

John D. Rockefeller IV  
Governor



L. Clark Hansbarger, M.D.  
Director

# State of West Virginia

DEPARTMENT OF HEALTH


CHARLESTON 25305

## NOTICE OF PUBLIC HEARING

Pursuant to Section eight, Article three, Chapter twenty-nine-A of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, the Regulatory Services Program of the West Virginia Department of Health shall convene a public hearing at 1:00 P.M. on Thursday, January 7, 1982 in the Conference Room C, Capitol Conference Center, 1800 Washington Street East, Charleston, West Virginia for the purpose of taking evidence pertaining to the filing of the proposed Public Water Supply Operator Regulations and the proposed Waste Water Treatment Works Operator Regulations.

Any citizen or other interested party may appear in person to present evidence. Any citizen or other interested party may submit written evidence to the West Virginia Department of Health, Regulatory Services Program, Room 416, 1800 Washington Street, East, Charleston, West Virginia 25305 not later than 5:00 P.M. Thursday, January 7, 1982.

The issues to be heard shall be limited to the actual information contained in the above mentioned regulations. Copies of the regulations may be obtained from the Regulatory Services Program, address heretofore appearing or by telephoning 304-348-2411.

  
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L. Clark Hansbarger, M.D.  
Director

Entered November 19, 1981

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 11-20-81  
Administrative Law Division

Proposed

WASTE WATER WORKS OPERATOR TREATMENT

Filing of Administrative Regulations  
Chapter 16-1  
Series V  
1981

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A. JAMES MANCHIN  
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WEST VIRGINIA ADMINISTRATIVE REGULATION  
BOARD OF HEALTH

Chapter 16-1  
Series V  
1981

Subject: Waste Water Treatment Works Operator

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Section 1. General

1.01. Scope - These regulations establish minimum requirements for examination and certification of waste water treatment works operators.

1.02. Authority - These regulations are issued under the authority of Chapter 16, Article 1, Section 7 of the West Virginia Code of 1931, as amended.

1.03. Filing Date - These regulations are promulgated on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, filed and certified on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the Secretary of State's office.

1.04. Effective Date - These regulations become effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Section 2. Supersession or Repeal of Former Regulations

These regulations supersede and repeal State Board of Health Administrative Regulations Chapter 1, Article 11A, "Waste Water Treatment Works Operator Regulations" November 1, 1974.

Section 3. Application and Enforcement

3.01. Application - These regulations apply to waste water treatment works as defined in Section 4.10.

3.02. Enforcement - Enforcement of these regulations is vested in the Director of the State Health Department or his designee.

Section 4. Definitions

4.01. Certificate - A written document issued by the Division of Sanitary Engineering Director giving a designated person permission to operate a waste water treatment works upon successful completion of the education, experience and examination requirements contained in these regulations.

4.02. Certified Operator - An operator holding a certificate, granted by the Division of Sanitary Engineering Director, of a class at least equal to that required by the waste water treatment works classification where he is employed.

4.03. Division of Sanitary Engineering - As used in this regulation is the Division of Sanitary Engineering, State Department of Health.

4.03. Director - Director of the State Department of Health or his authorized representative, delegated appointee, assistant or employee.

4.04. Equivalent Population Served - shall be the calculated population being served by a waste water treatment works based on the amount and/or strength of the waste water being received at the waste water treatment works. Population equivalents are computed to be 0.17 pounds of five day biochemical oxygen demand or 0.20 pounds of suspended solids per person per day, with the larger figure governing.

4.05. Operator - A person who has been granted a certificate by the Division of Sanitary Engineering Director to operate a specific classification of waste water treatment works.

4.06. Operator in Training - An individual who meets the education requirement for the class I-S or class I operator's certificate and is in the process of meeting the experience requirement.

4.07. Political Subdivisions - Any city, town, village, county,

sanitary or public service district, or other special district or government unit operating a waste water treatment works.

