


INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT	STATUS: <i>Pending</i>	POLICY NUMBER: <i>Water-020-NPD</i>	
AGENCY NONRULE POLICY DOCUMENT SUBJECT: <i>Allowable Substitutions for Prerequisite Education and Experience, Wastewater Operator Certification</i>	AUTHORIZED: <i>Brian Rockensuess, Commissioner</i>		
	SUPERSEDES: Not applicable	ISSUING OFFICE(S): Office of Water Quality, Compliance Branch	
	ORIGINALLY EFFECTIVE: September 07, 2023	RENEWED/REVISED: Not applicable	

Disclaimer: *This Nonrule Policy Document (NPD) is being established by the Indiana Department of Environmental Management (IDEM) consistent with its authority under IC 13-14-1-11.5. It is intended solely to provide guidance and shall be used in conjunction with applicable rules or laws. It does not replace applicable rules and laws, and if it conflicts with these rules or laws, the rules or laws shall control. Pursuant to IC 13-14-1-11.5, this policy will be available for public inspection for at least 45 days prior to presentation to the appropriate State Environmental Board and may be put into effect by IDEM 30 days afterward. If the nonrule policy is presented to more than one board, it will be effective 30 days after presentation to the last. IDEM also will submit the policy to the Indiana Register for publication.*

1.0 PURPOSE

This nonrule policy document (NPD) provides guidance on allowable substitutions, pursuant to 327 IAC 5-23-10, for the otherwise prerequisite education and experience requirements for becoming an Indiana certified wastewater operator, as set forth at 327 IAC 5-23-9. The intent of this document is to define the circumstances which allow IDEM staff to assist competent individuals in becoming certified wastewater treatment operators.

2.0 SCOPE

This NPD applies to IDEM staff who administer the wastewater operator certification program and to individuals applying to become certified who do not otherwise meet the education and experience requirements set forth in 327 IAC 5-23-9 but may qualify upon the application of allowable substitutions.

3.0 SUMMARY

Each of the ten classes of wastewater licenses previously defined in 327 IAC 5-22-4 and 5 and now defined in 327 IAC 5-23-3 and 4 require a minimum education and experience prior to sitting for the exam. The language of 327 IAC 5-22-9 allowed for limited substitutions of education or experience when an applicant was otherwise not able to demonstrate the prerequisite minimum qualifications in one, or both, of these areas. Experience has shown the table of allowable substitutions at 327 IAC 5-22-9 did not speak to every situation, nor was it adequately flexible to allow for all otherwise qualified persons to sit for the examination. When crafting the replacement substitution language for the new rule at 327 IAC 5-23-10 it was determined neither the necessary complexity of the language, nor the desired

flexibility, would be compatible with language acceptable in an administrative rule. It was therefore determined 5-23-10 would include language generally allowing substitutions and providing some framework, but an NPD is required to provide the necessary level of detail for administration of the program.

4.0 DEFINITIONS

- 4.1 "Acceptable experience (AE)" - Has the meaning set forth in 327 IAC 5-23-2(1).
- 4.2 "Applicant" - Has the meaning set forth in 327 IAC 5-23-2(2).
- 4.3 "Application" - Has the meaning set forth in 327 IAC 5-23-2(3).
- 4.4 "Certificate" - Has the meaning set forth in in 327 IAC 5-23-2(5). As used in this document, the term "license" has the same meaning as "certificate".
- 4.5 "Certified operator" - Has the meaning set forth in 327 IAC 5-23-2(7).
- 4.6 "Contact hour" - Has the meaning set forth in 327 IAC 5-23-2(8). Ten contact hours equal one continuing education unit (CEU).
- 4.5 "Full time" - Has the meaning set forth in 327 IAC 5-23-2(10).
- 4.6 "Responsible charge experience" (RCE) - Has the meaning set forth in 327 IAC 5-23-2(14).
- 4.7 "Wastewater treatment plant" - Has the meaning set forth in IC 13-11-2-258.

