

May 28, 1970

Honorable John D. Rockefeller, IV
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Sir:

Enclosed are two copies of "Small Sewage and Excreta Disposal System Regulations", designated Series II of Chapter 16-1 of the West Virginia Administrative Regulations. These regulations cancel and supersede Chapter 1, Articles 10 and 12 of "The Public Health Laws of West Virginia and a manual of Regulations of the West Virginia Board of Health" issued in 1961.

I hereby certify that the attached regulations are true and accurate copies of official regulations adopted by this Commission on May 20, 1970.

Very truly yours,

N. H. Dyer, M. D., M. P. H.
State Director of Health

NHD:jc

Enclosure

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 5/28/70

absolutely

STATE DEPARTMENT OF HEALTH
Charleston, West Virginia

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 7/15/66

July 15, 1966

Honorable Robert Bailey
Secretary of State
State of West Virginia
State Capitol
Charleston, West Virginia 25305

Dear Sir:

Enclosed are two copies of a regulation issued by this Department regarding Examination and Certification of Waste Water Treatment Plant Operators. This regulation is designated Series II, Section 5 of Chapter 16-1 of the West Virginia Administrative Regulations.

I hereby certify that the attached regulation is true and accurate copy of official regulations adopted by this Department on June 15, 1966.

Very truly yours,



N. H. Dyer, M. D., M. P. H.
State Director of Health

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Department of Health

Chapter 16-1
Series II
(1970)

Subject: Small Sewage and Excreta Disposal System

1. This regulation is filed in the odd size file as item
number 9.
2. This regulation is certified authentic by certification
number 17.

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JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 9/28/70

FILING OF ADMINISTRATIVE REGULATIONS

References are to sections in West Virginia Administrative Regulations 16-1, Series II.

SECTION 1.0 GENERAL

SECTION 2.0 DEFINITIONS

SECTION 3.0 SEWAGE AND EXCRETA DISPOSAL REQUIREMENTS

SECTION 4.0 PERMITS

SECTION 5.0 INSPECTIONS

SECTION 6.0 CONSTRUCTION AND INSTALLATION REQUIREMENTS

SECTION 7.0 SUBDIVISIONS AND HOUSING DEVELOPMENTS

SECTION 8.0 DESIGN, CONSTRUCTION, INSTALLATION, AND OPERATION OF SMALL SEWAGE AND EXCRETA DISPOSAL SYSTEMS

SECTION 9.0 SEWAGE TANK CLEANERS

SECTION 10.0 REPEAL OF FORMER REGULATIONS

SECTION 11.0 SEVERABILITY

SECTION 12.0 PENALTIES FOR VIOLATING PROVISIONS OF REGULATIONS

FILED IN THE OFFICE
OF THE SECRETARY OF STATE
ON 10/10/70
THIS DATE 10/10/70

Section 5 obsolete. Check all size files

Section 5. Regulations Governing Examination and Certification of
Waste Water Treatment Plant Operators

5.01. Definitions:

- (a) DIRECTOR means the Director of the West Virginia State Department of Health, or his duly authorized representative.
- (b) CERTIFIED OPERATOR means any holder of a certificate issued by the Director in accordance with Sections 5.01 through 5.15, inclusive, of this Regulation.
- (c) OPERATOR IN TRAINING - An operator who has passed the written examination and is in the process of meeting the experience requirement for certification.
- (d) EQUIVALENT POPULATION SERVED shall be the calculated population being served by a waste water treatment works based on the amount and strength of the waste water being received at the waste water treatment works. Population equivalents are computed to be 0.167 pounds of five day biochemical oxygen demand or 0.20 pounds of suspended solids per person per day, with the larger figure governing.
- (e) POLITICAL SUBDIVISIONS means any city, town, village, county, sanitary or public service district, or other special district or governmental unit operating a waste water treatment works.
- (f) RESPONSIBLE CHARGE means responsible for the technical operation of a waste water treatment works, or any part thereof which may affect the performance of the works, and which may affect the quality of the effluent produced by such works.
- (g) WASTE WATER means any water-borne sewage which may or may not cause pollution as defined in the West Virginia Code.