4.08. Small Waste Water Treatment System - Any waste water treatment works, other than for individual residences, that treats a daily flow equal to or less than 400 equivalent population.

4.09. Waste Water - Any water-borne waste, whether human, animal, or domestic in nature, which may or may not cause pollution as defined in the West Virginia Code.

4.10. Waste Water Treatment Works - Any facilities for ~~pumping~~ treating and discharging waste water, as defined in Section 4.09.

Section 5. Classification of Waste Water Treatment Works

5.01. Each waste water treatment works, for the purpose of this regulation shall be classified by the Division of Sanitary Engineering Director as a class I-S, I, II, III, or IV works based on complexity of treatment, equivalent population served, downstream water course conditions, and potential health hazards. The total point rating is computed by the following classifications:

<u>ITEM</u>	<u>POINT RATING SYSTEM</u>	<u>POINTS RATED</u>
<u>Size</u>	<u>10,000</u>	
Maximum population equivalent (P.E.) served . . . . .	1 per <del>12,500</del> P.E. or part thereof	
Design flow (average day) or peak month's flow (average day), whichever larger. . . . .	<u>1.0</u> 1 per <del>1.25</del> MGD or part thereof	
<u>Effluent Discharge</u>	<u>1</u>	
Receiving stream (sensitivity). . . . .	<u>2</u> - 6	
Land Disposal - evaporation . . . . .	2	
Ground Water . . . . .	4	
Variation in raw wastes (slight to extreme) . . . . .	0 - 6	
<u>Pretreatment</u>		
Screening, Comminution . . . . .	3	
Grit Removal . . . . .	3	
Plant pumping of main flow . . . . .	3	
Neutralization . . . . .	1 - 8	
<u>Primary</u>		
Primary clarifiers . . . . .	5	
Combined sedimentation/digestion . . . . .	5	
Chemical addition (except chlor., enzymes) . . . . .	4	
<u>Secondary</u>	<u>10</u>	
Trickling filtration w/sec. clarifiers . . . . .	<del>12</del>	
Activated sludge w/sec. clarifiers . . . . .	15	
Stabilization ponds without aeration . . . . .	5	
Aerated lagoon, oxidation ditches, etc. . . . .	8	
Additional final clarification . . . . .	5	
<u>Advanced Waste Treatment</u>		
Polishing Pond . . . . .	2	
Chemical/Physical . . . . .	10	
Biol. or Chem./Biol. . . . .	12	
Ion Exchange, Rev. Osmosis . . . . .	10	
Chemical Recovery, carbon regeneration . . . . .	4	
<u>Solids Handling</u>		
Thickening . . . . .	5	
Anaerobic Digestion . . . . .	10	
Aerobic Digestion . . . . .	6	
Evaporative sludge drying . . . . .	2	
Mechanical Dewatering . . . . .	8	
Solids Reduction (Incineration, Wet Oxidation). . . . .	12	
<u>Disinfection</u> . . . . .	4	
On-site generation of disinfectant . . . . .	5	
<u>Laboratory Control by Plant Personnel</u>		
Bacteriological (complexity) . . . . .	<u>0</u> <del>3</del> - 10	
Chemical/Physical (complexity). . . . .	<u>0</u> <del>1</del> - 10	
Others (as determined by Division of Sanitary Engineering)		
Others (as determined by the Director) . . . . .		

TOTAL POINT RATING \_\_\_\_\_

5.02. Classification of waste water treatment works shall be based on the following facility classification table:

WORKS CLASSIFICATION SYSTEM <sup>1</sup>					
Basis of Classification	Classes				
	I-S	I	II	III	IV
Waste Water Treatment Works Point Rating	N/A	0 to <u>25 30</u>	<u>31 26</u> to <u>50 55</u>	<u>56 51</u> to 75	76 or more
Population Equivalent	less than 401	401 to 1500	1501 to 15,000	15,001 to 50,000	50,001 or more

<sup>1</sup>If the ranges of total point rating and population differ from those contained in the table, the Division of Sanitary Engineering Director shall determine the appropriate facility classification.

