

7/1/95

**TITLE 64
LEGISLATIVE RULES
BOARD OF HEALTH**

**SERIES 5
WASTE WATER TREATMENT WORKS OPERATOR**

§64-5-1. General

1.1. Scope. -- These legislative rules establish minimum requirements for examination and certification of waste water treatment works operators.

1.2. Authority. -- W.Va. Code §16-1-7(2)

1.3. Filing Date. -- April 8, 1983

1.4. Effective Date. -- May 9, 1983

§64-5-2. Supersession and repeal of former regulations.

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

§64-5-3. Application and enforcement.

3.1. Application. -- These legislative rules apply to waste water treatment works as defined in Section 4.10.

3.2. Enforcement. -- Enforcement of these rules is vested with the director of the West Virginia department of health or his lawful designee.

§64-5-4. Definitions.

4.1. Certificate. -- A written document issued by the 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.

4.2. Certified operator. -- An operator holding a

certificate, granted by the director, of a class at least equal to that required by the waste water treatment works classification where he is employed.

4.3. Director. -- Director of the West Virginia department of health or his authorized representative, delegated appointee, assistant or employee.

4.4. 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 (5) day biochemical oxygen demand or 0.20 pounds of suspended solids per person per day, with the larger figure governing.

4.5. Operator. -- A person who has been granted a certificate by the director to operate a specific classification of waste water treatment works.

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

4.7. 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.

4.8. 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 four hundred (400) equivalent population.

4.9. Waste water. -- Any waterborne 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 treating and discharging waste water, as defined in Section 4.9.

§64-5-5. Classification of waste water treatment works.

5.1. Each waste water treatment works, for the purpose of this regulation shall be classified by the director as a class IS, I, II, III, or IV works based on complexity of treatment, equivalent population served, down-stream water course conditions, and potential health hazards. The total point rating is computed by the classifications found in Table 64-5A at the end of this regulation.

5.2. Classification of waste water treatment works shall be based on the following facility classification Table 64-5B found at the end of this regulation.

§64-5-6. Certification of waste water treatment works operators

6.1. All persons operating a waste water treatment works in this state shall be certified by the director.

6.2. Each person, firm, corporation, association, partnership, political subdivision, public institution or place operating a waste water treatment works shall place the responsibility for onsite 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 fifty percent (50%) complete stage on new waste water treatment works.

6.3. The certified operator required by Paragraph 6.2. 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 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 director of a plan showing the time, methods, and procedures to be followed. IS works shall be permitted to employ a part time operator, however, the director, may require a IS works to employ either a part time or full time operator with a certificate greater than IS.

6.4. On and after May 9, 1983, 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.

§64-5-7. Issuance of certificates.

7.1. Certificates shall be issued to qualified operators of waste water treatment works in five (5) classifications. A Class IS certificate shall be issued to those persons who are certified to operate Class IS 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 (2) year period, shall expire and be of no further force, effect, or validity.

§64-5-8. Application for examination and certification.

8.1. Applications shall be made in writing to director at least thirty (30) days prior to the date on which the examination will be given, on a form furnished by the director. No applicant shall be examined for certification who submits false and incorrect information in his application for certification.

§64-5-9. Qualifications for certification.

9.1. Class IS - 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.

9.2. Class I - High school diploma or equivalent and one (1) year at a waste water treatment works as an operator in training.

9.3. Class II - High school diploma or equivalent and three (3) years of Class I or greater works operating experience at a waste water treatment works.

9.4. Class III - Fourteen (14) years of education or equivalent and five (5) years of Class II or greater works operating experience at a waste water treatment works.

9.5. Class IV - Sixteen (16) years of education or equivalent and six (6) years of Class III or greater works operating experience at a waste water treatment works, in addition, completion of a management class approved by the director is required.

§64-5-10. Requirements for certification of waste water treatment works operators.

10.1. 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.

§64-5-11. Education experience credits

11.1. Twelve (12) years of education means high school diploma, G.E.D., or other equivalent. Thirty (30) college semester hours shall equal forty-five (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 (6) classroom hours of 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 director along with the application for examination.

11.2. 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.

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

§64-5-12. Rules of the examination.

12.1. 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.

12.2. A grade of not less than seventy percent (70%) shall be considered passing.

12.3. Any applicant who has failed an examination shall wait sixty (60) days before reapplying for such examination.

§64-5-13. Operator in Training (OIT)

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

13.2. Written application for an operator in training certificate shall be made to the director on a form provided by the director within one (1) month after employment as an operator in training.

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

13.4. Operator in training certificates shall be valid for one (1) year. The individual will be considered for recertification if he makes written application for same to the director thirty (30) days prior to certificate expiration.

§64-5-14. Examinations.

14.1. 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 IS, 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 director. The times and places for the examinations will be designated by the director who shall notify the applicants of same.

§64-5-15. Revocation of certificates.

15.1. 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 noncompliance with Chapter 1, Article 11, of the Environmental Health Regulations which relates to waste water treatment works control tests and records. The director may reinstate any person whose certificate has been revoked upon presentation of evidence, satisfactory to the director, which warrants such reinstatement.

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

s §64-5-16. Reciprocity.

16.1. The 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

16.2. 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.

§64-5-17. Severability.

17.1. If any provisions of these rules 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 rules 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.

§64-5-18. Penalties

18.1. 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 two hundred dollars (\$200.00) or by imprisonment for not more than thirty (30) days or both fine and imprisonment as provided in Chapter 16, Article 1, Section 18 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.

§64-5-19. Administrative due process.

19.1. Those persons adversely affected by the enforcement of these legislative rules desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in a manner prescribed in Rules of Procedure for Contested Case Hearings and Declaratory Rulings, West Virginia Department of Health Procedural Rules, Series 1, 1983. The aforementioned procedural rules are incorporated herein by reference.

TABLE 64.5A

<u>ITEM</u>	<u>POINT RATING SYSTEM</u>	<u>POINTS RATED</u>
<u>Size</u>		
Maximum population equivalent (P.E.) served....	1 per 10,000 P.E. or part thereof	
Design flow (average day) or peak month's flow (average day), whichever larger	1 per 1.0 MGD or part thereof	
<u>Effluent Discharge</u>		
Receiving stream (sensitivity).....	1 - 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>		
Trickling filtration w/sec. clarifiers.....	10	
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>		
Onsite generation of disinfectant.....	5	
<u>Laboratory Control by Plant Personnel</u>		
Bacteriological (complexity).....	0 - 10	
Chemical/Physical (complexity).....	0 - 10	
Others (as determined by the director).....		

TOTAL POINT RATING.....

TABLE 64-5B

WORKS CLASSIFICATION SYSTEM¹

Basis of Classification	Classes				
	I-S	I	II	III	IV
Waste Water Treatment Works Point Rating	N/A	0 to 30	31 to 55	56 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

¹If the ranges of total point rating and population differ from those contained in the table, the director shall determine the appropriate facility classification.