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- (h) WASTE WATER TREATMENT WORKS means any facilities for pumping, treating, and discharging waste water.

5.02. Requirements for Certified Operators.--

- (a) Each person, firm, corporation, association, partnership, political subdivision, public institution or place operating a waste water treatment works serving a population of over 500 or having a population equivalent of over 500 shall place the responsibility for technical operation of such works under the responsible charge of a certified operator having a certificate of the class at least equal to that required by the works classification. Waste water treatment works serving populations of 500 or less may be required by the Director to provide supervision of a certified operator.
- (b) The certified operator required by Division (a) of this Section shall be a full-time employee of the person, firm, corporation, association, partnership, political subdivision, public institution, or place, provided, when substantial evidence is presented to the Director that the services of a full-time certified operator cannot be obtained, the Director may authorize, for a designated period of time, a waste water treatment works to be under the responsible charge of a certified operator in the proper class on a part-time basis upon submission and approval by the Director of a plan showing the time, methods, and procedures to be followed.
- (c) From and after one year after the effective date of this Regulation, any person, firm, corporation, association, partnership, political subdivision, public institution or

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place, falling under the jurisdiction, restrictions, and definition of said Regulation, and not complying thereto, shall be considered in violation thereof and shall be subject to prosecution under the West Virginia Code.

5.03. Classification of Waste Water Treatment Works.---

- (a) Each waste water treatment works, for the purpose of this Regulation, shall be classified by the Director as Class I, II, III, or IV, works based on complexity of treatment, equivalent population served, downstream water course conditions, and potential health hazards in accordance with the following classification and rating values.

Rating Values for Classification of Waste Water Treatment Works:

<u>UNIT</u>	<u>RATING</u>
Mechanical screens	1
Pumping	3
Preaeration	1
Mechanical trip removal	2
Chemical treatment	3
Primary settling, mechanical sludge removal	5
air life, or manual sludge removal	3
Imhoff tanks	3
Sand filters	2
Trickling filters, standard rate	5
high rate	7
stage	7
Stabilization ponds	5
Aeration, mechanical	8

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<u>UNIT</u>	<u>RATING</u>
Diffused air	10
Sludge reaeration	3
Secondary settling, mechanical sludge removal	5
Air Lift, or manual sludge removal	3
Chlorination, pre -	3
post -	3
Sludge digestion, heated	10
unheated	3
aerobic	3
Sludge drying beds	2
Sludge thickeners	2
Vacuum filters	10
Sludge elutriation	10
Sludge incinerators	10
Receiving stream dilution - Good	2
Fair	4
Poor	6
Population equivalent (L/500) (Design population)	2 (Not to exceed 40)
Land spraying	5
Regulators	1
Grinding and screening	3
Centrifuging	5
Wet Oxidation	10
Others - (As determined by Director)	--

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Classification

Class I	1 - 29
Class II	30 - 44
Class III	45 - 59
Class IV	60 - or more

(b) The Director may change the classification of a particular waste water treatment works when there are unusual factors affecting the complexity of treatment, downstream use, and potential health hazards. Upon change in classification of a particular waste water treatment works, the Director shall notify the owner of the change in classification, and shall give the owner a reasonable time to comply with the requirements of the new classification.