Section 6. Certification of Waste Water Treatment Works Operators

6.01. All persons operating a waste water treatment works in this state shall be certified by the Division of Sanitary Engineering Director.

6.02. Each person, firm, corporation, association, partnership, political subdivision, public institution or place operating a waste water treatment works shall place the responsibility for on-site operation of such works under a certified operator having a certificate of the class at least equal to that required by the works classification. The certified operator is to be on-site at the 50% complete stage on new waste water treatment works.

6.03. The certified operator required by Paragraph 6.02. of this Section

shall be a full time employee of the person, firm, corporation, association, partnership, political subdivision, public institution, or place unless substantial evidence is presented to the ~~Director, Division of Sanitary Engineering,~~ Director that the services of a full time certified operator cannot be obtained. The Director may authorize for a designated period of time a certified operator in the proper class on a part-time basis upon submission to and approval by the ~~Division of Sanitary of Sanitary Engineering~~ Director of a plan showing the time, methods, and procedures to be followed. I-S works shall be permitted to employ a part-time operator, however, the Director, Division of Sanitary Engineering may require a I-S works to employ either a part-time or full-time operator with a certificate greater than I-S.

6.04. On and after \_\_\_\_\_, the date these regulations become effective, any persons, firm, corporation, association, partnership, political subdivision, public institution or 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.

#### Section 7. Issuance of Certificates

Certificates shall be issued to qualified operators of waste water treatment works in five classifications. A Class I-S certificate shall be issued to those persons who are certified to operate Class I-S waste water treatment works; a Class I certificate shall be issued to those persons who are certified to operate a Class I waste water treatment works; a Class II certificate shall be issued to those persons who are certified to operate a Class II waste water treatment works; a Class III certificate shall be issued to those

persons who are certified to operate a Class III waste water treatment works; a Class IV certificate shall be issued to those persons who are certified to operate a 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 or in the classes higher than such classification but under the supervision of a certified operator in the same classification as the waste water treatment works. All certificates shall be prominently displayed at the treatment works. 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 a two year period, shall expire and be of no further force, effect, or validity.

Section 8. Application for Examination and Certification

Applications shall be made in writing to Division of Sanitary Engineering the Director at least thirty days prior to the date on which the examination will be given, on a form furnished by the Division of Sanitary Engineering Director. No applicant shall be examined for certification who submits false and incorrect information in his application for certification.

Section 9. Qualifications for Certification

9.01. Class I-S - Sixth (6th) grade education and at least a minimum of three months experience in the operation of a waste water treatment works or 12 classroom hours of specialized and related training.

9.02. Class I - High school diploma or equivalent and one year at a waste water treatment works as an operator in training.

9.03. Class II - High school diploma or equivalent and three years of Class I or greater works operating experience at a waste water treatment works.

9.04. Class III - Fourteen years of education or equivalent and five years of Class II or greater works operating experience at a waste water treatment works.

9.05. Class IV - Sixteen years of education or equivalent and six years of Class III or greater works operating experience at a waste water treatment works, in addition, completion of a management correspondence class approved by the Director is required.

Section 10. Requirements for Certification of Waste Water Treatment Works Operators

10.01. Operators possessing certificates before the effective date of these regulations, will be issued new certificates by the Division of Sanitary Engineering in accordance with the following schedule:

<u>Existing Certification</u>	<u>New Certification</u>
OTF (Operator in Training)	OTF
IV	I
III	II
II	III
I	III or (See Section 10.02)

10.02. Operators who, up until the effective date of these regulations, were certified as class I operators and employed at a class IV waste water treatment works as defined in these regulations shall be entitled to a class IV certification. All such operators shall submit their requests in writing to the Division of Sanitary Engineering for approval and recertification.

~~10.03.~~ Operators who, up until the effective date of these regulations, were certified as restricted operators or OIT operators will be recertified, on the basis of experience, education and examination passed, by the Division of Sanitary Engineering.

