

given effect without the invalid provisions or application, and to this end the provisions of these regulations are declared to be severable.

### SEC. 13.0. PENALTIES FOR VIOLATING PROVISIONS OF REGULATIONS.

- 13.1 Any person who violates any provision of these regulations or any regulation adopted by the West Virginia State Board of Health pursuant to authority granted by these regulations shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars as provided in Chapter 16, Article 1, Section 9 of the Public Health Laws of West Virginia, Code of West Virginia.
- 13.2 Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

## ARTICLE 11A.

### WASTE WATER TREATMENT WORKS OPERATOR REGULATIONS.

General.	Sec.
Definitions.	8.0. Requirements for certification of waste water treatment works operators.
Classification of waste water treatment works.	9.0. Education—Experience credits.
Certification of waste water treatment works operators.	10.0. Rules of the examination.
Issuance of certificates.	11.0. Operator in training (OIT).
Application for examination and certification.	12.0. Examinations.
Qualifications for certification.	13.0. Revocation of certificates.
	14.0. Reciprocity.
	15.0. Repeal of former regulations.
	16.0. Severability.
	17.0. Penalties.

### SEC. 1.0. GENERAL.

- 1.1 **Scope**—These regulations amend and readopt Chapter 1, Article 11A, Waste Water Treatment Plant Operators Regulations, of the West Virginia State Board of Health.
- 1.2 **Authority**—The authority for these regulations is provided under Chapter 16, Article 1, Public Health Laws, Code of West Virginia. Pursuant to the authority conferred upon the West Virginia State Board of Health, Chapter 16, Article 1, Public Health Laws, Code of West Virginia, these regulations are hereby established as the minimum requirements for examination and certification of waste water treatment works operators.
- 1.3 **Filing Date**—On September 30, 1974, as prescribed by State Law, these regulations were filed with the Office of the Secretary of State of West Virginia.
- 1.4 **Certification**—These regulations were certified as being received and on file in the Office of the Secretary of State, State of West Virginia on September 30, 1974.

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**1.5 Effective Date**—These regulations shall be in full force and effect November 1, 1974.

### SEC. 2.0. DEFINITIONS.

- 2.1 Certificate**—A written document issued by the Division of Sanitary Engineering 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.
- 2.2 Certified Operator**—An operator holding a certificate granted by the Division of Sanitary Engineering of a class at least equal to that required by the waste water treatment works classification where he is employed.
- 2.3 Division of Sanitary Engineering**—As used in this regulation is the Division of Sanitary Engineering, State Department of Health.
- 2.4 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.
- 2.5 Operator**—A person who has been granted a certificate by the Division of Sanitary Engineering to operate a specific classification of waste water treatment works.
- 2.6 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.
- 2.7 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.
- 2.8 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.
- 2.9 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.
- 2.10 Waste Water Treatment Works**—Any facilities for pumping, treating and discharging waste water.

### SEC. 3.0. CLASSIFICATION OF WASTE WATER TREATMENT WORKS.

- 3.1** Each waste water treatment works, for the purpose of this regulation shall be classified by the Division of Sanitary Engineering 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 hazard. The total point rating is computed by the following classifications:

POINT SYSTEM CLASSIFICATION OF WASTE  
WATER TREATMENT WORKS

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

TOTAL POINT RATING

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**3.2** 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 25	26 to 50	51 to 75	76 or more
Population Equivalent	less than 401	401 to 1500	1501 to 15,000	5,001 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 shall determine the appropriate facility classification.

### **SEC. 4.0. CERTIFICATION OF WASTE WATER TREATMENT WORKS OPERATORS.**

- 4.1** All persons operating a waste water treatment works in this state shall be certified by the Division of Sanitary Engineering.
- 4.2** 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.
- 4.3** The certified operator required by Paragraph 4.2 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, 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 and approval by the Division of Sanitary Engineering 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.
- 4.4** On and after November 1, 1974, 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.

**SEC. 5.0. 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 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.

**SEC. 6.0. APPLICATION FOR EXAMINATION AND CERTIFICATION.**

Applications shall be made in writing to the Division of Sanitary Engineering 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. No applicant shall be examined for certification who submits false and incorrect information in his application for certification.

**SEC. 7.0. QUALIFICATIONS FOR CERTIFICATION.**

- 7.1 Class I-S -- Sixth (6th) grade education and at least a minimum of three (3) months experience in the operation of a waste water treatment works or twelve (12) classroom hours of specialized and related training.
- 7.2 Class I--High school diploma or equivalent and one year at a waste water treatment works as an operator in training.
- 7.3 Class II--High school diploma or equivalent and three years of class I or greater works operating experience at a waste water treatment works.
- 7.4 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.
- 7.5 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.

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**SEC. 8.0. REQUIREMENTS FOR CERTIFICATION OF WASTE WATER TREATMENT WORKS OPERATORS.**

8.1 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:

<i>Existing Certification</i>	<i>New Certification</i>
OIT (Operator in Training)	OIT
IV	I
III	II
II	III
I	III or IV (See Section 8.2)

8.2 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.

8.3 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.

8.4 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 7.0 and examination requirements under Sections 6.0, 10.0 and 12.0 of these regulations.

**SEC. 9.0. EDUCATION—EXPERIENCE CREDITS.**

9.1 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 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 along with the application for examination.

9.2 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.

9.3 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.

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However, any education used as a substitute for the experience requirements cannot also be credited toward satisfying education requirements.

#### SE 10.0. RULES OF THE EXAMINATION.

10 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.

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

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

#### 11.0. OPERATOR IN TRAINING (OIT).

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

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

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

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 thirty days prior to certificate expiration.

#### C. 12.0. EXAMINATIONS.

The Division of Sanitary Engineering 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 examinations for waste water treatment works operators certification will be arranged by the Division of Sanitary Engineering. The times and places for the examinations will be designated by the Division of Sanitary Engineering which shall notify the applicants of same.

#### SEC. 13.0. REVOCATION OF CERTIFICATES.

13.1 The Division of Sanitary Engineering 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 II, of the Environmental Health Regulations which relates to waste water

treatment works control tests and records. The Division of Sanitary Engineering may reinstate any person whose certificate has been revoked upon presentation of evidence, satisfactory to the Division which warrants such reinstatement.

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

**SEC. 14.0. RECIPROCITY.**

The Division of Sanitary Engineering 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.

**SEC. 15.0. REPEAL OF FORMER REGULATIONS.**

All regulations previously adopted by the West Virginia State Board of Health which are in conflict with the provisions of these regulations are hereby repealed.

**SEC. 16.0. SEVERABILITY.**

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.

**SEC. 17.0. 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 Public Health Laws of West Virginia, West Virginia Code. Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.