5.0 ROLES

- 5.1 Persons seeking to become certified wastewater operators must submit a completed application form to IDEM, pursuant to 327 IAC 5-23-11(b), and in so doing demonstrate they are qualified to sit for the examination. When an applicant cannot demonstrate having achieved the prerequisite education and/or experience set forth in 5-23-9 but believes they should be allowed to sit for the exam based on other factors in their life experience, the applicant may make their case to IDEM by submitting additional documentation and narrative, pursuant to 327 IAC 5-23-10. If an initial application shows deficiencies, IDEM may request that applicants submit additional information or documentation to satisfy the education and experience requirements, in order to be approved to sit for an examination.
- 5.2 IDEM OWQ Operator Certification staff, upon receipt of an application for an individual to sit for the examination who does not appear to meet the otherwise applicable education and experience prerequisites, will proceed as follows:
 - Receive and evaluate the application and associated documents.
 - Consider all education and experience documented in the application to determine if the applicant qualifies or if substitutions can be made.
 - Apply substitutions, consistent with 5-23-10 and this NPD, to assist in approving the application.
 - Prepare and send correspondence, when needed, communicating the status of the application.
 - Seek additional information and documentation as deemed necessary, including meetings.
 - Render a final and reasonable decision on the application in a reasonable amount of time.

- Notify the applicant of its decision.
- Ensure all pertinent public documents are filed in IDEM's files.

6.0 POLICY

6.1 It is the policy of IDEM to promote the profession of wastewater treatment operations, to assure the competency of those working in the profession, and to provide reasonable pathways to those seeking to enter and advance in the profession. Further, IDEM seeks to facilitate and encourage those already in the profession to enhance their skills and increase their levels of responsibility. IDEM staff administering this program will strive to consider reasonable substitutions of education and experience in reviewing applications to accommodate people in entering and advancing in the profession.

6.2 Background. Pursuant to 327 IAC 5-23-10, when an application for certification shows deficiencies in the prerequisite minimum education or experience requirements from 5-23-9, IDEM may make substitutions to fulfill those deficiencies when additional education or experience is documented by the applicant and approve an applicant to sit for the examination. Specifically, the language of 5-23-10 states:

- A. The portion of education or experience to be applied toward a substitution to meet a requirement in 5-23-9 must exceed the amount used to meet the requirements of 5-23-9 and;
- B. IDEM will consider the following information in determining if a substitution is appropriate:
 - 1. Subject matter of course work completed and how it relates to wastewater treatment.
 - 2. Hours of course work completed applicable to wastewater treatment or a related field of study.
 - 3. Type of experience in wastewater treatment or a related field of work.
 - 4. Amount of time completed in wastewater treatment experience or experience in a related field of work.
 - 5. Any other information relevant to the ability of the applicant to perform the duties of a certified operator.

6.3 Substitutions.

In reviewing applications, IDEM staff may consider substitution of education and experience prerequisites required by 327 IAC 5-23-9 as follows:

A. Class I-SP

Allowable Substitution for Deficiencies in Experience:

A maximum of one and one-half months of the prerequisite three months of acceptable experience may be substituted with one college semester, 16 college credit hours, 240 contact hours, 24 continuing education units (CEUs), an associate's degree, or a bachelor's degree. An application demonstrating responsible charge experience may be credited substitution for acceptable experience at a two to one ratio, such that one and one-half

months of responsible charge experience may substitute for the entire prerequisite three months of required acceptable experience.

Allowable Substitution for Deficiencies in Education:

An application demonstrating experience working at a wastewater treatment plant more than the required minimum acceptable experience may be credited substitution for a deficit in high school (or equivalent) education as follows; one year of acceptable experience or six months of responsible charge experience may substitute for two years of high school. Sufficient experience may substitute for all the required high school. Experience applied in substitution for education must be in addition to experience used to satisfy the experience requirement.

B. Class A-SO

Allowable Substitution for Deficiencies in Experience:

All required experience for the A-SO license may be substituted for an applicant holding a current grade WT3, WT4 or WT5 drinking water license. A copy of the license should be submitted with the exam application.