5.04 Issuance of Certificates.--Certificates shall be issued to qualified operators of waste water treatment works in four classifications. A Class I certificate shall be issued to those persons who are certified to operate Class I waste water treatment works; A Class II certificate shall be issued to those persons who are certified to operate Class II waste water treatment works; A Class III certificate shall be issued to those persons who are certified to operate Class III waste water treatment works; A Class IV certificate shall be issued to those persons who are certified to operate Class IV waste water treatment works. The certification of any person to operate any class of waste water treatment works shall, also, authorize such persons to operate any respective waste water treatment works in the classes lower than such classification. The certificate of the operator in responsible charge of operations shall be posted or otherwise readily available for examination at the treatment

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plant or office of the operator. The certificate of any operator certified under this Regulation, who is not gainfully employed and fulfilling the duties of operator, shift operator, chief operator, or supervisor in a classified waste water treatment works for at least 36 months out of any immediately proceeding five years period, shall expire and be of no further force, effect, or validity.

5.05. Certification of Operators.--The Director shall provide, for the examination of persons desiring to be certified to operate a waste water treatment works, and for the issuance of appropriate certificates in Classifications I, II, III, or IV to applicants passing the examination.

5.06. Application for Examination and Certification.--Shall be made in writing to the Director at least thirty days prior to the date on which the examination will be given, on a form prescribed and furnished by the Director. No applicant shall be examined for certification who submits false and incorrect information in his application for certification.

5.07. Prerequisites for Examination.--The prerequisites for examination, and issuance of a certificate as a waste water treatment works operator are as follows:

- (a) Satisfactory physical and mental health.
- (b) Satisfactory character and morals.

5.08. Qualifications for Examination.--

- (a) Class I - Grammar school education or equivalent and at least a minimum of one year of experience in the operation of a waste water treatment works.

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- (b) Class II - Grammar school education or equivalent and at least a minimum of three years experience in waste water treatment works.
- (c) Class III - High school education or equivalent and at least five years experience or equivalent in waste water treatment works.
- (d) Class IV - Possession of a Class III certificate and demonstrated ability for at least two years in responsible charge of a Class III or Class IV waste water works.

5.09. Substitution.--The Director may allow education or training on a year for year basis to be substituted for experience and experience to be substituted for education in qualifying for Class II and Class III examination under Section 5.08 of this Regulation.

5.10. Rules of the Examination.--

- (a) Any applicant who does not meet the prerequisites for an examination in a classification for which he requested certification may be permitted to take an examination in another classification for which he meets the prerequisites.
- (b) A grade of not less than 70% shall be considered passing.
- (c) Any applicant who has failed an examination may be permitted to repeat such examination when scheduled at any later time upon showing that he has obtained additional experience and training or has undertaken individual study of a nature which would reasonably indicate his ability to pass the later examination.

5.11 Operator in Training.--

- (a) The Director may permit an applicant for Class I, II, or III certification as a waste water treatment works operator to take

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an examination in a given class, if the individual has submitted evidence of education or experience in technical fields other than waste water treatment works, for the purpose of becoming an operator in training.

- (b) Prerequisites for examination, and designation as an operator in training are the same as the prerequisites in Section 5.07, except that the experience time in waste water treatment works may be waived.
- (c) Upon successfully passing an examination, the individual will be designated as an operator in training indicating that he has technical knowledge in the particular class for which he was examined and that he will be issued a certificate upon submission of evidence that he has completed experience requirements.
- (d) The designation operator in training and the certificate issued therefor will be valid for a maximum of five years.

5.12. Examinations - Operator and Operator in Training.--Examinations shall be given at least bi-annually if applications are received for such examinations. Examinations shall be given under the direction of the Director at such time and place as he designates. The examination shall test the ability and determine the qualifications of the person examined to perform the required duties. The examination may be either oral or written or both.

5.13 Revocation of Certificates.--The Director may revoke the certificates of any person who practices fraud or deceit in obtaining a certificate or for neglect, incompetency, or misconduct in the performance of the duties of an operator of a waste water treatment works or parts thereof, including compliance with Chapter 1, Article II, of the Sanitary Regulations

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which relates to waste water treatment plant control tests and records. The Director, after a period of twelve months, may reinstate any person whose certificate has been revoked upon presentation of evidence, satisfactory to him, which warrants such reinstatement.