~~10.04.~~ 10.01. Those persons not now certified, and who desire certification after the effective date of these regulations, will be classified in accordance with the education - experience requirements under Section 9 and examination requirements under Sections 8, 12, and 14 of these regulations.

Section 11. Education - Experience Credits

11.01. Twelve years of education means high school diploma, G.E.D., or other equivalent. Thirty college semester hours shall equal 45 quarter hours and either shall equal one year college credit. Training credits (T.C.) for specialized operator training courses, seminars, approved technical conferences, etc.: six classroom hours of Division of Sanitary Engineering Director approved courses = 1. T.C. and 45 T.C. = 1 year of college. Written proof of course completion and a request for approval of credit must be submitted to the Division of Sanitary Engineering Director along with the application for examination.

11.02. Experience, at the next certification level below that being applied for, may be substituted on a year for year basis for the educational requirements beyond the high school level through the fourteenth year. However, any experience used as a substitute for the educational requirements cannot also be credited toward satisfying experience requirements.

11.03. Education, above the high school level, may be substituted on a year for year basis for experience requirements in classes II, III, and IV only. However, any education used as a substitute for the experience re-

quirements cannot also be credited toward satisfying education requirements.

Section 12. Rules of the Examination

12.01. 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.

12.02. A grade of not less than 70% shall be considered passing.

12.03. Any applicant who has failed an examination shall wait sixty days before reapplying for such examination.

Section 13. Operator in Training (OIT)

13.01. A certificate of this class is limited to new personnel without any prior experience.

13.02. Written application for an operator in training certificate shall be made to the Division of Sanitary Engineering Director on a form provided by the Division Director within one month after employment as an operator in training.

13.03. Operators under the OIT certificate must be under the supervision of a certified operator.

13.04. Operator in training certificates shall be valid for one year. The individual will be considered for recertification if he makes written application for same to the Division of Sanitary Engineering Director thirty days prior to certificate expiration.

Section 14. Examinations

The Division of Sanitary Engineering 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-S, I, II, III or IV to qualified applicants passing the examination. Written examination for waste water treatment works operators certification will be arranged by the Division of Sanitary Engineering Director. The times and places for the examinations will be designated by the Division of Sanitary Engineering Director which who shall notify the applicants of same.

Section 15. Revocation of Certificates

15.01. The Division of Sanitary Engineering 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 non-compliance with Chapter 1, Article 11, of the Environmental Health Regulations which relates to waste water treatment works control tests and records. The Division of Sanitary Engineering Director may reinstate any person whose certificate has been revoked upon presentation of evidence, satisfactory to the Division Director, which warrants such reinstatement.

15.02. An operator employed at a waste water treatment works shall notify the Division of Sanitary Engineering Director at least thirty (30) days prior to terminating his employment. Failure to notify the Division of Sanitary Engineering Director shall be cause for automatic certificate revocation; however, automatic revocation shall not occur if the operator has been discharged by his supervisor.

Section 16. Reciprocity

The Division of Sanitary Engineering Director shall consider for West Virginia certification the holder of a certificate issued by a governmental

agency or another state, upon presentation of satisfactory evidence of the following:

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

Section 17. Severability

If any provisions of these regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity thereof shall not affect the provisions or application of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations are declared to be severable.

Section 18. Penalties

Any person who violates any provision of these regulations or any regulation adopted by the West Virginia Board of Health pursuant to the authority granted by these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days or both fine and imprisonment as provided in Chapter 16, Article I, Section 20, of the West Virginia Code, as amended. Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

Section 19. Administrative Due Process

Those affected persons desiring a public hearing shall do so in a manner prescribed in and by the West Virginia Rules of Procedure, West Virginia State Department of Health, Chapter 16-1, Series I and further identified as

State Dept. of Health  
Admin. Reg. 16-1  
Series V

Sec. 19.

Rules of Procedure for Contested Case Hearings. The aforementioned rules of procedure are incorporated by reference.