A maximum of one and one-half months of the prerequisite three months of acceptable experience may be substituted with one college semester, 16 college credit hours, 240 contact hours, 24 CEUs, an associate degree, or a bachelor's degree. An application demonstrating responsible charge experience may be credited substitution for acceptable experience at a two to one ratio, so that one and one-half months of responsible charge experience may substitute for the entire three months of required acceptable experience.

Allowable Substitution for Deficiencies in Education:

An application demonstrating experience working at a wastewater treatment plant may be credited substitution for a deficit in high school (or equivalent) education as follows; one year of acceptable experience or six months of responsible charge experience may substitute for two years of high school. Using this ratio, sufficient experience may substitute for all the required high school. Experience applied in substitution for education must be in addition to experience used to satisfy the experience requirement.

C. Class I and Class A

Allowable Substitution for Deficiencies in Experience:

A maximum of three months of the prerequisite nine months of acceptable experience may be substituted with one college semester, 16 college credit hours, 240 contact hours, 24 CEUs, an associate degree, or a bachelor's degree. An application demonstrating responsible charge experience may be credited substitution for acceptable experience at a two to one ratio, with 4.5 months of responsible charge experience substituting for all nine months of required acceptable experience.

Allowable Substitution for Deficiencies in Education:

An application demonstrating experience working at a wastewater treatment plant may be credited substitution for a deficit in the prerequisite high school (or equivalent) education as follows; one year of acceptable experience or six months of responsible charge experience may substitute for two years of high school. Sufficient experience may substitute for all the required high school. Experience applied in substitution for education must be in addition to experience used to satisfy the experience requirement.

D. Class II and Class B

Allowable Substitution for Deficiencies in Experience:

A maximum of one year of the prerequisite two years of acceptable experience may be substituted with one college semester, 16 college credit hours, 240 contact hours, 24 CEUs, an associate degree, or a bachelor's degree. An application demonstrating responsible charge experience may be credited substitution for acceptable experience at a two to one ratio, with each month of responsible charge experience substituting for two months of the required acceptable experience. Using this ratio, sufficient responsible charge experience may substitute for all the required acceptable experience.

Allowable Substitution for Deficiencies in Education:

An application demonstrating experience working at a wastewater treatment plant may be credited substitution for a deficit in high school (or equivalent) education as follows; one year of acceptable experience or six months of responsible charge experience may substitute for two years of high school. Using this ratio, sufficient experience may substitute for all the required high school. Experience applied in substitution for education must be in addition to experience needed to satisfy the experience requirement.

E. Class III and Class C

Allowable Substitution for Deficiencies in Experience:

A maximum of one year of the prerequisite three years of acceptable experience may be substituted with one college semester, 16 college credit hours, 240 contact hours, 24 CEUs, an associate degree, or a bachelor's degree. Education may not substitute for the responsible charge experience.

Responsible charge experience and acceptable experience may substitute for each other at a two-to-one ratio, such that each month of responsible charge experience equals two months of acceptable experience. Therefore, an application demonstrating more experience than required in either category may be credited substitution for a deficit in experience in the other category, pursuant to the two-to-one ratio. Using this ratio, sufficient experience in one category may substitute for all the required experience in the other category.

Typically, full-time experience must be at a Class II or Class B wastewater treatment facility or higher to receive full credit toward the experience

requirement for a Class III or Class C license. However, as a substitution, full-time experience at a Class I or Class A wastewater treatment facility may be counted toward the experience requirements for a Class III or Class C license, with the experience being used as substitution credited at a two to one ratio, such that two years of experience at a Class I or A facility may be credited as one year of the prerequisite experience for a Class III or Class C license. Using this ratio, adequate experience at a Class I or A facility may substitute for all the experience required for a Class III or C license.