5.14 Reciprocity.--

(a) The Director may consider for recommendation for certification the holder of a certificate issued by a governmental agency of another state, upon presentation to satisfactory evidence of the following:

1. The applicant has been offered and has accepted employment in West Virginia which requires a certified operator.
2. The applicant has successfully passed an examination at least equivalent to that given under this Regulation.

(b) The Director may, on the basis of evidence presented, issue a certificate of an equal or lower class to the applicant.

5.15. Independent Regulations.--Each Section of this Regulation and every part of each Section is an independent Section and a part of a Section, and the holding of any Section or part thereof to be unconstitutional, void, or ineffective for any cause does not affect the validity or constitutionality of any other Section or part thereof.

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- (f) All exposed solid waste is to be covered with at least 6 to 8 inches of compacted earth at the close of each day's operation.
- (g) Solid waste is to be compacted to the maximum possible with available equipment in layers or cells with each single layer having not greater than a six to eight foot rise.
- (h) All solid waste received is to be buried in the landfill. In exceptional cases a place may be set aside to receive bulky materials such as tree stumps, etc., and covered as needed.
- (i) Final cover for top and side slopes is to be compacted and maintained not less than two feet in thickness.
- (j) Final grade on cover is to be regular and sloped to direct surface water across the fill without pooling. Drainage diverting ditches are to be used whenever necessary. Final top cover shall be maintained at not greater than .2% angle of repose.
- (k) Adequate controls to prevent scattering of paper, dust, etc., including a daily cleanup of scattered paper and other material which is disposed of prior to closing the day's operation.
- (l) Adequate fire fighting equipment or facilities is to be readily available to control fires.
- (m) Uncontrolled dumping at the site is not to be permitted.
- (n) Cracks, erosions, etc., appearing in the cover or side slopes of a sanitary landfill are to be promptly repaired. As soon as practicable, cover and side areas of the landfill are to be planted in grass or other vegetation to assist in controlling erosion.
- (o) Approved toilet facilities are to be provided for the use of operating personnel.

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(p) Materials salvaged at the site are to be removed daily.

6.04. Standards for Incinerators and Incineration.--

- (a) Plans and specifications for incinerators shall be prepared by a qualified registered engineer.
- (b) Incinerators shall be designed, operated, and maintained to meet emission standards of the West Virginia Air Pollution Control Commission or of the local control authority, whichever is applicable.
- (c) Incinerator residue is to be incorporated in a sanitary landfill for final disposal operated and maintained pursuant to the requirements of Section 6.03 of this regulation.
- (d) Plans and specifications, including disposal of residue, for incinerators are to be submitted to the Division of Sanitary Engineering and the West Virginia Air Pollution Control Commission for review and approval prior to the construction or operation thereof.
- (e) Incinerators shall be operated and maintained under the direct supervision of a person qualified by experience and/or special training in the field of incinerator management. Before any incinerator commences operation, the qualifications of such person shall be submitted to the Department of Health for approval.
- (f) Accumulation of solid wastes in and around any incinerator is forbidden.

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6.05. Disposal of Hazardous Materials.---

- (a) Hazardous materials (i.e. Insecticides, empty insecticide containers, toxic or radioactive materials, used bandages, etc.) are to be disposed of in a manner acceptable to the State Department of Health.

6.06. Enforcement.---This regulation is to be enforced in accordance with procedures outlined in Chapter 16, Article 1, of the Code of West Virginia.

6.07. Repeal and Date of Effect.---All regulations of the State Board of Health in conflict with this regulation are hereby repealed; and this regulation shall take effect on the 1st day of July, 1967.

6.08. Severability.---Should any section, paragraph, phrase, sentence, or clause of this regulation be declared invalid or unconstitutional for any reason, the remainder of this regulation shall not be effected thereby.

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RUSSELL D. GAINLEY
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