ponds and aerated lagoons</i>	D	→	Ponds, Lagoons, and Natural Systems	A4
<i>Disinfection</i>	E	→	Disinfection	D
<i>Anaerobic digestion</i>	F	→	Biological Solids/Sludge — Handling, Processing, and Reuse	C
<i>Mechanical sludge dewatering and treatment</i>	G	→	Biological Solids/Sludge Handling, Processing, and Reuse	C
<i>Filtration</i>	H	→	Solids Separation	B
<i>Phosphorus removal</i>	I	→	Total Phosphorus	P
<i>On-site laboratory testing</i>	J	→	Laboratory	L
<i>Special</i>	K	→	Unique Treatment Systems	U
<i>Electroplating and metal finishing</i>	L	→	Unique Treatment Systems	U

Note: The department shall use its discretion converting Special K subclasses that are specific to the newly created subclasses.

History: CR 13–054: cr. Register June 2014 No. 702, eff. 7–1–15.