Likewise, full-time responsible charge experience (RCE) at a Class I or Class A wastewater treatment facility may be counted as substitution for the RCE requirements for a Class III or Class C license. In such cases, the experience being used as substitution will be counted at a two to one ratio, such that two years of RCE at a Class I or A facility may be credited as one year of the prerequisite RCE for a Class III or Class C license. Using this ratio, adequate RCE at a Class I or Class A facility may substitute for all the RCE required for a Class III or C license.

Allowable Substitution for Deficiencies in Education:

An application demonstrating experience working at a wastewater treatment plant may be credited substitution for a deficit in high school (or equivalent) education as follows; one year of acceptable experience or six months of responsible charge experience may substitute for two years of high school. Sufficient experience may substitute for all the required high school. Experience applied in substitution for education must be in addition to experience needed to satisfy the experience requirement. IDEM may allow credit for other education as it deems appropriate.

F. Class IV and Class D

Allowable Substitution for Deficiencies in Experience:

A maximum of two years of the prerequisite five years of acceptable experience may be substituted with two college semesters, 32 college credit hours, 480 contact hours, 48 CEUs, an associate degree, bachelor's degree, or advanced degree. Any education credited as substitution for acceptable experience must be separate from and in addition to education applied toward the prerequisite education for these classifications. Education may not substitute for the responsible charge experience.

RCE and acceptable experience may substitute for each other at a two-to-one ratio, such that each month of RCE equals two months of acceptable experience. Therefore, an application documenting more experience than required in either category may be credited substitution for a deficit in experience in the other category, subject to the two-to-one ratio. Using this ratio, sufficient experience in one category may substitute for all the required experience in the other category, but any experience to be credited as substitution must be in addition to experience needed to satisfy the minimum established in the rule.

Typically, full-time experience at a Class III or Class C wastewater treatment facility receives full credit toward the experience requirement for a Class IV or Class D license. However, as a substitution, full-time experience at a Class II or Class B wastewater treatment facility may be counted toward the experience requirements for a Class IV or Class D license, with the experience being used as substitution credited at a two to one ratio, such that two years of experience at a Class II or B facility may be credited as one year of the prerequisite experience for a Class IV or Class D license. Using this ratio, adequate experience at a Class II or B facility may substitute for all the experience required for a Class IV or D license.

Likewise, full-time responsible charge experience (RCE) at a Class II or Class B wastewater treatment facility may be counted as substitution for the RCE requirements for a Class IV or Class D license. In such cases, the experience being used as substitution will be counted at a two to one ratio, such that two years of RCE at a Class II or B facility may be credited as one year of the prerequisite RCE for a Class IV or Class D license. Using this ratio, adequate RCE at a Class II or Class B facility may substitute for all the RCE required for a Class IV or D license.

Allowable Substitution for Deficiencies in Education:

When applying for a Class IV or D license, an applicant demonstrating experience working at a wastewater treatment plant may be credited substitution for a deficit in the required four-year science degree as follows; two years of acceptable experience or one year of RCE may substitute for each year of the four-year college requirement. When applying this substitution, an applicant will still be required to have a high school diploma or equivalent. Experience applied in substitution for education must be in addition to experience needed to satisfy the experience requirement. IDEM may allow credit for other education as it deems appropriate.

7.0 SPECIAL CIRCUMSTANCES

While the administrative rule at 327 IAC 5-23 and this NPD provide flexibility to IDEM staff in administering the wastewater operator certification program and in determining which applicants are eligible to sit for the exam, the specific wording may not cover all possible situations. Therefore, if special circumstances arise, IDEM staff, upon approval of the deputy assistant commissioner or assistant commissioner of the Office of Water Quality, may approve individuals who have special skills or experience, when they may not otherwise meet the specific administrative prerequisites established in 327 IAC 5-23-3 and 4 or the substitutions of part 6.0 of this NPD.

8.0 STEPS IN THE PROCESS

8.1 This process applies to individuals seeking to become certified as a wastewater treatment operator or who is already certified in one classification but wishes to achieve a higher level of certification, who, while preparing the application form, realizes he or she does not meet some of the prerequisite

education or experience requirements. If this individual believes their years of experience or education may qualify them to sit for the exam under section 6.0 of this NPD or their exceptional skills or unique experience should qualify them to sit for the exam under section 7.0 of this NPD, then they should prepare additional documentation to accompany the application setting forth their rationale. Typically, these circumstances involve years of experience more than the minimum requirement, particularly responsible charge experience or extensive education such as advanced degrees in fields relevant to wastewater treatment. The complete application and supplemental material are then submitted to IDEM.

IDEM receives the application and processes it in accordance with its usual practice. IDEM staff will determine if the applicant's information is sufficiently documented and if it can be applied to the criteria set forth in section 6.3 of this NPD. IDEM staff will consider the information provided with the application and any supplemental information provided in determining eligibility to sit for the exam. IDEM will consider substitutions for prerequisite education and experience as necessary to approve an application (when included with the application), even when the applicant has not specifically asked for such consideration.

- 8.2 Pursuant to this NPD, IDEM has broad authority to consider alternate experience and education in granting exceptions to the requirements of 327 IAC 5-23-9, and approval of requests for such exceptions will not be unreasonably withheld.
- 8.3 IDEM staff will consider any request for substitutions or alternate criteria for granting approval to sit for the exam and may seek consultation and/or approval from management for a final determination.
- 8.4 IDEM may seek independent verification of information included in any application or supplemental material, prior to approval of an application.
- 8.5 IDEM will notify applicants of its determination for substitutions. When the substitutions are granted, this notification will be in the form of an approval letter.
- 8.6 When an application is not approved for any reason, the applicant will be notified. An explanation for the reasons for denial will be included in the notification.
- 8.7 Applicants will be notified when their application is approved. At such time, they may proceed to schedule a date to sit for the exam.

9.0 DOCUMENT SUBMITTAL GUIDELINES

Documents submitted to IDEM pursuant to this NPD may be submitted by means typically used for the conduct of business. Any request for exception from the specific prerequisites set forth in 5-23-9 by the application of substitutions must be submitted to IDEM at the time of initial application, or in response to a request for additional information or application denial from IDEM.

10.0 PENALTIES FOR SUBMITTING FALSE INFORMATION

Information submitted to IDEM as part of an application which is found to be false is subject to denial of the application and enforcement action. Pursuant to IC 13-18-11-8, any operator who practices fraud or deception is subject to decertification. Pursuant to IC 13-18-11-16, any person who violates this chapter commits a Class C infraction. Pursuant to IC 13-30-10-1, any person who submits a false statement to IDEM is subject to a minimum penalty of \$5000. Pursuant to 327 IAC 5-23-13(b)(1)(B), a person who submits an application with omissions or misrepresentations will have their application rejected and may have any previously granted certificate revoked.

11.0 REFERENCES

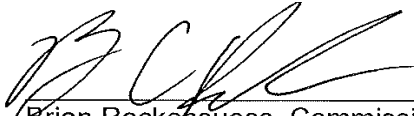
11.1 Indiana Statutes:

- A. IC 13-18-11
- B. IC 13-11-2-258
- C. IC 13-30-10-1
- D. IC 13-18-11-13

11.2 Indiana Administrative Code:

- A. 327 IAC 5-22 (repealed)
- B. 327 IAC 5-23

12.0 SIGNATURES



Brian Rockensuess, Commissioner
Indiana Department of Environmental Management

6/11/23

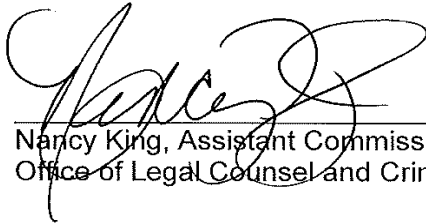
Date



Martha Clark Mettler, Assistant Commissioner
Office of Water Quality

6/5/23

Date




Nancy King, Assistant Commissioner
Office of Legal Counsel and Criminal Investigations

6/1/23

Date

This policy is consistent with agency requirements



Quality Assurance Program, Planning and Assessment
Indiana Department of Environmental Management

6-1-2023

Date